

RESOLUTION NO. 2010-173

SARASOTA COUNTY, FLORIDA

FY2011 ANNUAL STORMWATER SERVICE

ASSESSMENT RESOLUTION

ADOPTED: SEPTEMBER _____, 2010

RESOLUTION NO. 2010-173

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, CONSTITUTING THE FY2011 ANNUAL STORMWATER SERVICE ASSESSMENT RESOLUTION; CONFIRMING ESTIMATES OF THE COST OF CUSTOMER SERVICES, UTILITY-WIDE OPERATIONS AND MAINTENANCE SERVICES TO BE PROVIDED BY THE STORMWATER ENVIRONMENTAL UTILITY DURING THE FISCAL YEAR ENDING SEPTEMBER 30, 2011; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE SERVICES PROVIDED BY THE STORMWATER ENVIRONMENTAL UTILITY; CONFIRMING THE METHOD OF ASSESSING THE COST OF SERVICES AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; SPECIFYING AND IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST CERTAIN REAL PROPERTY WITHIN INCORPORATED AND UNINCORPORATED AREAS OF SARASOTA COUNTY; AMENDING AND APPROVING THE STORMWATER SERVICE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, AS FOLLOWS:

WHEREAS, Section 110-331 of the Sarasota County Code (the “Code”) authorizes the Board of County Commissioners to impose Stormwater Assessments against certain real property located within incorporated and unincorporated areas of Sarasota County; and

WHEREAS, the imposition of a Stormwater Service Assessment is an equitable and efficient method of allocating and apportioning the cost of Customer Services, Utility-Wide Operations and Maintenance Services provided by the Stormwater Environmental Utility among parcels of property within the Stormwater Utility Area; and

WHEREAS, on July 18, 1995, the Board adopted Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, containing a brief and general description of the stormwater services to be provided, describing the method of assessing the cost of services provided by the Stormwater Environmental Utility against the real property that will be specially benefited

thereby, and directing preparation of the tentative Stormwater Service Assessment Roll and provision of the notices required by the Code; and

WHEREAS, in accordance with the provisions of the Code, the County confirmed Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, with the adoption of Resolution No. 95-211, the Final Stormwater Service Assessment Resolution, with such amendments as the Board deemed appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, pursuant to the Code, the Board is authorized to subsequently establish and impose Stormwater Service Assessments through the adoption of an Annual Stormwater Service Assessment; and

WHEREAS, in accordance with the provisions of the Code, the Board adopted Resolutions Nos. 96-163, 97-179, 98-200, 99-198, 2000-176, 2001-201, 2002-223, 2003-196, 2004-172, 2005-165, 2006-166, 2007-181, 2008-168 and 2009-161 the Annual Stormwater Service Assessment Resolutions, with such amendments as the Board deemed appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Stormwater Service Assessment Roll has heretofore been filed with the office of the Stormwater Environmental Utility, as provided by the Code; and

WHEREAS, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by the terms of the Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Chapter 110, Article IX of the Sarasota County Code (hereinafter "Code"), the Sarasota County Charter, Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Annual Stormwater Service Assessment Resolution, as defined in the Code, for Fiscal Year 2011. All capitalized terms in this Resolution shall have the meanings defined in the Code and Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, as amended or confirmed by Resolution Nos. 95-211, 96-163, 97-179, 98-200, 99-198, 2000-176, 2001-201, 2002-223, 2003-196, 2004-172, 2005-165, 2006-166, 2007-181, 2008-168, 2009-161 and this FY2011 Annual Stormwater Service Assessment Resolution.

SECTION 3. ESTIMATED CUSTOMER SERVICE COST. For the purposes of this Annual Resolution and the Stormwater Service Assessments levied pursuant to this Resolution, the estimated Customer Service Cost for the Fiscal Year ending September 30, 2011 is \$503,501.00. The estimated Customer Service Cost for the Fiscal Year ending September 30, 2011 shall be used in calculating the Stormwater Service Assessment in accordance with Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211, 96-163, 97-179, 98-200, 99-198, 2000-176, 2001-201, 2002-223, 2003-196, 2004-172, 2005-165, 2006-166, 2007-181, 2008-168, 2009-161 and this Resolution.

SECTION 4. UTILITY-WIDE OPERATING COST. For the purposes of this Annual Resolution and the Stormwater Service Assessments levied pursuant to this Resolution, the estimated Utility-Wide Operating Cost for the Fiscal Year ending September 30, 2011 is \$4,186,624.00. The estimated Utility-Wide Operating Cost for the Fiscal Year ending September 30, 2011 shall be used in calculating the Stormwater Service Assessment in accordance with Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211, 96-163, 97-179, 98-200, 99-198, 2000-176, 2001-201, 2002-223, 2003-196, 2004-172, 2005-165, 2006-166, 2007-181, 2008-168, 2009-161 and this Resolution.

SECTION 5. MAINTENANCE SERVICE COST. For the purposes of this Annual Resolution and the Stormwater Service Assessments levied pursuant to this Resolution, the estimated Maintenance Service Cost for the Fiscal Year ending September 30, 2011 is \$11,265,736.00. The estimated Maintenance Service Cost for the Fiscal Year ending September 30, 2011 shall be used in calculating the Stormwater Service Assessment in accordance with Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211, 96-163, 97-179, 98-200, 99-198, 2000-176, 2001-201, 2002-223, 2003-196, 2004-172, 2005-165, 2006-166, 2007-181, 2008-168, 2009-161 and this Resolution.

SECTION 6. CONFIRMATION OF INITIAL AND FINAL STORMWATER SERVICE RESOLUTIONS. Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, and Resolution No. 95-211, the Final Stormwater Service Assessment Resolution adopted by the Board on September 7, 1995, as amended and confirmed by Resolution Nos. 96-163, 97-179, 98-200, 99-198, 2000-176, 2001-201, 2002-223, 2003-196, 2004-172, 2005-165, 2006-166, 2007-181, 2008-168, 2009-161 are hereby ratified and confirmed by this Resolution.

SECTION 7. AMENDMENT AND APPROVAL OF STORMWATER SERVICE ASSESSMENT ROLL. The Stormwater Service Assessment Roll, which is currently on file in the office of the Stormwater Environmental Utility and incorporated herein by reference and which establishes the Stormwater Service Assessments to fund Stormwater Services for the Fiscal Year ending September 30, 2011, as amended is hereby approved by this Resolution. The General Manager is hereby directed to amend the Stormwater Improvement Assessment Roll in accordance with the amendments enacted by this Resolution.

SECTION 8. STORMWATER SERVICE ASSESSMENTS.

(A) The Tax Parcels described in the Stormwater Service Assessment Roll are hereby found to be specially benefited by the provision of Customer Service, Utility-Wide Operations and Maintenance Services by the Stormwater Utility in the amount of the Stormwater Service Assessments set forth in the Stormwater Service Assessment Roll. The methodology for computing Stormwater Service Assessments as described in Resolution No. 95-153, the Initial Stormwater Service Resolution, as amended and confirmed by Resolution Nos. 95-211, 96-163, 97-179, 98-200, 99-198, 2000-176, 2001-201, 2002-223, 2003-196, 2004-172, 2005-165, 2006-166, 2007-181, 2008-168 and 2009-161 is hereby confirmed by this Resolution. Based upon the methodology, as amended, and the estimated Customer Service, Utility-Wide Operations, and Maintenance Services Costs provided in Sections 3, 4 and 5 of this Resolution, Stormwater Improvement Assessments shall be imposed at the following rates for the Fiscal Year ending September 30, 2011:

Customer Services	\$ 3.10 per Tax Parcel
Utility-Wide Operations	\$ 23.10 per ESU
Maintenance Services	\$ 64.45 per ESU

(B) Stormwater Service Assessments in the amounts set forth in the Stormwater Service Assessment Roll, as amended by this Resolution, are hereby levied and imposed on all Tax Parcels described in the Stormwater Service Assessment Roll. Such Stormwater Service Assessments shall constitute a lien upon the Tax Parcels so assessed from the date of adoption of this FY2011 Annual Stormwater Service Assessment Resolution equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien for Stormwater Service Assessments shall be deemed to be perfected upon adoption by the Board of this FY2011 Annual Stormwater Service Assessment Resolution. Upon perfection, the lien for Stormwater Service Assessments collected under the Uniform Assessment Collection Act

shall attach to the property included on the roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 9. COLLECTION OF STORMWATER SERVICE ASSESSMENTS. The Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act. The Stormwater Program Director is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Stormwater Service Assessment Roll, as amended by this Resolution, to the Tax Collector by September 15, in the manner prescribed by Section 197.3632, Florida Statutes.

SECTION 10. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this FY2011 Annual Stormwater Service Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the adoption of the Stormwater Service Assessment Roll, and the levy and lien of the Stormwater Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the effective date of this FY2011 Annual Stormwater Service Assessment Resolution.

SECTION 11. SEVERABILITY. The provisions of this Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Resolution shall not be affected thereby.

SECTION 12. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this _____th day of September, 2010 .

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk of
the Board of County Commissioners
of Sarasota County, Florida

By: _____
Deputy Clerk

By: _____
Chair

APPENDIX A

PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF SARASOTA

Before me, the undersigned authority, personally appeared Brian P. Brannen, who, after being duly sworn, deposes and says:

1. I, Brian P. Brannen, am the Sarasota County Water Planning and Regulatory Engineering Technician III.
2. On or before August 24, 2010, I mailed, or directed the mailing of, notices by first class mail to property owners within the Stormwater Environmental Utility Service Area in conformance with Section 110-335, of the Sarasota County Code, at the address shown on the real property assessment tax roll maintained by the Sarasota County Property Appraiser for the purposes of the levy and collection of non-ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

Affiant Signature

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by Brian P. Brannen on behalf of Sarasota County Water Planning and Regulatory/Stormwater Environmental Utility who is personally known to me or who has produced _____ as identification and did take an oath.

WITNESS, my hand and official seal this ____ day of _____, 2010.

Signature of person taking acknowledgement

Name of Acknowledger (printed)

My commission expires: _____