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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

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RESOLUTION 2017 - ~~64~~

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICE FOR UNINCORPORATED ALACHUA COUNTY; ESTABLISHING AUTHORITY FOR IMPOSITION OF STORMWATER ASSESSMENT AND FEES; PROVIDING A PURPOSE AND DEFINITIONS; CONFIRMING AND AMENDING THE INITIAL STORMWATER RATE RESOLUTION; PROVIDING CERTAIN FINDINGS; IMPOSING STORMWATER ASSESSMENTS AND FEES AGAINST ASSESSED PROPERTY LOCATED IN UNINCORPORATED ALACHUA COUNTY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; PROVIDING FOR THE ADOPTION AND CERTIFICATION OF THE STORMWATER ROLL; PROVIDING FOR HARDSHIP EXEMPTION; PROVIDING FOR CHARITABLE AND RELIGIOUS EXEMPTION; PROVIDING FOR VETERANS' EXEMPTION; PROVIDING FOR BURIAL GROUNDS EXEMPTION; PROVIDING FOR CORRECTIONS OF ERRORS AND OMISSIONS; ESTABLISHING EFFECT OF ADOPTION OF RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Board of County Commissioners of Alachua County has enacted Ordinance 06-13, which authorizes the imposition of Stormwater Assessments and Fees against real property specifically benefited by the County's Stormwater Management Services; and

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WHEREAS, the imposition of Stormwater Assessments and Fees is an equitable and efficient method of allocating and apportioning the cost of the County's Stormwater Management Services; and

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WHEREAS, stormwater runoff from impervious areas created by land development can

1 cause pollution of groundwaters and surface waters; and

2 **WHEREAS**, on April 25, 2017, the Board of County Commissioners of Alachua County
3 adopted Resolution 17-45, the Initial Stormwater Assessment Resolution, identifying the
4 unincorporated area of the County as the geographic area (the “Stormwater Service Area”) to be
5 specifically benefited by the County’s Stormwater Management Services, describing the method
6 of assessing the cost of the County’s Stormwater Management Services (the “Stormwater
7 Service Cost”); and

8 **WHEREAS**, on May 16, 2017, the Gainesville Sun published a Notice of Public Hearing
9 regarding a public hearing to impose and provide for collection of non-ad valorem stormwater
10 assessments and fees to be held on June 13, 2017 at 5:00pm, or as soon thereafter as the matter
11 may be heard (Appendix A: Proof of Publication).

12 **WHEREAS**, on or about May 23-24, 2017, the County’s consultant, Government
13 Services Group, caused the mailing of 37,394 notices in accordance with Ordinance 06-13 and
14 the Initial Stormwater Assessment Resolution by First Class mail to each affected owner, at the
15 addresses then shown on the real property assessment tax roll database maintained by the
16 Alachua County Property Appraiser for the purpose of the levy and collection of ad valorem
17 taxes (Appendix B: Affidavit Regarding Notice Mailed to Property Owners).

18 **WHEREAS**, the Board of County Commissioners of Alachua County has determined
19 that the adoption of the Final Resolution for Stormwater Assessment and Fees will promote the
20 restoration of water resources and the health, safety and welfare interest of the citizens of
21 Alachua County.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
23 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:**

24 **SECTION 1. AUTHORITY.** This resolution is adopted pursuant to the provisions of the

1 Ordinance 06-13 (codified in Chapter 44, Alachua County Code), Resolution 17-45 (the “Initial
2 Assessment Resolution”), Article VIII, sections 125.01 and 125.66, Florida Statutes, and other
3 applicable provisions of law.

4 **SECTION 2. PURPOSE AND DEFINITIONS.** This resolution constitutes the Final
5 Stormwater Resolution as defined in Ordinance 06-13. As used in this resolution, all terms shall
6 have the meanings defined in the Initial Rate Resolution. All terms not defined therein shall be
7 defined in Alachua County Ordinance 06-13 and, if not there, by their common meaning, unless
8 the context hereof otherwise requires.

9 **SECTION 3. CONFIRMATION OF THE INITIAL RATE RESOLUTION.** The Initial
10 Assessment Resolution, as amended herein, is hereby ratified and confirmed.

11 **SECTION 4. FINDINGS.**

12 (A) The legislative determinations ascertained and declared in Ordinance 06-13 and
13 the Initial Rate Resolution are hereby ratified and confirmed.

14 (B) Upon the adoption of this Final Stormwater Resolution, that certain report entitled
15 “Alachua County Stormwater Funding Strategies Report,” dated as of November 2016 and
16 prepared by Government Services Group, Inc., is hereby adopted and incorporated herein by
17 reference, including the assumptions, conclusions and findings in such report as to the
18 determination of the Stormwater Assessments and Stormwater Fees.

19 **SECTION 5. STORMWATER ASSESSMENT.**

20 (A) There is hereby levied and imposed for the period of October 1, 2017 through
21 September 30, 2018 a non-ad valorem assessment against all non-Government Property that is
22 Benefited Property within the Stormwater Service Area.

23 (B) Pursuant to the Uniform Assessment Collection Act as provided in Ordinance 06-
24 13, the Stormwater Assessment shall constitute a lien upon non-Government Property that is

1 Benefited Property within the Stormwater Service Area so assessed equal in rank and dignity
2 with the liens of all state, county district or municipal taxes and other non-ad valorem
3 assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all
4 other liens, titles and claims, until paid.

5 **SECTION 6. STORMWATER FEES.**

6 (A) There is hereby levied and imposed for the period of October 1, 2017 through
7 September 30, 2018 a Stormwater Fee against all Government Property that is Benefited
8 Property within the Stormwater Service Area.

9 (B) Stormwater Fees shall be collected from all Government Property in the manner
10 provided in Ordinance 06-13.

11 **SECTION 7. ADOPTION AND CERTIFICATION OF STORMWATER ROLL.** The
12 Board hereby adopts the Stormwater Roll for the County's fiscal year 2017-2018, and authorizes
13 staff to present the Stormwater Roll to the Chair for certification to the Tax Collector, for
14 collection (Appendix C: Certificate to Non-Ad Valorem Assessment Rolls). If the Stormwater
15 Roll is amended in accordance with this resolution after this certification is complete, a revised
16 Stormwater Roll certification shall be completed by October 15, 2017. A copy of this
17 Stormwater Roll is currently on file and shall be maintained on file in the office of the
18 Environmental Protection Department/Stormwater Assessment Coordinator (408 West
19 University Avenue, Suite 106, Gainesville, Florida 32601) and open to public inspection and
20 copying.

21 **SECTION 8. HARDSHIP EXEMPTION.** It is hereby ascertained, determined and
22 declared that it is in the best interest of the citizens of the County to assist owners of residential
23 property that meet the criteria established in Section 37.17.1, Alachua County Code, with the
24 financial burden created by the imposition of a Stormwater Service Assessment. Accordingly,

1 all qualified owners who meet the criteria for their residential property pursuant to Section
2 37.17.1, Alachua County Code, shall have the Stormwater Service Assessment levied against
3 said residential parcel paid by the County from other legally available funds, other than those
4 derived from the Stormwater Service Assessment or Stormwater Fees.

5 **SECTION 9. CHARITABLE AND RELIGIOUS EXEMPTION.**

6 It is hereby ascertained, determined and declared that it is in the best interest of the citizens
7 of the County to assist charitable and religious nonprofit organizations who own and use
8 properties in the Stormwater Service Area with the financial burden created by the imposition of
9 the Stormwater Service Assessment. Accordingly, all qualified owners who receive a total
10 property tax exemption for charitable and religious nonprofit properties with industrial uses
11 pursuant to Section 196.196(1)-(4), Florida Statutes, shall have the Stormwater Service
12 Assessment levied against said properties paid by the County from other legally available funds,
13 other than those derived from the Stormwater Service Assessment or Stormwater Fees.

14 **SECTION 10. VETERANS' EXEMPTION.**

15 It is hereby ascertained, determined and declared that it is in the best interest of the
16 citizens of the County to assist totally and permanently disabled veterans and their surviving
17 spouses who are the owners of homesteaded Single Family Parcels in the Stormwater
18 Service Area with the financial burden created by the imposition of a Stormwater Service
19 Assessment. Accordingly, all qualified owners who receive a total property tax exemption
20 for their homesteaded Single Family Parcels pursuant to either Sections 196.081 or 196.091,
21 Florida Statutes, shall have the Stormwater Service Assessment levied against said
22 homesteaded Single Family Parcels paid by the County from other legally available funds,
23 other than those derived from the Stormwater Service Assessment or Stormwater Fees.

1 **SECTION 11. BURIAL GROUNDS EXEMPTION.**

2 It is hereby ascertained, determined and declared that it is in the best interest of
3 the citizens of the County to assist organizations operating non-profit burial grounds in the
4 Stormwater Service Area with the financial burden created by the imposition of a
5 Stormwater Service Assessment. Accordingly, all qualified owners who receive a total
6 property tax exemption for their parcels pursuant to Section 196.011(3), Florida Statutes,
7 shall have the Stormwater Service Assessment levied against said parcels paid by the County
8 from other legally available funds, other than those derived from the Stormwater Service
9 Assessment or Stormwater Fees.

10 **SECTION 12. CORRECTIONS OF ERRORS AND OMISSIONS.**

11 (A) The Stormwater Assessment Coordinator shall have authority to correct any errors or
12 omissions made in applying the provisions of Article III hereof to a parcel, in accordance with
13 Ordinance 06-13.

14 (B) Parcel owners or their authorized agents may file petitions for correction of errors
15 and omissions to the Stormwater Assessment Coordinator. Petitions shall be in writing and set
16 forth, in detail, the grounds upon which adjustment is sought. Filing of a petition shall not
17 extend the time for payment of any Stormwater Assessment or Stormwater Fee or affect the
18 amount of any discount for early payment. If the number ERUs is adjusted for any Parcel, the
19 Stormwater Assessment or Stormwater Fee shall be corrected in accordance with Ordinance 06-
20 13. The petitioner may be required, at petitioner's own cost, to provide supplemental
21 information to the Stormwater Assessment Coordinator including, but not limited to, survey data
22 approved by a professional land surveyor and/or engineering reports approved by a professional
23 engineer. Failure to provide such information may result in the denial of the petition.

1 **SECTION 13. EFFECT OF ADOPTION OF RESOLUTION.** The adoption of this Final
2 Assessment Resolution shall be the final adjudication of the issues presented herein (including,
3 but not limited to, the method of apportionment, the rate of assessment and fee, the Stormwater
4 Roll, and the levy of the Stormwater Assessment and Fees), unless proper steps shall be initiated
5 in a court of competent jurisdiction to secure relief within 20 days of this Final Assessment
6 Resolution.

7 **SECTION 14. SEVERABILITY.** The provisions of this Final Stormwater Resolution are
8 severable; and if any section, subsection, sentence, clause or provision is held invalid by any
9 court of competent jurisdiction, the remaining provisions of this Final Stormwater Resolution
10 shall not be affected thereby.

11 **SECTION 15. EFFECTIVE DATE.** This resolution shall take effect immediately upon
12 adoption.

13 PASSED AND ADOPTED this 13th day of June, 2017
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15 **BOARD OF COUNTY COMMISSIONERS**
16 **OF ALACHUA COUNTY, FLORIDA**
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19 ATTEST:

By: 

Ken Cornell, Chair
Board of County Commissioners

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23 Jesse K. Irby, II
24 Clerk of Court
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26 (SEAL)

APPROVED AS TO FORM



Alachua County Attorney

APPENDIX A



STATE OF FLORIDA
COUNTY OF ALACHUA

Published Daily and Sunday
Gainesville, Florida

Before the undersigned authority personally appeared Ernest Blake III
who on oath says that he is an Advertising Account Manager of THE GAINESVILLE SUN, a daily
newspaper published in Gainesville in Alachua County, Florida (with circulation in Alachua, Bradford,
Clay, Columbia, Gilchrist, Lafayette, Levy, Marion, Putnam, Suwannee, Taylor Counties), that the
attached copy of advertisement, being a Notice of Public Hearing relating to the matter of

NOTICE OF PUBLIC HEARING TO IMPOSE AND PROVIDE FOR

COLLECTION OF NON-AD VALOREM STORMWATER ASSESSMENTS AND FEES

THE COUNTY WILL HOLD INFORMATIONAL MEETINGS ON THE PROPOSED ASSESSMENT ON MAY 25TH
FROM 6PM-8PM AT THE ALACHUA COUNTY HEALTH DEPARTMENT AUDITORIUM, 224 SE 24TH ST.
GAINESVILLE AND ON MAY 30TH FROM 6PM-8PM AT THE FREEDOM COMMUNITY CENTER AT
VETERANS MEMORIAL PARK, 7340 SW 41ST PLACE, GAINESVILLE.

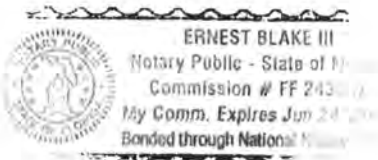
THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING
TUESDAY, JUNE 13, 2017 AT 5:00 P.M., OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD, AT
THE COUNTY ADMINISTRATION BUILDING, JOHN R. "JACK" DURRANCE AUDITORIUM, ROOM 209, 12 S.E.
1ST STREET, GAINESVILLE, FLORIDA TO CONSIDER IMPOSING CHARGES FOR STORMWATER
MANAGEMENT SERVICES FOR PROPERTIES IN THE UNINCORPORATED AREAS OF THE COUNTY

was published in said newspaper in the issue of Tuesday, May 16, 2017.

Affiant further says that THE GAINESVILLE SUN is a newspaper published at Gainesville, in said
Alachua County, Florida and that the said newspaper has heretofore been continuously published in said
Alachua County, each day, and has been entered as second class mail matter at the post office in
Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication
of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any
person, firm or corporation any discount for publication in said newspaper.

Sworn to and subscribed before me this
16th day of May A.D. 2017.

Notary Public

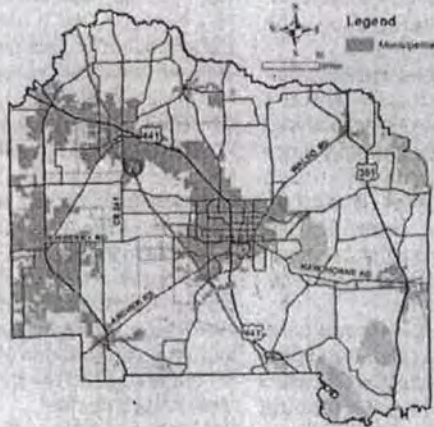


NOTICE OF PUBLIC HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD VALOREM STORMWATER ASSESSMENTS AND FEES



The County will hold informational meetings on the proposed assessment on May 25th from 6pm-8pm at the Alachua County Health Department Auditorium, 224 SE 24th St. Gainesville and on May 30th from 6pm-8pm at the Freedom Community Center at Veterans Memorial Park, 7340 SW 41st Place, Gainesville.

The Alachua County Board of County Commissioners will hold a public hearing Tuesday, June 13, 2017 at 5:00 p.m., or as soon thereafter as the matter may be heard, at the County Administration Building, John R. "Jack" Durrance Auditorium, Room 209, 12 S.E. 1st Street, Gainesville, Florida to consider imposing charges for stormwater management services for properties in the unincorporated areas of the County:



Notice is hereby given that the Board of County Commissioners of Alachua County, Florida, will conduct a public hearing to consider imposing charges for stormwater management services for properties in the **unincorporated areas of the County, as shown above.**

Stormwater Assessments for non-governmental properties and Stormwater Fees for governmental properties are proposed to pay for the County's Stormwater Services. These proposed assessments and fees are based upon the estimated amount of stormwater runoff generated by impervious areas on the property. Impervious areas include the ground level building footprints, rooftops, garages, patios, driveways, and similar areas that shed rainfall.

Alachua County has determined that the median single-family residence in the unincorporated County has a total impervious area of 4,011 square feet based upon a building footprint area of 2,235 square feet. The 4,011 square feet impervious area is defined as the value of "Equivalent Residential Unit" or "ERU" value. Generally, the number of ERUs were calculated individually for each parcel of property by dividing the total impervious area by 4,011 square feet. For non-governmental properties, the proposed annual Stormwater Assessment rate for the upcoming Fiscal Year will be \$30.00 for each ERU. For governmental properties, the proposed annual Stormwater Fee rate for the upcoming Fiscal Year will be \$30.00 for each ERU. Agricultural buildings and structures are not included in the calculations of impervious areas subject to the proposed stormwater assessment, in accordance with Section 163.3162(3)(b), Florida Statutes.

The County will hold informational meetings on the proposed assessment on May 25th from 6pm-8pm at the Alachua County Health Department Auditorium, 224 SE 24th St. Gainesville and on May 30th from 6pm-8pm at the Freedom Community Center at Veterans Memorial Park, 7340 SW 41st Place, Gainesville.

On June 13, 2017, the Board will hold a public hearing at 5:00 p.m. or as soon thereafter as it may be heard in Room 209, 2nd Floor of the Alachua County Administration Building, 12 S.E. 1st Street, Gainesville, Florida.

At the hearing, the Board will receive comments on the proposed Stormwater Assessments for non-governmental properties (including their collection on the ad valorem tax bill) and the proposed Stormwater Fees for governmental properties (including their collection by first class mail invoice).

You are invited to attend and participate in the hearing. You may also file written objections with the Board within the twenty (20) days of the date of this notice. If accommodations for persons with disabilities are needed, please contact the Alachua County Equal Opportunity Office at 352-374-5275 at least 2 business days prior to the event, TDD users, please call 711 (Florida Relay Service).

All affected property owners have a right to appear at the hearing and to file written objections with the Board. All written objections to the non-ad valorem assessments and fees must be filed with the Board within twenty (20) days of publication of this notice. Please include your name, parcel number, and the reason you object to the assessment on all written objections.

Address all written objections to: Alachua County Board of County Commissioners, Attn: Stormwater Assessment, 12 S.E. 1st Street, Gainesville, FL 32601.

Any person wishing to appeal any decision of the Board with respect to any matter considered will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings is made.

A more specific description of the methodology used to calculate the proposed stormwater assessments and fees is set forth in the Initial Stormwater Resolution adopted by the Board on April 25, 2017. Copies of the Initial Stormwater Resolution, the Preliminary Stormwater Roll, and the County's Stormwater Ordinance are available for inspection at the Alachua County Environmental Protection Department, 408 W. University Avenue, Suite 106, Gainesville, Florida, 32601. Copies of the legal documents are also available at www.alachuacountywater.org.

The Stormwater Services Assessments for non-governmental properties will be collected by the Alachua County Tax Collector and failure to pay the Stormwater Services Assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title to your property.

The Stormwater Service Fees for governmental properties will be collected by first class mail invoice.

General Information: If you have any questions, please contact the Environmental Protection Department at (352) 264-6850 or email stormwater@alachuacounty.us.

APPENDIX B

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Dr. Lee A. Niblock and Sandi Walker, who, after being duly sworn, depose and say:

1. Dr. Lee A. Niblock, as County Manager of Alachua County, Florida (the "County"), pursuant to County Ordinance No. 06-13 (the "Ordinance"), timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Ordinance and in conformance with the Initial Assessment Resolution adopted by the Board of County Commissioners on April 25, 2017 (the "Initial Assessment Resolution").

2. Sandi Walker is Project Coordinator for Government Services Group, Inc. (GSG). GSG has caused the notices required by the Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the County expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before May 23, 2017, GSG caused the mailing of 37,086 notices in accordance with the Ordinance and the Initial Assessment Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Alachua County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. In accordance with Section 44.412 of the Ordinance, on May 24, 2017, GSG cause the mailing of an additional 308 notices that were inadvertently omitted from the original mailing in accordance with the Ordinance and the Initial Assessment Resolution by first Class Mail to additional affected property owners, at the addresses then shown on the real property assessment tax roll database maintained by the Alachua County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.

Dr. Lee A. Niblock, affiant

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____ day of _____, 2017 by Dr. Lee A. Niblock, as County Manager of Alachua County, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____

Commission No.: _____

Sandi Walker, affiant

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____ day of May, 2017 by Sandi Walker, Project Coordinator, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

APPENDIX C

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLLS**

I, the undersigned, hereby certify that, I am the Chair of the Board or authorized agent of the Alachua County Board of County Commissioners located in Alachua County, Florida; as such I have satisfied myself that all property included or includable on the Stormwater Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Alachua County Tax Collector by September 15, 2017.

IN WITNESS WHEREOF, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this ____ day of September 2017.

Alachua County Board of County Commissioners
Alachua County, Florida

Ken Cornell, Chair