

RESOLUTION NO. 2021-114

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, RELATING TO THE PROVISION OF STORMWATER CAPITAL IMPROVEMENTS AND INFRASTRUCTURE AND MANAGEMENT SERVICES WITHIN THE UNINCORPORATED PORTION OF 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, 2021; PROVIDING FOR THE ADOPTION AND CERTIFICATION OF THE STORMWATER ROLL; PROVIDING FOR HARDSHIP EXEMPTIONS; 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; AND PROVIDING AN EFFECTIVE DATE.

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 benefitted by the County's Stormwater Management Services; and

WHEREAS, the continued 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

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

cause pollution of ground waters and surface waters; and

WHEREAS, on July 13, 2021, the BOARD OF COUNTY COMMISSIONERS of Alachua County adopted Resolution 21-73, the Preliminary Stormwater Assessment Resolution (the “Preliminary Rate Resolution”), identifying the unincorporated area of the County as the geographic area (the “Stormwater Service Area”) to be specifically benefited by the County’s Stormwater Management Services, describing the method of assessing the cost of the County’s Stormwater Management Services (the “Stormwater Service Cost”) against benefitted property located within the Stormwater Service Area, directing the preparation of the updated Stormwater Rolls, and directing the provision of the notices required by Sections 44.403 and 44.404 of the Ordinance; and

WHEREAS, on August 17, 2021, the Gainesville Sun published a Notice of Public Hearing regarding a public hearing to impose and provide for collection of non-ad valorem stormwater assessments and fees to be held on September 14, 2021 at 5:01pm, or as soon thereafter as the matter may be heard, in Room 209, 2nd Floor of the Alachua County Administration Building, 12 S.E. 1st Street, Gainesville, Florida (Appendix A: Proof of Publication).

WHEREAS, on August 16, 2021, the Alachua County Property Appraiser caused the mailing of the annual Truth in Millage (TRIM) with inserted notices in accordance with Ordinance 06-13 and the Preliminary Stormwater 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 (Appendix B: Affidavit Regarding Notice Mailed to Property Owners).

WHEREAS, the BOARD OF COUNTY COMMISSIONERS of Alachua County has determined that the adoption of this Annual Resolution for Stormwater Assessment and Fees will promote the restoration of water resources and the health, safety and welfare interest of the

citizens of Alachua County.

WHEREAS, the Stormwater Rolls have heretofore been updated and filed with the office of the County Clerk, as provided in Section 44.402 of the Ordinance; and

WHEREAS, a public hearing has been duly held on September 14, 2021 and comments and objections of all interested persons have been heard and considered as required by Section 44.405 of the Ordinance.

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

Section 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Ordinance 06-13 (codified in Chapter 44, Alachua County Code), Resolution 17-45, the Initial Assessment Resolution, Resolution 17-64, the Final Assessment Resolution, Resolution 21-73 (the “Preliminary Assessment Resolution”), Article VIII, sections 125.0 and 125.66, Florida Statutes, and other applicable provisions of law.

Section 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Annual Stormwater Resolution as defined in Ordinance 06-13. As used in this resolution, all terms shall have the meanings defined in the Preliminary Rate Resolution. All terms not defined therein shall be defined in Alachua County Ordinance 06-13 and, if not there, by their common meaning, unless the context hereof otherwise requires.

Section 3. CONFIRMATION OF THE INITIAL RATE RESOLUTION. The Preliminary Assessment Resolution, as amended herein, is hereby ratified and confirmed.

Section 4. FINDINGS.

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

(B) Upon the adoption of this Annual Stormwater Resolution, that certain report

entitled “Alachua County Stormwater Funding Strategies Report,” dated as of November 2016 and prepared by Government Services Group, Inc., is hereby adopted and incorporated herein by reference, including the assumptions, conclusions and findings in such report as to the determination of the Stormwater Assessments and Stormwater Fees.

Section 5. STORMWATER ASSESSMENTS AND STORMWATER FEES.

(A) There is hereby levied and imposed for the period of October 1, 2021 through September 30, 2022 a non-ad valorem assessment against all non-Government Property and a Stormwater Fee against all Government Property that is Benefited Property within the Stormwater Service Area.

(B) The Tax Parcels of Benefitted Property described in the Stormwater Rolls are hereby found to be benefited by the County’s provision of Stormwater Management Services in an amount not less than the Stormwater Service Assessment or Stormwater Service Fee set forth in the applicable Stormwater Roll. Adoption of this Annual Stormwater Rate Resolution constitutes a legislative determination that all parcels charged derive a benefit from the Stormwater Management Services to be provided.

(C) Adoption of this Annual Stormwater Rate Resolution also constitutes a legislative determination that the Stormwater Service Assessments and Stormwater Service Fees are fairly and reasonably apportioned among the Benefitted Properties that receive the benefit from the Stormwater Management Services that is consistent with the legislative declarations, determinations and findings set forth in the Ordinance, the Initial Stormwater Rate Resolution, the Final Stormwater Rate Resolution, and the Preliminary Stormwater Rate Resolution.

(D) The method for computing the Stormwater Service Assessments and Stormwater Service Fees and the assignment of ERUs described in the Preliminary Stormwater Rate Resolution is hereby approved.

(E) For the Fiscal Year beginning October 1, 2021, the estimated Stormwater Service Cost, excluding collection costs, is \$1,889,715. The Stormwater Service Assessments and Stormwater Service Fees to be charged to all Benefitted Properties pursuant to the methodology set forth in the Preliminary Stormwater Rate Resolution will be computed for each Tax Parcel of Benefitted Property located within the Stormwater Service Area by multiplying the number of ERUs attributable thereto by the rate of \$40.00 per ERU.

(F) The above rate per ERU is hereby approved. Stormwater Service Assessments and Stormwater Service Fees for the provision of Stormwater Management Services in the amounts set forth in the Stormwater Rolls, as herein approved, are hereby levied and imposed on all Tax Parcels described in the Stormwater Rolls for the Fiscal Year beginning October 1, 2021.

(G) Pursuant to the Uniform Assessment Collection Act as provided in Ordinance 06-13, the Stormwater Assessment shall constitute a lien upon non-Government Property that is Benefitted Property within the Stormwater Service Area so assessed 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.

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

Section 6. ADOPTION AND CERTIFICATION OF STORMWATER ROLL. The Board hereby adopts the Stormwater Roll for the County's fiscal year 2021-2022, and authorizes staff to present the Stormwater Roll to the Chair for certification to the Tax Collector, for collection (Appendix C: Certificate to Non-Ad Valorem Assessment Rolls). A copy of the Stormwater Roll is currently on file and shall be maintained on file in the office of the Environmental Protection Department/Stormwater Assessment Coordinator (408 West University

Avenue, Suite 106, Gainesville, Florida 32601) and open to public inspection and copying.

Section 7. HARDSHIP EXEMPTION. It is hereby ascertained, determined and declared that it is in the best interest of the citizens of the County to assist owners of residential property that meet the criteria established in Section 37.17.1, Alachua County Code, with the financial burden created by the imposition of a Stormwater Service Assessment. Accordingly, all qualified owners who meet the criteria for their residential property pursuant to Section 37.17.1, Alachua County Code, shall have the Stormwater Service Assessment levied against said residential parcel paid by the County from other legally available funds, other than those derived from the Stormwater Service Assessment or Stormwater Fees.

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

Section 10. VETERANS' EXEMPTION. It is hereby ascertained, determined and declared that it is in the best interest of the citizens of the County to assist totally and permanently disabled veterans and their surviving spouses who are the owners of homesteaded Single Family Parcels in the Stormwater Service Area with the financial burden created by the imposition of a Stormwater Service Assessment. Accordingly, all qualified owners who receive a total property tax exemption for their Single Family Parcels pursuant to either Sections 196.081 or

196.091, Florida Statutes, shall have the Stormwater Service Assessment levied against said properties paid by the County from other legally available funds, other than those derived from the Stormwater Service Assessment or Stormwater Fees.

Section 11. BURIAL GROUNDS EXEMPTION. It is hereby ascertained, determined and declared that it is in the best interest of the citizens of the County to assist organizations operating non-profit burial grounds in the Stormwater Service Area with the financial burden created by the imposition of a Stormwater Service Assessment. Accordingly, all qualified owners who receive a total property tax exemption for their parcels pursuant to Section 196.011 (3), Florida Statutes, shall have the Stormwater Service Assessment levied against said parcels paid by the County from other legally available funds, other than those derived from the Stormwater Service Assessment or Stormwater Fees.

Section 12. CORRECTIONS OF ERRORS AND OMISSIONS.

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

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

engineer. Failure to provide such information may result in denial of the petition.

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

Section 14. SEVERABILITY. The provisions of this Annual Stormwater 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 Final Stormwater Resolution shall not be affected thereby.

Section 15. EFFECTIVE DATE. This resolution shall take effect immediately upon adoption

DULY ADOPTED this _____ day of _____, 2021

**BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA**

Ken Cornell, Chair

ATTEST:

Jesse K. Irby, II, County Clerk

APPROVED AS TO FORM:

Alachua County Attorney

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