

**RESOLUTION NO. 2021-55**

**A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE CITY'S STORMWATER UTILITY; REIMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST DEVELOPED PROPERTY LOCATED WITHIN THE STORMWATER SERVICE AREA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of Pensacola, Florida, has enacted Ordinance No. 52-00 (the "Ordinance"), which authorizes the imposition of Stormwater Service Assessments against real property specially benefited by the City's Stormwater Management Services;

**WHEREAS**, the reimposition of a Stormwater Service Assessment is an equitable and efficient method of allocating and apportioning the cost of the City's Stormwater Management Service among parcels of property that are specially benefited thereby;

**WHEREAS**, on May 27, 2021, the City Council adopted Resolution No. 2021-31 (the "Preliminary Rate Resolution"), geographically identifying the area within which the City provides Stormwater Management Services and those properties to be benefited by the City's Stormwater Management Services (the "Stormwater Service Area"), describing the method of assessing the cost of the City's Stormwater Management Services (the "Stormwater Service Cost") against Assessed Property located within the Stormwater Service Area, directing the preparation of the updated Stormwater Assessment Roll, and directing the provision of the notices if required by the Ordinance;

**WHEREAS**, the City Council desires to reimpose a Stormwater Service Assessment using the tax bill collection method for the Fiscal Year beginning on October 1, 2021;

**WHEREAS**, in order to reimpose Stormwater Service Assessments for the Fiscal Year beginning October 1, 2021, the Ordinance requires the City Council to adopt an Annual Stormwater Service Assessment Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the updated Stormwater Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Council deems appropriate, after hearing comments and objections of all interested parties;

**WHEREAS**, the updated Stormwater Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

**WHEREAS**, notice of a public hearing has been published and mailed as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix B and the proof of publication being attached hereto as Appendix A; and

**WHEREAS**, a public hearing has been duly held on August 12, 2021 and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF PENSACOLA, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This resolution is adopted pursuant to the Ordinance, the Amended and Restated Initial Assessment Resolution (Resolution No. 18-

10), the Amended and Restated Final Assessment Resolution (Resolution No. 36-10), the Preliminary Rate Resolution, Sections 166.021 and 166.041, Florida Statutes, the Charter of the City of Pensacola, Florida, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.**

(A) This resolution is the Annual Stormwater Assessment Resolution for the imposition of Stormwater Service Assessments.

(B) All capitalized terms in this resolution shall have the meanings defined in the Ordinance, the Amended and Restated Initial Stormwater Service Assessment Resolution, and the Amended and Restated Final Stormwater Service Assessment Resolution.

**SECTION 3. APPROVAL OF STORMWATER ASSESSMENT ROLL.**

(A) The updated Stormwater Assessment Roll, which is currently on file in the office of the City Clerk and incorporated herein by reference, is hereby approved.

(B) Even though they may not be described in the Stormwater Assessment Roll due to Section 119.071(4), Florida Statutes, the approved Stormwater Assessment Roll includes all parcels of Assessed Property with exempt “home addresses.”

**SECTION 4. REIMPOSITION OF STORMWATER SERVICE ASSESSMENTS.**

(A) It is hereby ascertained, determined, and declared that each parcel of Assessed Property within the Stormwater Service Area will be specially benefited by the City's Stormwater Management Services in an amount not less than the Stormwater Service

Assessment for such Tax Parcel, computed in the manner set forth in the Amended and Restated Initial Assessment Resolution and Preliminary Rate Resolution, and set forth in the updated Stormwater Assessment Roll.

(B) Adoption of this Annual Stormwater Service Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Amended and Restated Initial Assessment Resolution, and Preliminary Rate Resolution from the Stormwater Management Services to be provided and a legislative determination that the Stormwater Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Amended and Restated Initial Assessment Resolution and Preliminary Rate Resolution.

(C) The method for computing and apportioning the Stormwater Service Assessments described in the Amended and Restated Initial Assessment Resolution and Preliminary Rate Resolution is hereby approved.

(D) In accordance with section 163.3162(3), Florida Statutes, the City is prohibited from charging a Stormwater Service Assessment on certain agricultural property, if such farm operation has a National Pollution Discharge Elimination System Permit, an environmental resource permit, a works-of-the-district permit, or if it has implemented best management practices adopted as rules by the Florida Department of Environmental Protection, the Department of Agricultural and Consumer Services, or an appropriate water

management district. Accordingly, any Owner of such agricultural property demonstrating that they meet the outlined requirements shall be exempted from the Stormwater Service Assessment.

(E) For the Fiscal Year beginning October 1, 2021, the estimated Stormwater Service Cost of \$2,963,997.00 shall be allocated among all parcels of Assessed Property, based upon each parcel's number of Net ESUs. An annual rate of assessment equal to \$76.12 per Net ESU is hereby imposed for each Tax Parcel of Developed Property. Stormwater Service Assessments for Stormwater Management Services in the amounts set forth in the updated Stormwater Assessment Roll, as herein approved, are hereby levied and imposed on all Tax Parcels of Assessed Property described in the Stormwater Assessment Roll for the Fiscal Year beginning October 1, 2021.

(F) For future fiscal years, the maximum rate of assessment that can be imposed without additional notice to the Owners of Tax Parcels of Developed Property is hereby established as \$80.00 per Net ESU.

(G) The Stormwater Service Assessments shall constitute a lien upon the Tax Parcels so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and 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 the Stormwater Service Assessments shall be deemed perfected upon adoption by the

City Council of this Annual Rate Resolution and shall attach to the property included on the Stormwater Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(H) As authorized in the Ordinance, interim Stormwater Service Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Stormwater Service Assessment Resolution based upon the rates of assessment approved herein.

**SECTION 5. COLLECTION OF STORMWATER SERVICE ASSESSMENTS.**

(A) The Stormwater Service Assessments shall be collected from all Assessed Property, except Government Property, pursuant to the Uniform Assessment Collection Act. The Stormwater Utility Director is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Stormwater Service Assessment Roll to the Tax Collector by September 15, in the manner prescribed by section 197.3632, Florida Statutes. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

(B) The Stormwater Service Assessments shall be collected from all Government Property in accordance with Section 4.04 of the Ordinance. The Council hereby directs the Stormwater Utility Director to mail said bills no later than November 1, 2021.

**SECTION 6. EFFECT OF ADOPTION OF RESOLUTION.** The adoption of this Annual Stormwater Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Stormwater 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 date of this Annual Stormwater Assessment Resolution.

**SECTION 7. EFFECTIVE DATE.** This resolution shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

**DULY ADOPTED** this 12th day of August, 2021.

**CITY OF PENSACOLA, FLORIDA**

---

Jared Moore  
President of the City Council

ATTEST:

---

Ericka L. Burnett  
City Clerk

**APPENDIX A**

**PROOF OF PUBLICATION**

**APPENDIX B**

**AFFIDAVIT OF MAILING**

## **AFFIDAVIT OF MAILING**

BEFORE ME, the undersigned authority, personally appeared Grover C. Robinson, IV, Tammy Peters, and Jeremy Cohen, who, after being duly sworn, depose and say:

1. Grover C. Robinson, IV, as Mayor of the City of Pensacola, Florida ("City"), pursuant to the authority and direction received from the City Council, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Stormwater Utility Ordinance adopted by the City Council on November 16, 2000 (the "Ordinance").

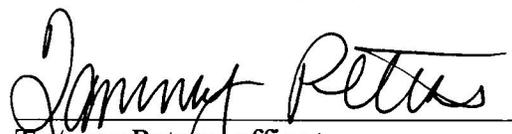
2. Tammy Peters is Office Manager for Government Services Group, Inc. ("GSG"). GSG has caused the notices required by the Ordinance to be prepared in conformance with the Amended and Restated Initial Assessment Resolution and the Preliminary Rate Resolution adopted May 27, 2021. An exemplary form of 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 City 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.

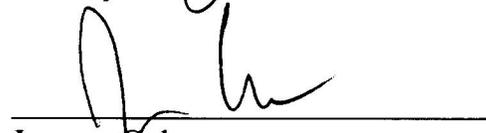
3. On or before July 22, 2021, GSG delivered and directed the mailing of the above-referenced notices by Target Copy ("Target"), in accordance with the Ordinance, the Amended and Restated Initial Assessment Resolution and the Preliminary Rate Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Escambia County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. Jeremy Cohen is Sales Manager of Target Copy. As directed above, Target mailed or caused to be mailed on or before July 22, 2021, the above-referenced notices delivered to Target by GSG.

FURTHER AFFIANTS SAYETH NOT.

  
\_\_\_\_\_  
Grover C. Robinson, IV, affiant

  
\_\_\_\_\_  
Tammy Peters, affiant

  
\_\_\_\_\_  
Jeremy Cohen

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of  physical presence or  online notarization, this 28<sup>th</sup> day of July, 2021 by Grover C. Robinson, IV, Mayor, City of Pensacola, Florida. He is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.



**DONECIA GRIFFIN**  
Notary Public  
State of Florida  
Comm# HH099471  
Expires 3/6/2025

Donecia Griffin  
Printed Name: Donecia Griffin  
Notary Public, State of Florida  
At Large  
My Commission Expires: 3/6/2025  
Commission No.: HH099471

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of  physical presence or  online notarization, this 23 day of July, 2021 by Tammy Peters, Office Manager, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.



**KATHERINE E. LINDSAY**  
Commission # GG 296073  
Expires March 23, 2023  
Bonded thru Troy Pain Insurance 800-385-7919

Katherine E Lindsay  
Printed Name: Katherine E Lindsay  
Notary Public, State of Florida  
At Large  
My Commission Expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of  physical presence or  online notarization, this 23 day of July, 2021 by Jeremy Cohen, Sales Manager, Target Copy, a Florida corporation. He is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.



**TAMMY J. PETERS**  
MY COMMISSION EXPIRES  
AUGUST 31, 2021  
#GG 100231  
Bonded thru  
Troy Pain Insurance  
NOTARY PUBLIC, STATE OF FLORIDA

Tammy J. Peters  
Printed Name: Tammy Peters  
Notary Public, State of Florida  
At Large  
My Commission Expires: August 31, 2021  
Commission No. GG 100231

City of Pensacola  
P.O. Box 12910  
Pensacola, FL 32521-0001

CITY OF PENSACOLA, FLORIDA  
NOTICE OF PUBLIC HEARING FOR ADOPTION  
OF STORMWATER SERVICE ASSESSMENT

NOTICE DATE: JULY 22, 2021

CASTRO GERALD S JR  
4711 CREIGHTON RD  
PENSACOLA FL 32504-9119

Parcel ID#: 09-1S-29-3000-006-002  
Legal Description: LT 6 BLK 2 WOODCLIFF UNIT  
1 OR 7148 P 1212 PB 6 P  
Sequence Number: PS-18006

\*\*\*\*\*NOTICE TO PROPERTY OWNER\*\*\*\*\*

Dear City of Pensacola Property Owner:

The past decades have brought increased awareness of the detrimental environmental impacts associated with stormwater runoff from developed property including degradation of surface waters, land erosion, flooding and collection of standing water on streets and property. In 2001, in response to public demand and increased federal regulations, the City initiated efforts to improve stormwater management services and provide a dedicated funding source for these services by creating a stormwater assessment program to generate revenues. The original stormwater assessments were imposed and collected on the November 2001 tax bill and subsequent years. The City updated the stormwater assessment program in 2010.

Stormwater service assessments are based upon the estimated amount of stormwater runoff generated by impervious surface on your property. Impervious surfaces include the rooftop, patios, driveways, parking lots and similar areas. The City has determined that the median single-family residence in the Stormwater Service Area includes 2,998 square feet of impervious surface, which is the value of one "equivalent stormwater unit" or "ESU Value." Single-family residential properties are categorized into one of five ESU tiers based on the estimated amount of impervious area associated with each parcel (computed by using the building footprint of the residence). Condominium and townhouse residential units are charged generally by calculating the total number of ESUs applicable to the condominium or townhouse complex as a whole, then dividing that total number of ESUs by the total number of condominium residential units on the property. For general parcels, such as commercial parcels, the number of ESUs has been calculated individually for each parcel of property by dividing the impervious surface area by 2,998 square feet. Credit for privately maintained stormwater management facilities and other factors affecting the quantity or quality of stormwater runoff has also been calculated, if applicable, resulting in the assignment of Net ESUs.

You are receiving this letter because you own property in the stormwater management services area. The current rate is \$72.24 per Net ESU. The annual Stormwater Service Assessment rate for Fiscal Year 2021-22 will be \$76.12 per each Net ESU (an increase of \$3.88 per Net ESU). The maximum Stormwater Service Assessment rate that can be imposed without further mailed notice for future fiscal years is \$80.00 for each Net ESU. It is estimated that the City will collect \$2,963,997 from the Stormwater Service Assessments for Fiscal Year 2021-22.

The above referenced parcel has been assigned the following Net ESUs and assessment amounts:

Number of Net Equivalent Stormwater Units (ESUs): 1.00

The FY 2021-22 annual stormwater assessment for the above parcel is: \$76.12

The maximum annual stormwater assessment that can be imposed without further notice for future fiscal years is \$80.00.

The City Council will hold a public hearing at 5:30 p.m. on August 12, 2021, in the City Council Chambers located at City Hall, 222 West Main Street, Pensacola, Florida. Comments will be received on the proposed Stormwater Service Assessments, including their collection on the ad valorem tax bill. You are invited to attend and participate in the hearing in person. **You may also attend and participate via live stream and/or phone as follows: To watch the meeting live visit: [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video). To provide input:**

- You may submit an online form here <https://www.cityofpensacola.com/ccinput> **beginning at 3:00 P.M. until that agenda item has been voted upon** to indicate you wish to speak to a specific item on the agenda **and include a phone number. Staff will call you at the appropriate time so you can directly address the City Council using a telephone held up to a microphone. Any form received after an agenda item has been voted upon will not be considered.**

You may also file written objections with the City Council within twenty (20) days of the date of this notice. Please include your name, parcel number, and the reason you object to the assessment on all written objections. Objections should be forwarded as follows: Mayor; Objections to Non-ad Valorem Assessments; P.O. Box 12910, Pensacola, Florida 32521. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 850-435-1606 (or TDD 850-435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

Because the Stormwater Service Assessment will be collected by the Tax Collector of Escambia County, pursuant to Chapter 197, Florida Statutes, failure to pay the Stormwater Service Assessment will cause a tax certificate to be issued against the assessed property, which may result in a loss of title to your property.

If you have any questions regarding the number of Net ESUs assigned to your property or the amount of the Stormwater Service Assessment, please contact Customer Service by telephone at (850) 435-1800.

\*\*\*\*\*THIS IS NOT A BILL\*\*\*\*\*

## **AFFIDAVIT OF MAILING**

BEFORE ME, the undersigned authority, personally appeared Grover C. Robinson, IV, Tammy Peters, and Jeremy Cohen, who, after being duly sworn, depose and say:

1. Grover C. Robinson, IV, as Mayor of the City of Pensacola, Florida ("City"), pursuant to the authority and direction received from the City Council, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Stormwater Utility Ordinance adopted by the City Council on November 16, 2000 (the "Ordinance").

2. Tammy Peters, is Office Manager for Government Services Group, Inc. ("GSG"). GSG has caused the notices required by the Ordinance to be prepared in conformance with the Amended and Restated Initial Assessment Resolution and the Preliminary Rate Resolution adopted May 27, 2021. 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 City 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 July 22, 2021, GSG delivered and directed the mailing of the above-referenced notices by Target Copy ("Target"), in accordance with the Ordinance, the Amended and Restated Initial Assessment Resolution and the Preliminary Rate 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 Escambia County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. Jeremy Cohen is Sales Manager of Target Copy. As directed above, Target mailed or caused to be mailed on or before July 22, 2021, the above-referenced notices delivered to Target by GSG.

FURTHER AFFIANTS SAYETH NOT.

---

Grover C. Robinson, IV, affiant

---

Tammy Peters, affiant

---

Jeremy Cohen

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by Grover C. Robinson, IV, Mayor, City of Pensacola, 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.: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by Tammy Peters, Office Manager, 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. \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by Jeremy Cohen, Sales Manager, Target Copy, a Florida corporation. 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. \_\_\_\_\_

**APPENDIX C**

**FORM OF CERTIFICATE TO  
NON-AD VALOREM ASSESSMENT ROLL**

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

I HEREBY CERTIFY that, I am the Mayor of the City of Pensacola, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for stormwater management services (the "Non-Ad Valorem Assessment Roll") for the City 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 Escambia County Tax Collector by September 15, 2021.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Escambia County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF PENSACOLA, FLORIDA

By: \_\_\_\_\_  
Grover C. Robinson, IV  
Mayor

[to be delivered to Tax Collector prior to September 15]