

## **RESOLUTION NO. 2021-31**

**A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES; ESTIMATING THE COST OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE CITY'S STORMWATER UTILITY; DESCRIBING THE METHOD OF CHARGING THE COST OF STORMWATER MANAGEMENT SERVICES AGAINST ASSESSED PROPERTY; DIRECTING THE STORMWATER UTILITY DIRECTOR TO PREPARE OR DIRECT THE PREPARATION OF A STORMWATER ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING FOR THE PROPOSED STORMWATER SERVICE ASSESSMENTS AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR COLLECTION; 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 City Council desires to reimpose a Stormwater Service Assessment program using the tax bill collection method for the Fiscal Year beginning on October 1, 2021;

**WHEREAS**, pursuant to Section 3.08 of the Ordinance, in order to reimpose Stormwater Service Assessments for the Fiscal Year beginning October 1, 2021, the City Council must adopt an Annual Stormwater 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;

**WHEREAS**, in accordance with the Ordinance and Section 197.3632, Florida Statutes, if the proposed Stormwater Service Assessment for any Tax Parcel of Developed Property exceeds the maximum established amount or will be imposed

against property not previously assessed, then the City must provide notice to the owner of such property in accordance with Section 3.05 and 3.06 of the Ordinance; and

**WHEREAS**, due to the increased costs of Stormwater Management Services experienced by the City, the City Council is adopting this Preliminary Rate Resolution to establish new maximum Stormwater Service Assessment rates, establish a public hearing to consider the implementation of those new maximum rates, and provide for the provision of notice to the owner of such property in accordance with Section 3.05 and 3.06 of the Ordinance.

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

**SECTION 1. RECITALS.** The above recitals are true and correct and are incorporated herein by reference.

**SECTION 2. AUTHORITY.** This Resolution is adopted pursuant to the provisions of the Ordinance, Resolution No. 18-10 (the "Amended and Restated Initial Assessment Resolution"), Resolution No. 36-10 (the "Amended and Restated Final Assessment Resolution"), Article VIII, Section 2(b), Florida Constitution, sections 166.021 and 166.041, Florida Statutes, the City Charter of the City of Pensacola, and other applicable provisions of law.

**SECTION 3. PURPOSE AND DEFINITIONS.**

(A) This Resolution constitutes a preliminary rate resolution (the "Preliminary Rate Resolution") to initiate the annual process for updating the Stormwater Assessment Roll, including the establishment of new maximum Stormwater Service Assessment rates for the Fiscal Year beginning October 1, 2021 and future Fiscal Years, establishment of a public hearing to consider the implementation of those new maximum rates, and provide

for the provision of notice to the owner of such property in accordance with Section 3.05 and 3.06 of the Ordinance.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Amended and Restated Initial Assessment Resolution, and the Amended and Restated Final Assessment Resolution.

(C) Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

#### **SECTION 4. LEGISLATIVE DETERMINATIONS.**

(A) The legislative determinations embodied in the Ordinance, the Amended and Restated Initial Assessment Resolution, and the Amended and Restated Final Assessment Resolution are affirmed and incorporated herein by reference.

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

(C) 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.

**SECTION 5. PROVISION OF STORMWATER MANAGEMENT SERVICES; DETERMINATION OF STORMWATER SERVICE COST; ESTABLISHMENT OF STORMWATER ASSESSMENTS.**

(A) The Stormwater Service Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2021 is \$2,963,997. The approval of this Preliminary Rate Resolution determines the amount of the Stormwater Service Cost. The remainder of such Fiscal Year budget for Stormwater Management Services shall be funded from available City revenue other than Stormwater Service Assessments.

(B) For the Fiscal Year in which Stormwater Service Assessments for Stormwater Management Services are imposed, the Stormwater Service Cost shall be allocated among all Tax Parcels of Assessed Property within the Stormwater Service Area based upon each parcel's number of Net ESUs as determined in the manner set forth in the Amended and Restated Initial Assessment Resolution.

(C) An annual rate of assessment equal to \$76.12 per Net ESU for Stormwater Management Services is hereby approved for each Tax Parcel of Developed Property for the Fiscal Year beginning October 1, 2021.

(D) The maximum rate of assessment equal to \$80.00 per Net ESU for

Stormwater Management Services is hereby approved for future Fiscal Years.

(E) The rate of the Stormwater Service Assessments established in this Preliminary Rate Resolution shall be the rates applied by the Stormwater Utility Director in the preparation of the updated Stormwater Assessment Roll for the Fiscal Year commencing October 1, 2021, as provided in Section 6 of this Preliminary Rate Resolution.

(F) Upon the imposition of Stormwater Service Assessments for Stormwater Management Services against Tax Parcels located within the Stormwater Service Area, the Stormwater Utility created in Section 2.01 of the Ordinance shall provide Stormwater Management Services to such property. All or any portion of the Stormwater Service Cost to provide such Stormwater Management Services shall be funded from proceeds of the Stormwater Service Assessments. The remaining cost, if any, required to provide Stormwater Management Services shall be funded by legally available City revenues.

(G) The Stormwater Service Area created in Section 2.01 of the Amended and Restated Initial Assessment Resolution is hereby confirmed and established as the service area for the Fiscal year beginning on October 1, 2021.

#### **SECTION 6. STORMWATER ASSESSMENT ROLL.**

(A) The Stormwater Utility Director is hereby directed to prepare, or direct the preparation of, the updated Stormwater Assessment Roll for the Fiscal Year beginning October 1, 2021, in the manner provided in Section 3.04 of the Ordinance.

(B) Such updated Stormwater Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Stormwater Service Area conforming to the description contained on the Tax Roll; (2) the name and address of the Owner of each Tax Parcel as shown on the Tax Roll, if available; (3) the number of ESUs

attributable to the Tax Parcel; and (4) the maximum amount of the Stormwater Service Assessment for Stormwater Management Services.

(C) The updated Stormwater Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the Stormwater Assessment Roll be in printed form if the amount of the Stormwater Service Assessment for each Tax Parcel can be determined by use of computer terminal available to the public.

**SECTION 7. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 5:30 p.m. on August 12, 2021, in the City Council Chambers in City Hall, 222 West Main Street, Pensacola, Florida, for the purpose of (1) receiving and considering any comments on the Stormwater Service Assessments from affected property owners; and (2) authorizing the imposition of such Stormwater Service Assessments for Stormwater Management Services and collection on the same bill as ad valorem taxes.

**SECTION 8. NOTICE BY PUBLICATION.** The Stormwater Utility Director shall publish a notice of the public hearing authorized by Section 7 of this resolution, as required by Section 3.05 of the Ordinance, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than July 22, 2021 in a newspaper generally circulated in the City.

**SECTION 9. NOTICE BY MAIL.**

(A) The Stormwater Utility Director shall provide notice of the public hearing authorized by Section 7 of this resolution by first class mail to the Owner of each Tax Parcel of Assessed Property, as required by Section 3.06 of the Ordinance, in substantially the form attached hereto as Appendix B. Such notices shall be mailed not

later than July 22, 2021.

(B) For Tax Parcels with exempt "home addresses" pursuant to Section 119.071(4), Florida Statutes, the Stormwater Utility Director shall work with the Property Appraiser and/or Tax Collector for provision of notice.

**SECTION 10. METHOD OF COLLECTION.**

(A) The Stormwater Service Assessments shall be collected from all Assessed Property, except Government Property, pursuant to the Uniform Assessment Collection Act as provided in Section 4.01 of the Ordinance.

(B) The Stormwater Service Assessments shall be collected from all Government Property in accordance with Section 4.04 of the Ordinance.

**SECTION 11. EFFECTIVE DATE.** This resolution shall take effect 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 27<sup>th</sup> day of May, 2021.

**CITY OF PENSACOLA, FLORIDA**

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Jared Moore  
President of the City Council

ATTEST:

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Ericka L. Burnett  
City Clerk

**APPENDIX A**

**FORM OF NOTICE TO BE PUBLISHED**



To Be Published by July 22, 2021

**[MAP OF STORMWATER SERVICE AREA]**

**NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS**

Notice is hereby given that the City Council of the City of Pensacola, Florida, will conduct a public hearing to consider reimposing Stormwater Service Assessments in the area receiving Stormwater Management Service from the City, as shown above, for the fiscal year beginning October 1, 2021 and future fiscal years. The hearing will be held at 5:30 p.m. on Thursday, August 12, 2021 in the City Council Chambers in City Hall, 222 West Main Street, Pensacola, Florida. 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 435-1666) for further information. The request must be made at least 48 hours in advance of the event in order to allow the City time to provide requested services. All affected property owners have a right to appear at the hearing and to file written objections with the City Council. All written objections to the non-ad valorem assessments must be filed with the City Council of Pensacola within twenty (20) days 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 as follows: The Purchasing Office; Objections to Non-ad Valorem Assessment; Post Office Box 12910, Pensacola, Florida 32521. Any person wishing to appeal any decision of the City Council 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.

The Stormwater Service Assessments have been imposed to fund the City's cost to provide Stormwater Management Service in the area shown above. The Stormwater Service Assessments are based upon the estimated amount of stormwater runoff generated by impervious surface on the property. Impervious surfaces include the roof top, 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 defined as the "equivalent stormwater unit value" or "ESU Value." The annual Stormwater Service Assessment rate for the upcoming Fiscal Year will be \$76.12 for each Net ESU. The maximum Stormwater Service Assessment rate that can be imposed in future fiscal years is \$80.00 per net ESU.

Generally, the number of ESUs were 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 applied, resulting in an assignment of Net ESUs. A more specific description is set forth in the Amended and Restated Initial Stormwater Assessment Resolution adopted by the City Council on July 22, 2010. Copies of the Stormwater Services Assessment Ordinance (Ordinance No. 52-00), Amended and Restated Initial Assessment Resolution (Resolution No. 18-10), Amended and Restated Final Assessment Resolution (Resolution No. 36-10), the Preliminary Rate Resolution (Resolution No. 2021-31), and the updated assessment roll are available for inspection at the Office of the City Clerk, 222 West Main Street, 7<sup>th</sup> Floor, Pensacola, Florida.

The Stormwater Service Assessment, except for those imposed on government property, will be collected on the annual property ad valorem tax bill that is mailed in November by the Escambia County Tax Collector. 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.

If you have any questions, please contact Customer Service at (850) 435-1800.

**THE CITY OF PENSACOLA, FLORIDA**

**APPENDIX B**

**FORM OF NOTICE TO BE MAILED**

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

Owner Name  
Address  
Address  
City, State Zip

Parcel ID#: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Sequence Number: \_\_\_\_\_

\*\*\*\*\*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 service assessment program to generate revenues. The original stormwater service assessments were imposed and collected on the November 2001 tax bill and subsequent years. The City updated the stormwater service assessment program in 2010. **THIS IS NOT A NEW ASSESSMENT PROGRAM; THE STORMWATER SERVICE ASSESSMENT HAS BEEN IMPOSED SINCE 2001.**

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. The annual Stormwater Service Assessment rate for Fiscal Year 2021-22 will be \$76.12 for each 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): \_\_\_\_\_

The FY 2021-22 annual stormwater service assessment for the above parcel is \$\_\_\_\_\_.

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

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. 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. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the City Clerk at (850) 435-1606 at least 48 hours prior to the date of the hearing.

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\*\*\*\*\***