

RESOLUTION NO. 24-12

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO THE REIMPOSITION OF STORMWATER MANAGEMENT FEES WITHIN THE TOWN OF DUNDEE, FLORIDA; PROVIDING FINDINGS; PROVIDING AUTHORITY; PROVIDING FOR PURPOSE AND EFFECT; PROVIDING FINDINGS OF BENEFIT AND FAIRNESS; PROVIDING FOR IMPOSITION AND COMPUTATION OF FEE; DIRECTING PREPARATION OF A PRELIMINARY ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF MAILED AND PUBLISHED NOTICE OF SUCH HEARING AND OF THE PROPOSED FEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as authorized in Florida Statutes §403.0893, the Town of Dundee (“Town”) created and implemented a Stormwater Utility to provide funding for the Town's stormwater management services and facilities with the adoption of Ordinance No. 03-22 (subsequently codified as Chapter 44, Article VIII of the Code of Ordinances of the Town of Dundee, Florida (“Code”)), and subsequently began imposing a stormwater management utility fee collected pursuant to the Uniform Collection Act in Florida Statutes §197.3632; and

WHEREAS, the Town previously engaged a rate consulting firm to analyze and reasonably adjust the Town's stormwater management utility fee rate based on updated budget and cost information, and the “Town of Dundee Water, Wastewater and Stormwater Rate Study, Final Report – January 8, 2019” (“2019 Report”) was prepared by Raftelis Financial Consultants, Inc. (“Raftelis”); and

WHEREAS, based on the Town’s projected stormwater management budgets and the analysis presented in the 2019 Report prepared by Raftelis, the Town Commission adopted Ordinance No. 19-20, adopted and effective on March 26, 2019, establishing a stormwater fee of \$34.50 per EDU per year to be imposed and collected pursuant to Chapter 197 of the Florida Statutes and specifically Florida Statutes §197.3632 (“Uniform Assessment Collection Act”) beginning with the tax bills mailed in 2019; and

WHEREAS, the Town adopted and imposed the updated stormwater fee on the 2019, 2020, 2021, 2022 and 2023 ad valorem tax bills in accordance with the process and procedures established in Resolution No. 19-06 to assist with fulfilling the requirements of F.S. Chapter 197; and

WHEREAS, the Town Commission has determined that the imposition of the stormwater fee each fiscal year is an equitable and efficient method of allocating and apportioning the assessable costs of stormwater management services to provide funding for such essential services; and

WHEREAS, the Town Commission is adopting this Preliminary Resolution for FY2024-25 directing the preparation of a Preliminary Roll, authorizing a public hearing, and directing the provision of mailed and published notice of such hearing, and directing preparation of an Annual Resolution to approve the Final Roll, after a public hearing, and directing the billing and collection using the uniform collection process; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, deems it to be in the best interest of the citizens and residents of the Town of Dundee to adopt this FY2024-25 Preliminary Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Recitals. The above factual recitals (WHEREAS clauses) are legislative findings of the Town Commission of the Town of Dundee and are hereby incorporated herein and considered to be a factual and material basis for the introduction, passage, and adoption of this Resolution.

Section 2. Authority and Interpretation. That this FY2024-25 Preliminary Stormwater Management Utility Rate Resolution (“Preliminary Resolution” or “2024 Preliminary Resolution”) is adopted pursuant to the provisions of the Stormwater Management Utility Ordinance, as amended (codified as Chapter 44, Article III of the Town of Dundee Code of Ordinances); Resolution No. 19-06 and related Resolutions; Florida Statutes Chapters 170 and 197, and Florida Statutes Sections 166.021, 166.041 and 403.0893 and other applicable provisions of law. This Resolution, being

necessary for the welfare of the inhabitants of the Town, shall be liberally construed in favor of the Town to achieve the purposes of the Stormwater Management Utility Fees.

Section 3. Purpose and Effect. This Resolution constitutes the 2024 Preliminary Resolution initiating the annual process for updating the Stormwater Roll and directs the reimposition of Stormwater Management Utility Fees for the Fiscal Year beginning October 1, 2024, pursuant to the provisions of Chapter 44, Article VIII of the Town of Dundee Code, as amended, and Florida Statutes Chapter 197 and §404.0893. This Resolution directs the preparation of a Preliminary Roll, the provision of mailed and published notice, and also establishes a date for a public hearing to be held before adoption of an Annual Resolution by the Town Commission to approve a Final Roll to be submitted to the Polk County Tax Collector for inclusion on the annual ad valorem property tax bill. Stormwater Management Utility Fees approved by adoption of an Annual Resolution shall constitute a lien upon the property 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. Adoption of the Annual Resolution after the public hearing and approval of the Final Roll shall be the final adjudication of the issues presented (including, but not limited to, the determination of benefit and fair apportionment, the method of apportionment and levy, the stormwater management rate, the Final Roll and the levy, collection and lien of the stormwater management fees), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the adoption of the Annual Resolution.

Section 4. Findings of Benefit. It is ascertained, determined, and declared by this Resolution that each property located within the Town included on the Preliminary Roll will be benefited by the Town's provision of stormwater management services, facilities, or programs and that the amount of the stormwater management fee charged to each property on the Preliminary Roll is fair and reasonable.

Section 5. Imposition and Computation. It is hereby determined that the Stormwater Management Utility Fee of \$34.50/EDU shall be imposed for Fiscal Year 2024-25 against all property included in the Preliminary Roll as determined under the 2019 Report; Chapter 44, Article VIII of the Code, as amended; and associated Town Resolutions detailing the determination of EDUs and related issues. It is hereby determined and declared that the

Stormwater Management Utility Fee for Fiscal Year 2024-25 proposed in this Preliminary Resolution, as may be adopted by an Annual Resolution, shall be collected under the Uniform Assessment Collection Act.

Section 6. Preliminary Roll. The Town Manager or designee is directed to prepare, or cause to be prepared, an updated Preliminary Roll for the Fiscal Year commencing October 1, 2024, in the manner provided in Chapter 44, Article VIII of the Code, as amended; Resolutions adopted by the Town Commission detailing the calculation of EDUs and related issues; and this Resolution. The amount any property has due as a delinquency or amount due of the Stormwater Management Fee imposed in any prior year and remaining unpaid shall be collected along with the applicable Stormwater Management Fee due for that property for Fiscal Year 2024-25. A copy of this Preliminary Resolution; previously adopted related Resolutions; Chapter 44, Article VIII of the Code; the 2019 Report, and the updated Preliminary Roll shall be maintained on file in the office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Preliminary Roll proposed for the Fiscal Year beginning October 1, 2024, be in printed form if the amount of the stormwater management fee for each property can be determined through contact with the Town.

Section 7. Authorization of Public Hearing. There is hereby established a public hearing to be held at 6:30 p.m. on September 10, 2024, in the Town Commission Chambers, 202 E. Main Street, Dundee, Florida, at which time the Town Commission will receive and consider any written or verbal comments on the Preliminary Roll from the public and affected property owners and consider imposing the Stormwater Management Utility Fee for the Fiscal Year beginning October 1, 2024 and collecting such fees on the same bill as ad valorem taxes. After the Public Hearing, the Town Commission will consider an Annual Resolution and may make such modifications to the Preliminary Roll as determined to be necessary for approval of the Final Roll.

Section 8. Notice of Publication. The Town Clerk shall publish a notice of the public hearing authorized by Section 7 of this Preliminary Resolution in the manner and time provided in Florida Statutes, Chapter 197. The notice shall be published at least twenty (20) days prior to the public hearing.

Section 9. Notice by Mail. The Town Manager or designee shall provide information on the public hearing and the Preliminary Roll to the Polk County Property Appraiser's Office to be included in the TRIM (Truth in Millage) Notice to serve as first class notice as required by Florida Statutes Chapter 197.

Section 10. Conflict. That all Resolutions or parts of Resolutions related to the Stormwater Management Utility Fee that conflict with this Resolution are superseded and supplanted to the extent of such conflict. However, nothing in this Resolution shall affect or impair the validity of Stormwater Management Utility Fees previously adopted and imposed by the Town.

Section 11. Severability. That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be void, unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 12. Correction of Scrivener's Errors. The correction of typographical and/or scrivener's errors in this Resolution, which do not affect the intent may be authorized by the Town Manager or her/his designee, without the need of consideration by the Town Commission, by filing a corrected or recodified copy of same with the Town Clerk.

Section 13. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

INTRODUCED AND PASSED this _____ day of July, 2024.

TOWN OF DUNDEE

(SEAL)

By: _____
Sam Pennant, Mayor

Attest:

Town Clerk

Approved as to form:

Town Attorney