

RESOLUTION NO. R-10-2023

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE PROVISIONS 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 CITY MANAGER TO PREPARE OR DIRECT THE PREPARATION OF A STORMWATER SERVICE 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.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of Ordinance No. O-04-2016, as codified in Article VII, Chapter 78 of the Green Cove Springs Code of Ordinances (the "Code"), Chapter 70 of the City of Green Cove Springs Code of Ordinances (the "Stormwater Ordinance"), Resolution No. R-12-2020 (the "Amended and Restated Initial Assessment Resolution"), Resolution No. R-15-2020 (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 Green Cove Springs, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS.

(A) This Resolution constitutes the Preliminary Rate Resolution as defined in Section 78-167 of the Code which initiates the annual process for updating the Stormwater Assessment Roll and directs the reimposition of Stormwater Service Assessments for the Fiscal Year beginning October 1, 2023.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in Sections 78-167 of the Code, Section 70-4 of the Stormwater 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 3. LEGISLATIVE DETERMINATIONS. The legislative determinations embodied in the Section 78-164 of the Code, the Amended and Restated Initial Assessment Resolution, and the Amended and Restated Final Assessment Resolution are affirmed and incorporated herein by reference.

**SECTION 4. PROVISION OF STORMWATER MANAGEMENT SERVICES;
DETERMINATION OF STORMWATER SERVICE COST;
ESTABLISHMENT OF STORMWATER SERVICE ASSESSMENTS.**

(A) The Stormwater Base Service Cost to be assessed and apportioned among benefited Tax Parcels of Assessed Property within the Stormwater Service Area for the Fiscal Year beginning October 1, 2023, is \$290,232.00. For each Fiscal Year in which Stormwater Assessments for Stormwater Management Services are imposed, the Stormwater Base Service Cost shall be allocated among all Tax Parcels of Assessed Property within the Stormwater Service Area equally on a per Tax Parcel basis. A rate of assessment equal to \$72.00 for each Tax Parcel to fund the Stormwater Base Service Cost is hereby approved for the Fiscal Year beginning October 1, 2023.

(B) The Stormwater Usage Service Cost to be assessed and apportioned among benefited Tax Parcels of Developed Property within the Stormwater Service Area for the Fiscal Year beginning October 1, 2023, is \$1,290,686.40. For each Fiscal Year in which Stormwater Assessments for Stormwater Management Services are imposed, the Stormwater Usage Service Cost shall be allocated among all Tax Parcels of Developed Property within the Stormwater Service at a rate of assessment based upon the special benefit accruing to such Developed Property from the City's provision of Stormwater Management Services, measured by the number of ESUs attributable to each Tax Parcel, as determined in accordance with Section 70-9 of the Stormwater Ordinance after the application of any Mitigation Credits as determined in accordance with the City's Mitigation Credit Policy adopted in Resolution R-10-2020. A rate of assessment equal to \$300.00 for each Net ESU to fund the Stormwater Usage Service Cost is hereby approved for the Fiscal Year beginning October 1, 2023.

(C) The Stormwater Assessment will be computed for each Tax Parcel within the Stormwater Service Area by (1) multiplying the number of Net ESUs attributable each Tax Parcel of Developed Property by the per Net ESU rate of \$300.00 to fund that Tax Parcel's portion of the Stormwater Usage Service Cost and then (2) adding the applicable \$72.00 rate per Tax Parcel to fund that Tax Parcel's portion of the Stormwater Base Service Cost.

(D) The rate of the Stormwater Service Assessments established in this Preliminary Rate Resolution shall be the rates applied by the City Manager in the preparation of the updated Stormwater Assessment Roll for the Fiscal Year commencing October 1, 2023, as provided in Section 5 of this Preliminary Rate Resolution.

(E) 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 70-5 of the Stormwater 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.

(F) The Stormwater Service Area created in Section 4 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, 2023, and it is hereby ascertained, determined, and declared each Tax Parcel of Assessed Property located within the Stormwater Service Area will be benefited by the City's provision of Stormwater Management Services in an amount not less than the Stormwater Service Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 5. STORMWATER ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or direct the preparation of, the updated Stormwater Assessment Roll for the Fiscal Year beginning October 1, 2023, in the manner provided in Section 78-204 of the Code.

(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 Assessment Units attributable to the Tax Parcel; and (4) the 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.

(D) It is hereby ascertained, determined, and declared that the foregoing method of determining the Stormwater Service Assessments for Stormwater Management Services (1) is a fair and reasonable method of apportioning the Stormwater Service Cost among parcels of Assessed Property; and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Stormwater Management Services which are allocable to specific parcels of Assessed Property.

SECTION 6. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 7:00 p.m. on September 5, 2023, in the City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, 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 7. NOTICE BY PUBLICATION. The City Clerk shall publish a notice, as required by Section 78-205 of the Code, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than August 15, 2023, in a newspaper generally circulated in the City.

SECTION 8. NOTICE BY MAIL.

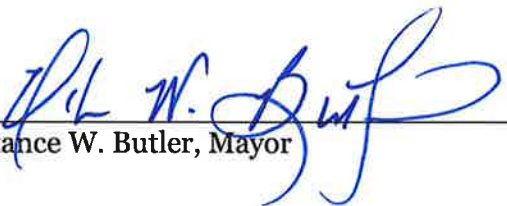
- (A) If required by Section 78-209(f) of the Code, the City Manager shall provide notice by first class mail to the Owner of each Tax Parcel of Assessed Property, as required by Section 78-206 of the Code, in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 15, 2023.
- (B) For Tax Parcels with exempt "home addresses" pursuant to Chapter 2019-12, Laws of Florida, which amended Section 119.071(4), Florida Statutes, the City Manager shall work with the Property Appraiser and/or Tax Collector for provision of notice.

SECTION 9. METHOD OF COLLECTION. The Stormwater Service Assessments shall be collected from all Assessed Property pursuant to the Uniform Assessment Collection Act as provided in Section 78-266 of the Code.

SECTION 10. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 18th DAY OF JULY, 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA



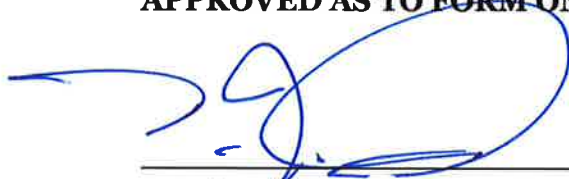
Constance W. Butler, Mayor

ATTEST:



Erin West, City Clerk

APPROVED AS TO FORM ONLY:



L. J. Arnold, III, City Attorney

APPENDIX A
FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 15, 2023

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

Notice is hereby given that the City Council of the City of Green Cove Springs, Florida, will conduct a public hearing to consider reimposing Stormwater Service Assessments within the entire incorporated area of the City, as shown below, for fiscal year October 1, 2023 – September 30, 2024, and future fiscal years to fund the cost of providing Stormwater Management Services to such properties and to authorize collection of such assessments on the tax bill.

The hearing will be held at 7:00 p.m. on September 5, 2023, in the City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person 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, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk, Erin West, (904) 297-7500, ext. 3307, at least three (3) business days prior to the meeting.

The Stormwater Assessment contains two, separate components. The first component – the Base Charge -- will fund the City's baseline, citywide management, operations and maintenance services for the stormwater management system and will be generally allocated equally among all Tax Parcels within the City. The annual Stormwater Assessment rate for the Base Charge for the upcoming Fiscal Year and future fiscal years will be \$72.00 for each Tax Parcel.

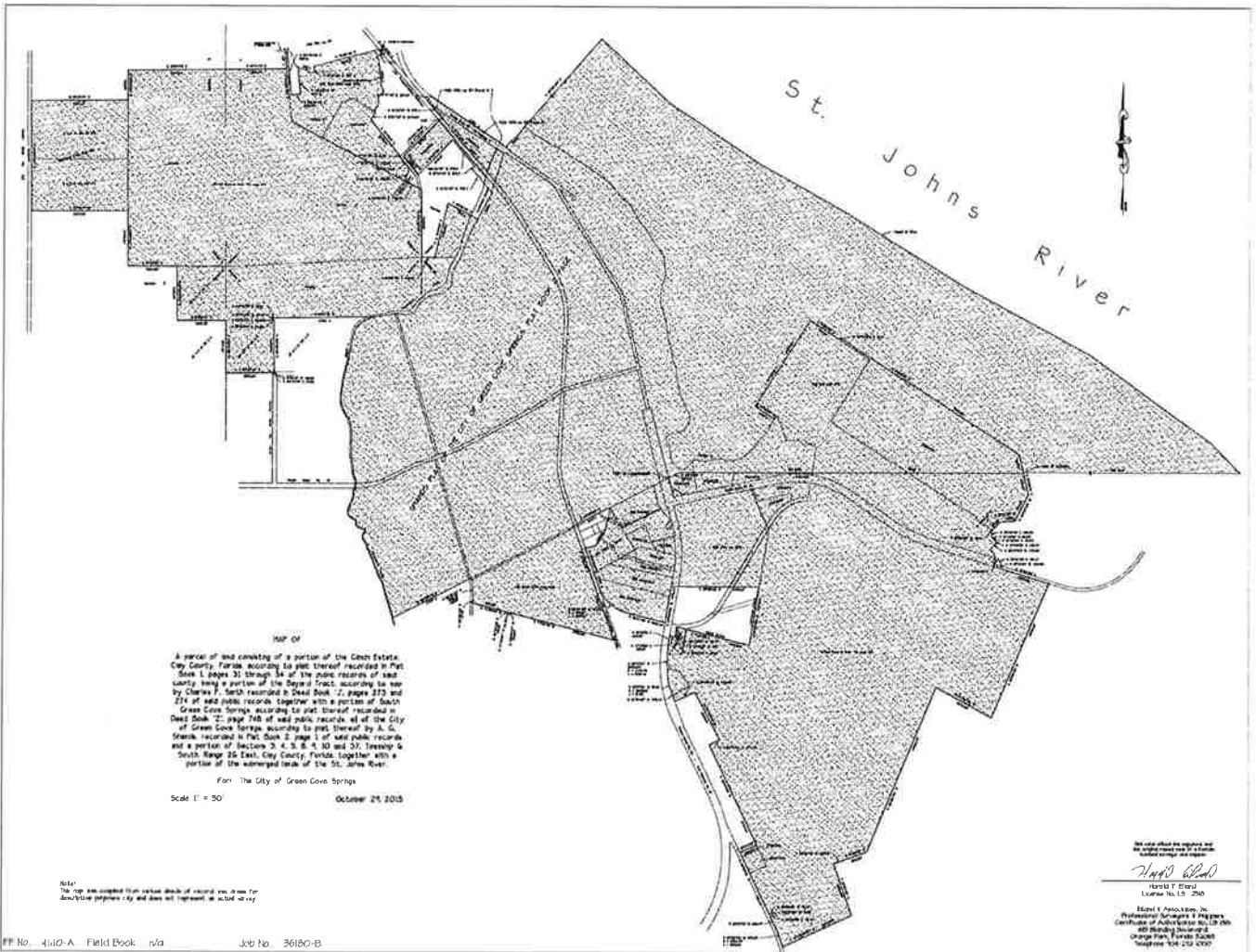
The second component – the Usage Charge -- will fund the City's additional Stormwater Management Services provided to developed property. These stormwater management services are necessitated by the existence of Impervious Area that impedes or restricts infiltration of rainfall into the soil, which then increases the need for City services and facilities to convey, retain, and treat increased volume of Stormwater runoff from developed property and the Usage Charge is based upon the estimated amount of stormwater runoff generated by impervious surface on the Developed Property, as measured by the number of Net ESUs assigned to each parcel of property. The City has determined that a typical single-family residence in the Stormwater Service Area includes 3,000 square feet of impervious surface, which is defined as the "equivalent stormwater unit value" or "ESU Value." Generally, the number of ESUs were calculated individually for each parcel of developed property by dividing the impervious surface area by 3,000 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. The annual Stormwater Assessment rate for the Usage Charge for the upcoming Fiscal Year and future fiscal years will be \$300.00 for each Net ESU.

Copies of the Master Service Assessment Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, the Preliminary Rate Resolution, and the updated assessment roll are available for inspection at the office of the City Clerk, located at City Hall, 321 Walnut Street, Green Cove Springs, Florida.

The Stormwater Assessments will be collected on the ad valorem tax bill to be mailed in

November 2023, as authorized by section 197.3632, Florida Statutes. Failure to pay the 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 the City at (904) 297-7500, Monday through Thursday, between 7:00 a.m. and 5:30 p.m.



City of Green Cove Springs

Erin West, City Clerk
321 Walnut Street
Green Cove Springs, FL 32043

Steve Kennedy, City Manager

APPENDIX B
FORM OF NOTICE TO BE MAILED

FORM OF NOTICE TO BE MAILED

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

**City of Green Cove Springs
321 Walnut Street
Green Cove Springs, FL 32043-3441**

**CITY OF GREEN COVE SPRINGS, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF STORMWATER SERVICE
NON-AD VALOREM ASSESSMENTS**

NOTICE DATE: AUGUST 15, 2023

**Owner Name
Address
City, State Zip**

Tax Parcel # _____

As required by Section 197.3632, Florida Statutes, notice is given by the City of Green Cove Springs (the "City"), that an annual assessment for Stormwater management services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2023 – September 30, 2024, and future fiscal years. The purpose of this assessment is to fund stormwater management services benefiting all property located within the City. The Stormwater Assessment contains two, separate components. The first component – the Base Charge -- will fund the City's baseline, citywide management, operations and maintenance services for the stormwater management system and will be generally allocated equally among all Tax Parcels within the City. The total annual assessment revenue to be collected within the City is estimated to be \$290,232.00 for the stormwater base service cost.

The second component – the Usage Charge -- will fund the City's additional Stormwater Management Services provided to developed property. The total annual assessment revenue to be collected within the City is estimated to be \$1,290,686.40 for the stormwater usage service cost. These stormwater management services are necessitated by the existence of Impervious Area that impedes or restricts infiltration of rainfall into the soil, which then increases the need for City services and facilities to convey, retain, and treat increased volume of Stormwater runoff from developed property and the Usage Charge is based upon the estimated amount of stormwater runoff generated by impervious surface on the Developed Property, as measured by the number of Net ESUs assigned to each parcel of property. The City has determined that a typical single-family residence in the Stormwater Service Area includes 3,000 square feet of impervious surface, which is defined as the "equivalent stormwater unit value" or "ESU Value." Generally, the number of ESUs were calculated individually for each parcel of developed property by dividing the impervious surface area by 3,000 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.

The total number of Tax Parcels associated with the above parcel is _____.

The total number of Net ESUs assigned to the above parcel is _____.

The maximum stormwater assessment for the above parcel for the Base Charge is \$72.00 for Fiscal Year 2023-24 and future fiscal years.

The maximum stormwater assessment of the above parcel for the Usage Charge is \$_____ for Fiscal Year 2023-24 and future fiscal years.

The TOTAL MAXIMUM STORMWATER ASSESSMENT for the above parcel is \$_____ for Fiscal Year 2023-24 and future fiscal years.

A public hearing will be held at 7:00 p.m. on September 5, 2023, in the City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, Florida, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. 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, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk, Erin West, at least three (3) business days prior to the meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Master Service Assessment Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, the Preliminary Rate Resolution, and the updated assessment roll are available for inspection at the City Clerk's Office, 321 Walnut Street, Green Cove Springs, Florida.

Both the stormwater service non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2023. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your stormwater service assessment, please contact the City at (904) 297-7500, Monday through Thursday, between 7:00 a.m. and 5:30 p.m.

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