

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Public Hearing: 5:05 p.m.

Meeting Date: 09/03/2015

Division: Public Works/Engineering

Bulk Item: Yes No X

Department: Wastewater

Staff Contact Person/Phone #: Kevin Wilson X8797

AGENDA ITEM WORDING: Approval of a resolution to continue the imposition of wastewater assessments for all previously approved assessment rolls including *East & West Long Key; No Name Key; Middle/Big Torch Key; Expanded Parcels within Cudjoe Regional; Cudjoe Regional Inner & Outer Islands including Supplemental; Big Coppitt and Duck Key & Supplemental*; and, the *Stock Island* service areas. The administrative cost associated with the imposition of wastewater assessments is paid from the collection of the annual assessments.

ITEM BACKGROUND: Collection of annual assessments began for the Stock Island Service Area for the 2004 tax year via Resolution 265-2004. Collection of annual assessments for the Big Coppitt and Duck Key Service Areas began for the 2007 tax year via Resolution 302-2007. Collection of annual assessments began for the Cudjoe Regional Centralized Inner Islands for the tax year 2012 via Resolution 197-2012. Collection of annual assessments began for the Cudjoe Regional Centralized Outer Islands for the tax year 2013 via Resolution 198-2012. Collection of annual assessments began for East/West Long Key and No Name Key and Middle/Big Torch Key and Expanded Parcels within Cudjoe Regional wastewater service area for the 2015 tax year via Resolution 185-2015.

PREVIOUS RELEVANT BOCC ACTION: Adoption of an annual rate resolution is required by County Ordinance 027-2003. On July 15, 2003, the BOCC enacted Ordinance No. 027-2003 to authorize the imposition of special assessments to fund the cost of wastewater treatment capacity.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: \$48,000.00 (admin. costs) **INDIRECT COST:** **BUDGETED:** Yes X No

DIFFERENTIAL OF LOCAL PREFERENCE:

COST TO COUNTY: \$48,000.00 **SOURCE OF FUNDS:**

REVENUE PRODUCING: Yes X No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty CH OMB/Purchasing Risk Management

DOCUMENTATION: Included X Not Required

DISPOSITION: **AGENDA ITEM #**

RESOLUTION NO. - 2015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, CONTINUING THE ASSESSMENTS OF WASTEWATER SERVICE TO PROPERTIES IN THE BIG COPPITT, DUCK KEY, STOCK ISLAND, THE CUDJOE REGIONAL CENTRALIZED INNER AND OUTER ISLAND SERVICE AREAS, EAST/WEST LONG KEY, NO NAME KEY, MIDDLE/BIG TORCH KEY, AND EXPANDED PARCELS WITHIN THE CUDJOE REGIONAL SERVICE AREA FOR THE 2015 TAX YEAR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 20-164 of the Monroe County Code provides that the Board of County Commissioners will adopt an annual rate resolution during its budget adoption process for each fiscal year following the initial fiscal year of a wastewater assessment; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida has enacted Ordinance No. 027-2003 relating to the provision of wastewater service and facilities in Monroe County, Florida and authorizing the imposition and collection of wastewater assessments against property; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolution 261-2004 relating to the provision of wastewater service to properties in the Stock Island Service Area, describing the capacity reservation fee, collection costs, and the other terms and conditions of the non-ad valorem annual wastewater assessments; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolution 265-2004 that imposed a special assessment to collect Capacity Fees from certain parcels within the Stock Island Service Areas to fund that portion of the capital cost of the wastewater facility being assessed to each owner up to a maximum of \$2,700 per Equivalent Dwelling Unit (“EDU”), wherein the number of EDUs for residential properties was assessed based on the number of residential units for that Tax Parcel as determined by the Property Appraiser at the time of the adoption of Resolution 265-2004 and the number of EDUs for non-residential properties was based on water consumption; and

WHEREAS, the Stock Island Assessments have been imposed annually since 2004 to recover Capacity Reservation Fees advanced by Monroe County on behalf of certain parcels within the Stock Island Service Area; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolution 264-2007 relating to the provision of wastewater service to parcels in the Big Coppitt and Duck Key Service Areas, describing the system development fee, collection costs, and the other terms and conditions of the non-ad valorem annual wastewater assessments; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolution 302-2007 that imposed a special assessment to collect System Development Fees from certain parcels within the Big Coppitt and Duck Key Service Areas to fund that portion of the capital cost of the wastewater system being assessed to each owner up to a maximum of \$4,500 per EDU, wherein the number of EDUs for residential properties was assessed based on the number of residential units for that Tax Parcel as determined by the Property Appraiser at the time of the adoption of Resolution 302-2007 and the number of EDUs for non-residential properties was based on water consumption; and

WHEREAS, the Big Coppitt Assessments have been imposed annually since 2007 to pay a portion of the debt service on Obligations issued in connection with the construction of Wastewater Collection and Treatment Facilities within the Big Coppitt Service Area; and

WHEREAS, the Duck Key Assessments have been imposed annually since 2007 to fund construction of a portion of the Duck Key Wastewater Treatment Facility; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolutions 173-2012, 174-2012, 154-2013, 155-2013, 156-2013, and 157-2015 relating to the provision of wastewater service to properties in the Cudjoe Regional Centralized Service Area, describing the System Development Fee, collection costs, and the other terms and conditions of the non-ad valorem annual wastewater assessments; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolutions 197-2012, 198-2012, 184-2013, 185-2013, and 186-2013 that imposed a special assessment to collect System Development Fees from certain parcels within the Cudjoe Regional Centralized Service Area to fund that portion of the capital cost of the wastewater facility being assessed to each owner up to a maximum of \$4,500 per EDU, wherein the number of EDUs for residential properties was assessed based on the number of residential units for that Tax Parcel as determined by the Property Appraiser at the time of the adoption of Resolutions and the number of EDUs for non-residential properties was based on water consumption; and

WHEREAS, assessments on properties within the Cudjoe Regional Centralized Service Area have been imposed annually since 2012 to pay a portion of the debt service on Obligations issued in connection with the construction of and the wastewater system; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolution 157-2013 relating to the provision of wastewater service to supplemental parcels in the Big Coppitt and Duck Key Service Area, describing the System Development Fee, collection costs, and the other terms and conditions of the non-ad valorem annual wastewater assessments; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolution 212-2013 that imposed a special assessment to collect System Development Fees from certain supplemental parcels within the Big Coppitt and Duck Key Service Area, to fund that portion of the capital cost of the wastewater facility being assessed to each owner up to a maximum of \$4,500 per EDU, wherein the number of EDUs for residential properties was assessed based on the number of residential units for that Tax Parcel as determined by the Property Appraiser at the time of the adoption of Resolution 212-2013 and the number of EDUs for non-residential properties was based on water consumption; and

WHEREAS, the Assessments on the supplemental parcels within the Duck Key Service Area have been imposed annually since 2013 to fund construction of a portion of the Duck Key Wastewater Treatment Facility; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida, adopted Resolution 157-2015, relating to the provision of wastewater service to parcels on East/West Long Key, No Name Key, Middle/Big Torch Key, and Expanded Parcels within Cudjoe Regional Wastewater Service Area; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida adopted Resolution 185-2015 that imposed a special assessment to collect System Development Fees from certain parcels within East/West Long Key and No Name Key and Middle/Big Torch Key to fund that portion of the capital cost of the wastewater facility being assessed to each owner up to a maximum of \$4,500 per EDU, wherein the number of EDUs for residential properties was assessed based on the number of residential units for that Tax Parcel as determined by the Property Appraiser at the time of the adoption of Resolution 185-2015 and the number of EDUs for non-residential properties was based on water consumption; and

WHEREAS, assessments on properties within East/West Long Key and No Name Key and Middle/Big Torch Key and Expanded Parcels within the Cudjoe Regional Wastewater Service Area have been imposed annually since 2015 to pay a portion of the debt service on Obligations issued in connection with the construction of and the wastewater treatment system; and

WHEREAS, Section 2.02 of Resolution 261-2004 established the assessment term for Stock Island to be 5, 10 or 20 years; and

WHEREAS, the 10 year assessment term for Stock Island expired in 2013 and the 20 year assessment term for Stock Island will expire in 2023; and

WHEREAS, Section 2.02 of Resolution 264-2007 established the assessment term for Big Coppitt and Duck Key to be 20 years; and

WHEREAS, Section 2.02 of Resolution 173- 2012 established the assessment term for Cudjoe Regional Centralized Inner Islands to be 20 years; and

WHEREAS, Section 2.02 of Resolution 174- 2012 established the assessment term for Cudjoe Regional Centralized Outer Islands to be 20 years; and

WHEREAS, Section 2.02 of Resolution 154-2013 established the assessment term for the Cudjoe Regional Centralized Inner Islands Service Area supplemental parcels to be 20 years; and

WHEREAS, Section 2.02 of Resolution 155-2013 established the assessment term for the Cudjoe Regional Centralized Outer Islands Service Area supplemental parcels to be 20 years; and

WHEREAS, Section 2.02 of Resolution 156-2013 established the assessment term for parcels in Venture Out to be 20 years; and

WHEREAS, Section 2.02 of Resolution 157- 2013 established the assessment term for the Big Coppitt and Duck Key Service Area supplemental parcels to be 20 years; and

WHEREAS, Section 2.02 of Resolution 157- 2015 established the assessment term for East/West Long Key and No name Key and Middle/Big Torch Key and Expanded Parcels within Cudjoe Regional to be 20 years; and

WHEREAS, the annual assessment revenue is necessary to repay debt obligations and capital construction costs; and

WHEREAS, assessment rolls have been approved by the Board of County Commissioners as part of each of the above-referenced resolutions

NOW THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA, AS FOLLOWS:

Section 1.0 The non-ad valorem annual assessment will be levied at a rate of \$207.73 for those property owners who elected to pay the Capacity Reservation Fee over 20 years as previously noticed for the Stock Island assessment program.

Section 2.0 The non-ad valorem annual assessment initially levied at the rate of \$441.00 per EDU for the Big Coppitt and Duck Key assessment programs was lowered to \$271.88 per EDU in 2013. The amount actually charged in 2013 was \$343.02. A credit of \$71.14 per EDU was applied to outstanding balances and the annual rate of 271.88 began in 2014. The annual amount for 2015 will continue at a set rate of \$271.88 per EDU.

Section 3.0 The 2015 non-ad valorem annual assessment for the Cudjoe Regional Centralized assessment tax rolls are:

- The annual amount for the Inner Islands tax roll which started in 2012 is set at a rate of \$302.53 per EDU.
- The annual amount for the Outer Islands tax roll which started in 2013 is set at a rate of \$310.29 per EDU.
- The annual amount for the tax roll for the parcels expanded in January 2013 within Cudjoe Regional is set at a rate of 308.93 per EDU.
- The annual amount for the tax roll for the parcels expanded in June 2015 within the Inner and Outer Islands is set at a rate of 330.92 per EDU.

Section 4.0 The non-ad valorem annual assessment will be levied at the rate of \$329.24 per EDU for the Big Coppitt and Duck Key Supplemental Service Area assessment programs.

Section 5.0 The non-ad valorem annual assessment will be levied at the rate of \$330.92 per EDU for the East/West Long Key and No Name Key.

Section 6.0. The assessment rolls for the above-referenced Service Areas for the upcoming fiscal year, previously approved by the Board of County Commissioners in connection with the above-referenced resolutions, are hereby approved.

Section 7.0. The effective date of this Resolution is September 3, 2015.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the 3rd day of September 2015.

Mayor Danny Kolhage _____
Mayor Pro Tem Heather Carruthers _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Sylvia Murphy _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____

(Seal)
Attest: Amy Heavilin, Clerk

Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM



Assistant County Attorney

20 August 2015