

Meeting Date
September 9, 2014



AGENDA	
Section	Public Hearing
Item No.	I B 1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Resolution: Adoption of the Stormwater Utility Resolution Ratifying, Confirming and Certifying the Annual Stormwater Utility Special Assessment Rolls Fiscal Impact: \$4,946,369.58
DEPT/OFFICE:	Natural Resources Management Department (NRM)

Requested Action:

It is requested that the Board of County Commissioners adopt the Resolution ratifying, confirming and certifying the Annual Stormwater Utility Special Assessment Rolls.

Summary Explanation & Background:

On April 3, 2014, in an advertised public hearing, the Board of County Commissioners approved the Stormwater Utility Rate by Resolution 2014-51.

As specified by Florida Statute 197.3632 and per Resolution 95-205, adopted by the Board of County Commissioners on August 8, 1995, and revised September 14, 2010, the Board must annually ratify and certify to the Tax Collector the Stormwater Utility Special Assessment Roll. The Roll is maintained in an electronic format by the Property Appraiser's Office.

Fiscal Impact: FY 2013-2014 There is no known fiscal impact.
FY 2014-2015 Expected Revenues \$4,946,369.58

District 1 \$1,594,897.87
District 2 \$1,445,410.61
District 3 \$ 376,138.96
District 4 \$1,108,154.88
District 5 \$ 421,767.26

***Fiscal Impact does not include amounts to be direct billed for assessment of Federal Lands.**

Name: Ernest Brown, NRM
Phone: (321) 633-2016

Clerk to the Board instruction: **Total of two signed originals: one for Clerk of Court and one for NRM.**

Exhibits Attached: **Attachment A:** Resolution Ratifying, Confirming and Certifying Rate and Annual Stormwater Utility

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Stockton Whitten	Assistant County Manager Mel Scott <i>ms</i>	Department Director / Extension <i>Ernest N. Brown</i> Ernest N. Brown/X52439
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Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

September 10, 2014

MEMORANDUM

TO: Ernie Brown, Natural Resources Management Director

RE: Item I.B.1., Resolution Ratifying, Confirming, and Certifying the Annual Stormwater Utility Special Assessment Rolls

The Board of County Commissioners, in special session on September 9, 2014, adopted Resolution No. 14-131, ratifying, confirming, and certifying the Annual Stormwater Utility Special Assessment Rolls. Enclosed is a certified copy of the Resolution.

By copy of this memorandum, one certified copy of the Resolution has been forwarded to the Tax Collector.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

Encl. (1)

cc: Tax Collector
Finance
Budget

Resolution No. 14- 131

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS RATIFYING, CONFIRMING AND CERTIFYING THE RATE AND THE ANNUAL STORMWATER UTILITY ASSESSMENT ROLLS FOR THE COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND FORWARDING THE SAME TO THE TAX COLLECTOR'S OFFICE FOR COLLECTION IN THE SAME MANNER AS AD VALOREM TAXES ARE COLLECTED

WHEREAS, The Board of County Commissioners of Brevard County, Florida, has previously adopted a Schedule of Annual Stormwater Utility Fees including a schedule of rates and classifications for the fiscal year; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, on or before September 15 of each year, shall hold a public hearing to adopt a rate resolution to establish the rates required for the operation and maintenance of the county's stormwater program and systems for said County fiscal year; and

WHEREAS, the public hearing on the rate resolution was held on April 3, 2014; and **WHEREAS**, an Annual Stormwater Utility Assessment Roll must be certified to the Brevard County Tax Collector for collection in the same manner as ad valorem taxes are collected; and

WHEREAS, the Board has reviewed the summary of the Annual Stormwater Utility Assessment Roll sent to the Tax Collector; and

WHEREAS, the Board is satisfied that the Annual Stormwater Utility Assessment Roll has been prepared in conformity with the Schedule of Stormwater Fees and Rates previously authorized by the Board on April 3, 2014.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA, that:**


1. The Board of County Commissioners confirms the Schedule of Stormwater Utility Fees and Classifications adopted on April 3, 2014. The Stormwater Schedule of Billing Classifications adopted on April 3, 2014, are attached hereto Exhibit 1. Amendments to the Stormwater Schedule of Billing Classifications do not change fees or methodology.
2. The Board of County Commissioners of Brevard County, Florida, hereby ratifies, confirms and certifies that the Annual Stormwater Utility Assessment Roll for Brevard County fiscal year beginning October 1, 2014, a summary of which is attached hereto as Exhibit 2 is in conformity with the Schedule of Stormwater Utility Fees adopted by the Board on April 3, 2014. Exhibit 2 is a summary of the Stormwater Assessment Roll and hereby incorporates the electronic file identified as 2014 Stormwater Assessment Billing Data (stm_taxbill), dated September 3, 2014, provided by the Natural Resources Management Department. The electronic file identified herein is the Stormwater Utility Assessment Roll and contains the details of the Stormwater Assessment Roll. Pursuant to Section 197.3632, Florida Statutes, the Roll is provided via electronic medium to the Property Appraiser, to be transferred to the Tax Collector's data table.
3. The Board of County Commissioners of Brevard County, Florida, hereby certifies, ratifies and confirms such Annual Stormwater Utility Assessment Roll to the Tax Collector. The Tax Collector shall collect such special assessments in the same manner as ad valorem taxes are collected.

4. A certified copy of this Resolution shall be delivered to the Tax Collector of Brevard County, Florida.

5. This Resolution shall take effect immediately upon adoption.

DONE, ORDERED AND ADOPTED this 9th day ___ of September, 2014.

ATTEST:



Scott Ellis, Clerk

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

By: 

Mary Bolin Lewis, Chairman

[As approved by the Board on 9/9/2014]

EXHIBIT 1

SCHEDULE OF BILLING CLASSIFICATIONS AND CALCULATIONS FOR ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2014.

BILLING CLASSIFICATIONS		09/03/2014
A	Agricultural	Any property which is used for commercial agricultural pursuits, and is designated as commercial agricultural on the Brevard County Property Appraiser's records.
B	Condominium and Manufactured Housing	Any property identifying an individual condominium or townhouse unit or any property upon which is located a manufactured home.
D	Multiple Single Family Dwelling Units	Any property upon which is located more than one building or structure, each of which is designed and constructed for, and capable for use as a residence for one family.
E	Commercial	Any lot or parcel upon which is located any structure or facility designed for business related uses.
I	Industrial	Any lot or parcel upon which there is a structure or building for use as productive enterprises and/or manufacturing activities.
M	Multifamily Dwelling	Any property upon which is located any building or structure, consisting of more than one dwelling unit, each designed for occupancy for one family.
N	Non-Billable	Those parcels or lots which are right of way, local Government-Owned lands or properties not billable by state, and local laws.
R	Mixed Use Residential	Any lot or parcel which contains more than one use, including one or more Single family dwellings in conjunction with more than one multi-family unit, each unit being assessed at its corresponding billing class ERU calculation.
S	Single Family Dwelling	Any property upon which is located any building or structure designed or constructed for, and capable for use as a residence for one family and is erected on a separate lot or parcel.
T	Vacant Natural	Any lot or parcel that is unaltered, contains no structures, and has not been designated as Agricultural (A) or Non-Billable (N).

BILLING CLASSIFICATIONS

09/03/2014

V	Vacant Altered	Any lot or parcel that contains no structures, is not designated as Agricultural (A) or, Non-Billable (N), and has been modified from its natural state, including lots within platted subdivided areas.
Y	Vacant Improved	Any lot or parcel which is not designated as Agricultural (A) or Non-Billable (N), and has been either graded, cleared, compacted and/or excessively landscaped.

LAND USE Bill Class Formulas

One ERU, or Equivalent Residential Unit, for the purpose of calculating service charge rates has been determined through engineering analysis to be 2,500 square feet of effective impervious area.

List of terms used in the rate calculation formulas

09/03/2014

TERM	DEFINITION
G	Gross Area of Parcel in Square Feet
I	Impervious Area of Parcel in Square Feet
M	Mitigation Factor with a range of 0.2 to 1.0 and an increment of 0.01
N	Number of Dwelling Units or Hook-Ups
NI	Adjustment Factor for Alteration of Pervious Surfaces
0.20	Pervious Factor Coefficient
0.90	Impervious Factor Coefficient
0.03	Pervious Factor Coefficient for Agricultural, Vacant Altered, Industrial Use Only
0.40	Infiltration Factor for Agricultural Land Use Cover for Good Soil Conditions (same question as prevs)
0.60	Average Runoff Coefficient for Open Space for Average Soil Conditions
DF	Melbourne Tillman Drain Fee
RATE	Per ERU. This is set by the taxing authority. (County or city with inter-local agreement)
Billing	Stormwater assessment amount

BILL CLASS		CALCULATION FORMULA
A	Agricultural (same as Vacant Altered)	# ERU's = $G \times 0.03 \times 0.4 / 2,500$ sq. ft. Billing = $[\#ERU's \times RATE \times M] - DF$
B	Condominium	Billing = $[1 ERU \times .50 \times RATE \times M] - DF$
D	Multiple Single Family Dwelling Units	Billing = $[1 ERU \times N \times RATE \times M] - DF$ <i>(If number units is unavailable this defaults to calculating with 2.)</i>
E	Commercial	NI = $I \times 1.25$ # ERU's Commercial = $\{ [(NI - I) \times 0.2] + (I \times 0.9) \} / 2,500$ sq. ft. # ERU's Vacant Altered = $[(G - NI) \times 0.03 \times 0.40] / 2,500$ sq. ft. <i>(If Vacant Altered LT 0 then this defaults to 0)</i> Billing = $[\{ (\# ERU's Commercial \times RATE) + (\# ERU's Vacant Altered \times RATE) \} \times M] - DF$
I	Industrial	NI = $I \times 1.25$ # ERU's Commercial = $\{ [(NI - I) \times 0.2] + (I \times 0.9) \} / 2,500$ sq. ft. # ERU's Vacant Improved = $[(G - NI) \times 0.03 \times 0.60] / 2,500$ sq. ft. <i>(If Vacant Improved LT 0 then this defaults to 0)</i> Billing = $[\{ (\# ERU's Commercial \times RATE) + (\# ERU's Vacant Improved \times RATE) \} \times M] - DF$
M	Multifamily Dwelling	Billing = $[1 ERU \times 0.50 \times N \times RATE \times M] - DF$
N	Non Billable	Billing = 0. No bills generated for these land uses
R	Mixed Use Residential	Billing = $[(\text{Sum of S, M, B, D ERUs}) \times RATE \times M] - DF$ <i>Sum explained - Mixed Use Residential accounts will have more than one structure on the account. To each individual structure the Property Appraiser Office assigns a number of units and a use code. Each use code has a calculation factor of either 0.5 or 1.0. An amount for each structure is computed by multiplying the number of units times the calculation factor times the rate. The sum of these amounts for the account is then used in the Bill Class R calculation.</i>
S	Single Family Dwelling	Billing = $[1 ERU \times RATE \times M] - DF$
T	Vacant Natural	Billing = 0. No bills generated for these land uses

BILL CLASS		CALCULATION FORMULA	09/03/2014
V	Vacant Altered (same as agricultural)	# ERU's = $G \times 0.03 \times 0.4 / 2,500$ sq. ft. Billing = [#ERU's x RATE x M] - DF	
Y	Vacant Improved	# ERU's = $[(G \times 0.03 \times 0.6) + (I \times 0.9)] / 2,500$ sq. ft. Billing = [#ERU's x RATE x M] - DF	
	Minimum Bill Amount	The minimum billing is set at \$2.35 per parcel	



BOARD OF COUNTY COMMISSIONERS

EXHIBIT 2

2014 Preliminary Totals for Stormwater Billing

Count	District - City	Billing Amount
31,259	District 1	1,594,897.87
24,445	District 2	1,445,410.61
12,933	District 3	376,138.96
27,122	District 4	1,108,154.88
8,294	District 5	421,767.26
<hr/> 104,053		<hr/> \$4,946,369.58

"Exhibit 2" is a summary of the Stormwater Assessment Roll and hereby incorporates the electronic file identified as 2014 Stormwater Assessment Billing Data (stm_taxbill), dated September 3, 2014 provided by the Natural Resources Management Department. Summary does not include amounts to be direct billed and collected for assessment of Federal Lands.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT FORM



SECTION I

The following information must be completed on all new contracts submitted to the Board.

1. Contractor:	
2. Fund/Account #:	Division Name:
4. Contract Description: Resolution to Certify Annual Stormwater Utility Assessment Roll	
5. Contract Monitor: Valerie Citta 633-2016 X52413	6. Mail Stop #: 81
7. Dept./Office Director: Ernest N. Brown	8. Contract Type:
ACTION DATE: CAO Edits back by 08-04-2014	ACTION REQUIREMENT: CAO Review

SECTION II

The following departments must approve all contracts submitted to the Board:

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>INITIALS</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	✓	_____		8/25
Risk Management	_____	_____	_____	_____
County Attorney	✓	_____		8/13/14

If any office denies approval, the package will be returned immediately to the User Agency.

NOTE: This form should be attached to all new contracts being submitted to the Board for approval. After the contract has been approved, the contract package, including this form, will go to the Clerk to the Board. The Clerk's office will return the Initial Contract Form to department for contract to be entered into the Contract Management System. See AO-29 for additional information.