

COUNCIL AGENDA STATEMENT



Meeting Date: August 9, 2022
To: Honorable Mayor & Members of the City Council
From: Dan Saus, Utilities Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2022-82**, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2022; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

BACKGROUND & JUSTIFICATION:

This resolution will continue the Stormwater Assessment program adopted by the City in 2005. Annually, Government Services Group (GSG) updates the assessment rolls and submits to the Monroe County tax collector on behalf of the City.

The stormwater assessment rate will continue to be \$120 per equivalent residential unit (ERU). The annual public hearing has been advertised to take place at this City Council meeting, August 9, 2022. The public hearing allows property owners an opportunity to address the City Council about the assessment program. Following approval by the Council, the assessment rolls will be delivered to the Monroe County Tax Collector for the 2022 taxable year as a non-ad valorem assessment.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>X</u>	___
2. Other – 2010 Sewer Mandate	<u>X</u>	___
3. Not applicable	___	___

FISCAL NOTE:

The resolutions will allow the City to collect non-ad valorem assessments through the tax collector.

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval of Resolution

RESOLUTION NO. 2022-82

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, IMPOSING THE ANNUAL STORMWATER UTILITY SPECIAL ASSESSMENTS FOR FISCAL YEAR COMMENCING OCTOBER 1, 2022; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon, Florida (the “City”) enacted Article II of Chapter 24 and Article III of Chapter 34 of the Code of Ordinances, City of Marathon, Florida (the “Code”), which established a Stormwater Utility and authorize the imposition of annual Stormwater Utility Service Assessments for Stormwater Utility services, facilities or programs against certain Assessable Property within the City; and

WHEREAS, the imposition of a Stormwater Utility Service Assessment for stormwater collection and treatment services, facilities and programs is an equitable and efficient method of allocating and apportioning Stormwater Costs among parcels of Assessable Property located in the City; and

WHEREAS, a Stormwater Utility Service Assessment was initially imposed upon all property within the City commencing October 1, 2005, which rate was established by Resolution 2005-107 (the “Initial Assessment Resolution”); and

WHEREAS, this Resolution shall serve as the Annual Assessment Resolution for Fiscal Year 2016-2017, and the Assessable Property in the City will be subject to the previously established special assessment amount for the Stormwater Utility; and

WHEREAS, as required by the Code the Assessment Roll has been filed with the office of the City Manager, and a notice of public hearing has been published; the proof of publication being attached hereto as Exhibit “A.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. This Resolution is adopted pursuant to the Code, Sections 166.021 and 166.041, *Florida Statutes*, and other applicable provisions of law.

Section 2. This Resolution is the Annual Assessment Resolution as defined in the Code. All capitalized terms in this Resolution shall have the meanings defined in the Code, and the Initial Assessment Resolution.

Section 3. (A) It is hereby ascertained and declared that each parcel of the Assessed Property within the City will be specially benefited by the City's provision of stormwater utility services in an amount not less than the Stormwater Utility Service Assessment for such parcel, computed in the same manner set forth in the Initial Assessment Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Code and the Initial Assessment Resolution from the City's stormwater utility and a legislative determination that the Stormwater Utility Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Rate Resolution.

(B) The method for computing and apportioning the Stormwater Utility Service Assessments described in the Initial Assessment Resolution is hereby approved.

(C) For Fiscal Year 2022-2023 the Stormwater Cost shall be allocated among all parcels of Assessed Property, based upon each parcel's classification as Non-Residential, Residential, and Unimproved Property and the number of ERUs for such properties. A rate of assessment equal to one hundred-twenty dollars (\$120.00) for each ERU for Stormwater collection and disposal services is hereby approved.

(D) The Stormwater Utility Service Assessment Rate of one hundred-twenty dollars (\$120.00) per ERU is hereby established to fund the specified Stormwater Cost determined to be assessed in Fiscal Year 2022-2023.

Section 4. The Stormwater Assessment Roll currently on file in the office of the City Manager and incorporated herein by reference is hereby approved.

Section 5. (A) The Stormwater Utility Service Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, counties, 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. The lien shall be deemed perfected upon adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) As to any Property that is acquired by a public entity through condemnation, negotiated sale or otherwise prior to adoption of the next Annual Assessment Resolution, the Adjusted Prepayment Amount shall constitute a lien against assessed 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. The lien shall be deemed perfected upon adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll upon adoption of the Annual Assessment Resolution.

Section 6. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act; provided however, that any Assessment against Government Property shall be collected pursuant to Section 24-134 of the Code. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the City Manager shall cause the certification and delivery of

the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

Section 7. If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 8. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9TH DAY OF AUGUST, 2022.

THE CITY OF MARATHON, FLORIDA

Mayor, John Bartus

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

City Clerk, Diane Clavier

(SEAL)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

City Attorney, Steve Williams

EXHIBIT "A"
PROOF OF PUBLICATION

FROM PAGE 1A

Property

FROM PAGE 1A

"Inventory is the biggest factor."

For a while there was no or very little inventory, but that is coming back, according to Derek Epperly, president of the Key West Realtors Association.

Last year, the average number of days a home was on the market was 79; this year it is 43, said Epperly.

Last year, the list average price in Key West was \$1.3 million and this year it is \$1.6 million; the sale average was \$1.1 million last year and \$1.3 million this

year, Epperly said.

"I think the market will normalize, which is still a good market locally, but we won't continue to see the 54% rising home values we have seen in the last couple years," Epperly said.

Keys-wide, sale prices increased from an average of \$935,000 last year to \$1.1 million this year, Langley said.

While the increases are good for local government agencies preparing their budgets and for sellers, it is another sign of how unaffordable the Keys have become for workers and their families.

tohara@keysnews.com

Busts

FROM PAGE 1A

Suspected cocaine and a bag containing a brown powdery substance were in view, and deputies discovered 16 grams of cocaine, .1 grams of fentanyl and \$1,256 in suspected drug proceeds.

Barnett was taken to Fishermen's Hospital then to jail, where he was being held on \$500,000 bond.



NOTICE OF BUDGET WORKSHOP AND REGULAR UTILITY BOARD MEETING

A BUDGET WORKSHOP AND REGULAR MEETING OF THE UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA, WILL BE HELD ON WEDNESDAY, JULY 20, 2022, AT 5:00P.M. IN THE KEYS ENERGY SERVICES BOARD ROOM, LOCATED AT 1001 JAMES STREET.

THE PURPOSE OF THE WORKSHOP IS TO DISCUSS THE SYSTEM'S PROPOSED BUDGET FOR FISCAL YEAR 2023 AND FIVE-YEAR FINANCIAL PLAN.

NOTICE OF SCHOOL DISTRICT MILLAGE ELECTION FOR THE DISTRICT OF MONROE COUNTY, FLORIDA ON AUGUST 23, 2022

On August 23, 2022, the School Board of Monroe County Florida will issue a referendum to the voters seeking approval to renew operational funding that will provide support for teacher salaries and the hiring of legally-required school security officers. The District intends to continue its reduced millage that will offset the amount raised by this referendum for operational funding.

The District intends to reduce millage for specified capital projects and make available an equivalent amount for operations. The following is the official ballot.

RENEWAL OF OPERATIONAL FUNDING FOR MONROE COUNTY SCHOOLS:

The School District seeks to continue its reduced millage for capital projects, making a proportional amount available for operational expenses, like teacher salaries. The District also seeks to continue retaining legally-required safe schools officers.

Shall the District enact a yearly ad valorem tax of no more than 0.5625 mill, for four (4) years beginning January 1, 2023, for raising revenue for purposes of funding enhanced security measures and operational expenses of Monroe County schools?

_____ YES _____ NO

This notice shall be published on **7/16/22; 7/30/22; 8/13/22**

adno=3854209-1

NOTICE OF PUBLIC HEARING ON PROPOSED ORDINANCE

The City Commission of the City of Key West, Florida, will consider the following Ordinance for Second Reading at a meeting and public hearing to be held at 5:00 p.m., or as soon thereafter as the matter may be heard, on August 2, 2022 at City Hall, 1300 White Street.

ORDINANCE NO. _____

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by creating Article V. Division 12, entitled "Parks and Recreation Advisory Board", by adding Section 2-610 through 2-613 in order to establish the Board; Providing for its creation, composition and terms, meetings and duties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

This proposed ordinance may be read in its entirety by requesting a copy from the City Clerk's Office by either phoning 305-809-3835 to request a copy or emailing Clerk@cityofkeywest-fl.gov. A full copy will also be published with the August 2, 2022 agenda at www.cityofkeywest-fl.gov. Any interested party who wishes to speak on this ordinance should contact the City Clerk's Office prior to the meeting.

Pursuant to F. S. 286.0105, notice is given that if a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and that, for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Cheryl Smith, MMC, CPM
City Clerk

Publish: Saturday, July 16, 2022

adno=3854087-1



NOTICE OF PUBLIC HEARING ON PROPOSED ORDINANCE

The City Commission of the City of Key West, Florida, will consider the following Ordinance for Second Reading at a meeting and public hearing to be held at 5:00 p.m., or as soon thereafter as the matter may be heard, on August 2, 2022 at City Hall, 1300 White Street.

ORDINANCE NO. _____

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses" by creating Article XIV entitled "Residential Tenancies"; By creating Article 1 entitled "Notice"; By creating Section 18-710 entitled "Written Notice Required"; By creating Section 18-711 entitled "Penalties"; Providing for severability; Providing for repeal of inconsistent provisions.

This proposed ordinance may be read in its entirety by requesting a copy from the City Clerk's Office by either phoning 305-809-3835 to request a copy or emailing Clerk@cityofkeywest-fl.gov. A full copy will also be published with the August 2, 2022 agenda at www.cityofkeywest-fl.gov. Any interested party who wishes to speak on this ordinance should contact the City Clerk's Office prior to the meeting.

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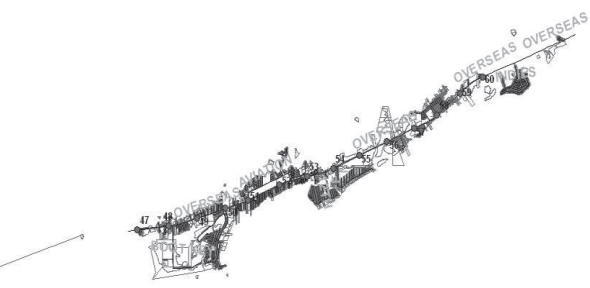
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Cheryl Smith, MMC, CPM
City Clerk

Publish: Saturday, July 16, 2022

adno=3854084-1

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS



Notice is hereby given that the City of Marathon, Florida, will conduct a public hearing to consider the imposition of special assessments against certain parcels of property located in the City. The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on August 9, 2022 at the City of Marathon Council Chambers, 9805 Overseas Highway, Marathon, Florida, for the purpose of receiving public comment on the proposed Assessment Area and assessments. In accordance with the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City at (305) 289-4130, at least five days prior to the public hearing. All affected property owners have a right to appear at the hearing and to file written objections with the City within 20 days of this notice. If a person wishes 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.

The assessments have been proposed to fund the on-going maintenance of stormwater collection and treatment facilities. The assessment for each parcel of property will be based, in part, on the number of equivalent residential units attributable to such parcel. The maximum annual assessment is estimated to be \$120.00 per ERU. A more specific description is set forth in the Preliminary Assessment Resolution adopted by the City Council on July 27, 2010. Copies of the Preliminary Assessment Resolution and the preliminary Assessment Roll are available for inspection at the offices of the City Manager, located at 9805 Overseas Highway, Marathon, Florida.

The assessments will be collected on the non-ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. If you have any questions, please contact Stormwater Utility at (305) 289-5005.

CITY OF MARATHON, FLORIDA

adno=3854303-1

NOTICE OF UTILITY BOARD INVESTMENT PLANNING COMMITTEE MEETING

THE INVESTMENT PLANNING COMMITTEE FOR THE UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA, WILL HOLD A MEETING ON WEDNESDAY JULY 20, 2022, AT 3:30 P.M. IN THE KEYS ENERGY SERVICES BOARD ROOM, LOCATED AT 1001 JAMES STREET, KEY WEST, FL.

adno=3854217-1



FLORIDA KEYS AQUEDUCT AUTHORITY

NOTICE OF EXECUTIVE SESSION (Labor Contract Negotiations)

Florida Keys Aqueduct Authority
1100 Kennedy Drive
Key West, Florida 33040

TUESDAY, JULY 26, 2022

10:30 a.m.

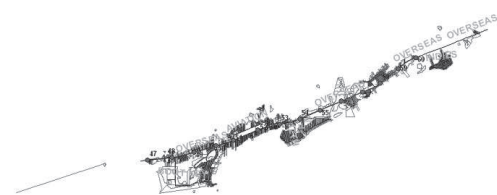
The Executive Session is a closed session pursuant to section 286.011 of the Florida Statutes for the purpose of discussing upcoming labor contract negotiation for the FKA. The subject matter shall be confined to labor contract issues and/or strategy session related to contract bargaining. For additional information contact Pam Albury, Executive Office Coordinator, 1100 Kennedy Drive, Key West, Florida, 33040, 305-295-2205 or email: palbury@fkaa.com.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the Florida Keys Aqueduct Authority, by phoning (305) 295-2205.

Publish: July 16, 2022

adno=3854099-1

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS FOR SERVICE AREAS 1, 3, 4, 5, 6 AND 7 (Including Little Venice and the Supplemental Assessment Program)



Notice is hereby given that the City of Marathon, Florida, will conduct a public hearing to receive public comment on the existing wastewater assessments against certain parcels of property located in the City and approve the special assessment roll for service areas 1, 3, 4, 5, 6, and 7 (including Little Venice and the Supplemental Assessment Program). The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on August 9, 2022 at the City of Marathon Council Chambers, 9805 Overseas Highway, Marathon, Florida for the purpose of receiving public comment on the assessments and their collection on the tax bill. In accordance with the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City at (305) 289-4130, at least five days prior to the public hearing. All affected property owners have a right to appear at the hearing and to file written objections with the City within 20 days of this notice. If a person wishes 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.

The Assessments were originally imposed in 2008, 2009, and 2011 to fund construction of wastewater collection and treatment facilities. The assessment for each parcel of property is based, in part, on the number of equivalent dwelling units attributable to such parcel, and, in part, on the number of connections attributable to such parcel. Unless prepaid, the annual assessment will include your share of the principal, interest and collection cost. The maximum annual assessment is estimated to be \$415 per EDU and \$93 per Connection for Service Areas 1, 3, 4, 5, 6 & 7, and Little Venice is levied at \$308.82 per connection. A more specific description is set forth in the Initial Assessment Resolution adopted by the City Council on June 24, 2008 and June 9, 2009. Copies of the Initial Assessment Resolution, the plans and specifications for the wastewater collection and treatment facilities, and the preliminary Assessment Roll are available for inspection at the offices of the City Manager, located at 9805 Overseas Highway, Marathon, Florida.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The City Council intends to collect the assessments in not to exceed twenty (20) annual assessments, the first of which was included on the ad valorem tax bill mailed in November 2009. Future annual assessments may be prepaid at the option of the property owner.

If you have any questions, please contact the Wastewater Utility at (305) 289-5005.

CITY OF MARATHON, FLORIDA

adno=3854302-1

