

COUNCIL AGENDA STATEMENT



Meeting Date: August 8, 2023
To: Honorable Mayor & Members of the City Council
From: Dan Saus, Utilities Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-69**, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2023; 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 8, 2023. 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 2023 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. 2023-69

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, IMPOSING THE ANNUAL STORMWATER UTILITY SPECIAL ASSESSMENTS FOR FISCAL YEAR COMMENCING OCTOBER 1, 2023; 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 2023-2024, 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 2023-2024 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 2023-2024.

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 8TH DAY OF AUGUST, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

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

THE CITIZEN

KEY WEST

The Florida Keys Only Daily Newspaper, Est. 1876
PO Box 1800, Key West FL 33041
P: (305) 292-7777 ext. 219 F: (305) 295-8025
legals@keysnews.com

CITY OF MARATHON
9805 OVERSEAS HWY
MARATHON FL 33050-3339

Account: 420015

Ticket: 3897130

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

[legal.text]

Before the undersigned authority personally appeared

_____Melinda Prescott_____, who on oath says that he or she is

The legal advertising representative of the Key West Citizen, a five day newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of _____ was published in said newspaper in the issues of:

Saturday, July 15, 2023

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida Tuesday thru Saturday weekly, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Prescott

(Signature of Affiant)

Affirmed and subscribed before me this 17th day of July 2023

Laura M Robins

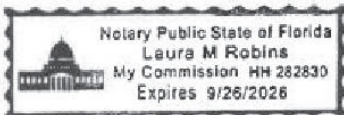
(Notary Public Signature)

_____Laura M Robins_____

(Notary Public Printed Name)

My commission expires _____9/26/2026_____

Personally Known X Produced Identification _____
Type of Identification Produced _____ (Notary Seal)_____



Proud to be your trusted news source.



PUBLIC NOTICE OF UNCLAIMED BOND MONEY

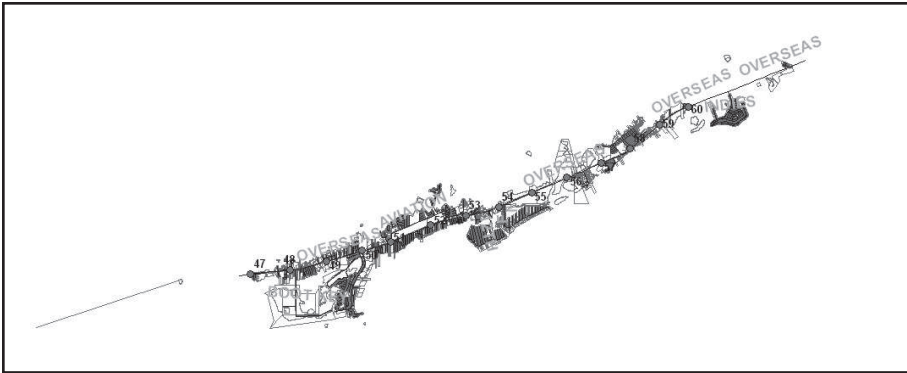
The following is a list of unclaimed money, published pursuant to F.S. 116.21 in the custody of Richard A. Ramsay, Sheriff of Monroe County, Florida. Unless such monies are claimed on or before September 1, 2023, they shall be forfeited to Monroe County.

Name	Amount	Name	Amount
Alhorn, Joshua	15.00	Lopez Rosario, Rigoberto	4,582.00
Barahona Lovos, Guillermo	20.00	Lopez Yaquian, Willian	5.00
Cid Guzman,Uriel	85.00	Manzanarez Altamirano, Freddy	500.00
De Jesus Jimenez, Luis	45.00	Marquez Zavala, Katherine	373.00
Denny, Jonathan	100.00	Martinez Ramos, Jorge	2,187.00
Espana Espana, Adelmo	20.00	Montinor, Joseph	373.00
Fadeykin, Alexsandr	328.00	Negron, Andres Ramon	328.00
Figueroa Melendez, Ovelin	85.00	Perez Fuentes, Oscar	373.00
Fuentes Pena, Oscar	45.00	Prats, Lisandro	15.00
Gomez, Jasiel	163.00	Price, Marvin	328.00
Gomez, Jasiel	323.00	Ramos, Sanjuanita	373.00
Gomez-Munguia, Ana	2,063.96	Scott, Gene Kevin	42.00
Groves, Scott	500.00	Torres, Carlos	100.00
KMART	123.04	Vazquez Hernandez, Yusgnsky	20.00

Persons having or claiming any interest in said funds or any portion of them shall file their written claims to the Sheriff of Monroe County, on or before September 1, 2023, and show sufficient proof to the Sheriff of Monroe County of his/her ownership and upon doing so, shall be entitled to receive any part of the monies so claimed.

adno=3897103-1

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 8, 2023 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=3897130-1

FROM PAGE 1A

McKee

FROM PAGE 1A

At 99, McKee says one book lasts her about two nights.

"All of the things they have at the Key West Library, they have now because of our efforts," said McKee.

After serving on the fledgling Monroe County Arts Council, McKee started her iconic artist's trust with a simple philosophy.

"I started the fund because of my love of the arts," she said. "We must nurture our local artists while keeping the community attractive to creative people."

McKee saw a pressing need to assist individual artists from Key West. Now, after more than 25 years, the non-profit organization supports various visual, literary and performance artists whose creative



ROB O'NEAL/Keys Citizen

American Red Cross Humanitarian of the Year award recipient for 1998, Anne McKee, left, attends the 2003 event with her husband of 30 years, Ross McKee.

contributions have added to and enriched the quality of life throughout the Florida Keys.

McKee's primary fundraising vehicle was the annual Anne McKee Fine Art Auction. It featured works of art from artists throughout the Florida Keys, with 50% of the proceeds being returned to them.

"I was always committed that we weren't going to ask

artists — or anybody — for money," said McKee. "We'd auction the art and half would go to the artists in the auction, and the other half would go to the artists we support. It worked."

If you would like to donate to the Anne McKee Artist's Fund, visit <http://www.mckeefund.org>.

ted.lund@keysnews.com

NOTICE OF RETIREE HEALTHCARE TRUST MEETING, BUDGET WORKSHOP AND REGULAR MEETING

FLORIDA KEYS MOSQUITO CONTROL DISTRICT BOARD OF COMMISSIONERS

TUESDAY, JULY 18, 2023

1:00 PM

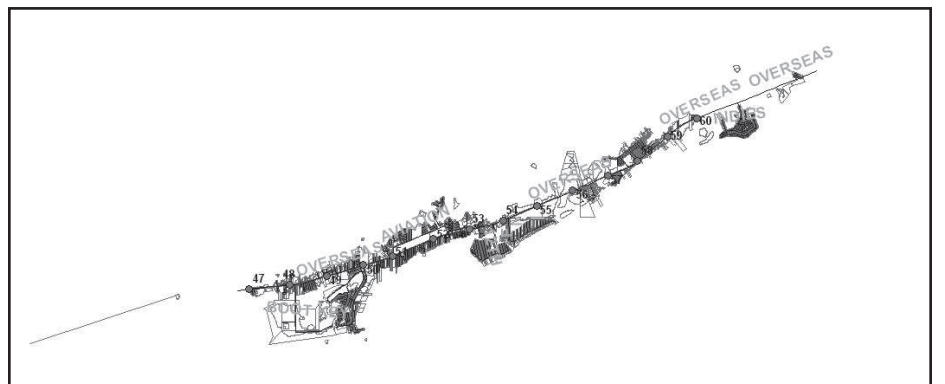
The **Retiree Healthcare Trust Meeting** will begin at 1pm. The **Budget Workshop** will immediately follow. The **Regular Meeting** will immediately follow.

FKMCD Marathon Office
503 107th Street
Marathon, FL 33050

Members of the public who wish to participate virtually may view the meeting at www.keysmosquito.org/board-meetings, and may provide community input by calling 305-292-7190 or emailing ddarias@keysmosquito.org no later than 11:00am on July 18, 2023 with your name, address, and agenda number of the item(s) you wish to comment on, along with a phone number you can be reached on the date of the meeting. If you are attending the meeting remotely, you must remain available by phone from the hours of 1:00pm to 4:00pm. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance. Please contact the District by calling (305) 292-7190 or emailing questions@keysmosquito.org.

adno=3896904-1

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS FOR SERVICE AREAS 1, 3, 4, 5, 6 AND 7 (Including 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 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 8, 2023 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. 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=3897129-1