LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Gregg Lynk, City Manager
DATE: May 4, 2017
RE: Stormwater Utility Initial Assessment Resolution

The Public Works Department is requesting the adoption of a resolution electing to use the uniform method of collecting non-ad valorem special assessments for the cost of providing stormwater services to properties within the City of Palm Bay, as authorized by section 197.3632, Florida Statutes, as amended. This resolution will allow such special assessments to be collected annually commencing in November 2017, in the same manner as provided for ad valorem taxes. This resolution states the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of the resolution, which contains the legal description of the real property subject to the levy, will be on file at the City Clerk's Office.

This resolution changes the collection method of stormwater service fees and will improve our current collection process which utilizes the City’s Utility Department’s billing process through bills sent out annually, quarterly and monthly. Currently our customers receiving annual billing have the highest rate of non-payment. This resolution will improve that trend due to the use of the Brevard County tax collection process.

REQUESTING DEPARTMENTS:
Public Works Department, City Attorney’s Office, City Manager’s Office

FISCAL IMPACT:
The Brevard County Tax Collection office can place up to a 2% fee for processing our Stormwater Utility service fees.

RECOMMENDATION:
Motion to approve initial assessment resolution to use uniform method of collection, Non-Ad Valorum Assessments for Stormwater Utility fees.

Attachments: 1) Initial Assessment Resolution

BW/ab
RESOLUTION NO. 2017-15

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES; ESTIMATING THE COST OF STORMWATER MANAGEMENT SERVICE PROVIDED BY THE CITY’S STORMWATER MANAGEMENT UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE BENEFITED THEREBY; ESTABLISHING THE METHOD OF ASSESSING THE COST OF STORMWATER MANAGEMENT SERVICES AGAINST THE REAL PROPERTY THAT WILL BE BENEFITED THEREBY; ESTABLISHING THE METHOD OF CHARGING THE COST OF STORMWATER MANAGEMENT SERVICES TO GOVERNMENT PROPERTY; DIRECTING THE STORMWATER MANAGEMENT UTILITY DIRECTOR TO PREPARE OR DIRECT THE PREPARATION OF THE INITIAL STORMWATER ROLLS BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER SERVICE ASSESSMENTS AND STORMWATER SERVICE FEES AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. PURPOSE AND DEFINITIONS. This resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Agricultural Property" means a Tax Parcel containing a bona fide Farm Operation on land classified as agricultural pursuant to section 193.461, Florida Statutes.
“Benefited Property” means all parcels of real property, including all Assessed Property and all Government Property, that is located within the Stormwater Service Area and included on the Stormwater Roll, contains Impervious Area, Pervious Area (including vacant and undeveloped properties), or any combination thereof, and receives a benefit from the Stormwater Management Services.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

"Building Footprint" means the actual square footage of a Building as reflected on the Tax Roll, divided by the number of levels or floors within the Building.

"Comprehensive Plan" means the most recent version of the comprehensive plan adopted by the Board pursuant to Chapter 163, Part II, Florida Statutes.

"Condominium Complex" means a condominium community created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

"Condominium Common Area Parcel" means a Tax Parcel of Benefited Property including one or more "common elements," as defined in section 718.103, Florida Statutes of a Condominium, the taxable value of which has been attributed to either Condominium Residential Unit Parcels or Condominium Non-Residential Unit Parcels by the Property Appraiser.

"Condominium Residential Unit Parcel" means a Tax Parcel of Benefited Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes.
Statutes, which contains a Dwelling Unit and is assigned a DOR Code 04 in the DOR Codes.

"Condominium Non-Residential Unit Parcel" means a Tax Parcel of Benefited Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes, which does not contain a Dwelling Unit and is assigned a DOR Code ending in 04 in the DOR Codes.

"DOR Code" means a property use code established in Rule 12D-8.008, Florida Administrative Code, as applied by the Property Appraiser.

"Drainage Basin" means a part of the earth's surface that contributes Stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

"Dwelling Unit" means a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

“Effective Impervious Area” means 100% of the Impervious Area attributable to a Benefited Property plus 15% of the Pervious Area attributable to such Benefited Property.

"ERU" means "equivalent residential unit," the standard unit used to express the Stormwater burden expected to be generated by each parcel of property.

"ERU Value" means the Effective Impervious Area for a typical Single Family Parcel within the Stormwater Service Area, which the City has computed is equal to 4,693 square feet of Effective Impervious Area.

"Farm Operation" is as defined in section 163.3162(2), Florida Statutes.
"Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the Fiscal Year for the City.

"General Parcel" means a Tax Parcel of Benefited Property that is not a Single Family Parcel, a Condominium Common Area Parcel, a Condominium Residential Unit Parcel, or a Condominium Non-Residential Unit Parcel.

"Government Leasehold" means a Building located on a Tax Parcel of Government Property that is leased to a private entity for proprietary use.

"Government Property" means property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

"Impervious Area" means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development.

"Large Single Family Parcel" means a Single Family Parcel with a Building Footprint between 2,701 and 4,600 (inclusive) square feet.

"Medium Single Family Parcel" means a Single Family Parcel with a Building Footprint between 1,501 and 2,700 (inclusive) square feet.
"Mitigation Credit" means, for any Parcel of Benefited Property, a number between 0.0 and 100 representing a reduction in the Stormwater burden expected to be generated by such Parcel attributable to privately maintained Stormwater management facilities and other factors affecting the quantity or quality of Stormwater runoff.

"Mitigation Credit Factor" means the figure computed by subtracting the Mitigation Credit from 1.00.

"Mitigation Credit Policy" means the City of Palm Bay Stormwater Utility Mitigation Credit Policy attached hereto as Appendix B.

"Mitigation Facility" means a manmade facility or structure on the site of a Benefited Property which, by its design and function, retains or detains Stormwater on-site and thus generates less volume of Stormwater from the site or produces Stormwater runoff at a lower rate and/or with less pollutants than would be the case in the absence of such facilities or structure.

"Net ERU" means the standard unit used to express the Stormwater burden expected to be generated by each parcel of property, after taking into consideration any mitigation of the Stormwater burden that results from privately maintained Stormwater management facilities and other factors affecting the quantity, quality, or rate of Stormwater runoff.

"Ordinance" means the Master Capital Project and Service Assessment Ordinance, adopted by the Council on May 4, 2017, as Ordinance No. ___, as it may be amended from time to time.
“Pervious Area” means permeable areas which admit or more freely allow passage of water into the soil mantle. The Pervious Area of a Tax Parcel includes those areas which are not Impervious Area, Submerged Lands, and/or Wetlands.

“Single Family Parcel” means a Tax Parcel of Benefited Property assigned a DOR Code of 01 or 02 in the DOR Codes.

“Small Single Family Parcel” means a Single Family Parcel with a Building Footprint between 100 and 1,500 (inclusive) square feet.

“Stormwater” means any surface runoff and drainage of water from land surfaces, including both Impervious and Pervious Areas.

“Stormwater Improvement” means land, capital facilities and improvements acquired or provided to detain, retain, convey or treat Stormwater within the City.

“Stormwater Management Facilities” means the systems, facilities, lands, and water bodies utilized in collecting, conveying, storing, managing, and treating Stormwater generated within the Stormwater Service Area. The term includes but is not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.

“Stormwater Management Service” means (A) management and administration of the City’s Stormwater Management Utility, including administration, planning, and permitting requirements; (B) Stormwater program engineering; (C) Drainage Basin planning; (D) Stormwater Improvements to be acquired or constructed within a reasonable time horizon without the issuance of any debt or borrowing; (E) operating and maintaining the City’s capital facilities for Stormwater management, including extraordinary maintenance; (F) billing and collection of Stormwater Service Assessments and
Stormwater Service Fees, including customer information and educational services and reserves for statutory discounts; and (G) legal, engineering and other consultant services.

"Stormwater Management Utility" means the entity established by City Ordinance No. 2010-33 to operate and administer the City’s Stormwater Management Service.

"Stormwater Management Utility Director" means the person designated by the City Public Works Department Director or City Manager to oversee and administer the City’s Stormwater Management Utility.

“Stormwater Roll” means the property roll relating to Stormwater Management Services approved by a Final Assessment Resolution or an Annual Rate Resolution.

"Stormwater Service Area" means the geographic area described in Appendix “A” attached hereto that encompasses all Tax Parcels within the City that specially benefit from the Stormwater Management Service.

"Stormwater Service Assessment" means a special assessment imposed by the City against Assessed Property within the Stormwater Service Area to fund all or any portion of the Stormwater Service Cost properly attributable to the Stormwater Management Service provided by the City to such Assessed Properties.

"Stormwater Service Cost" means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Stormwater Management Service provided within the Stormwater Service Area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the City for any moneys advanced for the Stormwater Management Service, and interest on any interfund or intrafund loan for such purpose.
"Stormwater Service Fee" means a fee reasonably related to service provided by the City to Government Property to fund all or any portion of the Stormwater Service Cost for Government Property at a just, fair, reasonable, and equitable rate based upon such property's Stormwater burden, the reasonable relationship to benefits received, and the reasonable cost of providing Stormwater Management Services to such property. The Stormwater Service Fee imposed against Government Property is not a special assessment; it is a regulatory fee imposed for the Stormwater Management Service provided to Government Property as Benefited Property by the City's Stormwater Management Utility.

“Submerged Lands” means all lands permanently, or under ordinary circumstances nearly permanently, covered by water, including all waters on the surface of the Earth, contained in bounds created naturally or artificially, including bays, bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, streams, springs, creeks, branches, sloughs, tributaries, and other watercourses.

"Tax Parcel" means a parcel of property which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Very Large Single Family Parcel" means a Single Family Parcel with a Building Footprint greater than 4,600 square feet.

“Wetlands” means those areas as classified by the U.S. Fish and Wildlife Service that are inundated or saturated by Stormwater or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.
SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this resolution; 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 1.03. GENERAL FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, section 2(b), Florida Constitution, sections 166.021 and 166.041, Florida Statutes, and the Palm Bay Home Rule Charter, the City has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of ordinances.

(B) The Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of section 166.021(3), Florida Statutes, are not relevant to the imposition of Stormwater Service Assessments by the City.

(C) In November 2016, the electors of the City voted to amend section 6.02 of the City Charter to allow for the imposition of special assessments, without a referendum, against property receiving a special benefit from certain enumerated services and
improvements, including for the provision of a comprehensive Stormwater management system and services and improvements related thereto.

(D) Section 403.0893, Florida Statutes, specifically authorizes and encourages the City to provide Stormwater Management Services and create Stormwater programs and adopt Stormwater charges sufficient to plan, construct, operate and maintain the Stormwater management systems.

(E) The Florida Legislature has mandated that local governments in the State of Florida, including the City, have the responsibility for developing mutually compatible stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection and the water management districts and the stormwater management programs established and maintained by other local governments.

(F) The City is responsible for the management and maintenance of the City's Stormwater management system which has been developed for the purpose of collection, storage, treatment, and conveyance of Stormwater. The City has, pursuant to Chapter 163, Florida Statutes, adopted the objectives and policies found in CON-1.2 of the Conservation Element of the City of Palm Bay Comprehensive Plan, which sets forth goals that make it necessary and essential to construct improvements and extensions to the existing Stormwater system so the collection, storage, treatment, and conveyance of Stormwater within the City adequately protects the health, safety, and welfare of the citizens. The creation and maintenance of the City's existing Stormwater Utility was designed to implement the Conservation Element of the City of Palm Bay Comprehensive
Plan and other municipal, federal and state policies mandating Stormwater management programs by local governments.

(G) Through the National Pollutant Discharge Elimination System Stormwater permitting program, the U. S. Environmental Protection Agency, as implemented by the Florida Department of Environmental Protection, has mandated the City to implement and fund a comprehensive Stormwater management program to reduce the contamination to surface waters of stormwater runoff and prohibit illicit discharges.

(H) The Stormwater Service Assessments and Stormwater Service Fees authorized herein are consistent with the authority granted in section 403.0893, Florida Statutes. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to the City.

(I) The City maintains a system of Stormwater management facilities, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways. Those elements of the City Stormwater management system that provide for the collection, storage, treatment, and conveyance of Stormwater are of benefit and provide services to all Benefited Property within the Stormwater Service Area.

(J) The public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate Stormwater management practices. All Benefited Property either uses the Stormwater management system or benefits from the provision and operation of the Stormwater Management Services provided by the City.

(K) The cost of operating and maintaining the Stormwater management system and providing Stormwater Management Services in accordance with existing permits and
the financing of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused therefrom.

(L) Property owners within the City are eligible for flood insurance through the National Flood Insurance Program (NFIP), which enables these property owners to acquire federally backed flood insurance protection. To ensure that this coverage is available, the City is required to meet the minimum FEMA requirements for participation in the NFIP and failure to meet these requirements could result in flood insurance being either unavailable or prohibitively expensive to property owners within the City.

(M) New and dedicated funding for the Stormwater management program of the City is needed to maintain compliance with state and federal requirements, for participation in the NFIP, and the levy of Stormwater Service Assessments and Stormwater Service Fees is the most equitable method of providing this funding.

(N) The Stormwater Service Assessments and Stormwater Service Fees to be imposed in accordance with this Resolution provide an equitable method of funding the Stormwater Management Services by fairly and reasonably allocating the cost to benefitted property.

(O) Upon the adoption of this Initial Assessment Resolution that certain report entitled "City of Palm Bay, Florida, Stormwater Services Assessment Report," dated as of April, 2017 and prepared by Government Services Group, Inc. (the “Stormwater Assessment Report”), is hereby adopted and incorporated herein by reference, including the assumptions, conclusions, and findings in such study as to the determination of the Stormwater Service Assessments and Stormwater Service Fees.
The special benefits provided by the Stormwater Management Services to all Benefited Property located within the Stormwater Service Area include, but are not limited to: (1) the provision of Stormwater Management Services and the availability and use of facilities and improvements by the owners and occupants of Benefited Property to properly and safely detain, retain, convey and treat Stormwater discharged from such properties; (2) stabilization of or the increase of property values; (3) increased safety and better access to property; (4) improved property appearance; (5) rendering property more adaptable to a current or reasonably foreseeable new and higher use; (6) alleviation of the burdens caused by Stormwater runoff and accumulation attendant with the use of Benefited Property; and (7) fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the Stormwater Service Area.

The Stormwater Service Assessments and Stormwater Service Fees authorized by this Initial Assessment Resolution provide an equitable method of funding the Stormwater Service Cost attributed to Benefited Property by fairly and reasonably allocating the Stormwater Service Cost to such properties classified on the basis of the Stormwater burden expected to be generated by the physical characteristics and use of such property. Further, the Stormwater Service Fees provide a reasonable method of funding the Stormwater Service Cost attributed to Government Property because such costs provide a reasonable estimation of the costs of providing Stormwater Management Services to Government Property and managing the burden generated by the use of Government Property as individually classified on the basis of the Stormwater burden expected to be generated.
(R) The City's Surface Water Management Services are necessitated by the existence of both Impervious Area and Pervious Area because both types of surfaces contribute Stormwater runoff to the City's Stormwater Management Facilities, which must be managed and treated by the City. Additionally, the City is required to undertake certain federally mandated permit activities for all properties within the Stormwater Service Area, including Pervious and Impervious Areas.

(S) The existence of both Impervious Area and Pervious Area contributes to the City's burden of managing Stormwater within the Stormwater Service Area. The Effective Impervious Area methodology utilized to apportion the Stormwater Service Cost more accurately measures the expected Stormwater runoff from all Impervious Area and Pervious Area located on such properties and, as explained herein, provides an equitable method of calculating each property's proportionate share of the burden of providing Stormwater Management Services.

(T) If rainfall were applied at a constant rate to an Impervious Area, the Stormwater runoff from such Impervious Area would eventually reach a rate equal to the rate of the rainfall. As a result, absent specific Mitigation Facilities, 100% of the Stormwater from an Impervious Area would eventually reach the City's Stormwater Management Facilities. It is thus fair and reasonable to include 100% of the Impervious Area in determining such property's Stormwater contribution to the Stormwater Management Services.

(U) Pervious Areas also contribute to the amount of Stormwater runoff that is generated by property. However, the expected Stormwater generated by Pervious Area is less than that generated by Impervious Area due to the porous nature of Pervious Area
and its ability to absorb some amount of water before it escapes the property. The absorbent potential of Pervious Areas is dictated by soil type as well as the slope of land, with sloped areas of a steeper grade generating more Stormwater runoff. Pursuant to the Stormwater Assessment Report and the attachments thereto, the Council finds that the City consists of mainly well-drained, sandy soil. Furthermore, the degree of slope found throughout the City varies. Thus, utilizing engineering reference materials which categorize runoff by surface, slope, and soil type, as further described in the Stormwater Assessment Report and attachments thereto, it is fair and reasonable to utilize a coefficient associated with well-drained, sandy soil with an intermediate level of slope to measure the expected Stormwater runoff generated by Pervious Area that will reach the City’s Stormwater Management Facilities. Such coefficient is 15%, and is a fair and reasonable factor to utilize in determining a property’s Pervious Area’s overall Stormwater contribution to the Stormwater Management Facilities.

(V) Accordingly, it is fair and reasonable and consistent with the foregoing analysis to calculate the Effective Impervious Area of a Benefited Property as 100% of the Impervious Area plus 15% of the Pervious Area attributable to such property.

(W) Submerged Lands and Wetlands, which contain rather than contribute Stormwater, do not contribute to the burden of providing Stormwater Management Services and are not included in the calculation of the Effective Impervious Area attributable to a Benefited Property.

(X) Data representing the actual Effective Impervious Area of Single Family Parcels is not readily available or easily ascertainable. Furthermore, considering the comparatively large number of Single Family Parcels within the Stormwater Service Area, it
would be administratively burdensome and costly to measure the Effective Impervious Area of all Single Family Parcels, and would not constitute an effective use of limited City resources.

(Y) As further described in the Stormwater Assessment Report and in Article III hereof, utilizing a statistically valid sample of Single Family Parcels for which the Effective Impervious Area was actually measured, the City determined that the Building Footprint of a Single Family Parcel correlates with the Effective Impervious Area of a Single Family Parcel and thus represents a reasonable method of estimating the Effective Impervious Area of a Single Family Parcel.

(Z) Some Tax Parcels within the Stormwater Service Area may contain certain Mitigation Facilities, which are manmade facilities or structures on site that by their design and function retain and/or detain Stormwater on-site and thus generate less volume of Stormwater from the site or produces Stormwater runoff at a lower rate and/or with less pollutants than would be the case in the absence of such facilities or structure. It is fair and reasonable to reduce the Stormwater Service Assessment and Stormwater Service Fees imposed upon such Tax Parcels by permitting them to apply for Mitigation Credits through the process described herein.

(AA) In accordance with section 163.3162(3)(c), Florida Statutes, the City is prohibited from charging a Stormwater Service Assessment or Stormwater Service Fee on certain Agricultural Property, if such Farm Operation has a National Pollution Discharge Elimination System Permit, an environmental resource permit, a works-of-the-district permit, or if it has implemented best management practices adopted as rules by the Florida Department of Environmental Protection, the Department of Agricultural and Consumer
Services, or an appropriate water management district. Accordingly, any Owner of Agricultural Property demonstrating that they meet the outlined requirements shall be granted a Mitigation Credit from the Stormwater Service Assessment and Stormwater Service Fee.

(BB) Any shortfall in the expected proceeds from the Stormwater Service Assessment and Stormwater Service Fee due to any reduction or exemption from payment thereof required by law or authorized by the Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Stormwater Service Assessment or Stormwater Service Fee. In the event a court of competent jurisdiction determines any exemption or reduction by the Council is improper or otherwise adversely affects the validity of the Stormwater Service Assessment or Stormwater Service Fee, the sole and exclusive remedy shall be the imposition of a Stormwater Service Assessment or Stormwater Service Fee, as applicable, upon each affected Tax Parcel in the amount that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel.

ARTICLE II

STORMWATER SERVICE ASSESSMENTS

SECTION 2.01. STORMWATER SERVICE AREA.

(A) The Stormwater Service Area shall include the property shown in Appendix A attached hereto and incorporated by reference, which includes all areas of the City that are presently equipped with Stormwater Management Facilities and are provided Stormwater Management Services by the City.
(B) The Stormwater Management Utility shall provide Stormwater Management Services to all Benefited Property within the Stormwater Service Area. All or any portion of the Stormwater Service Cost may be funded from the proceeds of the Stormwater Service Assessments and Stormwater Service Fees.

(C) The Stormwater Management Utility may also acquire and construct capital facilities to assist and facilitate the provision of Stormwater Management Services within the Stormwater Service Area.

SECTION 2.02. IMPOSITION AND COMPUTATION.

(A) The estimated Stormwater Service Cost for the Fiscal Year beginning on October 1, 2017 is $11,869,757.00.

(B) A Stormwater Service Assessment shall be imposed against all Assessed Property within the Stormwater Service Area. The estimated Stormwater Service Cost attributable to Assessed Property shall be assessed against all Tax Parcels of Assessed Property within the Stormwater Service Area at a rate of assessment based upon the special benefit accruing to such Assessed Property from the City's provision of Stormwater Management Services, measured by the number of Net ERUs attributable to each Tax Parcel.

(C) A Stormwater Fee shall be imposed against all Government Property within the Stormwater Service Area. The estimated Stormwater Service Cost attributable to Government Property shall be charged against all such Tax Parcels at a rate based upon the properties’ demands for service from the Stormwater Utility and the Stormwater burden created by such properties, measured by the number of Net ERUs attributable to each Parcel of Government Property.
(D) For the Fiscal Year beginning October 1, 2017, the Stormwater Service Assessment and Stormwater Service Fee, as applicable, will be computed for each Tax Parcel located within the Stormwater Service Area by multiplying the number of Net ERUs attributable thereto by the per Net ERU rate of $177.13; provided however, that the $177.13 rate per Net ERU shall be reduced, if necessary, to ensure that the aggregate Stormwater Service Assessments and Stormwater Service Fees within the Stormwater Service Area do not exceed the Stormwater Service Cost.

SECTION 2.03. STORMWATER ROLLS.

(A) The Stormwater Management Utility Director is hereby directed to prepare, or direct the preparation of, the Stormwater Roll for the Stormwater Service Assessments and the Stormwater Roll for the Stormwater Service Fees in the manner provided in the Ordinance.

(B) A copy of this Initial Assessment Resolution and the preliminary Stormwater Rolls shall be maintained on file in the office of the Stormwater Management Utility Director and open to public inspection. The foregoing shall not be construed to require that the Stormwater Rolls be in printed form if the amount of the Stormwater Service Assessment and Stormwater Service Fee for each Tax Parcel can be determined by use of an available computer terminal.
SECTION 2.04. METHOD OF COLLECTION.

(A) The Stormwater Service Assessments shall be collected from all Assessed Property pursuant to the Uniform Assessment Collection Act as provided in Section 5.01 of the Ordinance. For purposes of this Initial Assessment Resolution, Stormwater Service Assessments against Government Leaseholds that are included on the Tax Bill will be collected pursuant to the Uniform Assessment Collection Act as provided in Section 5.01 of the Ordinance.

(B) The Stormwater Service Fees shall be collected from Government Property through the City’s existing utility billing system.

ARTICLE III
DETERMINATION OF NET ERUs

SECTION 3.01. CLASSIFICATION OF TAX PARCELS. Each Tax Parcel located within the Stormwater Service Area shall be assigned to one of the following classifications: Small Single Family Parcels, Medium Single Family Parcels, Large Single Family Parcels, Very Large Single Family Parcels, Condominium Residential Unit Parcels, Condominium Non-Residential Unit Parcels, Condominium Common Area Parcels, or General Parcels.

SECTION 3.02. SINGLE FAMILY PARCELS.

(A) The Council hereby finds and determines as follows:

(1) Single Family Parcels constitute approximately 53% of the approximate 76,531 Benefited Properties and Government Properties located within the Stormwater Service Area.
(2) The Pervious Area and Building Footprint information on the Tax Roll is the most comprehensive and recent data available for Single Family Parcels within the Stormwater Service Area. The cost of measuring or verifying the Effective Impervious Area for each individual Single Family Parcel greatly exceeds any benefit to be derived from individual measurement and verification.

(3) Through a statistically valid sampling procedure of all Single Family Parcels within the Stormwater Service Area, it has been determined that the typical Single Family Parcel within the Stormwater Service Area contains 4,693 square feet of Effective Impervious Area and that a Single Family Parcel with 4,693 square feet of Effective Impervious Area equates to an average Building Footprint of 2,076 square feet.

(4) The Building Footprint of each Single Family Parcel as reflected on the Tax Roll constitutes a reasonable proxy for Effective Impervious Area.

(B) The City has estimated 4,693 square feet of Effective Impervious Area for a typical Medium Single Family Parcel within the Stormwater Service Area. Accordingly, the number of Net ERUs attributable to each Medium Single Family Parcel shall be computed by multiplying one (1) ERU by the appropriate Mitigation Credit Factor.

(C) The City has estimated 3,221 square feet of Effective Impervious Area for a typical Small Single Family Parcel within the Stormwater Service Area. Accordingly, the number of Net ERUs attributable to each Small Single Family Parcel shall be computed by multiplying 0.7 ERUs by the appropriate Mitigation Credit Factor.

(D) The City has estimated 6,527 square feet of Effective Impervious Area for a typical Large Single Family Parcel within the Stormwater Service Area. Accordingly, the
number of Net ERUs attributable to each Large Single Family Parcel shall be computed by multiplying 1.4 ERUs by the appropriate Mitigation Credit Factor.

(E) The number of Net ERUs attributable to each Very Large Single Family Parcel shall be computed as a General Parcel, in accordance with Section 3.05 hereof.

SECTION 3.03. RESIDENTIAL CONDOMINIUM PARCELS.

(A) The Council hereby finds and determines as follows:

(1) A residential condominium constitutes a unique form of real property ownership comprised of Condominium Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable and in accordance with section 718.120, Florida Statutes, to attribute the Impervious Area of Condominium Common Area Parcels to the Condominium Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(B) The number of Net ERUs attributable to each Condominium Residential Unit Parcel in a Condominium Complex shall be the amount computed by multiplying (a) the amount calculated by (i) dividing the Effective Impervious Area of the Condominium Complex in which the Condominium Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ERU Value, and (ii) dividing the result by the total number of Condominium Residential Unit Parcels located within such Condominium Complex, by (b) the appropriate Mitigation Credit Factor.

SECTION 3.04. NON-RESIDENTIAL CONDOMINIUM PARCELS.

(A) The Council hereby finds and determines as follows:
(1) A non-residential condominium constitutes a unique form of real property ownership comprised of Condominium Non-Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable and in accordance with Section 718.120, Florida Statutes, to attribute the Effective Impervious Area of Condominium Common Area Parcels to the Condominium Non-Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(B) The number of Net ERUs attributable to each Condominium Non-Residential Unit Parcel in a Condominium Complex shall be the amount calculated by (a) dividing the Effective Impervious Area of the Condominium Complex in which the Condominium Non-Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ERU Value, and then (b) multiplying the total number of ERUs assigned to the Condominium Complex by the percentage of Building square footage allocated to all Condominium Non-Residential Unit Parcels to arrive at the total ERUs for all Condominium Non-Residential Unit Parcels, and then (c) dividing the total ERUs for all Condominium Non-Residential Unit Parcels by the amount determined by (i) dividing the square footage of each Condominium Non-Residential Unit Parcel by (ii) the total non-residential square footage in the Condominium Complex, and then (c) multiplying that figure by the appropriate Mitigation Credit Factor.

SECTION 3.05. GENERAL PARCELS. The number of Net ERUs attributable to each General Parcel shall be determined by (1) dividing the Effective Impervious Area of
the General Parcel by the ERU Value, and (2) multiplying the result by the appropriate Mitigation Credit Factor.

SECTION 3.06. APPROVAL OF MITIGATION POLICY.

(A) The Council hereby finds that the Mitigation Credit Policy is fair and reasonable and, therefore, approves the Mitigation Credit Policy attached hereto as Appendix B.

(B) The Board recognizes the benefits provided by privately maintained Mitigation Facilities. Properties supporting private Stormwater management facilities should be credited for the public benefits they provide. Accordingly, the number of ERUs otherwise attributable to such property shall be adjusted by a Mitigation Credit determined in accordance with the Mitigation Credit Policy.

(C) In order to receive a Mitigation Credit for which property is eligible, prior to July 14, 2017, and, thereafter, prior to the June 1 preceding the Fiscal Year for which reapplication is required, the property owner shall file a Mitigation Credit application with the Stormwater Management Utility Director on a form approved by the Stormwater Management Utility Director. The property owner may be required to provide the Stormwater Management Utility Director with "as built" drawings of the Stormwater management facility sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention and detention achieved by the facility, evidence of compliance with any exemptions mandated under state law, or such other reasonable requirements as may be necessary to effectuate the purposes of this Section.
(D) The Stormwater Management Utility Director, with the assistance of other members of the administrative staff of the City, shall, within forty-five (45) days after the filing of such application, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant is qualified for a Mitigation Credit pursuant to this Section.

(E) The Stormwater Management Utility Director shall furnish his or her written decision to such applicant by United States mail, postage prepaid, addressed to the applicant at the address stated on the application.

(F) No Mitigation Credit shall be applied for service provided to property by a Mitigation Facility constructed or maintained with City funds. However, a Mitigation Credit shall be applied for service provided to property by a regional Mitigation Facility if the developer of the property provided a capital contribution to the regional facility in lieu of constructing on-site facilities.

(G) Upon approval, Mitigation Credits shall be valid and applicable in subsequent Fiscal Years. However, Mitigation Credits previously granted to a property may be revoked at any time by the City upon notice to the property owners. Upon notification by the City, property owners must reapply in accordance with paragraph (C) of this Section.

ARTICLE IV

NOTICE AND PUBLIC HEARING

SECTION 4.01. PUBLIC HEARING. A public hearing will be conducted by the Council on June 15, 2017, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, at 7:00 p.m., or as soon thereafter as the item can be heard, to consider
imposition of the Stormwater Service Assessments and their collection pursuant to the Uniform Assessment Collection Act and imposition of the Stormwater Service Fees.

SECTION 4.02. NOTICE BY PUBLICATION. The Stormwater Management Utility Director shall publish a notice of the public hearing authorized by Section 4.01 hereof in the manner and the time provided in Section 3.04 of the Ordinance. The published notice shall be published no later than May 25, 2017 in substantially the form attached hereto as Appendix C.

SECTION 4.03. NOTICE BY MAIL. The Stormwater Management Utility Director shall, at the time and in the manner specified in Section 3.05 of the Ordinance, provide first class mailed notice of the public hearing authorized by Section 4.01 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. The mailed notice shall be mailed no later than May 25, 2017 in substantially the form attached hereto as Appendix D.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.01. ADJUSTMENT OF NET ERUs.

(A) Petitions for review of the number of Net ERUs attributed to any Tax Parcel shall be submitted to the Stormwater Management Utility Director, who shall have authority to correct any errors made in applying the provisions of Article III hereof to the Tax Parcel. The following procedures shall apply to all petitions.

(1) Each petition shall be made to the Stormwater Management Utility Director by the owner of the Tax Parcel or such owner’s authorized agent.
(2) The petition shall be in writing and set forth, in detail, the grounds upon which adjustment is sought.

(3) The petition must be filed with the Stormwater Management Utility Director within 30 days of the notice required by Section 4.03 of this Resolution and shall be reviewed within 30 days of the filing date. Filing of a petition shall not extend the time for payment of any Stormwater Service Assessment or Stormwater Service Fee, or affect the amount of any discount for early payment. If the number of Net ERUs is adjusted for any Tax Parcel, the Stormwater Service Assessment or Stormwater Service Fee, as applicable, shall be corrected in accordance with Section 2.04 of the Ordinance. If the Stormwater Service Assessment or Stormwater Service Fee has been paid prior to adjustment of the number of Net ERUs, either the Tax Collector shall refund the amount by which the Stormwater Service Assessment has been reduced, as adjusted for any early payment discount taken by the owner, or the City shall refund the amount by which the Stormwater Service Fee has been reduced, as adjusted for any early payment discount authorized by the City.

(4) The petitioner may be required, at petitioner's own cost, to provide supplemental information to the Stormwater Management Utility Director including, but not limited to, survey data approved by a professional land surveyor and/or engineering reports approved by a professional engineer. Failure to provide such information may result in the denial of the petition.

(5) The Stormwater Management Utility Director shall respond to each petition in writing.
(B) The Stormwater Management Utility Director may initiate adjustments to the number of Net ERUs attributed to any Tax Parcel. If the number of Net ERUs is reduced for any Tax Parcel, the Stormwater Service Assessment or Stormwater Service Fee shall be corrected in accordance with Section 2.04 of the Ordinance. In such event, if the Stormwater Service Assessment has been paid prior to adjustment of the number of Net ERUs, the Tax Collector shall refund the amount by which the Stormwater Service Assessment has been reduced, as adjusted for any early payment discount taken by the owner or the City shall refund the amount by which the Stormwater Fee has been reduced, as adjusted for any early payment discount, as applicable. If the number of Net ERUs is increased for any Tax Parcel, the adjustment shall become effective for Stormwater Service Assessments and Stormwater Service Fees in the subsequent Fiscal Year.

SECTION 5.02. EFFECTIVE DATE. The provisions within this resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting No. 2017- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2017.

__________________________________________
William Capote, MAYOR

ATTEST:

__________________________________________
Terese M. Jones, CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: ________________________________
Andrew Lannon, City Attorney
APPENDIX A

DESCRIPTION OF THE STORMWATER SERVICE AREA

The Stormwater Service Area includes the following area:

Property located north of the Melbourne Tillman Drainage Canal #38
and the Waterstone Subdivision located southeast of Canal #38.
APPENDIX B

CITY OF PALM BAY
STORMWATER MANAGEMENT UTILITY MITIGATION CREDIT POLICY
APPENDIX B:

CITY OF PALM BAY
STORMWATER UTILITY MITIGATION CREDIT POLICY

CREDIT AND ADJUSTMENT POLICY

Stormwater Mitigation Credit Policy

The City recognizes that some developed properties subject to the stormwater assessment have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and thus reduce the burden on the City to maintain, operate and provide capital improvements to the stormwater management system. An important feature of the stormwater assessment process is the determination of mitigation credits in these situations. The proposed policy addresses mitigation credits as they apply to parcels that have participated in the private development and maintenance of man-made stormwater facilities, thus reducing the amount of runoff to be collected, conveyed or treated by the City's stormwater management program.

Mitigation Credit Application

Parcels subject to a stormwater charge may be granted a mitigation credit based on one of the following factors:

1. No stormwater discharges from any portion of the parcel, or no drainage to road right-of-way or any part of a stormwater system over which the City has maintenance responsibility.

2. Owner of parcel contributes monetarily to a Community Development District, Civic Association (Homeowners Association or Property Owners Association), or Special District which provides maintenance to non-City owned stormwater management facilities which accept drainage from the parcel; or the parcel has a properly permitted, maintained and functional onsite stormwater management system which treats and/or attenuates stormwater prior to discharge to the road right-of-way or stormwater system over which the City has maintenance responsibility.

Facilities must be in compliance with a valid Water Management District permit. Proof of compliance with Water Management District permit requirements and certification of proper operation and maintenance of the facility will be required on a periodic basis.

Rationale

Mitigation credits may be granted to parcels whose offsite stormwater impacts on the City system are non-existent, are mitigated by a properly functioning and permitted stormwater system, or the parcel owner contributes to the maintenance of a private system which provides stormwater treatment and attenuation for runoff to public right-of-way. The basis for these credits is as follows:
1. Parcels which do not discharge stormwater impose no direct stormwater maintenance burdens on the City's system. This provides a savings to the City on the cost of maintaining the City owned and operated stormwater facilities.

2. Parcel owners which contribute to the maintenance of privately held stormwater management facilities that treat runoff to reduce the pollutant load to receiving waters reduce the financial burden on the operation and maintenance of the City’s stormwater treatment facilities and are eligible for a partial mitigation credit.

3. The City and the receiving waters receive benefits from privately-owned and properly maintained stormwater management facilities.

4. It is in the City's interest to encourage the proper operation and maintenance and continued existence of onsite stormwater management facilities.

Mitigation Credits

A property with functioning on-site drainage facilities may receive a stormwater management system user fee credit upon the following conditions:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Credit</th>
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<tr>
<td>1. Detention Systems – A parcel is eligible for a thirty percent (30%) credit from the user fee confirmed by the Director when the owner demonstrates that stormwater discharge rate (flow) from a detention system after development is less than or equal to the before development rate (flow) of the parcel for a 25-year, 24-hours storm event as defined by the appropriate Water Management District. The property owner must provide certification by a Florida licensed professional engineer that these requirements are met.</td>
<td>30%</td>
</tr>
<tr>
<td>2. Extended Detention System – A parcel is eligible for an additional credit up to twenty percent (20%) when the owner demonstrates that stormwater discharge rate (flow) from a detention system after development is less than the before development rate (flow) of the parcel for a 25-year, 24-hours storm event as defined by the appropriate Water Management District. (Credit is proportional to the percentage of runoff rate reduction achieved with a minimum fifty percent (50%) reduction in runoff rate needed to achieve a ten percent (10%) credit.)</td>
<td>Up to 20%</td>
</tr>
<tr>
<td>3. Retention Systems – A parcel is eligible for a fifty percent (50%) credit from the user fee confirmed by the Director when the owner demonstrates that stormwater runoff is retained from a 25-year, 24-hour storm as defined by the appropriate Water Management District. The property owner must provide certification by a Florida licensed professional engineer that these requirements are met.</td>
<td>50%</td>
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4. **Retention Systems** – A parcel is eligible for a credit of up to one hundred percent (100%) of the amount of the user fee confirmed by the Director to be the percentage of stormwater runoff from a 100-year, 24-hour stormwater event which is retained on the property (credit is directly proportional to volume of runoff retained. Credit would be given after retention for the 25-year, 24-hour storm is achieved).

5. A property that does not contribute stormwater to the utility and is not otherwise benefited by the utility shall be allowed a credit of one hundred percent (100%).

6. Property which is designated and delineated as wetlands, wetlands under conservation easements, or designated conservation lands shall be allowed a credit of one-hundred percent (100%) effective October 1, 2011. Credits that are granted shall only be retroactive to the effective date of October 1, 2011, but retroactive credit shall not exceed one (1) year. Submittal of wetlands delineation report is required to receive credit.

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<td>4.</td>
<td>Retention Systems – A parcel is eligible for a credit of up to one hundred percent (100%) of the amount of the user fee confirmed by the Director to be the percentage of stormwater runoff from a 100-year, 24-hour stormwater event which is retained on the property (credit is directly proportional to volume of runoff retained. Credit would be given after retention for the 25-year, 24-hour storm is achieved).</td>
</tr>
<tr>
<td>5.</td>
<td>A property that does not contribute stormwater to the utility and is not otherwise benefited by the utility shall be allowed a credit of one hundred percent (100%).</td>
</tr>
<tr>
<td>6.</td>
<td>Property which is designated and delineated as wetlands, wetlands under conservation easements, or designated conservation lands shall be allowed a credit of one-hundred percent (100%) effective October 1, 2011. Credits that are granted shall only be retroactive to the effective date of October 1, 2011, but retroactive credit shall not exceed one (1) year. Submittal of wetlands delineation report is required to receive credit.</td>
</tr>
</tbody>
</table>

The above mitigation credits are not cumulative. Requests for mitigation credits with supporting documentation must be submitted to the City of Palm Bay to obtain the credit.

**Right of Entry**

In order to be eligible for a Mitigation Credit, the owner of the parcel must agree to allow the City to inspect the stormwater drainage facilities to ensure that they are maintained and functioning properly.

**Agricultural Property**

Agricultural Property meeting the requirements of Section 193.461, Florida Statutes, shall be exempt from the Stormwater Assessment if the property owner provides appropriate documentation to the City that it has an active National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under Chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.
APPENDIX C

FORM OF NOTICE TO BE PUBLISHED
NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS AND SERVICE FEES FOR STORMWATER MANAGEMENT SERVICES

The U. S. Environmental Protection Agency through the National Pollution Discharge Elimination System Stormwater permitting program implemented by the Florida Department of Environmental Protection has mandated the City of Palm Bay to implement
and fund a comprehensive Stormwater management program. A dedicated funding source is needed to maintain compliance with these requirements. Accordingly, the City Council of the City of Palm Bay (the "City") will conduct a public hearing to consider the imposition of Stormwater Service Assessments against non-Government Property and Stormwater Service Fees against Government Property in the Stormwater Service Area of the City, as shown above. The hearing will be held at 7:00 p.m., or as soon thereafter as the item can be heard, on June 15, 2017 in the City Council Chambers at 120 Malabar Road SE, Palm Bay, Florida. 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 at (321)_______, at least 48 hours prior to the date of the hearing. If hearing impaired, telephone the Florida Relay Service Numbers, __________, for assistance. All affected property owners have a right to appear at the hearing and to file written objections with the City. All written objections must be filed with the Council within twenty (20) days of this notice. Please include your name, parcel number, and the reason you object to the assessment and fee on all written objections. Address all written objections as follows: ____________, Palm Bay City Council, 120 Malabar Road SE, Palm Bay, Florida 32907. Any person wishing to appeal any decision of the Council with respect to any matter considered will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings is made.

The Stormwater Service Assessments and Stormwater Service Fees will fund the City's cost to provide Stormwater Management Services within the Stormwater Service Area. The Stormwater Service Assessments and Stormwater Service Fees are based upon the estimated amount of stormwater runoff generated by both impervious and pervious
surfaces on the property. Impervious surfaces include the roof top, patios, driveways, parking lots, and similar areas. Pervious surfaces include all property within its natural state and all surfaces not considered impervious, with the exception of identified wetlands and submerged lands. The City has developed a formula to measure the expected stormwater runoff from both impervious and pervious surfaces, referred to as the “effective impervious area.” The City has determined that the median single-family residence in the Stormwater Service Area includes 4,693 square feet of effective impervious area, which is defined as the "equivalent residential unit value" or "ERU Value." The annual Stormwater Service Assessment rate for the upcoming Fiscal Year and future Fiscal Years will be $177.13 for each Net ERU on non-Government Property. The annual Stormwater Service Fee rate for the upcoming Fiscal Year and future Fiscal Years will be $177.13 for each Net ERU on Government Property.

The number of ERUs was calculated for single family residential parcels based on the estimated amount of effective impervious area attributable to such parcels as computed using the building footprint attributable to the residence. Generally, for all other parcels the number of ERUs were calculated individually for each parcel of property by dividing the effective impervious area of such parcel by the ERU Value of 4,693 square feet. If a property owner applies and qualifies, credits for privately maintained Stormwater management facilities and other factors affecting the quantity or quality of Stormwater runoff will be applied, resulting in an assignment of Net ERUs. A more specific description is set forth in the Initial Assessment Resolution adopted by the Council on May 4, 2017. Copies of the Initial Assessment Resolution and the preliminary assessment roll are available for inspection at the City Council of Palm Bay, 120 Malabar Road SE,
Palm Bay, Florida 32907. Additional information about the Stormwater Service Assessment and Stormwater Service Fee, including the application for credits, is available at [insert website].

The Stormwater Service Assessment will be collected by the Tax Collector of Brevard County, pursuant to Chapter 197, Florida Statutes, on the tax bill to be mailed in November 2017. Failure to pay the Stormwater Service Assessment will cause a tax certificate to be issued against the assessed property, which may result in a loss of title to your property. The Stormwater Service Fees will be collected through the City’s existing utility billing system.

If you have any questions, please contact the [insert contact name] at (321) [insert phone number].

CITY OF PALM BAY, FLORIDA
APPENDIX D

FORM OF NOTICE TO BE MAILED
Dear Palm Bay Property Owner:

The past decades have brought increased awareness of the detrimental environmental impacts associated with stormwater runoff from properties, including degradation of surface waters, land erosion, flooding and collection of standing water on streets and property. In response to public demand and increased federal regulations imposed by the U. S. Environmental Protection Agency's National Pollution Discharge Elimination System stormwater permitting program as implemented by the Florida Department of Environmental Protection, Palm Bay has been mandated to improve stormwater management services, which require a dedicated funding source for these services by creating a Stormwater assessment and fee program to generate revenues. If implemented by the City, Stormwater Service Assessments shall be imposed against non-Government Property and Stormwater Service Fees shall be imposed against Government Property in the Stormwater Service Area of the City.

Stormwater assessments and fees are based upon the estimated amount of stormwater runoff generated by impervious and pervious surfaces on your property. Impervious surfaces include the rooftop, patios, driveways, parking lots and similar areas. Pervious surfaces consist of all natural lands and other surfaces not considered impervious, but excluding identified wetlands and submerged lands. Both pervious and impervious surfaces contribute to the City’s burden of managing stormwater runoff. However, the stormwater runoff potential from impervious surfaces is greater than from pervious surfaces. Based upon a stormwater engineering analysis, the City has developed a formula to measure the expected stormwater runoff from both these impervious and pervious surfaces, referred to as the “effective impervious area.”

The City has determined that the median single-family residence in the Stormwater Service Area includes 4,693 square feet of effective impervious area, which is the value of one "equivalent residential unit" or "ERU Value." Single-family residential properties are categorized into one of four ERU tiers based on the estimated amount of effective impervious area associated with each parcel as computed by using the building footprint of the residence. Condominium units are charged generally by calculating the total number of ERUs applicable to the condominium complex as a whole, then dividing that total number of ERUs by the total number of condominium residential units on the property. For general
parcels, such as commercial parcels, the number of ERUs has been calculated individually for each parcel of property by dividing the effective impervious surface area by 4,693 square feet. If you apply and qualify, credit for privately maintained stormwater management facilities and other factors affecting the quantity or quality of stormwater runoff will be applied, as applicable, resulting in the assignment of Net ERUs. Additionally, if you apply and qualify, certain Agricultural Property is granted a credit from payment of Stormwater Service Assessments pursuant to state law. The annual Stormwater Service Assessment rate for Fiscal Year 2017-18 and future Fiscal Years will be $177.13 for each Net ERU. The annual Stormwater Service Fee rate for Fiscal Year 2017-18 and future Fiscal Years will be $177.13 for each Net ERU. It is estimated that the City will collect $11,869,757.00 from the Stormwater Service Assessments and Stormwater Service Fees for Fiscal Year 2017-18.

The above referenced parcel has been assigned the following Net ERUs and assessment amounts:

<table>
<thead>
<tr>
<th>Number of ERUs</th>
<th>Annual Stormwater Service Assessment/Fee for FY 17-18 and future Fiscal Years</th>
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The City Council of the City of Palm Bay will hold a public hearing at 7:00 p.m., or as soon thereafter as the item can be heard, on June 15, 2017, in the City Hall Council Chambers located at 120 Malabar Road SE, Palm Bay, Florida. Comments will be received on the proposed Stormwater Service Assessments, including their collection on the ad valorem tax bill, and Stormwater Service Fees. You are invited to attend and participate in the hearing. You may also file written objections with the City within twenty (20) days of the date of this notice. Please include your name, parcel number, and the reason you object to the assessment or fee, as applicable, on all written objections. Objections should be forwarded as follows: ____________, City Council of Palm Bay, 120 Malabar Road SE, Palm Bay, Florida 32907. If you decide to appeal any decision made by the 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, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the City [NAME] at (321)__________ at least 48 hours prior to the date of the hearing. If hearing impaired, telephone the Florida Relay Service Numbers, ____________ (Voice), for assistance.

Because the Stormwater Service Assessment will be collected by the Tax Collector of Brevard County, pursuant to Chapter 197, Florida Statutes, failure to pay the Stormwater Service Assessment will cause a tax certificate to be issued against the assessed property, which may result in a loss of title to your property.

If there is a mistake on this notice it will be corrected. If you have any questions regarding
the number of ERUs assigned to your property or the amount of the Stormwater Service Assessment or Stormwater Service Fee, please contact the _________ by telephone at (321)_________.

If you believe you may qualify for a mitigation credit for a privately maintained stormwater management facility or you believe your Agricultural Property is entitled to a full credit from the Stormwater Service Assessment or Stormwater Service Fee, please contact the _______ at (321)_____________ or go to [add website ' - ?] to file a credit application.

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