

RESOLUTION NO. 2024-__

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA RELATING TO THE STORMWATER UTILITY WITHIN THE VILLAGE; DECLARING THE IMPOSITION OF STORMWATER UTILITY FEES WITHIN THE BOUNDARIES OF THE VILLAGE OF PINECREST, FLORIDA; ESTABLISHING THE METHOD BY WHICH THE STORMWATER UTILITY FEES SHALL BE CALCULATED; ESTIMATING THE REVENUE REQUIREMENTS OF PROVIDING FOR THE PLANNING, CONSTRUCTION, OPERATION, AND MAINTANANCE OF THE STORMWATER UTILITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024; PROVIDING FOR THE INITIAL RATES FOR CALCULATING THE STORMWATER UTILITY FEES; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER THE IMPOSITION OF THE STORMWATER UTILITY FEES, THE RATES TO BE IMPOSED AND THE METHOD OF COLLECTION; DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABLILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 13, 2002, the Village Council of the Village of Pinecrest (the “Village”) adopted Ordinance No. 2002-8 creating Chapter 25, “Stormwater Utility,” of the Village Code of Ordinances (the “Ordinance”) to establish a Stormwater Utility (the “Stormwater Utility”); and

WHEREAS, pursuant to the Ordinance, the Village has established, assessed, and collected stormwater utility fees upon all residential developed property and all nonresidential developed property in the Village, sufficient to plan, construct, operate, and maintain the Stormwater Utility; and

WHEREAS, on January 9, 2018, the Village adopted Resolution No. 2018-2, providing for the uniform method of levying, collecting, and enforcing non-ad valorem assessments for

Stormwater Utility services in accordance with the provisions of Section 197.3632, Florida Statutes throughout the incorporated area of the Village; and

WHEREAS, the Village Council last evaluated the underlying cost allocation and structure of its Stormwater Utility fees in 2019 and determined that a study and evaluation of the Village’s Stormwater Utility fee rates and structure was necessary; and

WHEREAS, Stearns, Conrad & Schmidt, Consulting Engineers, Inc. d/b/a SCS Engineering (the “Rate Consultants”) has studied the Village’s Stormwater Utility fee rates and structures and provided findings and recommendations in the “*Village of Pinecrest FY 2025 Stormwater Fee Study Report*” dated June 7, 2024 (the “Study”); and

WHEREAS, on June 11, 2024, the Village Council approved the findings and recommendations contained in the Study prepared by the Rate Consultants; and

WHEREAS, the Study provides for the creation of a two-tier rate structure, a base fee to be levied against all parcels whether or not developed and a parcel fee to be levied against developed parcels (collectively, the “Stormwater Fees”), as set forth herein; and

WHEREAS, the Village Council is considering an amendment to the Ordinance to provide for the new Stormwater Fee structure and rates as recommended by the Study; and

WHEREAS, in order to provide for the new Stormwater Fees, the Council desires to adopt the methodology that is set forth in the Study; and

WHEREAS, the Council desires to adopt a preliminary assessment roll providing for Stormwater Fees to be levied against real property within the Village for the purpose of providing stormwater management for the fiscal year beginning October 1, 2024; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Authority. This Resolution is adopted pursuant to the provisions of the Ordinance, Sections 166.021 and 166.041, Florida Statutes, Section 197.3632, Florida Statutes, (the “Uniform Method of Collection Act”) and other applicable provisions of law.

Section 3. Purpose and Definitions. This Resolution provides for the adoption of a preliminary assessment roll, the setting of a public hearing and for notice thereof all in accordance with the Uniform Method of Collection Act. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance as may be amended.

Section 4. Findings. It has been ascertained and determined by Village Council in the Ordinance such legislative determinations, as set forth therein and the Study which is hereby incorporated herein by reference. Specifically, it has been determined that:

A. All the parcels located within the boundaries of the Village, as described in Section 1.3 of the Charter of the Village benefit from the Stormwater Utility.

B. Based upon the results of this Study, it is recommended that the Village bill Stormwater Fees based on a two-tiered system.

C. Tier 1 applies to all parcels and represents the availability of Stormwater Utility services to all parcels regardless of development status. All parcels benefit from the access to, increased marketability, and enhanced enjoyment of the parcel due to the

Village's Stormwater Utility program keeping roads and public areas free from flooding and other issues that might occur if there were not adequate drainage.

D. Tier 2 applies to developed properties within the Village and is based upon each property's distinct impervious square footage, which determines how each property may use the Stormwater Utility.

Section 5. Determination and Calculation of Stormwater Fees and Net Revenue

Requirement. In order to determine the rates for each of the Stormwater Fees, it is necessary to calculate the net revenue requirement ("NRR") necessary for the Stormwater Utility to meet its financial obligations each year including all revenues, operating expenses, fund balances and debt service of the Stormwater Utility.

A. Each of the rates for the Tiers are to be calculated based upon the total net revenue requirement ("NRR") that is required to be raised in order to meet the financial requirements of the utility each fiscal year (the "Total NRR"). The total impervious area ("TIA") for the Village was calculated for residential and nonresidential property and the village-maintained roadways and government property.

B. Tier 1. The Tier 1 Stormwater Fee represents a base fee to be paid by all residential and nonresidential parcels regardless of development (the "Base Fee"). The Base Fee is to be calculated based on the impervious area of Village-maintained roads and government property as a percentage of the TIA of the Village (the "Tier 1 Percentage"). The Tier 1 Percentage is applied to the Total NRR to determine the NRR for the Base Fee. The NRR for the Base Fee is then divided by the total number of residential and nonresidential parcels regardless of development to determine the rate for the Base Fee (the "Base Fee Rate").

C. Tier 2. The Tier 2 Stormwater Fee represents the fee for each parcel of residential developed property and nonresidential developed property (the “Parcel Fee”). The Parcel Fee will be calculated utilizing an Equivalent Billing Unit (“EBU”) to apportion costs to each residential developed property and each nonresidential developed property in the Village. Under this methodology, 1.0 EBU equals 100 square feet of impervious area. To calculate the number of EBUs for each developed property, the total impervious square footage determined for each developed property would be rounded down to the nearest 100 square feet and then divided by 100. The remaining NRR (after subtracting the NRR for the Base Fee) was then divided by the total number of EBUs in the Village to get the rate per EBU. Each Parcel Fee will be determined by the number of EBUs for such developed property times the rate per EBU (“Rate per EBU”).

D. The Total NRR for Fiscal Year commencing October 1, 2024, is calculated to be approximately \$1,954,919.00. Based on the Study, the total impervious area of the Village was determined to be 42,176,001square feet.

E. Base Fee Rate Calculation. The Tier 1 Percentage of Village owned and maintained roads and property is 32.6% of the TIA. The NRR for Tier 1 in calculating the Base Fee is approximately \$637,352.00. The total number of developed and undeveloped parcels in the Village is 6,405. The Stormwater Utility Base Fee Rate is \$99.51 per parcel.

F. Parcel Fee Rate Calculation. The remaining NRR for Tier 2 in calculating the Rate per EBU is approximately \$1,317,568.00. The total number of EBUs in the Village is 418,617. The Rate per EBU is \$3.15. The Stormwater Utility Parcel Fee for each developed property is the number of EBUs calculated for such property multiplied by \$3.15.

Section 6. Preliminary Non-Ad Valorem Assessment Roll.

A. The Village Manager has prepared or caused to be prepared, a preliminary Stormwater Utility Fee non-ad valorem assessment roll for the Fiscal Year 2024-2025, in the manner provided in Uniform Method of Collection Act (the “Preliminary Assessment Roll”), attached hereto as Exhibit “A”.

B. A copy of this resolution and the Preliminary Assessment Roll shall be maintained on file in the office of the Village Clerk and open to public inspection. The foregoing shall not be construed to require that the Preliminary Assessment Roll be in printed form if the amount of the Stormwater Utility Fees for each parcel of property can be determined by the use of a computer terminal available to the public.

Section 7. Public Hearing. There is hereby established a public hearing to be held at 8:30 a.m. on August 27, 2024, at the Pinecrest Municipal Center, Council Chambers, 12645 Pinecrest Parkway, Pinecrest, Florida 33156, to consider (A) imposition of the Stormwater Fees, (B) the methodology for apportionment and calculation of each of the Stormwater Fees, and (c) collection of the Stormwater Fees pursuant to the Uniform Assessment Collection Act.

Section 8. Notice By Publication. The Village Manager shall publish a notice of the public hearing authorized by Section 7 hereof in the time and manner set forth in the Uniform Method of Collection Act. The notice shall be published no later than August 7, 2024, in substantially the form attached hereto as Exhibit “B”.

Section 9. Notice By Mail.

(A) The Village Manager shall provide notice by first class mail to the Owner of each parcel by the Tax/Folio number in substantially the form attached hereto as Exhibit “C”. Such notices shall be mailed no later than August 7, 2024.

(B) For Tax Parcel/Folios with exempt "home addresses" pursuant to Section 119.071(4), Florida Statutes, the Village Manager shall work with the Property Appraiser and Tax Collector for provision of notice.

Section 10. Method of Collection. The Stormwater Fees shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Section 25-6 (e) of the Ordinance.

Section 11. Severability. If any clause, section, other part or application of this resolution is held invalid by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 12. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this ___ day of June, 2024.

Joseph M. Corradino, Mayor

ATTEST:

Priscilla Torres, MMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Mitchell Bierman
Village Attorney

Motion by:
Second by:

Vote:

EXHIBIT A

PRELIMINARY ASSESSMENT ROLL

A PERMANENT COPY IS ON FILE IN THE
OFFICE OF THE VILLAGE CLERK.

EXHIBIT B

FORM OF PUBLISHED NOTICE

To Be Published on or before August 7, 2024.

[insert map of the village]

**NOTICE OF PUBLIC HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF
STORMWATER UTILITY FEES**

Notice is hereby given that the Village Council of the Village of Pinecrest, Florida, will conduct a public hearing to consider the imposition of stormwater utility fees sufficient to plan, construct, operate, and maintain stormwater management systems for the Fiscal Year beginning October 1, 2024 and future fiscal years within the boundaries of the Village of Pinecrest, Florida which includes all lands shown on the map set forth above.

The stormwater utility fees will be imposed based upon a two-tiered system. Tier 1 applies to all parcels and represents the availability of Stormwater services to all parcels regardless of development status. Tier 2 applies to developed properties within the Village and is based upon each property's distinct impervious square footage. Each of the rates are determined using the net revenue requirement ("NRR") and the total impervious area ("TIA") for the Village of 42,176,001 square feet that was calculated for residential and nonresidential property and the village-maintained roadways and government property.

The Tier 1 Stormwater Fee represents a base fee to be paid by all residential and nonresidential parcels regardless of development (the "Base Fee"). The Base Fee is to be calculated based on the impervious area of Village-maintained roads and government property as a percentage of the TIA of the Village (the "Tier 1 Percentage"). The Tier 1 Percentage is 32.6% applied to the Total NRR to determine the NRR for the Base Fee of \$637,352.00. The NRR for the Base Fee is then divided by the total number of residential and nonresidential parcels regardless of development, which is 6,405 to determine the rate for the Base Fee of \$99.51 per parcel (the "Base Fee Rate").

The Tier 2 Stormwater Fee represents the fee for each parcel of developed residential property and developed nonresidential property (the "Parcel Fee"). The Parcel Fee will be calculated utilizing an Equivalent Billing Unit (EBU) to apportion costs to each developed property in the Village. Under this methodology, 1.0 EBU equals 100 square feet of impervious area. To calculate the number of EBUs for each developed property, the total impervious square footage would be rounded down to the nearest 100 square feet and then divided by 100. The remaining NRR of \$1,317,568.00 (after subtracting the NRR for the Base Fee) was then divided by the total number of EBUs of 418,617 in the Village to get the rate per EBU of \$3.15. Each Parcel Fee will be determined by the number of EBUs for such developed property times \$3.15 ("Rate per EBU").

A more specific description is set forth in the Initial Assessment Resolution adopted by the Village Council on _____, 2024. Copies of the Initial Assessment Resolution and the Preliminary Assessment Roll prepared by the Village Manager and filed with the

Village Clerk are available for inspection at the Office of the Village Clerk, 12645 Pinecrest Parkway, Pinecrest, Florida.

The public hearing will be held at 8:30 a.m., or as soon thereafter as possible, on August 27, 2024, in Village Council Chambers, Village Hall, 12645 Pinecrest Parkway, Pinecrest, Florida, for the purpose of receiving public comment on the imposition and collection of the stormwater utility fees. All affected property owners have a right to appear at the hearing and to file written objections with the Village within 20 days of the publication of this notice. If a person decides to appeal any decision made by the Village 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.

Any person who needs assistance in another language in order to speak during the public hearing or public comment portion of the meeting should contact the Village's Clerk Pricilla Torres, MMC (E-mail:clerk@pinecrest-fl.gov), Telephone: (305) 234-2121, at least seven (7) business days before the meeting.

Any person with a disability requiring communication assistance (such as a sign language interpreter or other auxiliary aide or service) in order to attend or participate in the meeting should contact the Village's ADA Coordinator Angela Gasca (E-mail:ada@pinecrest-fl.gov), at least seven (7) business days before the meeting.

The stormwater utility fees will be collected on the ad valorem tax bill to be mailed in November 2024, as authorized by Section 197.3632, Florida Statutes, by the Miami-Dade County Tax Collector. Failure to pay the assessments will cause a tax certificate to be issued against the real property which may result in a loss of title.

If you have any questions, please contact the Finance Director's Office at (305) 234-2121 Monday through Friday between 8:30 a.m. and 5:00 p.m.

VILLAGE OF PINECREST

EXHIBIT C

FORM OF NOTICE TO BE MAILED

******* NOTICE TO PROPERTY OWNER *******

VILLAGE OF PINECREST, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR STORMWATER UTILITY FEES
NOTICE DATE: AUGUST __ , 2024

Owner Name
Address
City, State Zip

Tax Parcel #: _____
Legal Description: _____
Sequence #: _____

As required by Section 197.3632(4) Florida Statutes, notice is given by the Village of Pinecrest, Florida (the "Village") that stormwater utility fees, using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2024 - September 30, 2025, and future fiscal years. The purpose of the stormwater utility fees is to fund the costs sufficient to plan, construct, operate, and maintain stormwater management systems benefitting your property located within the boundaries of the incorporated area of the Village. The total stormwater utility fee revenue to be collected within the Village is estimated to be \$1,954,919.00 for the Fiscal Year 2024-25.

The Village will bill Stormwater Fees based on a two-tiered system. Tier 1 applies to all parcels and represents the availability of Stormwater services to all parcels regardless of development status. Tier 2 applies to developed properties within the Village and is based upon each property's distinct impervious square footage. Each of the rates are determined using the net revenue requirement ("NRR") and the total impervious area ("TIA") for the Village of 42,176,001 square feet that was calculated for residential and nonresidential property and the village-maintained roadways and government property.

The Tier 1 Stormwater Fee represents a base fee to be paid by all residential and nonresidential parcels regardless of development (the "Base Fee"). The Base Fee is to be calculated based on the impervious area of Village-maintained roads and government property as a percentage of the TIA of the Village (the "Tier 1 Percentage"). The Tier 1 Percentage is 32.6% applied to the Total NRR to determine the NRR for the Base Fee of \$637,352.00. The NRR for the Base Fee is then divided by the total number of residential and nonresidential parcels regardless of development, which is 6,405 to determine the rate for the Base Fee of \$99.51 per parcel (the "Base Fee Rate").

The Tier 2 Stormwater Fee represents the fee for each parcel of developed residential property and developed nonresidential property (the "Parcel Fee"). The Parcel Fee will be calculated utilizing an Equivalent Billing Unit (EBU) to apportion costs to each developed property in the Village. Under this methodology, 1.0 EBU equals 100 square feet of impervious area. To calculate the number of EBUs for each developed property, the total impervious square footage would be rounded down to the nearest 100 square feet and then divided by 100. The remaining NRR of \$1,317,568.00 (after subtracting the NRR for the Base Fee) was then divided by the total number of EBUs of 418,617 in the Village to get the rate per EBU of \$3.15. Each Parcel Fee will be determined by the number of EBUs for such developed property times \$3.15 ("Rate per EBU").

- The above Tax Parcel/Folio is classified as Developed/Undeveloped Residential/Non-Residential Property.
- The Base Fee is \$99.51 per developed or undeveloped property.
- The total number of EBUs attributed to the parcel is _____ X \$3.15 equals \$_____ for the Parcel Fee.
- The total stormwater utility fees to be assessed to this property is \$_____.

A public hearing will be held at 8:30 a.m. on August 27, 2024, in Village Council Chambers, Village Hall, 12645 Pinecrest Parkway, Pinecrest, Florida, for the purpose of receiving public comment on the proposed stormwater utility fees. You and all other affected property owners have the right to appear at the hearing and to file written objections with the Village Council within 20 days of this notice. If you decide to appeal any decision made by the Village 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.

Any person who needs assistance in another language in order to speak during the public hearing or public comment portion of the meeting should contact the Village's Clerk Pricilla Torres, MMC (E-mail:clerk@pinecrest-fl.gov), Telephone: (305) 234-2121, at least seven (7) business days before the meeting.

Any person with a disability requiring communication assistance (such as a sign language interpreter or other auxiliary aide or service) in order to attend or participate in the meeting should contact the Village's ADA Coordinator Angela Gasca (E-mail:ada@pinecrest-fl.gov), Telephone: (305) 234-2121, at least seven (7) business days before the meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Village Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the assessment roll and initial assessment resolution are available for inspection at the Office of the Village Clerk, Village Hall, located at 12645 Pinecrest Parkway, Pinecrest, Florida.

The amount of stormwater utility fees shown on this notice for the above parcel will be collected on the ad valorem tax bill mailed in November 2024. Failure to pay the fees 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 the Village Manager's office at (305) 234-2121, Monday through Friday between 8:30 a.m. and 5:00 p.m.

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