

Board of County Commissioners

Agenda Request

Date of Meeting: April 5, 2010

Date Submitted: March 30, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Timothy P. Barden, Assistant County Administrator
Heather J. Encinosa, County Attorney

Subject: Request Ratification of Board Discussion During the March 4, 2010
Workshop Regarding Use of MSBU's for Neighborhood Improvements,
Facilities and Programs

Statement of Issue:

This agenda item requests ratification of Board discussion during the March 4, 2010 Workshop Regarding Use of MSBUs for Neighborhood Improvements, Facilities and Programs, and requests Board approval of discussion actions.

Background:

On December 8, 2009, the Board directed County staff and the County Attorney to reach out to the Tax Collector and Property Appraiser to obtain extensions to the March 1st date and, to advertise and schedule the public hearing to consider the Resolution of Intent before March 1, 2010.

Subsequently, in late December 2009, the County Administrator and County Attorney met with the Property Appraiser and Tax Collector and both constitutional officers willingly consented to the March 1st extension. On January 11, 2010, the Board approved the extension agreements with the constitutional officers.

On February 16, 2010 the Board held a public hearing and adopted Resolution #10-08, Intent to Use the Uniform Method of Collection of Assessments to fund neighborhood improvements, facilities, and programs. Some improvements include road paving, road maintenance, sidewalks, street lighting, and beautification.

On March 4, 2010 the Board held a workshop to discuss the use of Municipal Service Benefit Units (MSBU) for Neighborhood Improvements, Facilities and Programs (Attachment #1).

Analysis

During the workshop, the County Attorney provided the Board a draft master assessment ordinance that will establish the procedures for the imposition of both capital and service assessments. If approved by the Board, these assessments would utilize the Uniform Method of Collection and will appear on the property owner's annual property tax bill.

There was some discussion of the process toward implementing any assessment as well as the process required to deed right of way for privately owned roads. There was also some discussion of

the County's ability to impose an assessment without the consent of all property owners along the road or service area. The County Attorney stated that real property issues need to be addressed on an individual, factual, case by case basis and all issues cannot be entirely addressed through the proposed ordinance. The Board also inquired about the level of participation from the neighborhoods or subdivisions that wish to make capital improvements.

Actions for Board Ratification

The workshop included discussion by the Board as well as comments from citizens and staff regarding potential requirements that impose MSBUs for capital improvements and services including examples from other similar jurisdictions. Staff is requesting the Board ratify the March 4, 2010 Workshop discussion and requests Board approval of the following actions which were generated by discussion during the workshop:

1. Finalize a proposed master assessment ordinance for later Board consideration. This proposal would outline a process for any future MSBU activity in the County.
2. The County Attorney suggested a two-step process for implementation of MSBUs:
 - (a) A petition submitted by 51% property owners of a road or subdivision favorable to requested improvements.
 - (b) A subsequent ballot that includes the scope of the project, the associated costs, as well as financing terms and conditions would be mailed to all property owners of the requested service area. The approval threshold of the ballot will need to be 66% of the responses *received* to be favorable in order to impose any MSBU.
3. The Board would not be bound by the proposed ordinance to impose an MSBU. Any imposition of any assessment would still be at the sole discretion of the Board.
4. Begin the process to implement an immediate stormwater MSBU for Wakulla Gardens prior to imposing a county-wide stormwater assessment to be considered next year.

Options:

1. Ratify Board discussion during the March 4, 2010 Workshop on Use of MSBU's for Neighborhood Improvements, Facilities and Programs, and approve the actions above.
2. Do not ratify Board discussion during the March 4, 2010 Workshop and do not approve actions above.
3. Board direction.

Recommendation:

Option #1

Attachment(s):

1. March 4, 2010 Workshop Item