

Board of County Commissioners

Agenda Request

Date of Meeting: February 16, 2010

Date Submitted: January 28, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Heather J. Encinosa, County Attorney

Subject: Request Board Approval of the Mandatory Wastewater Connection Financing Agreements and Wakulla County Sewer Connection Application, and Delegate Authority to the County Administrator to Execute on Behalf of the County

Statement of Issue:

This agenda item requests Board approval of the mandatory wastewater connection financing agreements and Wakulla County Sewer Connection Application, and authorize the County Administrator to execute on behalf of the County. These agreements memorialize the terms and conditions for the financing of wastewater connection fees for affected property owners.

Background:

In May 2009, the BoCC adopted Ordinance No. 2009-09, the Wakulla County Comprehensive Sewer Ordinance, which generally governs the extension of county sewer service, the county sewer system, county sewer rates, fees, and charges, pretreatment requirements, and wastewater discharge permits.

In accordance with Sec. 2-3 of Ordinance No. 2009-09 and Section 381.00655, Florida Statutes, the County has sent the required 365-day notices to enforce mandatory wastewater connections for those properties with available wastewater lines. In order to help mitigate the financial burden associated with these mandatory connections, there are two financing options available to affected property owners:

(1) Section 381.00655(1)(a), Florida Statutes, grants property owners the option of prepaying the connection fees in equal monthly installments over a period not to exceed two years;

(2) Sec. 4-9(a)(1.), of Ordinance No. 2009-09, authorizes property owners the option of paying the connection fees on their monthly utility bill over a 10-year period upon the proper showing of hardship.

Analysis:

The attached agreements outline the terms and conditions for both financing options. Both agreements contain the following terms:

- (1) Property owner agrees to connect to the County's wastewater system, decommission the septic system, and pay all applicable connection fees.
- (2) The County agrees to finance the connection fees over 2-years or 10-years, as applicable, at the same percent simple interest per annum that the County is paying on its SRF loan, plus administration costs.
- (3) The monthly assessment is collected as a charge on the County's monthly utility bill in either 24 or 120 monthly installments.
- (4) The property owner acknowledges the benefits provided to the property from the provision of wastewater services and the reasonableness of the connection costs.
- (5) Allows the County to pursue collection of unpaid costs through either traditional lien foreclosure or as a non-ad valorem assessment on the tax bill in accordance with Section 197.3632, Florida Statutes.
- (6) Provides for a lien on the affected property.
- (7) Provides for payment in full upon sale of the property or if the property owner fails to maintain an active utility account.

Additionally, the 10-year loan agreement defines "hardship," as is required by Sec. 2-3 of Ordinance No. 2009-09, in accordance with the income limitations Low Income, as adjusted for family size, that are published by the United States Department of Housing and Urban Development. As is demonstrated on the application page of the agreements, to demonstrate hardship, the County will require the same documentation as is required by the Housing Department for the SHIP Program. Staff has crafted an application for any resident that is interested in applying for financing for SHIP funds. The resident will be required to complete the Wakulla County Sewer Connection Application (Attachment #3) for qualification of funding.

Options

1. Approve the form Mandatory Wastewater Connection Financing Agreements (10-year and 2-year) and Wakulla County Sewer Connection Application, and delegate the authority to the County Administrator to execute same on behalf of the County.

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2. Do not approve the form Mandatory Wastewater Connection Financing Agreements (10-year and 2-year), do not approve the Wakulla County Sewer Connection Application, and do not delegate the authority to the County Administrator to execute same on behalf of the County.
3. Board Direction.

Recommendation

Option #1

Attachments:

1. 10-Year Mandatory Wastewater Connection Financing Agreement
2. 2-Year Mandatory Wastewater Connection Financing Agreement
3. Wakulla County Sewer Connection Application