



ADMINISTRATIVE REGULATION

DATE APPROVED:

AR:10.04

November 16, 2020

SUBJECT:

DEPARTMENT:

Voluntary Assessment Program Procedures

Public Works

PURPOSE:

A. To outline uniform procedures for the implementation of voluntary assessment programs pursuant to Section 15.027 of the Wakulla County Code of Ordinances.

B. To provide greater use and enjoyment of real property in Wakulla County by providing a process for the creation of a special assessment funding mechanism for neighborhood local improvements and related services that provide a special benefit to assessed properties.

PROCEDURES:

A. General Requirements:

1. The requested project must be a qualified local improvement or a related service that meets the legal requirements for providing a special benefit to real property within the neighborhood that will be assessed.
2. Local improvement means a capital improvement constructed or installed or contracted by the county for the special benefit of a neighborhood or other assessment area. A related service would include the operations and maintenance costs associated with a qualified local improvement.
3. Examples of potential local improvements and related services that may be funded with a special assessment under certain circumstances include neighborhood sidewalks, local road paving and maintenance, neighborhood beautification (landscaping, signs, entrance markers), street lighting installation and operations, stormwater, underground or overhead utilities and installation of underground cable for the provision of television and internet services.

4. If any of the potential local improvements or related services will be conducted on private property, the property owner consent must be received from that private property owner or HOA in the form of a deed, suitable easement or grant of license, at the County's discretion, at the time of submission of the initial petition described in the process below.

B. Process:

1. Upon receipt of a petition submitted on a form approved by the County and signed by at least 51 percent of the owners of property within a geographically defined area in favor of seeking the creation of an assessment area and imposition of an assessment to fund the capital cost or project cost of local improvements and service cost of related services which will have a special benefit to the property within such area, staff will verify that the petition was signed by at least 51% of the owners using data from the Wakulla County Property Appraiser and, if valid, will present the request to the Board of County Commissioners ("BOCC") within a reasonable time.
2. The BOCC may adopt a resolution providing for the development of the requested assessment program and the preparation of a non-binding ballot to be sent to all owners within the area asking whether they support or oppose the imposition of the assessment. If the BOCC approves the resolution providing for development of the requested assessment program then the applicant must pay the following program fee before the County will proceed with development of the assessment program: \$1.50 per tax parcel for the development, printing, and mailing of the required ballots and \$30_per tax parcel up to a maximum of \$1,500 for the development of the project budget, benefit area, and apportionment methodology.
3. After approval of the resolution providing for the development of the requested assessment program, County staff or a qualified expert retained by the county shall identify the costs associated with the local improvements and related service, develop an assessable budget (including project costs, service costs, notice costs, statutory discount costs, and administration costs), and establish a fair and reasonable method of apportionment of those costs to the owners of property within the proposed assessment area based upon the local improvements and related services being requested.
4. Once the program has been developed, the County shall conduct a non-binding ballot election by regular mail. The ballot shall include a description of the proposed local improvements and related services, a statement that such local improvements and related services would be funded through imposition of an assessment imposed on all owners of property that will benefit from such local improvements and related services, the proposed amount of the assessment along with the term of the assessment, and a deadline date for return of the ballot. At the end of the ballot, it shall include a question asking

whether the owner supports or opposes the imposition of the assessment. Ballots shall be mailed to all property owners within the proposed assessment area that would be subject to the assessment. Each tax parcel shall receive one ballot and be entitled to one vote. The form ballot is set forth below:

OFFICIAL BALLOT

MUNICIPAL SERVICES BENEFIT UNIT – [PROGRAM DESCRIPTION]

In accordance with Chapter 15 of the Wakulla County Code of Ordinances, Wakulla County is hereby conducting a public ballot of affected property owners to determine support for the creation of a Municipal Services Benefit Unit to fund [TYPE] local improvements and related within [SUBDIVISION/NEIGHBORHOOD].

QUESTION:

Should the Wakulla County Board of County Commissioners create a Municipal Service Benefit Unit consisting of the properties within [SUBDIVISION/NEIGHBORHOOD] and impose an ongoing, annual special assessment on real property included therein for a period of [#] years to fund [TYPE] local improvements and related services through the [DESCRIBE WORK, i.e. addition of six (6) new street lights on ABC Road and ongoing street lighting services]? The expected first year assessment would be \$____ per [ASSESSMENT UNIT, i.e. buildable lot]. The annual assessment will be reviewed on an annual basis and subject to adjustment to reflect the actual cost of the service provided.

THE UNDERSIGNED HEREBY CASTS THE FOLLOWING VOTE:

_____ YES

_____ NO

Name: _____

Address: _____

Property ID #: _____

Signature(s) _____

This voted ballot, completed with appropriate signature(s) shall be returned by U.S. Postal mail in the envelope provided. Ballots not returned in this manner will not be counted.

Ballots must be returned by _____ to be counted.

5. After the deadline date for receipt of the ballots, County staff shall count the votes, and if at least 66 percent of the owners who respond support imposition of the assessment, county staff will present the results to the BOCC within a reasonable time and request direction from the BOCC regarding imposition of the requested assessment program. If there is a favorable majority vote by the BOCC members who are present and voting to pursue the imposition of the requested assessment program, then County staff will proceed in accordance with the procedures in Chapter 15 of the Wakulla County Code of Ordinances.
6. The results of the straw ballot are not binding on the BOCC. The BOCC may decline to impose a special assessment receiving a favorable return or, conversely, may approve the imposition of an assessment for local improvements and related services even if the results of the ballot reveal that less than 66 percent of the owners support imposition of the assessment.
7. Under no circumstances shall this section be construed to require that the board receive a petition or conduct a ballot in order to impose assessments, generally.
8. All special assessments will be collected in accordance with Section 197.3632, Florida Statutes. Due to statutory time constraints, any petitions requesting a voluntary special assessment program that are received by the County after October 1 will not be eligible for placement on the tax bill the following calendar year, but may be considered for later tax bills.