

**RESOLUTION NO. 2009-19**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, RELATING TO THE PROVISION OF STORMWATER UTILITY SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF DELTONA; GENERALLY DESCRIBING THE SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTIMATING THE COST TO BE ASSESSED FOR THE UPCOMING FISCAL YEAR; ESTABLISHING THE ASSESSMENT RATE FOR THE UPCOMING FISCAL YEAR; AUTHORIZING A PUBLIC HEARING; DIRECTING THE ROLL BE UPDATED AND NOTICE PROVIDED WHERE REQUIRED; DIRECTING AND AUTHORIZING ADDITIONAL OR SUPPLEMENTAL NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Commission of Deltona, Florida, adopted Resolution No. 96-29 imposing stormwater utility assessments in the City of Deltona; and

**WHEREAS**, it is determined advisable and in the best interests of the citizens of the City of Deltona that said assessments be re-approved and continued and that the assessments be certified to the tax collector and be collected through procedures established by law for collection of non ad valorem assessments on the same bill as ad valorem taxes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:**

**SECTION ONE. AUTHORITY.** This Resolution is adopted pursuant to Ordinance No. 96-48, (the "Ordinance"), Resolution No. 96-29, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**SECTION TWO. PURPOSE AND DEFINITIONS.** This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

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**SECTION THREE. PROVISION AND FUNDING OF STORMWATER UTILITY SERVICES.**

(A) Upon the imposition of Stormwater Utility Assessments for stormwater utility services, facilities and programs against Assessed Property, the City shall provide stormwater utility services to such Assessed Property. A portion of the cost to provide such stormwater utility services, facilities and programs shall be funded from the proceeds of the Stormwater Utility Assessments. The remaining cost required to provide stormwater utility services, facilities and programs shall be funded by available City revenues other than Stormwater Utility Assessment proceeds.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property will be benefited by the City's provision of stormwater utility services, facilities and programs in an amount not less than the Stormwater Utility Assessment imposed against such parcel.

**SECTION FOUR. DETERMINATION OF STORMWATER UTILITY ASSESSED COSTS AND RATES.**

The Stormwater Utility Assessed Costs to be assessed and apportioned among benefited parcels, using an apportionment method similar to that employed by the City in the prior year, for the Fiscal Year commencing October 1, 2009, is \$76.11 per Equivalent Residential Unit (ERU) for developed properties. Stormwater Utility Assessments shall be imposed against all Tax Parcels within the City.

**SECTION FIVE. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 6:30 p.m. on Tuesday, September 8, 2009 at the Deltona Commission Chambers, 2345 Providence Blvd., Deltona, Florida, at which time the City

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Commission will receive and consider any comments on the Stormwater Utility Assessments from the public and affected property owners and adoption of the Annual Rate Resolution for the upcoming Fiscal Year.

**SECTION SIX. UPDATED ASSESSMENT ROLL AND NOTICE.**

(A) The City Manager shall update the Assessment Roll.

(B) In the event (1) the proposed Assessment for the Fiscal Year exceeds the maximum rate of assessment adopted by the City Commission and included in the notice previously provided to the Owners of Assessed Property pursuant to Section 2.04 and 2.05 of the Ordinance, (2) the method of apportionment is changed or the purpose for which the Assessment is imposed is substantially changed from that represented by said notice previously provided to the Owners of Assessed Property pursuant to Section 2.04 and 2.05 of the Ordinance, (3) Assessed Property is reclassified in a manner which results in an increased Assessment from that represented by said Section 2.04 and 2.05 notice, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll for the prior Fiscal Year, notice shall be provided by publication and first class mail to the Owners of such Assessed Property. Such notice shall substantially conform with the notice requirement of Section 2.04 and 2.05 of the Ordinance and inform the Owner of the date, time and place for the adoption of the Annual Rate Resolution. The failure of the Owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of an Assessment imposed by the City Commission.

(C) As to any Assessed Property not included on an Assessment Roll approved by the adoption of the Final Assessment Resolution of a prior year's Annual Rate Resolution, the adoption of the succeeding Annual Rate Resolution shall be the final adjudication of the issues

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presented as to such Assessed Property (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll, and the levy and lien of the Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission action on the Annual Rate Resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any Assessment not challenged within the required 20 day period for those Assessments imposed against Assessed Property by the inclusion of the Assessed Property on an Assessment Roll approved in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(D) The City Manager is authorized to provide any supplemental or additional notice deemed proper, necessary or convenient by the City.

**SECTION SEVEN. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage and adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

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Dennis Mulder, MAYOR

**ATTEST:**

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Faith G. Miller, MMC, CITY MANAGER

Approved as to form & legality for use  
and reliance by the City of Deltona, Florida

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George Trovato, CITY ATTORNEY