

RESOLUTION 2018-33

A RESOLUTION OF THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF ST. AUGUSTINE, FLORIDA; ESTABLISHING THE ESTIMATED RATES FOR FIRE PROTECTION ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 2016-20, (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 2016-25), the Final Assessment Resolution (Resolution No. 2016-29), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Fire Protection Assessments for the Fiscal Year beginning October 1, 2018. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE PROTECTION SERVICES.

(A) Upon the reimposition of a Fire Protection Assessment for fire protection services facilities, or programs against Assessed Property located within the City, the City

shall provide fire protection services to such Assessed Property. All or a portion of the cost to provide such fire protection services, facilities, or programs shall be funded from proceeds of the Fire Protection Assessments. The remaining cost required to provide fire protection services, facilities, and programs shall be funded by legally available City revenues other than Fire Protection Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS. Fire Protection Assessments shall be imposed against all Tax Parcels within the Property Use Categories. Fire Protection Assessments shall be computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 6. COST APPORTIONMENT METHODOLOGY.

The Cost Apportionment Methodology embodied in Section 6 of the Initial Assessment Resolution is hereby affirmed and incorporated herein by reference.

SECTION 7. COST FACTOR CALCULATION.

The Cost Factor Calculation embodied in Section 7 of the Initial Assessment Resolution is hereby affirmed and incorporated herein by reference.

SECTION 8. PARCEL APPORTIONMENT METHODOLOGY.

(A) The Parcel Apportionment Methodology embodied in Section 8 of the Initial Assessment Resolution is hereby affirmed and incorporated herein by reference.

(B) It is hereby determined that the Parcel Apportionment methodology described and determined in the Initial Assessment Resolution is to be applied in the calculation of the estimated Fire Protection Assessment rates established in Section 9 of this Preliminary Rate Resolution.

SECTION 9. DETERMINATION OF FIRE PROTECTION ASSESSED COSTS; ESTABLISHMENT OF ANNUAL FIRE PROTECTION ASSESSMENTS.

(A) The Fire Protection Assessed Costs to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year beginning October 1, 2018, is \$1,488,981.36

(B) The estimated Fire Protection Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2018, are hereby established as follows for the purpose of this Preliminary Rate Resolution:

**FIRE PROTECTION ASSESSMENTS
FISCAL YEAR 2018-2019**

<u>Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Residential	\$0.0589
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<u>Non-Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Non-Residential	\$0.1075

(C) The estimated Maximum Fire Protection Assessment Rates to be assessed and apportioned among benefitted parcels in future Fiscal Years without further notice pursuant to the Cost Apportionment and Parcel Apportionment are hereby established as follows for the purpose of this Preliminary Rate Resolution:

MAXIMUM FIRE PROTECTION ASSESSMENTS

Residential Property Use Categories	Rate Per Square Foot
Residential	\$0.1053
Non-Residential Property Use Categories	Rate Per Square Foot
Non-Residential	\$0.1921

(D) Any shortfall in the expected Fire Protection proceeds due to any reduction or exemption from payment of the Fire Protection Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Protection Assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the City Commission is improper or otherwise adversely affects the validity of the Fire Protection Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Protection Assessment upon each affected Tax Parcel in the amount of the Fire Protection Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel by the City Commission.

(E) The approval of the Estimated Fire Protection Assessment Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the Fire Protection Assessed Costs. The remainder of such Fiscal Year budget for fire protection services, facilities, and programs shall be funded from legally available City revenue other

than Fire Protection Assessment proceeds.

(F) The estimated Fire Protection Assessments specified in the Estimated Fire Protection Assessment Rate Schedule are hereby established to fund the specified Fire Protection Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2018.

(G) The estimated Fire Protection Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Protection Assessment Roll for the Fiscal Year beginning October 1, 2018, as provided in Section 10 of this Preliminary Rate Resolution.

SECTION 10. ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year beginning October 1, 2018, in the manner provided in the Ordinance. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The City Manager shall apportion the estimated Fire Protection Assessed Cost to be recovered through Fire Protection Assessments in the manner set forth in this Preliminary Assessment Resolution.

(B) A copy of the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, this Preliminary Rate Resolution, documentation related to the estimated amount of the Fire Protection Assessed Cost to be recovered through the imposition of Fire Protection Assessments, and the updated Assessment Roll shall be maintained on file in the office of the City Manager and open to public inspection. The foregoing shall not be construed to require that the updated Fire Protection Assessment Roll be in printed form if the amount of the Fire Protection Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Protection Assessments for fire protection services as set forth in this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Fire Protection Assessed Cost among parcels of Assessed Property located within the City.

SECTION 11. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 5:00 p.m. on August 13, 2018, in City Commission Chambers, Alcazar Room, of City Hall, 75 King Street, St. Augustine, Florida, at which time the City Commission will receive and consider any comments on the Fire Protection Assessments from the public and affected property owners and consider reimposing Fire Protection Assessments and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. EXTRAORDINARY VACANCY ADJUSTMENT.

Mobile Home Parks

(A) As a consequence of the transient use and potential extraordinary vacancies within Mobile Home Parks, as compared to other Residential Property with permanent structures affixed thereto, and the potential sustained lack of demand for fire protection service for unoccupied spaces, each Owner of Mobile Home Park property shall be afforded the opportunity to demonstrate a historical extraordinary vacancy in space occupancy within such Assessed Property as defined herein and receive an extraordinary vacancy adjustment to the Fire Protection Assessment imposed upon such Assessed Property.

(B) Notwithstanding the definition of "Dwelling Units" vacant lots in Mobile Home Park property shall not be considered units of Dwelling Units of Residential Property and shall not be subject to the Fire Protection Assessments.

(C) Vacant lots shall be those determined by the City Manager based on evidence of a historical extraordinary vacancy rate provided by the Owner on or before June 1 of each year. An extraordinary vacancy rate shall be defined as the percentage of available mobile home spaces within a Mobile Home Park that were vacant for each and every day of the time between January 1 through and including December 31 of the calendar year preceding the applicable deadline for the Owner's submittal of vacancy rate evidence for each year and shall be calculated as follows:

Exact Number of Permitted Sites within the Mobile Home Park including overflow areas)	_____ A (not
Times (x) Days in Reporting Period	(x 365) B
Total Possible Space Nights A x B = C (Example: 100 sites x 365 days = 36,500)	_____ C
Actual Space Nights Sum of Number of Actual Occupied Spaces for Each Day in Calendar Year	_____ D
Occupancy Percentage D/C = E (Example: 12,500/36,500 = 34.2%)	_____ E
Vacancy Rate Subtract E from 100% (Example: 100% – 34.2% = 65.8%)	_____ F

The Owner shall certify by affidavit to the City, on a form provided by the City Manager, the vacancy rate for the respective time period; such certification shall be subject to verification and audit. At a minimum, such affidavit shall conclusively identify and affirm (1) the tax parcel, (2) the number of spaces and type of improvements in the Mobile Home Park, and (3) the vacancy rate.

(D) The City Manager is directed and authorized to adjust, or cause to be adjusted, any Fire Protection Assessment imposed for the Fiscal Year beginning October 1, 2018, upon a parcel of Mobile Home Park property whose Owner timely and satisfactorily

demonstrates by affidavit that such parcel has experienced an extraordinary vacancy by multiplying the vacancy rate by the portion of the Fire Protection Assessment attributable to Mobile Home Park spaces and reducing the Fire Protection Assessment by an equivalent amount.

(E) For the Fiscal Year beginning October 1, 2018, any shortfall in the expected Fire Protection Assessment proceeds due to any adjustment for extraordinary vacancy shall be supplemented by any legally available funds and shall not be paid for by proceeds or funds derived from Fire Protection Assessments.

Recreational Vehicle Parks

(F) As a consequence of the transient use and potential extraordinary vacancies within Recreational Vehicle Parks, as compared to other Commercial Property and the potential sustained lack of demand for fire protection service for unoccupied spaces, each Owner of Recreational Vehicle Park property shall be afforded the opportunity to demonstrate a historical extraordinary vacancy in space occupancy within such Assessable Property as defined herein and receive an extraordinary vacancy adjustment to the Fire Protection Assessment imposed upon such Assessable Property.

(G) Notwithstanding the definition of "Commercial Property" herein vacant spaces in Recreational Vehicle Park property shall not be considered "Commercial Property" and shall not be subject to the Fire Protection Assessments.

(H) Vacant lots shall be those determined by the City Manager based on evidence of a historical extraordinary vacancy rate provided by the Owner on or before on or before June 1 of each year. An extraordinary vacancy rate shall be defined as the percentage of available recreational vehicle spaces within a Recreational Vehicle Park that were vacant for each and every day of the time between January 1 through and including

December 31 of the calendar year preceding the applicable deadline for the Owner’s submittal of vacancy rate evidence for each year and shall be calculated as follows:

Exact Number of Permitted Sites within the Recreational Vehicle Park (not including overflow areas)	_____A
Times (x) Days in Reporting Period	(x 365) B
Total Possible Space Nights A x B = C (Example: 100 sites x 365 days = 36,500)	_____C
Actual Space Nights Sum of Number of Actual Occupied Spaces for Each Day in Calendar Year	_____D
Occupancy Percentage D/C = E (Example: 12,500/36,500 = 34.2%)	_____E
Vacancy Rate Subtract E from 100% (Example: 100% – 34.2% = 65.8%)	_____F

The Owner shall certify by affidavit to the City, on a form provided by the City Manager, the vacancy rate for the respective time period; such certification shall be subject to verification and audit. At a minimum, such affidavit shall conclusively identify and affirm (1) the tax parcel, (2) the number of spaces and type of improvements in the Mobile Home Park, and (3) the vacancy rate.

(I) The City Manager is directed and authorized to adjust, or cause to be adjusted, any Fire Protection Assessment imposed for the Fiscal Year beginning October 1, 2018, upon a parcel of Recreational Vehicle Park property whose Owner timely and satisfactorily demonstrates by affidavit that such parcel has experienced an extraordinary vacancy by multiplying the vacancy rate by the portion of the Fire Protection Assessment attributable to Recreational Vehicle Park spaces and reducing the Fire Protection Assessment by an equivalent amount.

(J) For the Fiscal Year beginning October 1, 2018, any shortfall in the expected

Fire Protection Assessment proceeds due to any adjustment for extraordinary vacancy shall be supplemented by any legally available funds and shall not be paid for by proceeds derived from Fire Protection Assessments.

SECTION 13. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 11 hereof in the manner and time provided in Section 2.04 of the Ordinance. The notice shall be published no later than July 20, 2018 in substantially the form attached hereto as Appendix A.

SECTION 14. NOTICE BY MAIL. The City Manager shall also provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 2.05 of the Ordinance, in substantially the form attached hereto as Appendix B. Such notices shall be mailed no later than July 20, 2018.

SECTION 15. APPLICATION OF ASSESSMENT PROCEEDS. The revenue derived by the City from Fire Protection Assessments shall be utilized for the provision of fire protection services, facilities, and programs within the City. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire protection services, facilities, and programs.

SECTION 16. EFFECTIVE DATE. This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 9th day of July, 2018.

CITY OF ST. AUGUSTINE, FLORIDA

Mayor

ATTEST:

City Clerk

(Corporate Seal)

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by July 20, 2018

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE PROTECTION SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of St. Augustine will conduct a public hearing to consider the imposition of annual fire protection special assessments for the provision of fire protection services within the municipal boundaries of the City of St. Augustine.

The hearing will be held at 5:00 p.m. on August 13, 2018, in City Commission Chambers, Alcazar Room, of City Hall, 75 King Street, St. Augustine, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission 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. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact Darlene Galambos, City Clerk at (904) 825-1007, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following tables reflect the proposed fire protection assessment schedules.

**FIRE PROTECTION ASSESSMENTS
FISCAL YEAR 2016-2017**

Residential Property Use Categories	Rate Per Square Foot
Residential	\$0.0589

Non-Residential Property Use Categories	Rate Per Square Foot
Non-Residential	\$0.1075

**MAXIMUM FIRE PROTECTION ASSESSMENT
FOR FUTURE FISCAL YEARS**

Residential Property Use Categories	Rate Per Square Foot
Residential	\$0.1053

Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.1921

Copies of the Fire Protection Assessment Ordinance, the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the City Clerk, City Hall, located at 75 King Street, St. Augustine, Florida.

The fire protection service non-ad valorem assessment will be collected on the ad valorem tax bill to be mailed in November 2018. Failure to pay the assessments 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 City's Budget and Performance Management office at 904-825-1006, Monday through Friday between 9:00 a.m. and 5:00 p.m.

[INSERT MAP OF THE CITY OF ST. AUGUSTINE]

**CITY COMMISSION
CITY OF ST. AUGUSTINE, FLORIDA**

APPENDIX B

FORM OF NOTICE TO BE MAILED

APPENDIX B

FORM OF NOTICE TO BE MAILED

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

City of St. Augustine
75 King Street.
St. Augustine, Florida
32085-0210

CITY OF ST. AUGUSTINE, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF FIRE PROTECTION
NON-AD VALOREM ASSESSMENTS
NOTICE DATED: July 20, 2018

Owner Name
Address
City, State Zip

Tax Parcel # _____
Legal Description: _____

As required by Section 197.3632, Florida Statutes, and City Ordinance No. 2016 – 20 notice is given by the City of St. Augustine that an annual assessment for fire protection services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2018 - September 30, 2019. The purpose of this assessment is to fund fire protection services benefitting improved property located within the City of St. Augustine. The total annual fire protection assessment revenue to be collected within the City of St. Augustine is estimated to be \$1,488,981.36 for the fiscal year October 1, 2018 – September 30, 2019. The annual fire protection assessment is based on the classification of each parcel of property and number of billing units contained therein.

The above parcel is classified as_____.

The total number of billing units on the above parcel is_____.

The type of billing units on the above parcel is_____.

The annual fire protection assessment for Fiscal Year 2017-2018 for the above parcel is \$_____.

The maximum annual fire protection assessment that can be imposed without further notice for future fiscal years for the above parcel is \$_____.

A public hearing will be held at 5:00 p.m. on August 13, 2018, in City Commission Chambers, Alcazar Room, of City Hall, 75 King Street, St. Augustine, Florida for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission 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. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact Darlene Galambos, City Clerk at (904) 825-1007, at least 7 days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission 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 Fire Protection Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution and the preliminary assessment roll are available for inspection at the City Clerk, located at City Hall, 75 King Street, St. Augustine, Florida.

The fire protection service non-ad valorem assessment amount shown on this notice will be collected by the St. Johns County Tax Collector on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessments could cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your fire protection service assessment, please contact the City's Budget and Performance Management office Monday through Friday between 9:00 a.m. and 5:00 p.m.

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