

RESOLUTION NO. 2000- 7

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DIRECTING THE COUNTY ADMINISTRATOR (A) TO TAKE SUCH ACTIONS AS ARE NECESSARY TO TIMELY DESIGN AND CONSTRUCT SEWAGE COLLECTION AND TRANSMISSION FACILITIES FOR A PORTION OF THE AREA THAT IS LOCATED WITHIN THE MUNICIPAL SERVICE DISTRICT OF PONTE VEDRA BEACH; (B) TO TAKE SUCH ACTIONS AS ARE NECESSARY TO ENABLE THE COUNTY TO BORROW SUFFICIENT FUNDS TO FINANCE THE DESIGN AND CONSTRUCTION OF SUCH FACILITIES AND TO PAY THE FOLLOWING DESCRIBED CONSULTANT; (C) TO RETAIN A CONSULTANT TO DETERMINE THE AMOUNT OF, AND IMPLEMENT THE LEVY AND COLLECTION OF, SUFFICIENT ANNUAL NON AD VALOREM SEWAGE FACILITY ASSESSMENTS TO REPAY THE LOAN; SAID ANNUAL ASSESSMENTS TO BE LEVIED FOR 30 CONSECUTIVE YEARS (WITH OPTIONS TO PREPAY) COMMENCING NOVEMBER 2000 AGAINST THE IMPROVED AND VACANT LANDS THAT WILL BE SPECIALLY BENEFITED BY THE AVAILABILITY OF SUCH SEWAGE FACILITIES; (D) TO SCHEDULE THE PUBLIC HEARING THAT IS REQUIRED BY SECTION 197.3632(3)(a), FLORIDA STATUTES, FOR THE BOARD'S MEETING ON FEBRUARY 22, 2000; (E) TO DRAFT THE RESOLUTION AND THE NOTICE OF PUBLIC HEARING THAT ARE REQUIRED BY SECTION 197.3632(3)(a), FLORIDA STATUTES, AND TO CAUSE THE NOTICE TO BE PUBLISHED WEEKLY FOR 4 CONSECUTIVE WEEKS PRECEDING THE FEBRUARY 22, 2000 PUBLIC HEARING; (F) TO ACCOMPLISH CERTAIN OTHER TASKS REQUIRED BY SECTION 197.3632, FLORIDA STATUTES; (G) TO NEGOTIATE A CONTRACT WITH UNITED WATER FLORIDA, INC. FOR THE BOARD'S CONSIDERATION WHEREBY UNITED WATER FLORIDA, INC. WILL OPERATE AND MAINTAIN THE COUNTY'S NEWLY CONSTRUCTED SEWAGE FACILITIES AND WILL ACCEPT AND TREAT THE SEWAGE THAT IS TRANSMITTED BY SUCH FACILITIES; (H) TO TIMELY ADVERTISE AND SCHEDULE THE PUBLIC HEARING REQUIRED BY SECTION 125.3401, FLORIDA STATUTES, PRIOR TO THE BOARD' DETERMINATION AS TO WHETHER TO ENTER INTO THE PROPOSED WASTEWATER FACILITY PRIVATIZATION CONTRACT WITH UNTIED WATER FLORIDA, INC.; AND (I) TO TIMELY PROVIDE THE 365 DAY NOTICES THAT ARE DESCRIBED IN SECTION 381.00655, FLORIDA STATUTES THAT REQUIRE CONNECTION TO THE SEWAGE FACILITIES.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida was requested by citizens within the Municipal Service District of Ponte Vedra Beach to conduct a survey among the owners of property within the District that would be assessed to pay the cost of providing proposed sewage collection and transmission facilities that, if constructed, would be available to serve their properties to determine whether or not such owners favored the construction of those facilities and the attendant assessments; and

WHEREAS, the County conducted such survey and a majority of the property owners who responded to the survey favored the construction of the proposed sewage facilities with the attendant assessments.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. The County Administrator is hereby instructed to schedule the public hearing that is required by Section 197.3632(3)(a), Florida Statutes, for the Board's meeting on February 22, 2000; to obtain the consents of the County Property Appraiser and County Tax Collector required by Section 197.3632(3)(a), Florida Statutes; to obtain the contracts with the County Property Appraiser and County Tax Collector that are required by Section 197.3632(2), Florida Statutes; and to draft a resolution stating the Board's intent to use the uniform method for collecting the non ad valorem sewage facility assessments that the Board will levy and assess against the properties in the Municipal Service District of Ponte Vedra Beach that will be specially benefited by the construction and operation of the proposed sewage facilities. The resolution shall meet the requirements of Section 197.3632(3)(a), Florida Statutes, shall state the need for the levy with supporting findings and shall include a legal description of the boundaries of the real property that will be subject to the levy. The County Administrator is further instructed to prepare the Notice of Public Hearing that is required by Section 197.3632(3)(a), Florida Statutes, and to cause the notice to be published weekly for 4 consecutive weeks preceding the February 22, 2000 public hearing.

Section 2. If the Board adopts the above described resolution, the County Administrator is instructed to send a copy of the resolution by United States Mail to the County Property Appraiser, the County Tax Collector and the Florida Department of Revenue by March 10, 2000.

Section 3. The County Administrator is instructed to take the steps, if any, that are necessary to complete the design of the proposed sewage facilities.

Section 4. The County Administrator is further instructed to negotiate a contract with United Water Florida, Inc. for the Board's consideration whereby United Water Florida, Inc. will operate and maintain the County's newly constructed sewage facilities and will accept and treat the sewage that is transmitted by such facilities. Upon being satisfied with the terms of the proposed contract, the County Administrator is instructed to (i) timely advertise, (ii) schedule, and (iii) prepare and compile the information and documentation necessary for, the Public

Hearing that is required by Section 125.3401, Florida Statutes, prior to the Board's determination as to whether to enter into the negotiated contract with United Water Florida, Inc.

Section 5. The County Administrator is instructed to prepare a bid package, including a proposed construction contract, for the construction of the proposed sewage facilities and to advertise for bids for such construction.

Section 6. If and when the Board enters into the above described contract with United Water Florida, Inc., then, upon execution of such contract, the County Administrator shall recommend to the Board one or more bidders and a proposed construction contract for the construction of the proposed sewage facilities.

Section 7. Prior to recommending the execution of a proposed construction contract, the County Administrator shall take such actions as are necessary to enable the County to borrow sufficient funds to finance the design and construction of the proposed sewage facilities and to pay the following described consultant.

Section 8. The County Administrator is instructed to take such steps as are necessary for the County to retain a consultant to determine the amount of, and implement the levy and collection of, sufficient annual non ad valorem sewage facility assessments to be levied pursuant to the following described County ordinance for 30 consecutive years (with options to prepay) commencing October or November 2000 against the improved and vacant lands that will be specially benefited by the availability of the new sewage facilities. The consultant and the County Administrator, with the assistance of the office of the County Attorney, draft the County ordinance that establishes the amounts of the annual non ad valorem sewage facility assessment for each individual parcel of land that is, or will be, specially benefited by the newly constructed sewage facility; that levies the annual non ad valorem sewage facility assessments on each such parcel with collection of the assessments to commence in November 2000 using the Section 197.3632, Florida Statutes, uniform method for the levy, collection and enforcement of non ad valorem assessments; that contains findings of fact that establish and point out the public necessity and public purposes that will be served by constructing the proposed facility; that establishes that the amount of the non ad valorem sewage facility assessment for each parcel does not exceed the proportional costs of the benefits the property receives as compared to other properties; and that contains such other provisions as are necessary or desirable to implement the Board's intent that the owner's of the properties that are specially benefited by the new sewage facilities repay the County the costs that the County incurs in designing, constructing and financing the facilities and in establishing, levying and collecting the non ad valorem sewage facility assessments.

Section 9. The County Administrator is further instructed to timely provide the 365 day notices that are described in Section 381.00655, Florida Statutes that require connection to the newly constructed sewage facilities.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 18<sup>th</sup> day of January, 2000.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeGrande  
Deputy Clerk

Effective Date: 1-18-2000

