

## RESOLUTION 2268-23

### **A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CITY OF WINTER PARK'S INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS; DETERMINING THE NECESSITY OF SUCH ASSESSMENTS; PROVIDING DIRECTIONS TO THE CLERK; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Park (the "City") is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to adopt resolutions;

**WHEREAS**, section 197.3632, Florida Statutes, authorizes local governments to collect non-ad valorem assessments for any assessments levied pursuant to general or special law or local government ordinance or resolution and provides a uniform method to elect to use such assessments;

**WHEREAS**, currently, the City collects stormwater utility fees on a monthly utility bill, however, the City finds stormwater utility fees are more appropriately collected on property tax bills in part because there may be no active utility customer residing or present on a property which is subject to the assessment;

**WHEREAS**, the City intends to use the uniform method for collecting non-ad valorem assessments to collect stormwater utility fees;

**WHEREAS**, the City, the Property Appraiser, and the Tax Collector agreed that the City may adopt this Resolution at a public hearing before March 1, 2023, in conformance with section 197.3632(3)(a), Florida Statutes;

**WHEREAS**, notice of the City's intent to use the uniform method of collecting non-ad valorem assessments was published in a newspaper of general circulation for four consecutive weeks preceding the adoption of this Resolution;

**WHEREAS**, the City held a duly advertised public hearing prior to the adoption of this Resolution;

**WHEREAS**, the City finds that the non-ad valorem assessment of stormwater utility fees is in the best interest of the City and its citizens as such assessment method is fair to all residents and ensures the City does not lose revenue when a property does not have an active utility customer residing or present on the property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, THAT:**

**SECTION 1. RECITALS.** The foregoing findings are true and correct material provisions of the Resolution and are incorporated herein by reference and made a part hereof.

**SECTION 2. AUTHORIZATION OF INTENT.** The City Commission hereby confirms the City's intent to use the uniform method of collecting non-ad valorem assessments for stormwater utility fees commencing with the 2024 Ad Valorem Tax Bill and for each year thereafter. A legal description of the boundaries of the properties subject to the levy of such assessments is attached as **Exhibit A**. Adoption of this Resolution shall not be deemed to commit or require the City to impose any assessments.

**SECTION 3. NECESSITY OF NON-AD VALOREM ASSESSMENTS.** The City Commission hereby confirms and determines that the levy of non-ad valorem assessments for stormwater utility fees is necessary to pay and fund the cost of providing such services.

**SECTION 4. DIRECTION TO THE CLERK.** The City Clerk is hereby directed to furnish a certified copy of this Resolution, a copy of the newspaper advertisement, and proof of publication showing the dates of publication to the Florida Department of Revenue, the Orange County Tax Collector, and the Orange County Property Appraiser before March 10, 2023.

**SECTION 5. SEVERABILITY OF INVALID PROVISIONS.** If any one or more of the covenants, amendments or provisions contained herein is held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, amendments, or provisions will be null and void and deemed severable from the remaining covenants, amendments, or provisions hereof and will in no way affect the validity of any of the other provisions of this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution will take effect immediately upon its adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 22nd day of February 2023.

By: \_\_\_\_\_  
Phillip Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Rene Cranis, City Clerk

## **EXHIBIT A**

### **AREAS SUBJECT TO ASSESSMENT**

The entire corporate boundaries of the City of Winter Park on file in the City Clerk's office.