



American Beach Water and Sewer District Advisory Board

Special Meeting

9:00AM, May 1, 2021

James S. Page Governmental Complex, 96135 Nassau Place  
Yulee, FL 32097

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

AUDIENCE INPUT – NON-AGENDA ITEMS

A. [How to Provide Input](#)

AUDIENCE INPUT – AGENDA ITEMS

B. [How to Provide Input](#)

NEW BUSINESS

C. American Beach Water and Sewer Project Overview - Steve Spratt, FGUA

D. [Overview of a Resolution of the Nassau County Board of County Commissioners, Providing for a Straw Ballot](#) – Heather Encinosa, Nabors Giblin & Nickerson, and Taco Pope, County Manager

E. [Overview of a Resolution of Intent to Establish a Mandatory Connection](#) – Heather Encinosa, Steve Spratt

F. Community Input, Questions and Answers

ADJOURNMENT

AUDIENCE INPUT – AGENDA AND NON-AGENDA ITEMS

TAB A AND B

You are invited to a Zoom webinar.

When: This is a recurring webinar

Topic: American Beach Water and Sewer Advisory Board

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87398540013?pwd=NDJDSFEwb1ArN0NycklRWkdpa3NzZz09>

Passcode: 987321

Or One tap mobile :

US: +13017158592,,87398540013#,,,,\*987321# or  
+13126266799,,87398540013#,,,,\*987321#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1  
346 248 7799 or +1 669 900 9128

Webinar ID: 873 9854 0013

Passcode: 987321

International numbers available: <https://us02web.zoom.us/j/87398540013?pwd=NDJDSFEwb1ArN0NycklRWkdpa3NzZz09>

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BOARD OF THE AMERICAN BEACH WATER AND SEWER DISTRICT PROVIDING FOR A STRAW BALLOT TO BE HELD BY MAIL TO DETERMINE THE LEVEL OF AFFECTED PROPERTY OWNER SUPPORT FOR IMPOSITION OF AN ANNUAL NON-AD VALOREM ASSESSMENT TO FUND THE PROVISION OF WATER AND WASTEWATER FACILITIES TO SERVE PROPERTIES WITHIN THE DISTRICT; PROVIDING CERTAIN DEFINITIONS; PROVIDING FOR THE TITLE AND SUBSTANCE OF THE BALLOT MEASURE; PROVIDING FOR APPOINTMENT OF AN AGENT TO TALLY AND CERTIFY RESULTS; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

**WHEREAS**, under Article VIII, Section I, Florida Constitution, counties shall have all powers of local self-government not inconsistent with general or special law; and

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida, serving as the governing board of the American Beach Water and Sewer District (the “Board”) is contemplating the imposition of a non-ad valorem assessment within the District to fund the non-grant funded portion of the total project cost of central water and wastewater utility facilities constructed and installed within the District; and

**WHEREAS**, the Board now desires to call for a mailed straw ballot to determine the level of support from Affected Property Owners within the District for the non-ad valorem assessment program to fund these identified improvements.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Nassau County, Florida, that:

**SECTION 1. INCORPORATION OF RECITALS.** The above recitals are true and correct and are hereby incorporated by reference.

**SECTION 2. DEFINITIONS.** As used in this Resolution, the following terms shall have the following meanings, unless the context clearly requires otherwise:

**“Affected Property Owner”** means the fee simple owner as documented by the data maintained by the Nassau County Property Appraiser, of a Tax Parcel within the District that will benefit from one or more of the water and wastewater improvements herein described, and

will be levied a non-ad valorem assessment for payment of a pro-rata share of the cost associated with the Improvements.

**“American Beach Water and Sewer District”** or **“District”** means that dependent special district of Nassau County that was created by Ordinance No. \_\_\_\_.

**“Assessment”** or **“Non-Ad Valorem Assessment”** means an annual special assessment imposed against property located within the District to fund the non-grant funded portion of the total project cost of the Improvements to serve the District.

**“Ballot”** means the written document which will be provided to the Affected Property Owner to register a vote for or against the proposed Improvements.

**“Board”** means the Board of County Commissioners of Nassau County, Florida, serving as the governing board of the American Beach Water and Sewer District.

**“County”** means Nassau County, Florida.

**“Improvements”** means the pipes, mains, lift stations, pumping stations, and other facilities required for the District to provide potable water and wastewater services to all Tax Parcels within the District.

**“Tax Parcel”** means a parcel of property within the District to which the Nassau County Property Appraiser has assigned a distinct ad valorem property tax identification number.

### **SECTION 3. AFFECTED PROPERTY OWNER SUPPORT.**

(A) In order for the Assessment program to be implemented by the District, at least fifty percent (50%) plus one of the Ballots timely returned from Affected Property Owners must be in support of the Assessment program.

(B) The Ballot will be conducted by mail in accordance with the following procedures:

- (1) Each Tax Parcel shall be entitled to one vote. One Ballot shall be sent to the Affected Property Owner of each Tax Parcel within the District.
- (2) A Ballot timely returned by an Affected Property Owner of the eligible Tax Parcel shall be accepted by the District and counted as provided herein.

- (a) For Tax Parcels in joint ownership, only one Affected Property Owner must sign the Ballot.
- (b) For Tax Parcels owned by a corporation or other similar entity, an authorized officer of the corporation, as verified through the Secretary of State SunBiz database, must sign the Ballot.

(c) For Tax Parcels owned by a trust, an authorized trustee, as verified by an executed affidavit for the trust provided to the District, must sign the Ballot.

(3) Ballots must be returned by either mail or hand delivery to the County.

(4) Only Ballots timely returned by the deadline noted within the instructions included with the Ballot will be counted.

(5) Any Ballot not returned will not be considered a “yes” or a “no” vote and shall be disregarded.

(C) Ballots will be mailed to the Affected Property Owner(s) mailing address maintained by the Nassau County Property Appraiser by regular U.S. Mail.

(D) All Ballots will be accompanied by a postage prepaid return envelope to return the Ballot.

**SECTION 4. PROPOSED BALLOT LANGUAGE.** The wording and title of the Ballot shall be substantially as follows:

Concerned residents from the American Beach neighborhood have requested the Nassau County and the American Beach Water and Sewer District’s (the “District”) assistance in funding the construction of the necessary water and wastewater conveyance facilities to serve all properties within the District. If this project goes forward, your property will be served by central water and wastewater utility services.

The District has prepared this ballot to determine the support of property owners for the development and implementation of a special assessment program to fund the non-grant eligible portion of the total project costs for construction of water and wastewater infrastructure to provide reliable public water and wastewater systems within the District. The ‘Project’ is as set forth in the State Revolving Fund Facilities Plan for water and wastewater services approved by the Florida Department of Environmental Protection (FDEP) on October 14, 2020. The Project does not include improvements on your private property necessary to connect to the water and wastewater infrastructure. As is explained more below, a special assessment is a charge that would be imposed against each parcel of property to fund that property’s pro rata share of the costs associated with the water and wastewater projects. This ballot has been sent to every property owner that may be affected by the proposed improvements.

The County has completed an engineering study to determine the capital construction costs for the water and wastewater system improvements. The estimated costs to install water and wastewater infrastructure in the American Beach neighborhood from the municipal points of connection to the road right of way adjacent to benefiting parcels is estimated to be \$8,043,000. Since all State funds for the project have not yet been approved, the current planning assumption is that 70% of project costs will be funded by the FDEP State Revolving Fund program under ‘principal forgiveness’ provisions (grant) and 30% shall be required to be repaid by the loan recipient. Equivalent Residential Connection (ERC) rates applied to each parcel as provided below assume this funding combination.

These locally required loan repayment funds will be generated through the proposed assessment program, if approved. The proposed special assessment program will re-pay

the borrowed amount and all associated interest on the loan according to the terms of loan agreements and pay required administrative costs. After application of forgivable portion of loans (grants), the proposed assessment program will allocate these estimated local project costs (approximate total \$2,621,000) together with annual assessment program administrative and collection costs to all affected property owners based on the number of equivalent residential connections (ERCs) on each parcel. The Nassau Amelia Utility identifies an ERC as the average daily water flow of 350 gallons per day. Each single-family house and its corresponding buildable lot would be considered one (1) ERC. Any other properties would be assigned ERCs based upon their expected water and wastewater usage as compared to that of a typical single-family house.

Property owners will have the option of paying the entire assessment in full or paying the assessment over a period of years (along with financing costs including interest). To pay the assessment in full, the assessment amount is estimated to be approximately \$8,750 for each ERC. Note, these costs are for the right-of-way infrastructure only (availability of central water and sewer services) and does not include the costs associated with connecting the homes or other buildings located on private property to the central water and sewer system in the adjacent roadway right of way.

If the assessment is paid over a period of 20 years, the special assessment would be on the same bill as your property taxes starting in November 2021 and each year thereafter until costs are repaid. **With the various assumptions described previously, the annual assessment per ERC is estimated to be \$671.00.**

If the ballot results are favorable, the Nassau County Commission, serving as the governing board of the District, will take the steps necessary to implement this assessment program. The steps include another mailed notice to you with the specific amount to be assessed for your property. The mailed notice will also provide the time and place of a public hearing to allow comments and make a final decision on the project. These steps are expected to be completed by September 15, 2021 and subject to District approval and assumed State funding is awarded, construction could begin on the proposed project in January of 2022.

If you have any questions, contact \_\_\_\_\_ at (\_\_\_\_) \_\_\_\_-\_\_\_\_. Thank you for your cooperation in this effort.

**Please complete the attached ballot and return it in the postage paid envelope provided by June 15 \_\_\_\_\_, 2021.**

**[QUESTION]** Should the Nassau County Board of County Commissioners, serving as the governing board of the American Beach Water and Sewer District, create a special assessment program and assess each of the affected property owners in the District an annual non ad-valorem special assessment for the proposed water and wastewater capital improvements? The special assessment program will fund the cost of these improvements within the project area that are not covered by grant proceeds. Please mark your choice below, sign where indicated, and return this ballot in the enclosed self-addressed stamped envelope.

***\*\*This ballot must be postmarked on or before June 15 \_\_\_\_\_, 2021 to be valid and included in the survey results.***

<b>(Please mark one response)</b>	<b>Yes</b>	<b>No</b>
Create special assessment program to fund the construction of water and wastewater infrastructure to provide reliable public water and wastewater services in the American Beach Water and Sewer District.		

I, \_\_\_\_\_ of \_\_\_\_\_  
 \_\_\_\_\_  
 (Print name) (Print mailing address)

affirm that I am the owner of record of the indicated parcel or have been duly authorized by the owner(s) of record of the indicated parcel to cast this ballot. I understand that this ballot represents an attempt to solicit extraordinary landowner input and is not binding upon the Nassau County Board of County Commissioners.

Date: \_\_\_\_\_, 2021 By: \_\_\_\_\_  
 \_\_\_\_\_  
 (Signature)

This Ballot must be returned to \_\_\_\_\_ by June 15, 2021 by mail to \_\_\_\_\_ or fax to (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_. A self-addressed, stamped envelope has been included for your convenience.

If you have any questions, contact \_\_\_\_\_ at (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_. Thank you for your cooperation in this effort.

Parcel Number: \_\_\_\_\_ Sequence Number: \_\_\_\_\_

**SECTION 5. AGENT FOR CERTIFICATION OF RESULTS.**

(A) The Board hereby appoints \_\_\_\_\_, as the District's agent for receipt, tally, and certification of the results of the Ballots.

(B) After the deadline for receipt of Ballots as noted in Section 5 above, \_\_\_\_\_ shall count all properly executed and timely received Ballots and shall deliver the certificates of results to the District within \_\_\_\_ days, which results shall then be recorded in appropriate public records.

**SECTION 6. EFFECTIVE DATE.** This resolution shall take effect immediately upon its passage and adoption.

**PASSED AND DULY ENACTED** on this \_\_\_\_ day of \_\_\_\_\_, 2021.

NASSAU COUNTY BOARD OF COUNTY  
COMMISSIONERS, SERVING AS THE  
GOVERNING BOARD OF THE AMERICAN  
BEACH WATER AND SEWER DISTRICT

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Clerk of Court

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

Resolution 2021-\_\_\_\_\_

**A RESOLUTION OF INTENT OF THE BOARD OF DIRECTORS OF THE AMERICAN BEACH WATER AND SEWER DISTRICT OF NASSAU COUNTY, FLORIDA, TO ESTABLISH A MANDATORY WATER AND WASTEWATER CONNECTION PROGRAM; PROVIDING FOR WATER AND WASTEWATER MANDATORY CONNECTIONS FOR EXISTING DEVELOPMENT; PROVIDING FOR WATER AND WASTEWATER MANDATORY CONNECTIONS FOR NEW DEVELOPMENT; PROVIDING FOR HARDSHIP ASSISTANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 381.00655, Florida Statutes, requires property owners to connect to an available publicly owned sewerage system within 365 days after written notification that the sewerage system is available for connection; and

**WHEREAS**, the County owns and operates, through agreement, Nassau Amelia Utilities, which provides central water and wastewater services within its service area and is governed by the rules and regulations set forth in Article II, Chapter 30  $\frac{3}{4}$  of the Nassau County Code of Ordinances (the "Code"); and

**WHEREAS**, in Section 30  $\frac{3}{4}$  -1 of the Code, the County created the American Beach Water and Sewer District (the "District") as a dependent district to construct, and maintain water and sewer lines in the district boundaries, which consist of a coastal area that is only minimally served by central utilities; and

**WHEREAS**, the County is seeking state loans and grants to finance the extension of Nassau Amelia Utilities and the construction of needed central water and wastewater utilities in the District; and

**WHEREAS**, it benefits the County, the citizens and the environment, including the water quality of the County's water resources, to have property owners utilize central sewer service instead of onsite sewage treatment systems when available;

**WHEREAS**, the County has determined that certain properties located within the County have or will have central sewer service available to them as provided in Section 381.00655, Florida Statutes, and that it is in the best interest of the health, safety, and welfare of the County to establish and enforce a uniform mandatory connection policy for those properties with available services; and

**WHEREAS**, the County has determined that the mandatory connection policy of the County will not apply to existing development with available water services, but that said policy will apply to new development with available water services; and

**WHEREAS**, the County has determined that it is in the best interest of the County to assist Low Income Persons who are owners of homesteaded residential property with the financial burden that may be created by the requirement of mandatory connections.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AMERICAN BEACH WATER AND SEWER DISTRICT AS FOLLOWS**, that:

**SECTION 1: FINDINGS.** The above recitals are true and correct and are hereby incorporated herein by reference.

**SECTION 2: INTENT.** It is the intent of the Board of Directors of the American Beach Water and Sewer District to promote the utilization of the following language, as amended from time to time, to serve as the foundation in creating a mandatory connection ordinance when/if in the future a mandatory connection ordinance is required to be created by the Nassau County Board of County Commissioners.

**Definitions.**

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

\* \* \*

Available for purposes of wastewater services, as set forth in Section 381.0065(2)(a), Florida Statutes, means that the County or District wastewater system is capable of being connected with the plumbing of an establishment or residence, is not under a Florida Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence, and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station

exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.

Available for purposes of potable water services means that the County or District water system is capable of being connected with the plumbing of an establishment or residence, is not under a moratorium, and has adequate permitted capacity to accept supply potable water to the establishment or residence, and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated potable water demand of 350 gallons per day or less, a potable water line exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated potable water demand exceeding 350 gallons per day, a potable water line exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a potable water line exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

\* \* \*

Continuous Compliance means the Onsite Sewage Treatment and Disposal system has not been out of compliance, at any time during the preceding twelve (12) months before the notification prescribed by Section

30 ¾ -39(c), with any rule, order, statute and/or regulation relating to the operation and maintenance of the facility of any regulatory agencies or governmental authorities having jurisdiction over that facility. If an equipment malfunction that causes a transitory or temporary violation is immediately repaired by the owners of any affected system, such malfunction shall not be deemed or construed to cause the system to be out of continuous compliance for purposes of subsection (b).

\* \* \*

Low-Income Persons means one or more natural persons, the total adjusted gross household income of which does not exceed 80% of the median adjusted gross income for households within the metropolitan statistical area covering the County as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function.

\* \* \*

Onsite Sewage Treatment and Disposal System means any sewage treatment or disposal facility not equipped to treat to effluent reuse standards, whether serving individual buildings or units or several buildings or units, which treats or disposes of human body or household type wastes. Such systems include, but are not limited to, any system subject to Rule 6E-6, F.A.C., standard septic tank systems, performance-based septic systems, aerobic treatment units, laundry wastewater systems, grease interceptors, waterless, incinerating or organic waste composting toilets, and individual "package" sewage treatment plants which are installed or proposed to be installed on land of the owner or on other land to which the owner or owners have the legal right to install a system and which primarily serves or proposes to serve the owner's property or development.

\* \* \*

[underline indicates additions; ~~strikethrough~~ indicates deletions]

**SECTION 3. MANDATORY CONNECTION TO WATER AND WASTEWATER FOR NEW DEVELOPMENT.:**

**Sec. 30¾-38. – Mandatory Connection to County Water and Wastewater for New Development.**

(a) Upon development, redevelopment, or expansion of any property with Available water and/or wastewater services, the property shall be connected to the County or District's available water and/or wastewater system prior to the issuance of a Certificate of Occupancy for the property.

(b) It is unlawful for any person to construct, install or repair an onsite sewage treatment system or other similar wastewater treatment systems in or upon any property where a County or District sewage system is Available.

(c) It is unlawful for any person to construct, install or repair an onsite potable water well, except for an irrigation well where reclaimed water is not available, in or upon any property where a County or District water system is Available.

(d) All connections shall be made in accordance with the rules and regulations adopted from time-to-time for the County or District's utility system. Financial assistance may be available for owners of homesteaded residential property as provided in Section 30 <sup>3</sup>/<sub>4</sub> -41.

**SECTION 4. MANDATORY CONNECTION TO WASTEWATER FOR EXISTING DEVELOPMENT.**

**Sec. 30<sup>3</sup>/<sub>4</sub>-39. – Mandatory Connection to County Wastewater for Existing Development.**

(a) Unless exempted in accordance with Section 30 <sup>3</sup>/<sub>4</sub> -39(f), the owner of an improved parcel of land with a properly functioning Onsite Sewage Treatment and Disposal System, excluding an approved onsite graywater system, shall connect the plumbing system of any improvement located thereon to an Available County or District wastewater system within 365 days after written notification that the County or District wastewater system is Available for connection. The owner of an existing Onsite Sewage Treatment and Disposal System shall also be responsible for properly decommissioning any such Onsite Sewage Treatment and Disposal System immediately after connection to the Available County or District wastewater system.

(b) The owner of an improved parcel of land with an Onsite Sewage Treatment and Disposal System that needs repairs or modification to function in a sanitary manner or to comply with the requirements of Florida law, must connect the plumbing system of any improvement located thereon to an Available County or District wastewater system within 90 days after written notification that the County or District wastewater system is Available for connection. The owner of an existing Onsite Sewage Treatment and Disposal System shall also be responsible for properly decommissioning any such Onsite Sewage Treatment and Disposal System immediately after connection to the Available County or District wastewater system.

(c) The County or District must notify the owner of the property of the availability of the central wastewater system in accordance with Section 381.00655, Florida Statutes.

(d) All connections shall be made in accordance with the rules and regulations adopted from time-to-time for the County or District's utility system. Financial assistance may be available for owners of homesteaded residential property as provided in Section 30 <sup>3</sup>/<sub>4</sub> -40.

(e) In the event an owner fails or refuses to timely connect to the County or District wastewater system within the time prescribed herein, a monthly Base Facility Charge, as set forth in Ordinance No. 2016-08, as it may be amended, shall commence the day following the expiration of the notice period and will be billed to the owner(s) of record of the property. The County or District may also seek and employ any legally available remedy to cause or effectuate the connection to the County or District's wastewater system. In the event the County or District is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the County or District, including attorney fees and court costs, may be assessed to the owner.

(f) The following exemptions are authorized from the connection requirement in Section 30 <sup>3</sup>/<sub>4</sub> -39(a):

(1) Upon application and approval, any property owner with a properly functioning and permitted performance-based Onsite Sewage Treatment and Disposal System shall be exempt from the requirement to connect prescribed in Section 30 <sup>3</sup>/<sub>4</sub> -39(a) for so long as the performance-based Onsite Sewage Treatment and Disposal System continues to meet all operating permit requirements as verified by annual inspection reports submitted to the County or District. Should the performance-based Onsite Sewage Treatment and Disposal System be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification from the County or District, the exemption shall be revoked and the owner shall connect in accordance with 30 <sup>3</sup>/<sub>4</sub> -39(b).

(2) Upon application and approval, the County or District may, with the approval of the appropriate State of Florida regulatory agency, waive the connection requirement prescribed in Section 30 <sup>3</sup>/<sub>4</sub> -39(a) for the owner of a properly functioning and permitted Onsite Sewage Treatment and Disposal System, as determined by an inspection completed by a licensed plumber or contractor specialized in such inspections within the previous 12 months, if it determines that such connection is not required in the public

interest after consideration of public health concerns. Should the Onsite Sewage Treatment and Disposal System ever be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification from the County or District, the exemption shall be revoked and the owner shall connect in accordance with 30 ¾ -39(b).

(3) Upon application and approval, any property owner with an Onsite Sewage Treatment and Disposal System other than a standard septic system shall be exempt from the connection requirement prescribed in Section 30 ¾ -39(a) if the Onsite Sewage Treatment and Disposal System has maintained Continuous Compliance. Should the Onsite Sewage Treatment and Disposal System ever be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification from the County or District, the exemption shall be revoked and the owner shall connect in accordance with 30 ¾ -39(b).

**Sec. 30¾-40. – Mandatory Connection to County Water for Existing Development.**

the County has determined that the mandatory connection policy of the County will not apply to existing development with available water services, but that said policy will apply to new development with available water services.

**SECTION 5. HARDSHIP ASSISTANCE.**

**Sec. 30¾-41. – Hardship Assistance.**

(a) In accordance with Section 381.00655(2)(a), Florida Statutes, there is hereby created an economic hardship assistance program to assist the owners of homesteaded residential property who meet the definition of Low Income Persons with the financial obligations associated with the mandatory connection requirements prescribed in Section 30 ¾-39 of the Nassau County Code of Ordinances.

(b) Upon application and approval, an owner of homesteaded residential property who meets the income level and asset guidelines established by the County for Low Income Persons shall be eligible to pay any connection fees charged by the County or the District without interest in monthly installment over a period not to exceed five years. Alternatively, at the County's discretion the connection fees may be collected as a non-ad valorem assessment in accordance with Section 197.3632, Florida Statutes, over a period not to exceed ten years.

(c) Applicants for this hardship assistance shall provide written documentation satisfactory to the County in order to qualify for such assistance, including:

- (1) The name and address of all owners and occupants of the homesteaded residential property;
- (2) The address and legal description of the homesteaded residential property;
- (3) Proof of total household income from all sources for all owners and occupants and any other documentation required to demonstrate qualification as a Low Income Person; and
- (4) Such other information relating to the application as may be reasonably requested.

(d) Applications for hardship assistance shall be qualified in accordance with the same procedures used by the County to qualify applicants for the State Housing Initiative Partnership (SHIP) program.

(e) The County Manager, or designee, shall review any applications and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required to approve or deny any applications in accordance with the provisions of this Section.

**PASSED AND DULY ADOPTED** by the Board of Directors of the American Beach Water and Sewer District of Nassau County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**BOARD OF DIRECTORS OF THE AMERICAN  
BEACH WATER AND SEWER DISTRICT OF  
NASSAU COUNTY, FLORIDA**

\_\_\_\_\_  
Its: Chairman

TAB E

Attest as to Chairman's signature:

\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE  
NASSAU COUNTY ATTORNEY:

\_\_\_\_\_  
MICHAEL S. MULLIN

DRAFT