

RESOLUTION NO. 2021- 081

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. 2020-26.

“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 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 \$9,149,725. 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. Per parcel rates 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 \$2,981,892) 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 \$10,463 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. **The annual assessment per ERC is estimated to be \$800.00.**

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 and the assessments. Once the final assessment amount is established and imposed by the Board, it cannot be increased without appropriate notice to all affected property owners and approval by the Board in accordance with Section 197.3632, Florida Statutes. 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 the County Manager's Office at (904) 530-6010. 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 or returned by hand delivery to the County at 96135 Nassau Place, Suite 1, Yulee, FL 32097 by June 15, 2021 to be valid and included in the survey results.***

(Please mark one response)	Yes	No
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 Nassau County Manager’s office with a postmark by June 15, 2021 by mail to 96135 Nassau Place, Suite, 1, Yulee, FL 32097 or hand delivery to 96135 Nassau Place, Suite, 1, Yulee, FL 32097 by June 15, 2021. A self-addressed, stamped envelope has been included for your convenience.

If you have any questions, contact County Manager’s Office at (904) 530-6010. Thank you for your cooperation in this effort.

Parcel Number: _____ Sequence Number: _____

SECTION 5. AGENT FOR CERTIFICATION OF RESULTS.

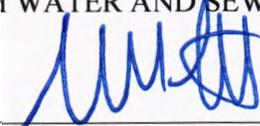
(A) The Board hereby appoints Andy Easton & Associates, as the District’s agent for receipt, tally, and certification of the results of the Ballots.

(B) After the deadline for receipt of Ballots as noted in Section 5 above, Andy Easton & Associates shall count all properly executed and timely received Ballots and shall deliver the certificates of results to the District, 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 10th day of May, 2021.

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



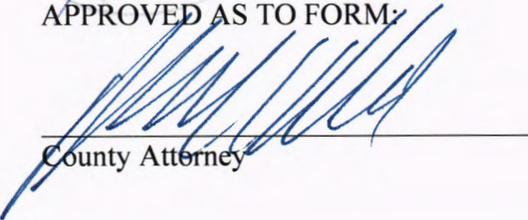
Chairman

ATTEST:



Clerk of Court

APPROVED AS TO FORM:



County Attorney