



COUNTY MANAGER PROCEDURES

AUTHORITY:

Administrative Code, Chapter One, Section 1.2 County Manager authorizes "The County Manager is responsible for the day-to-day administration of the County." and "J. Supervise, direct, and control all County Administrative departments."

POLICY REFERENCE:

Administrative Code, Chapter 9

SECTION(S):

9.5

RELATED STANDARDS:

Florida Statute Chapter 125.01 1(q), Chapter 200 and Chapter 197

PROCEDURE:

Establishment or Amendment of Municipal Service Taxing Units and Municipal Service Benefit Units Procedure.

AMENDS OR SUPERSEDES:

Establishment of Municipal Service Taxing/Benefit Unit Process

DATE OF INITIAL APPROVAL: April 21, 2003

DATE OF REVISION(S):

DISTRIBUTION: All Osceola County Employees

- I. **PURPOSE:** To establish procedures for establishing and/or amending neighborhood serving Municipal Service Taxing Units (MSTUs) and Municipal Service Benefit Units (MSBUs).
- II. **CHANGES TO DEFINITIONS:**
 - A. **Dedicated to the Public:** Plat dedication that conveys legal ownership to the Public.
 - B. **Maintenance Agreement:** An agreement for mowing and aquatic weed control entered into by the County with a Homeowners' Association empowered to impose special assessments against all Tax Parcels of Developed Property located within the service area.
 - C. **Millage Rate:** A millage rate is the rate per one thousand dollars of taxable property value which, when multiplied by the taxable value, yields the tax billing for a given parcel.
 - D. **Road Improvements:** Tree and stump removal, improvements to the lime rock base, open-mix pavement wearing surface, paved driveway connections, seed and mulch, ditch grading and relating improvements and also the addition or replacement of asphalt to resurface improvements already made through an MSBU.
 - E. **Service Areas:** The area that encompasses all parcels within the County which benefit from the maintenance of the stormwater management facilities.

- F. Stormwater Management Facilities:** Facilities which are designed and constructed or implemented to control stormwater, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse stormwater to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the facilities.
- G. Street lighting:** Installation, improvement, operation, repair and maintenance of subdivision streetlights.

III. PROCEDURES:

A. Eligibility Criteria for Establishing and/or Amending MSTU/BU

1. The proposed boundary is within unincorporated Osceola County.
2. The service requested is allowable under Florida Statute Chapter 125.
3. The service type is authorized by the Board of County Commissioners.
 1. The County has the authority to create either an MSTU or MSBU. However, the Policy notes the preference for creating MSBU neighborhood serving entities.
4. In compliance with relevant State Statutes, the following establishes the typical deadlines for a new or change to an existing MSTU/BU in order to be effective October 1 of the next Fiscal Year:
 - a. New MSTU:
 - January 1: Ordinance proposing the creation of the MSTU approved by the BOCC (Chapter 200.066, Florida State Statute)
 - September 30: Approval of Millage Rate; however the specific date will correspond with the County's Public Hearings for adoption of the annual budget and millage rates (Chapter 200.065, Florida State Statute)
 - b. New MSBU (Chapter 197.3632, Florida State Statute):
 - January 1: Notice of Intent Resolution approved by the BOCC
 - August 15: If required, Ordinance, and Initial Assessment Resolution approved by the BOCC
 - September 14: Final Rate Resolution approved by BOCC (rates must be certified to the Tax Collector by September 15)

- B. Initial Request for Application Packet** - Interested homeowners shall send a letter, email or call requesting the "Application Packet for Establishment or Amendment of an MSTU/MSBU" to:

Office: Osceola County
 OMB- Special Assessments
 1 Courthouse Square, Suite 2100
 Kissimmee, FL 34741
 Phone: (407) 742-1800
 Email: servicefee@osceola.org

C. Administrative Fee Schedule

1. The Administrative Fee shall be incorporated in the Countywide Fee

- Resolution.
2. When applicable, the In-Depth Analysis Fee will be determined on a case by case evaluation and communicated to the requester(s) prior to proceeding.
 3. The mailing costs will be the actual mailing costs per the current United States Postal Services' pricing.

D. Application and Administrative Fee Submission

1. OMB-Special Assessments will provide the "Application Packet for Establishment or Amendment of an MSTU/MSBU".
 2. The packet will include a copy of this procedure, the application and a copy of OMB-Special Assessments Frequently Asked Questions.
 3. OMB-Special Assessments will also provide any critical dates, which will include statutory requirements.
 4. The requester(s) will submit the following:
 - a. Completed Application.
 - b. Geographic and descriptive location.
 - c. Type of service requested.
 - d. Primary contact information.
 - e. For street lighting requests, the Application shall also include the following:
 - Last three (3) months of electric bills, and
 - Street lighting location map.
- a. Administrative Fee to OMB-Special Assessments.

E. Application Review

1. OMB-Special Assessments will review the Application Packet to ensure that the location is within unincorporated Osceola County, the request is feasible and/or if additional information is required before petitions can be sent out to all affected property owners.
2. A formal legal description will be drafted in order to meet program and statutory requirements. For example:
 - a. MSBU boundary must provide for equal benefit to all affected property owners.
 - b. MSBU boundary for stormwater services shall only include properties which receive a specific benefit from the stormwater system.
 - c. MSBU boundary for street lighting services must show equal distribution of street lights.
 - d. MSTU boundary shall encompass the area that is receiving the service.
3. An initial meeting with the requester/community may be required.
4. The Application will also be sent to appropriate County Departments for review.
5. Some services (i.e. road improvements) require in-depth analysis in order to determine the costs of the service. If the request requires such analysis, the applicant must prepay the In-Depth Analysis Fee.
 - a. The requester will be notified of the Fee amount, and County staff will not proceed until payment is received.
 - b. The In-Depth Analysis Fee is non-refundable.

F. Petition Process

1. After the initial review, OMB-Special Assessments will prepare cost estimates and assessment rate estimates.
2. OMB-Special Assessments will prepare and mail a petition to all affected property owners. The petition shall include the following:
 - a. A description of the proposed MSTU/MSBU,
 - b. Explanation of which funding mechanism is being proposed, and
 - c. The cost estimates and assessment rate estimates.
3. Mailing costs are the responsibility of the requesters and must be paid at the time of the mailing.

G. Petition Acceptance

1. Current property owners will be provided the opportunity to sign the petition.
2. The total amount of petitioned property owners will count towards the 66% (2/3) approval requirement.
3. When there are multiple owners for a property, only one owner may sign.
4. OMB-Special Assessments will verify the names on the petition with the property owners' list from the Property Appraiser's Office.
5. Upon verification, the requester will be notified of the results and the petition will be submitted to the County Attorney's Office.

H. Preparation of Legal Documents

1. OMB-Special Assessments will coordinate with the County Attorney's Office and appropriate Departments to prepare the legal documents for establishment or amendment of the MSTU/BU.
2. All legal documents will be scheduled and prepared in accordance with the relevant State Statutes.

I. Adoption of Ordinances and/or Resolutions

1. The requester(s) will be notified of all meeting dates when the Ordinances and/or Resolutions will be presented to the Board of County Commissioners for consideration.
2. If an MSBU is being proposed for creation, the first year will require an individual mailed notice be delivered to each affected property owner.
3. The mailing costs for the first year will be the responsibility of the requesters and must be paid at the time of the mailing.
4. The requester will be notified of the estimated cost for the mailing, with the notification for the meeting dates as mentioned above in Section I.1.

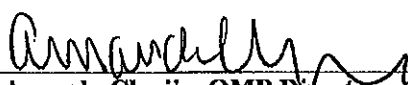
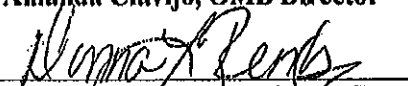

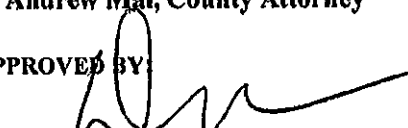
J. Implementation

1. In most instances services will commence on October 1.
2. Upon Board approval, the lead County Department will proceed with providing the services.

K. Terminating Services Provided by an MSTU/BU

1. If the requester(s) wishes to terminate services provided by an MSTU/BU the requester is required to follow the same procedures outlined above for an establishing and/or amending an MSTU/BU.

2. If the requester(s) wishes to terminate subdivision pond maintenances for a stormwater management facility owned by Osceola County, a Maintenance Agreement shall be formally executed prior to the County terminating services.

REVIEWED BY:	
 Amanda Clavijo, OMB Director	<u>2/01/16</u> Date
 Donna L. Renberg, Assistant County Manager	<u>02/01/16</u> Date
 Andrew Mai, County Attorney	<u>2/1/16</u> Date
APPROVED BY:	
 Donald S. Fisher, County Manager	<u>2/1/16</u> Date: