

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** LAKE MILLS AQUATIC WEED CONTROL MSBU

**DEPARTMENT:** FISCAL SERVICES      **DIVISION:** MSBU PROGRAM

**AUTHORIZED BY:** LISA SPRIGGS *LS*      **CONTACT:** KATHY MOORE *KM*      **EXT.** 7179

<b>Agenda Date</b> <u>1/24/2006</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

Adopt an ordinance creating the Lake Mills Aquatic Weed Control Municipal Services Benefit Unit for the purpose of providing aquatic weed control to the lake within the unit, and authorize Chairman to execute Ordinance.

**BACKGROUND:**

The proposed MSBU is in Commission District 1. Economic Impact Statement attached.

Through standard MSBU Program procedures for application and petition the benefiting waterfront property owners have expressed their desire to enter into an MSBU for the purpose of aquatic weed control improvements for Lake Mills. The aquatic weed control improvements proposed for inclusion in the MSBU include the control efforts coordinated through an advanced funding agreement with the County as well as on-going control efforts necessary to maintain the aquatic weed status at the environmentally appropriate level.

The Petition for Improvement distributed on July 29, 2005, demonstrated a 65.8% support rate relative to the seventy-six waterfront properties subject to benefit from the improvements. The Petition was structured in a manner that allowed property owners to select a response from 4 options: A/All Costs, B/Initial Cost, C/Future/On-going Cost, and "Against". The 65.8% support is relative to funding the full cost of both the initial control efforts provided through the noted funding agreement as well as the ongoing costs. The first year per parcel assessment is estimated at \$262.00; with future years at approximately \$140.00 based on current cost estimates.

Notice Publications: 01/05 & 12/2006  
Notice to Owners: December 21, 2006

Reviewed by:	<i>[Signature]</i>
Co Atty:	<i>[Signature]</i>
DFS:	_____
Other:	_____
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	<u>PHFSM03</u>

# ECONOMIC IMPACT STATEMENT

**DATE:** January 24, 2006

**DEPT./DIVISION:** Fiscal Services

**CONTACT PERSON:** Kathy Moore

**EXTENSION:** 7179

## **DESCRIBE PROJECT/PROPOSAL:**

Creating the LAKE MILLS AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFIT UNIT for the purpose of providing aquatic weed control to the lake within the unit.

## **DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY:**

Creation of this MSBU will necessitate contract management, result assessment through site evaluation, and preparation/processing of assessments on an annual basis. It is anticipated that all required activities can be handled internal to the county with assistance from existing resources within the Stormwater Division of the Public Works Department and the MSBU Program of the Fiscal Services Department. Total Impact to both Departments will be minimal at less than 30 hours combined per year in total. The administrative fee to be collected will cover resource allocation requirements.

## **DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED:**

The ordinance will set forth the necessary provisions to establish the requested aquatic weed control in Lake Mills in a manner in which all waterfront parcel owners share equitably in the cost of the on-going control efforts. The first year assessment proposed at \$262.00 includes funding for initial aquatic weed control efforts as well as one year of maintenance. Given the current cost estimates, the on-going control efforts are anticipated to yield an annual assessment of approximately \$140.00 per parcel.

## **IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL:**

Positive impacts are realized in terms of aquatic environment, use of the lake, and waterfront conditions as the aquatic weed status is improved, maintained and protected through on-going efforts.

ORDINANCE

AN ORDINANCE CREATING THE LAKE MILLS AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFIT UNIT FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL TO LAKE MILLS WITHIN THE UNIT; PROVIDING IDENTIFICATION OF PROPERTY INCLUDED IN SAID UNIT; PROVIDING FOR THE GOVERNING OF SAID UNIT BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THE ASSESSMENT FORMULA; PROVIDING A LIST OF ESTIMATED ANNUAL ASSESSMENTS FOR ASSESSMENT AND COLLECTION BY THE UNIFORM METHOD ADOPTED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS ON JANUARY 24, 2006, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, INCLUSION IN CHAPTER 160, SEMINOLE COUNTY CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County, Florida has the authority to establish a Municipal Services Benefits Unit pursuant to Chapter 125, Florida Statutes; and

WHEREAS, the non-ad valorem assessments which result from enactment of this Ordinance may be adjusted annually due to addition of new parcels or due to fluctuations in operational expenses to maintain aquatic weed control; and

WHEREAS, the initial assessment per parcel for the first year is \$262.00 as per cost details provided in Exhibit A; and

WHEREAS, it is anticipated that the annual assessments will decrease to a level that constitutes maintenance of Lake Mills for aquatic weed control; and

WHEREAS, the Board of County Commissioners has approved the hereinafter described project;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. SHORT TITLE. This Ordinance shall be known and referred to as the Lake Mills Aquatic Weed Control Municipal Services Benefit Unit Ordinance.

Section 2. CREATING UNIT; IMPROVEMENTS There is hereby created within Seminole County, the Lake Mills Aquatic Weed Control Municipal Services Benefit Unit for the purpose of providing aquatic weed control to Lake Mills within the unit. Said unit shall encompass and include improvements for aquatic weed control by chemical, biological or mechanical means. Said unit shall encompass the parcels listed in Exhibit B and located within unincorporated Seminole County, Florida:

Section 3. POWERS AND DUTIES OF BOARD. The unit shall be governed by the Board of County Commissioners of Seminole County, Florida, which board shall have the following powers and duties:

(a) To provide for the collection and disbursement by the County of such funds as may be necessary to pay the expenses for aquatic weed control within the unit.

(b) To provide for or contract for the design, construction, and maintenance of the chemical, biological, mechanical or any combination of aquatic weed control methodologies as set forth in Section 2.

(c) To levy non-ad valorem assessments upon property abutting, adjoining and contiguous to such aquatic weed control areas when such property is specially benefited by such aquatic weed control.

(d) To levy non-ad valorem assessments upon any property which is specially benefited and/or abuts, adjoins and is contiguous to such aquatic weed control, but which may have been omitted from the hereinafter described assessment listing, upon giving sufficient notice to the owners of such property and holding a public hearing to consider any comments, objections or other relevant information to arrive at such decision to levy such non-ad valorem assessments.

**Section 4. ADMINISTRATIVE COSTS.** All property owners will be assessed administrative costs, as promulgated under the Municipal Services Benefit Unit procedures.

**Section 5. ASSESSMENT FORMULA.** The assessment formula used to determine the amount to be assessed is the per parcel method of the property specially benefited from the aquatic weed control. A special assessment for the district shall be derived annually by dividing the total annual budgeted costs of the district by the number of taxable parcels in the district and assigning that cost to each taxable parcel in the district. Said special assessments shall constitute a lien upon the lands assessed. Pending collection by the County of such special assessments, as provided herein, the County may spend from its Municipal Services Benefit Unit Fund such sums as may be necessary to operate, maintain and administer the District hereby created, and the County will be reimbursed to such extent at such time assessments are collected.

**Section 6. LIST OF ASSESSMENTS FOR AQUATIC WEED**

**CONTROL.** The affected properties are identified in Section 2 and listed in Exhibit B. Assessments may be adjusted annually. Assessments will be adjusted to include any new parcels derived from a property split within the said aquatic weed control district.

**Section 7. METHOD OF ASSESSMENT AND COLLECTION.**

All non-ad valorem assessments which may result as herein provided for shall be assessed and collected by the uniform method adopted by the Seminole County Board of County Commissioners on January 24, 2006, pursuant to Section 197.3632, Florida Statutes.

**Section 8. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 9. INCLUSION IN CODE.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section", "article" or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 8, 9 and 10 shall not be codified.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect upon receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State.

**ENACTED** this 24th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley, Chairman

Exhibit A

## Exhibit A

The expenses incurred to initiate project in 2005 (fiscal year 2004/2005):

Cost of Barrier Design, Construction, Installation	\$ 3,641.00
Cost of Triploid Grass Carp:	\$ 3,465.00
Cost of maintaining Barriers: (\$86.00/month x 3 months)	\$ 258.00
Cost of monitoring lake bottom: (\$311.00/month x 3 months)	<u>\$ 933.00</u>
Subtotal	\$ 8,297.00
County Administrative Fee [10%]	<u>\$ 830.00</u>
Total of initial expenses	\$ 9,127.00

The estimated expenses to be incurred annually on an on-going basis beginning with FY0607:

Estimated Annual Cost of maintaining Barriers: (\$86.00/month x 12 months)	\$1,032.00
Estimated Annual Cost of monitoring lake bottom: (\$311.00/month x 12 months)	\$3,732.00
Estimated Costs of additional aquatic weed control requirements:	<u>\$5,000.00*</u>

\*This amount will vary per lake conditions and treatment recommendations.  
Assessments for additional improvements will not be increased by more than  
20% per year unless approval is obtained in advance through petitioned support.

Subtotal	\$ 9,764.00
County Administrative Fee [10%]	<u>\$ 977.00</u>
Total Estimated expenses	\$10,741.00

The combined expense to be assessed in year 1 is as follows:

Initial expenses	\$ 9,127.00
Estimated expenses	<u>\$10,741.00</u>
	\$19,868.00

Number of benefit units (parcels) 76

**Initial assessment per parcel: \$ 262.00**

If the BCC authorizes budgetary provisions for the Parks and Recreation Division to fund a pro-rated cost of \$258.00 for the aquatic weed control benefiting the public park on Lake Mills the cost to the MSBU will be reduced accordingly and the first year assessment per parcel will be: \$ 258.00

**Exhibit B**

## Exhibit B

The following parcels are included for cost share assessment in the Lake Mills Aquatic Weed Control MSBU:

21-21-32-5QM-0000-0120	27-21-32-300-018A-0000	28-21-32-501-0B00-0050
21-21-32-5QM-0000-0130	27-21-32-300-018B-0000	28-21-32-501-0B00-0060
21-21-32-5QM-0000-0140	27-21-32-300-0180-0000	28-21-32-501-0B00-0070
21-21-32-5QM-0000-0150	28-21-32-300-004B-0000	28-21-32-501-0B00-0080
21-21-32-5QM-0000-0160	28-21-32-300-004D-0000	28-21-32-501-0B00-0090
21-21-32-5QM-0000-0170	28-21-32-300-007A-0000	28-21-32-501-0B00-0100
21-21-32-5QM-0000-0440	28-21-32-300-007B-0000	28-21-32-501-0B00-0110
21-21-32-5QM-0000-0450	28-21-32-300-007C-0000	28-21-32-501-0B00-0120
21-21-32-5QM-0000-0460	28-21-32-300-007D-0000	28-21-32-501-0B00-0130
21-21-32-5QM-0000-0470	28-21-32-300-007H-0000	28-21-32-501-0B00-0140
22-21-32-5QQ-0000-0140	28-21-32-501-0A00-0010	28-21-32-501-0Y00-0000
22-21-32-5QQ-0000-0150	28-21-32-501-0A00-0020	28-21-32-501-0Z00-0000
22-21-32-5QQ-0000-0160	28-21-32-501-0A00-0030	28-21-32-503-0A00-0010
22-21-32-5QQ-0000-0170	28-21-32-501-0A00-0040	28-21-32-503-0A00-002A
22-21-32-5QQ-0000-0180	28-21-32-501-0A00-0050	28-21-32-503-0A00-0020
22-21-32-5QQ-0000-0190	28-21-32-501-0A00-0060	28-21-32-503-0A00-0030
22-21-32-5QQ-0000-0200	28-21-32-501-0A00-0070	28-21-32-504-0E00-001A
22-21-32-5QQ-0000-0210	28-21-32-501-0A00-0080	28-21-32-504-0E00-001B
22-21-32-5QQ-0000-0220	28-21-32-501-0A00-0090	28-21-32-504-0E00-001C
22-21-32-5QQ-0000-0230	28-21-32-501-0A00-0100	28-21-32-504-0F01-0000
27-21-32-300-011A-0000	28-21-32-501-0A00-0110	28-21-32-505-0000-0010
27-21-32-300-011B-0000	28-21-32-501-0B00-0010	28-21-32-505-0000-002A
27-21-32-300-011C-0000	28-21-32-501-0B00-0020	28-21-32-506-0000-0010
27-21-32-300-011D-0000	28-21-32-501-0B00-0030	28-21-32-506-0000-002A
27-21-32-300-0120-0000	28-21-32-501-0B00-0040	28-21-32-506-0000-0030
27-21-32-300-0170-0000		