AGENDA ITEM WORDING: A public hearing to consider adoption of a Final Assessment Resolution for Monroe County, Florida, to collect special assessments within the Monroe County Canals Municipal Services Benefit Unit (MSBU) to pay for ongoing operation and maintenance (O&M) costs for an existing canal water quality restoration project (air curtain) on Canal 266 on Big Pine Key; stating a need for such levy; and providing for an effective date.

ITEM BACKGROUND: The Monroe County Board of County Commissioners has previously approved restoration work totaling approximately $7 million to improve the water quality on the following seven (7) canals as part of a pilot program to test the efficacy of the technologies: canals 29 (Key Largo); 83 (Rock Harbor); 266, 277, 287 and 290 (Big Pine Key); and 470/472 (Geiger Key). The objective of the pilot program was to test the efficacy of four different types of technologies (or combinations thereof) on the canals (backfilling, organic removal, air curtains, and culverts) and use the improved canals as a predictor for the cost and water quality gains to be achieved. This Final Assessment Resolution addresses one of the canals: Canal 266 on Big Pine Key. An air curtain was placed on Canal 266. The air curtain will require future operations and maintenance work. Without future operations and maintenance work, any gains accomplished by the restoration work will slide backwards and be lost, the full value of the restoration work will not be realized, and it will be impossible to measure the gains of the restoration work.

The property owners on the canals where work was performed have already and will continue to realize benefits as a result of the restoration work, including but not limited to gains in overall appearance of their property, increase in property values, and improved use of the canals for fishing, swimming and other recreational uses. It is therefore appropriate for the County to collect funds to cover the cost of O&M from the property owners who realize the special benefits of the restoration work in the form of special assessments, provided the cost is distributed so that they are fairly and reasonably apportioned to the subject properties.

The County is authorized under Section 125.01(1)(q) to establish municipal service benefit units within all or any part of the unincorporated county, within which may be provided essential facilities from funds derived from special assessments on the properties located within the municipal service.
benefit unit (MSBU). Canal restoration work falls within the definition of “other essential facilities and municipal services.” Collection of an assessment for the first time requires four steps: Approval of an ordinance creating the MSBU and authorizing the special assessment; approval by the BOCC of a resolution signifying notice of intent to use the non-ad valorem method in F.S. 197.3632 to collect the assessments (on the tax bills); adoption of an Initial Assessment Resolution; and adoption of a Final Assessment Resolution at a public hearing.

In October 2017, the BOCC adopted Ordinance No. 021-2017 (the “Ordinance”). The Ordinance created and established the MSBU and provided that the County could collect special assessments to pay for operations and maintenance costs, as well as capital costs, and that the costs of administration of the special assessment program could be paid for from the special assessments. In January 2019, the BOCC adopted Resolution No. 033-2019, indicating notice of intent to collect special assessments for the canal restoration program on Canal 266 beginning in October 2019. On July 17, 2019, the BOCC adopted the Initial Assessment Resolution (Resolution No. 200-2019). Today’s public hearing represents the final step toward collection of the special assessment beginning on the tax bill that appears in November 2019.

The details of the amounts of the assessments and the properties on which the assessments would be levied were laid out in the Initial Assessment Resolution. Today’s FAR asks for approval of those assessments and properties.

**PREVIOUS RELEVANT BOCC ACTION:**

10/18/2017: BOCC adoption of Monroe County Ordinance No. 021-2017, creating and establishing the Municipal Service Benefit Unit (MSBU) and authorizing the levy and collection of special assessments for canal restoration projects.


**CONTRACT/AGREEMENT CHANGES:**
Not applicable

**STAFF RECOMMENDATION:** Approval.

**DOCUMENTATION:**
Monroe County Canal FAR Canal 266 rev
Monroe County IAR Canal 266 executed
Ordinance 021 2017 creation MSBU canal restoration

**FINANCIAL IMPACT:**

| Effective Date: | August 21, 2019 |
Expiration Date:

Total Dollar Value of Contract:  N/A
Total Cost to County:  
Current Year Portion:  N/A
Budgeted:  N/A
Source of Funds:  
CPI:  N/A
Indirect Costs:  N/A
Estimated Ongoing Costs Not Included in above dollar amounts:

Revenue Producing:  Yes     If yes, amount:  Approx. $30K per year x 20 years.
Grant:  N/A
County Match:  N/A
Insurance Required:  N/A
Additional Details:

REVIEWED BY:
Rhonda Haag  Completed  07/29/2019 9:21 AM
Rhonda Haag  Completed  07/29/2019 9:23 AM
Cynthia Hall  Completed  07/29/2019 9:26 AM
Budget and Finance  Completed  07/29/2019 9:38 AM
Maria Slavik  Completed  07/29/2019 11:27 AM
Kathy Peters  Completed  07/30/2019 5:03 PM
Board of County Commissioners  Pending  08/21/2019 9:00 AM