

## **POLICY NO. 20-01**

This policy of the Marion County Board of County Commissioners (BCC) outlines the procedures and measures for funding road improvement projects by non-ad valorem assessments. The BCC retains the authority to levy non-ad valorem assessments for the implementation of road improvement projects for the purpose of public safety and welfare pursuant to Section 125.01, F.S. and Section 17-42 of the Marion County Code.

### **1. PURPOSE**

This policy establishes two distinct processes to levy non-ad valorem assessments and implement road improvement projects:

- a. Petition based process, and
- b. Pavement Condition Index (PCI) based process.

### **2. TYPES OF ROAD CONSTRUCTION**

Road improvement projects shall follow the design and construction standards in accordance with BCC Policy No. 09-01 adopted on September 15, 2009. Such standards may be amended from time to time by the BCC. Value engineering may be considered when determining the type of road construction on a case by case basis to reduce cost and produce the most desirable outcome for the community.

### **3. PETITION BASED PROCESS**

- a. This process considers applications initiated by either a legally constituted Homeowners' Association or Civic Association (number of members shall not be a factor), or submission to the MSTU/Assessment Department of a petition signed by 10% of the property owners within the proposed project area.
- b. **Application submittal:** MSTU/ Assessment Department staff shall conduct an initial meeting with the applicants or petition sponsors and determine whether the proposed project appears feasible, or whether additional information is required. The proposed road project area shall be determined by the MSTU/Assessment Director during the initial meeting or soon thereafter.
- c. **Payment of mailing costs:** The application or petition must accompany a payment of \$500.00 made payable to Marion County Board of County

Commissioners upon the determination by the MSTU/Assessment Director that the proposed project area appears to be feasible. The County will mail petitions by certified mail/return receipts to all property owners with the proposed project area. The County will use the \$500.00 payment to cover the mailing costs, including staff time, postage, and materials. The mailing costs will be incorporated into the total project cost and will be proportionately assessed to all property owners within the approved project area when the project is approved by the BCC. The County shall reimburse the individual or group who tendered the payment should the project be ultimately approved by the BCC. The payment will not be reimbursed, if the project is not approved.

- d. **Circulation/mailing of petitions:** The petitions shall be prepared and mailed by certified mail return receipt requested by the MSTU/Assessment Department making certain that the return envelope and petition is clearly marked with the appropriate Clerk's Office division and post office box address. A self-addressed, stamped envelope shall also be included along with a map of the proposed road project area, petition and project information sheet. The petition shall contain a statement that it must be completed and returned no later than sixty (60) calendar days from the date of mailing (the "petition deadline"). The return petitions shall be counted and verified by the Marion County Clerk of Court Auditing Department. The petitions shall specify the preliminary assessment methodology by either a platted lot, tax parcel, or front foot. However, the BCC retains the authority to modify the assessment methodology, if necessary. The information sheet mailed with the petition shall contain the following notice: "The Board of County Commissioners urges you to return your completed petition to Marion County. Please understand that the tabulation of the petition responses is used by the County as a measure of initial support for the proposed project. Such tabulation is not the final determinant of whether or not the County will proceed with the proposed project."
- e. **Petition responses:** Only responses postmarked by the petition deadline will be considered in tabulating property owners for and against the project. A map of the proposed road project area reflecting of all affected property owners will be provided to the BCC at the advertised public hearing on the

project. The Marion County Clerk of Court Auditing Department shall receive, tabulate and examine the petition responses received and submit its report to the BCC, County Administrator and MSTU/Assessment Director. This information shall be presented to the BCC for consideration and direction whether or not to proceed with the design and development of construction plans. The cost for design and development of construction plans will only be paid by the affected property owners within the project area upon approval of the project at the public hearing.

- f. **Community meeting:** Staff shall initiate informational meetings with the property owners within the proposed project area to update them on the most recent findings prior to the public hearing. Those meetings shall occur after the construction bids have been received and the overall assessment per parcel has been determined.
- g. **Public hearing:** The BCC shall advertise a public hearing for the purpose of reviewing the project details and receive public comment in favor or in opposition of the project by the property owners upon the completion of the design and the determination of the overall cost, including construction, for the project, and the estimated assessment for each property.

The BCC shall make and announce its decision whether or not to proceed with the project and assessments upon closing of the public hearing.

- h. **Time from petition to public hearing:** Generally, the time frame for a proposed road assessment project shall not exceed twenty four (24) months from petition stage to public hearing. If extenuating circumstances are encountered such as the need to acquire drainage property, the MSTU/Assessment Director shall advise the BCC of the delay and request additional time for completion of design and acquisition.

#### **4. PAVEMENT CONDITION INDEX (PCI) BASED PROCESS**

- a. This process is to provide an alternative to consider implementation of road assessment projects based on the actual condition of the road when routine maintenance becomes ineffective and wasteful of county resources and to provide guidance to staff to bring such projects forward to be considered by the BCC. Staff shall conduct a full evaluation of listed subdivisions meeting the PCI criteria and present their findings to the BCC at a scheduled workshop during the second quarter of each fiscal year.
- b. **PCI criteria:** The MSTU/Assessment Department and the Office of the County Engineer shall, on an annual basis, present to the BCC a list of subdivisions (not to exceed 5) to be considered for road improvements where the average PCI is 40 or less. The Office of the County Engineer performs annual pavement condition inspections that records the extent, severity, amount, and type of distresses observed in the pavement. The roads receive a PCI rating of a scale of 0 to 100 based on the inspections with 100 being a road with no distresses.
- c. **Evaluation report:** This report shall be preliminary and shall include the road PCI's, general condition information, annual maintenance cost for the past five (5) years and property data including an estimated cost per parcel to carry out the project.
- d. **Community meetings:** Staff shall initiate informational meetings with the property owners within the proposed subdivisions listed to be considered by the BCC for improvement. If necessary, more than one meeting per subdivision will be scheduled to make sure all available information has been shared with the residents. Those meetings shall be completed prior to the anticipated workshop with the BCC.
- e. **Consideration workshop:** At this workshop, the BCC shall consider the proposed subdivisions with the available information as compiled in the preliminary report, allow public input and give direction to staff whether or not to proceed with the design and development of the construction plans or not.

- f. **Subsequent community meetings:** Staff shall initiate a second set of informational meetings with the property owners of the proposed road project area to update them on the most recent findings prior to the public hearing. Those meetings shall occur after the construction bids have been received and the overall assessment per parcel has been determined.
- g. **Public hearing:** The BCC shall advertise a public hearing for the purpose of reviewing the project details and receive public comment in favor or in opposition of the project by the property owners. This shall take place upon the completion of the design and the determination of the overall cost, including construction for the project, and the estimated assessment for each property. The cost for design and development of construction plans will only be paid by the affected property owners within the project area only upon approval of the project at the public hearing.
- h. The BCC shall make and announce its decision whether or not to proceed with the project and assessments upon closing of the public hearing.

## **5. ASSESSMENT COSTS**

Collection of assessments will be collected pursuant to the Uniform method for the levy, collection, and enforcement of non-ad valorem assessments provided in Section 197.3632 F.S. Individual assessments can be pre-paid in full at any time prior to the BCC receiving a Bond for the cost of the project. The assessment will be collected under the non-ad valorem section of the annual tax bill, if not pre-paid prior to receiving a Bond and shall include financing, interest and borrowing costs to date.

The life of the assessment shall be extended normally over a ten (10) year period of time, or as determined by the BCC. With the property owners having the ability to pay off the assessment lien sooner.

Date of adoption January 7, 2020