



Chapter 2 & Chapter 19 Revisions

Committee of the Whole- November 30, 2022



Chapter 2 Overview of Changes

- Change utility capital expansion fee financing from the voluntary lien process to non ad valorem installments on the tax bill, aligns collection method with other fees and removes the need to impose a lien on property
- Change the delinquent utility capital expansion fee collection from the involuntary lien process to non ad valorem installments on the tax bill, aligns collection method with other fees and removes the need to impose a lien on property
- Change financing term from 6 equal annual installments to 6 equal principal installments plus interest- to align with other fee financing terms
- Remove all references to liens except for 'legacy loans'
- Remove foreclosure language

Chapter 19 Overview of Changes

Utility Accounts

- Previous owner balances must be paid by new owner within thirty days or balance will be transferred to new owner, reduces the need to perfect liens on unpaid owner accounts and improves collection efforts
- Allows the City to utilize a utility credit check to determine the amount of a deposit for new customers, identifying customers with good payment history and waiving the deposit and appropriately charging customers a deposit with slow or delinquent pay history
- The cost of the credit check will be billed on the customer's account

Chapter 19 Overview of Changes

Contribution in Aid of Construction

- Section 19-38 of the Code of Ordinances has been removed from Article III Rates and Charges and combined in Article V Extension Policy within Section 19-54 and 19-55 to address duplicative sections and for ease of reading.
- Change Methodology for Contribution in Aid of Construction Fees ('CIAC fees') from capacity based to square foot method. This modification aligns CIAC fees with UEP assessment methodology and allows for a more uniform approach when addressing parcel splits and combines
- Delete the CIAC fee table and add language that CIAC fees will be based on the most recent council approved UEP project
- Change the method in which a property owner can finance a CIAC fee from a paper billed loan with a voluntary lien on property to an agreement that authorizes installments on the tax bill, no lien against property
- Change the delinquent CIAC fee collection process from the City financing the fee and imposing an involuntary lien to collection through installments on the tax bill, no lien against property

Chapter 19 Overview of Changes

Contribution in Aid of Construction

- Remove references to foreclosure actions
- Add language to allow for CIAC deferrals on large projects- allowing developers to pay pro-rata share of CIAC as building permits are issued
- Reinstates oversize parcel discount for parcels greater than two acres at the City's discretion. Clarify that only offsite improvements that serve other parcels will provide a developer credit against CIAC fees; the costs for onsite and offsite improvement that only serve project parcel will be borne by property owner/developer

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)1	<p>Capital expansion fees paid in installments.</p> <p>(1) At the option of the property owner(s) of record, utility capital expansion fees due under this article may be paid in installments instead of one lump sum payment at the time they are due. Owners who desire to pay their capital expansion fees in installments shall execute a voluntary lien form prior to connection. The lien form shall be promptly recorded in the office of the Clerk of Circuit Court for Lee County, Florida. A lien recording fee as provided for in a schedule of charges established by the Lee County Clerk of the Circuit Court shall be paid by the property owner(s) to the city. Owners electing the installment method of payment may, but are not required to, make an initial down payment at the time the fee is due and the installment method of payment is elected. The remaining principal balance shall be paid in six equal annual installments of principal plus interest at a rate to be determined at the time of application to pay in installments..</p>	2-24.3(e)1	<p>Utility capital expansion fees paid in installments.</p> <p>(1) At the option of the property owner(s) of record, utility capital expansion fees due under this article may be paid in installments instead of one lump sum payment at the time they are due. Owners who desire to pay their capital expansion fees in installments shall execute an annual installment agreement in the amount of the utility capital expansion fees prior to connection. The agreement shall be promptly recorded in the office of the Clerk of Circuit Court for Lee County, Florida. A recording fee as provided for in the schedule of charges established by the Lee County Clerk of the Circuit Court shall be paid by the property owner(s) to the city. Owners electing to pay the utility capital expansion fees in installments may, but are not required to, make an initial down payment at the time of making application to pay the utility capital expansion fees in installments. The remaining principal balance shall be paid in six equal principal annual installments not exceeding six (6), plus interest and collection costs.</p>	<p>Clarifying 'capital expansion fee' as 'utility capital expansion fee'</p> <p>Changing utility capital expansion fee financing from voluntary lien to tax billed installment agreement.</p> <p>Changing from 6 equal annual installments to 6 equal principal installments plus interest- aligns with other fee financing</p>

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)1 (cont.)	Interest shall be calculated annually on the remaining principal balance. The interest rate, shall be a fixed rate, shall be established at the time of application to pay in installments and shall equal the current prime lending rate as published in the Wall Street Journal on the last day of the month preceding the application, plus 1%, plus a 1% administrative fee and shall be effective the first day of the current month through the last day of the current month. The interest rate shall remain fixed until paid in full. There shall be no penalty for prepayment. Payment of principal and/or interest installment(s) shall be considered delinquent if payment is not received within 30 days of the date of the bill. The lien shall provide that upon an installment not being paid within 30 days after the date it is due, the city may accelerate the balance of payments and require payment in full within 30 days after acceleration; and that the city shall, on a monthly basis, apply a penalty in an amount equal to 1-1/2% on the delinquent principal amount. Attorneys' fees and costs shall be awarded to the prevailing party in any action to enforce the lien.	2-24.3(e)1 (cont.)	The rate shall be determined at the time of application to pay in installments, and such installments shall become part of the non-ad valorem assessment property tax bill. . The Interest portion of the annual payment shall be calculated annually on the remaining principal balance. The interest rate, shall be a fixed rate, shall be established at the time of application to pay the utility capital expansion fees in installments and shall equal the current prime lending rate as published in the Wall Street Journal on the last day of the month preceding the application, plus 1%, plus a 1% administrative fee and shall be effective the first day of the current month through the last day of the current month. The interest rate shall remain fixed until the annual installment agreement is paid in full. There shall be no penalty for prepayment in full. Attorneys' fees and costs shall be awarded to the prevailing party in any action to enforce the agreement.	Changing utility capital expansion fee financing from voluntary lien to tax billed installment agreement-removing lien language

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)2	(2) Development of the property prior to paying the utility capital expansion fee does not relieve the property owner of the responsibility to the city for payment of the utility capital expansion fee. In the event that, due to oversight or City Council action, the property is developed without the property owner paying the utility capital expansion fee, the property owner will be billed and must submit payment or enter into an installment agreement or hardship deferred payment agreement within 30 days of the date of the bill. Failure to do so will result in the imposition of an involuntary lien as provided below.	2-24.3(e)2	(2) Development of the property prior to paying the utility capital expansion fee does not relieve the property owner of the responsibility to the city for payment of the utility capital expansion fee. In the event of this occurrence, due to oversight or City Council action, the property owner will be billed accordingly and must submit payment or enter into an installment agreement. Failure to do so will result in the utility capital expansion fees being placed on the non-ad valorem property tax bill along with interest and collection costs.	Changing utility capital expansion fee financing from voluntary lien to tax billed installment agreement- removing lien language

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)3	<p>(3) The property owner may either pay the utility capital expansion fee in full or finance the fee as provided for herein. In order to finance the fee, the property owner(s) must enter into an annual installment agreement and a voluntary lien as described above. The utility capital expansion fee shall be due and payable within 180 days from the date the notice of availability is sent to the property owner. After the expiration of 150 days from the date the notice of availability was sent, the city shall send a bill for any unpaid capital expansion fees to the property owner of record which states that capital expansion fees are due and payable, will become delinquent if not paid in full or financed within 30 days, and shall include a statement that failure to pay in full or finance the fees within the 30 day period or to request, in writing, an opportunity to contest the charges before City Council, will result in the city financing the capital expansion fees and filing an involuntary lien against the property.</p>	2-24.3(e)3	<p>(3) The property owner may either pay the utility capital expansion fee in full or finance the fee as prescribed. provided for herein. In order to finance the fee, the property owner(s) must enter into Financing the fee requires an annual installment agreement and a voluntary lien as described above. The utility capital expansion fee shall be due and payable within 180 days from the date the notice of availability is sent to the property owner. After the expiration of 150 days from the date the notice of availability was sent, the city shall send a bill for any unpaid utility capital expansion fees to the property owner of record which states that utility capital expansion fees are due and payable, will become delinquent if not paid in full or financed within 30 days, and shall include a statement that failure to pay in full or consent to finance the fees as a non-ad valorem assessment within the 30 day period or to request, in writing, an opportunity to contest the charges before City Council, will result in the city using the uniform method of collecting the utility capital expansion fee in accordance with F.S. § 197.3632. financing the utility capital expansion fees and filing an involuntary lien against the property.</p>	Changing utility capital expansion fee financing from voluntary lien to tax billed installment agreement-removing lien language

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)3 (cont.)	The bill shall be delivered to the owner by U.S. Mail, Return Receipt Requested, using the address of the owner as stated on the County Property Appraiser's records, or by hand delivery. In the event that a property owner does not respond to the request for payment within 30 days of the billing date, the city will finance the utility capital expansion fees and place an involuntary lien on the property. Any property owner who desires to finance utility capital expansion fees that are delinquent (i.e. more than 180 days from the date notice of availability was sent to the property owner) on the terms provided in subsection (e)(1) above and have not had foreclosure proceedings initiated by the city pursuant to subsection (e)(5) below, can finance the utility capital expansion fees upon the payment of all outstanding penalties and interest. Any existing lien filed pursuant to this section shall remain until the utility capital expansion fees and any penalties and interest are paid in full but the modified installment payment agreement shall be recorded in the Public Records of Lee County, Florida. If a lien has not yet been filed against the property, a lien shall be filed pursuant to subsection (e)(1) above.	2-24.3(e) 3 (cont.)	The bill shall be delivered to the owner by U.S. Mail, Return Receipt Requested, using the address of the owner as stated on the County Property Appraiser's records, or by hand delivery.	Changing utility capital expansion fee financing from voluntary lien to tax billed installment agreement- removing lien language

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)4	<p>(4) Right to contest imposition of involuntary liens. Any property owner who desires to contest the imposition of an involuntary capital expansion fee lien must submit a written request to the Director of Financial Services within 30 days from the date the bill for unpaid capital expansion fees was mailed or hand delivered by the city. The request shall be scheduled for City Council consideration as soon as practicable. The City Council, after hearing from the property owner and staff, shall determine whether to modify or correct any proposed lien. The property owner shall have 15 days from the date of the City Council action to pay the full amount of the capital expansion fee found by the City Council to be due. Failure to pay the fee in full within said 15 day period shall result in the execution and recording of an involuntary lien by the City Manager or designee for the amount due.</p>	2-24.3(e)4	<p>(4) Right to contest imposition non-ad valorem assessment installment method. Any property owner who desires to contest the imposition of an involuntary utility capital expansion fee non-ad valorem assessment installments must submit a written request to the Director of Financial Services within 30 days from the date the bill for unpaid utility capital expansion fees was mailed or hand delivered by the city. The request shall be scheduled for City Council consideration as soon as practicable. The City Council, after hearing from the property owner and staff, shall determine whether to modify or correct any utility capital expansion fees. The property owner shall have 15 days from the date of the City Council action to pay the full amount of the capital expansion fee found by the City Council to be due. Failure to pay the fee in full within said 15 day period shall result in the execution and filing of a non-ad valorem assessment installment schedule by the City Manager or designee for the amount due.</p>	Changing utility capital expansion fee financing from voluntary lien to tax billed installment agreement- removing lien language

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)5	<p>(5) Imposition of lien for delinquent utility capital expansion fees. If the owner has not entered into an annual installment agreement and voluntary lien and has not paid the capital expansion fees in full within 30 days of the date the bill was mailed or hand delivered, and the owner has not submitted a written request to the city to contest the billing in front of the City Council, the City Manager, or his or her designee, shall execute and record a lien against the property for the amount of the capital expansion fees remaining due plus a lien recording fee. The capital expansion fees contained in the lien shall bear interest at the rate provided for in F.S. § 55.03 for interest on judgments. Said lien shall be of the same nature and to the same extent as a lien for general county and municipal taxes falling due in the same year or years said fees were due. Such lien shall be superior in dignity to all other liens, titles, and claims, until paid. Any liens placed against real property pursuant to this section may be foreclosed upon by the city in a manner provided by state law for the foreclosure of mortgages on real property if any installment payment due pursuant to the lien remains unpaid for 30 days. Owners of property against whom a foreclosure action is commenced shall be liable for all fees, costs, and expenses incurred by the city or its agents, including reasonable attorney fees.</p>	2-24.3(e)5	<p>(5) Imposition of non-ad valorem assessment installment schedule lien for delinquent utility capital expansion fees. If the owner has not entered into an annual installment agreement and voluntary lien and has not paid the capital expansion fees in full within 30 days of the date the bill was mailed or hand delivered, and the owner has not submitted a written request to the city to contest the billing in front of the City Council, or the owner has contested the billing and same are found to be valid by the City Council, the City Manager, or his or her designee, shall execute and record a lien non-ad valorem assessment installment schedule against the property for the amount of the utility capital expansion fees remaining due plus a lien recording fee. The utility capital expansion fees contained in the lien non-ad valorem assessment installment schedule shall bear interest at the rate provided for in F.S. § 55.03 for interest on judgments</p>	Changing utility capital expansion fee financing from voluntary lien to tax billed installment agreement-removing lien language

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)5 (cont.)	<p>Once a foreclosure action has been initiated by the city, the property owner may, at the city's sole option, be permitted to bring the account current and have the account administered pursuant to the terms of subsection 2-24.3(e)(1) above by the payment of any fees and costs incurred by the city for any action taken pursuant to this section. Upon payment of these costs and fees, including attorney fees, the property owner will be permitted to pay the principal pursuant to a modified installment payment agreement. The original lien filed against the property shall remain in full force and effect and the modified installment payment agreement shall be recorded in the Public Records of Lee County, Florida. Additionally, a lien recording fee, as provided for in the schedule of charges established by the Lee County Clerk of the Circuit Court shall be paid by the property owner(s) to the city. This option shall only be available one time for a property owner, but may be utilized more than one time if the ownership of the property has changed, regardless of whether the change in ownership was the result of a voluntary or involuntary sale or conveyance, a mortgage foreclosure, or the transfer to a spouse..</p>	2-24.3(e)5 (cont.)	Deleted	<p>Removing foreclosure language Removing lien language.</p>

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)6	(6) Release of lien. Owners who pay the lien in full shall, upon request, be entitled to a release of lien from the city. The recording of the release of lien and any charges therefor shall be the responsibility of the property owner.	2-24.3(e)6	(6)Release of lien. For Owners who financed the utility capital expansion fees utilizing the legacy lien process and have paid the lien in full shall, and upon request, the city will file a release of lien.	Changing the city will prepare the release of lien (for legacy accounts) to the city will record the release of lien.
2-24.3(e)7	(7) Informality. Any informality or irregularity in the procedure to impose a lien for utility capital expansion fees shall not affect the validity of the lien after the lien has been recorded, and no deviation from the procedures prescribed hereunder shall affect the validity of the lien unless it can be clearly shown that the party objecting was materially injured thereby.	2-24.3(e)7	Deleted	Removing all references to imposing liens for utility capital expansion fees.

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)8	<p>(8) Other means of collection. Nothing herein shall prohibit the city from utilizing other means to collect delinquent utility capital expansion fees including, but not limited to, an action for damages filed with the appropriate court in Lee County or collection of the delinquent amount as a non-ad valorem assessment, as follows:</p> <p>A. In lieu of foreclosure, any capital expansion fee which is delinquent by more than six months may be collected as a non-ad valorem assessment pursuant to F.S. § 197.3632.</p>	2-24.3(e)7	<p>(7) Other means. Nothing herein shall prohibit the city from utilizing other means to collect delinquent utility capital expansion fees including, but not limited to, an action for damages filed with the appropriate court in Lee County or collection of the delinquent amount as a non-ad valorem assessment, as follows:</p> <p>A. In lieu of foreclosure, any utility capital expansion fees which was financed through the legacy lien process and is delinquent by more than six months may be collected as a non-ad valorem assessment pursuant to F.S. § 197.3632.</p>	Clarifying utility capital expansion fees financed with lien process as 'legacy'
2-24.3(e)8B2	<p>2. The non-ad valorem assessment shall not include any accrued and unpaid penalties or fines. Upon payment in full of the total amount of the non-ad valorem assessment, any such accrued penalties or fines shall be waived and the city shall file a satisfaction or release of lien for the capital expansion fee in the public records.</p>	2-24.3(e)7B2	<p>2. The non-ad valorem assessment shall not include any accrued and unpaid penalties or fines. Upon payment in full of the total amount of the non-ad valorem assessment, any such accrued penalties or fines shall be waived and the city shall prepare a satisfaction or release of lien for the utility capital expansion fees.</p>	<p>Clarify 'utility' capital expansion fee</p> <p>Clarifies the City will prepare (not record) the release of lien</p>

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)8E2	Copies of the initial assessment resolution and the preliminary non-ad valorem assessment roll shall be on file in the Public Works Department and open to public inspection.	2-24.3(e)7E2	Copies of the initial assessment resolution and the preliminary non-ad valorem assessment roll shall be on file with the City Clerk's Office and open to public inspection.	Changed roll on file in Public Works Department to City Clerk's Office
2-24.3(e)8L	Proceeds of the Non-Ad Valorem Assessments. Proceeds of the non-ad valorem assessments, after payment of fees, costs and expenses associated with collection of the assessments, shall be deposited to the respective water, wastewater and irrigation subaccounts of the Expansion Fee Improvement Trust Fund for the Expansion of Utility Facilities established by § 2-24 hereof.	2-24.3(e)7L	Proceeds of the Non-Ad Valorem Assessments. Proceeds of the non-ad valorem assessments, after payment of fees, costs and expenses associated with collection of the assessments, shall be deposited to the respective trust funds established for the water, wastewater and irrigation subaccounts of the Expansion Fee Improvement Trust Fund for the Expansion of Utility Facilities established by § 2-24 hereof.	Clarified proceeds will be deposited to respective water, wastewater and irrigation subaccounts

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)8	<p>(8) Other means of collection. Nothing herein shall prohibit the city from utilizing other means to collect delinquent utility capital expansion fees including, but not limited to, an action for damages filed with the appropriate court in Lee County or collection of the delinquent amount as a non-ad valorem assessment, as follows:</p> <p>A. In lieu of foreclosure, any capital expansion fee which is delinquent by more than six months may be collected as a non-ad valorem assessment pursuant to F.S. § 197.3632.</p>	2-24.3(e)7	<p>(7) Other means. Nothing herein shall prohibit the city from utilizing other means to collect delinquent utility capital expansion fees including, but not limited to, an action for damages filed with the appropriate court in Lee County or collection of the delinquent amount as a non-ad valorem assessment, as follows:</p> <p>A. In lieu of foreclosure, any utility capital expansion fees which was financed through the legacy lien process and is delinquent by more than six months may be collected as a non-ad valorem assessment pursuant to F.S. § 197.3632.</p>	Clarifying utility capital expansion fees financed with lien process as 'legacy'
2-24.3(e)8	<p>B. Amount of Non-Ad Valorem Assessment.</p> <p>1. The non-ad valorem assessment shall include the delinquent capital expansion fee together with interest accrued thereupon, and each annual installment shall include administrative and collection costs, fees and expenses imposed by the county property appraiser or county tax collector under F.S. § 197.3632, and amounts necessary to account for the early payment discount for ad valorem property taxes and non-ad valorem assessments.</p>	2-24.3(e)7	<p>B. Amount of Non-Ad Valorem Assessment.</p> <p>1. The non-ad valorem assessment shall include the delinquent utility capital expansion fees together with interest accrued thereupon, and each annual installment shall include administrative and collection costs, fees and expenses imposed by the county property appraiser or county tax collector under F.S. § 197.3632, and amounts necessary to account for the early payment discount for ad valorem property taxes and non-ad valorem assessments.</p>	No changes

2-43 Fee imposed and time of payment

Current Section	Current Language	New Section	Proposed Language	Reason
2-24.3(e)8Q	Additional Capital Expansion Fees. Payment of any non-ad valorem assessment imposed hereunder shall not relieve the owner of affected property from the obligation to pay additional capital expansion fees in the event the property is developed to a greater intensity or with more ERUs than were used in determining the amount of the non-ad valorem assessment.	2-24.3(e)7Q	Additional Utility Capital Expansion Fees. Payment of any non-ad valorem assessment imposed hereunder shall not relieve the owner of affected property from the obligation to pay additional utility capital expansion fees in the event the property is developed to a greater intensity or if property is combined with the original parcel. Utility capital expansion fees will be due for the increased intensity or the additional square footage over the original with more ERUs than were used in determining the amount of the non-ad valorem assessment.	For additional utility capital expansion fees, may be

19-1 General Provisions

Current Section	Current Language	New Section	Proposed Language	Reason
	New	19-1	COLLECTION COSTS. The estimated costs to be incurred by the City annually in connection with the implementation, administration, collection, and. enforcement of the Assessments or fees, including, without limiting the generality of the foregoing, any service charges of the Tax Collector or Property Appraiser pursuant to the Uniform Assessment Collection Act or other general law, publication, mailing and administration expenses incurred by the City, and amounts necessary to off-set any applicable statutory discounts for the early payment of ad valorem taxes and non-ad valorem assessments.	Adding definitions to clarify section
	New	19-1	CIAC Fee Rate. The most recently approved City Council Resolution that establishes the UEP rates.	Adding definitions to clarify section
	New	19-1	EQUIVALENT PARCELS (EP). CIAC fee rates shall be the rates as stated within the City Council approved resolution establishing the most current UEP rates. The same unit of measure in UEP shall be used in the CIAC calculation.	Adding definitions to clarify section

19-5.2 Authority to Transfer Balances

Current Section	Current Language	New Section	Proposed Language	Reason
New		19-5.2	The City may transfer balances on a property to a new owner(s) of the property 30 days after the new owner(s) start service when the new account holder's name matches the name of the owner of record on file for the property at the Lee County Property Appraiser's Office.	Requires previous owner balances be paid within 30 days or balance is transferred to new owner's account.

19-6 Deposits

Current Section	Current Language	New Section	Proposed Language	Reason
New		19-6(b)	<p>New customer deposits are authorized. Amounts will be based upon a utility credit check. The level of utility credit risk will determine the amount of the deposit due at the time of application for service. The deposit schedule is as established in the utility fees resolution. Actual costs involved with processing a new customer account, such as utility credit checks, incurred by the City shall be billed to the utility account.</p> <p>.</p>	<p>Allows for the City to utilize a utility credit check for new customers to determine the amount of the deposit. The cost of the utility credit check will be billed to customer's account.</p>

19-54 Purpose and Policy Statement

Current Section	Current Language	New Section	Proposed Language	Reason
19-54(a)	a. The City of Cape Coral (city) hereby establishes this extension policy for the purpose of creating a uniform method of determining the contribution in aid of construction to be borne by property owners, builders or developers within the city to defray, or partially defray, the costs of on-site and/or off-site water and irrigation water distribution and wastewater collection system. The city declares that this extension policy has, as its goal, the establishment of a uniform method of computing or determining the contributions to the end that all such contributions shall be applied as nearly as possible with uniformity to all consumers and prospective consumers within the present municipal boundaries.	19-54(a)	a. The City of Cape Coral (city) hereby establishes this extension policy for the purpose of creating a uniform method of determining the contribution in aid of construction to be borne by property owners, or developers within the city to defray, or partially defray, the costs of off-site water and irrigation water distribution and wastewater collection system. The city declares that this extension policy has, as its goal, the establishment of a uniform method of computing or determining the contributions to the end that all such contributions shall be applied as nearly as possible with uniformity to all consumers and prospective consumers within the present municipal boundaries	Allows for credits to be provided for off-site utilities.
19-38(a)(4)	4.	19-54(e)	e. The contributions in aid of construction (CIAC) will be paid in accordance with this section and will not be reduced by any construction costs for on-site utilities. Those costs will be borne by the property owner or developer. Certain off site or line extension required to provide service, upon approval by the City, may reduce the amount of CIAC fees. However, the property owner or developer shall be entitled to the area method of calculations for CIAC fees set forth in § 19-55	Allows for credits to be provided for off-site utilities. Changes CIAC from ERU based to area method.

19-55 Contributions in Aid of Construction

Determination of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(b)	b. Determination of Charges- Determination of charges; amount. Having computed the average current costs of that portion of the water, irrigation water distribution and wastewater collection systems properly allocable to each building site in accordance with generally acceptable accounting principles and current construction costs, the following charges are hereby established for a contribution in aid of construction: Fee schedule based on meter size	19-55(b)(1)	1. CIAC fee rates shall be the rates as stated within the City Council approved resolution establishing the most current UEP rates. The same unit of measure in UEP shall be used in the CIAC calculation.	Changes CIAC from ERU based to area method. Removes fee table
	New	19-55(b)(2)	2. For parcels greater than two acres in size, the City may apply an oversize parcel discount. The oversize discount shall be calculated by measuring into the parcel 200 feet from each side of the parcel that abuts a right-of-way where utility service is available and computing that parcel area. This area shall be subject to 100% of the EP Rates. The remaining square footage within the parcel (the oversized area) shall be calculated at 30% and added to the fully assessable square footage	Reinstates oversize parcel discount for CIAC areas.

19-55 Contributions in Aid of Construction

Determination of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
	New	19-55(b)(3)	3. The typical rectangular lot is also used at dead-end streets and cul-de-sacs, creating irregular lots with an area between 5,000 and 7,000 square feet, the additional area being in tab like appendages or “hammerheads” that exist only because of the dead-end or cul-de-sac location and cannot be used for set back or other improvement purposes. To avoid an inequity between these lots and other typical lots, the area of residential platted lots located at a dead-end or cul-de-sac that exceeds 5,000 square feet, but is less than 7,000 square feet, shall be disregarded. The contribution in aid of construction for these properties will be determined by deleting the unbuildable area from the total area. This reduction will only apply to wastewater and water CIAC, but not irrigation CIAC.	Reinstate hammerhead calculation language for CIAC areas mirroring hammerhead calculations in UEP areas.
	New	19-55(b)(4)	4. CIAC rates may be periodically examined in order to provide a uniform charge to those connecting to the existing systems. It is the intent of this section that the City Council periodically re-examine the charges contained herein so that they will reflect, as nearly as possible, the current costs of construction as well as the cost of funding the unused portion of the system to the date of proposed development of each individual building site.	Allow for rates to be reevaluated and align with most recent UEP or the current costs of construction.

19-55 Contributions in Aid of Construction

Time of Payment

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(c)	For new construction in areas where utility service is currently available, the CIAC fee shall be due and payable at the same time the site development review fees are paid. Should more than one structure be constructed upon a parcel of property, CIAC fees may be due for each structure. CIAC fees shall be due for each service when the service becomes available.	19-55(c)	c. Time of payment - new construction. For new construction in areas where utility service is currently available, the CIAC fee will be assessed based upon new construction permit application date and shall be due and payable at the same time the new construction/site development review fees are paid. CIAC fees shall be due for each service when the service becomes available.	Clearly define when CIAC fees will be assessed and payable.

19-55 Contributions in Aid of Construction

Time of Payment

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(e)	<p>Time of payment - redeveloped properties. When property is redeveloped, the amount of utility capacity previously reserved remains with such property. For example, if the amount of capacity needed to serve the redeveloped property is less than or equal to the original capacity to serve the property, then no additional CIAC fees will be due. If the amount of capacity needed to serve the redeveloped property is greater than the original capacity to serve the property, the property will receive a credit. The amount of said credit shall be the difference between the ERU of the current meter serving the property, and the ERU of the larger meter required to serve the property due to the redevelopment, at the city's then current CIAC fee rate structure, as such is amended from time to time. The CIAC fee shall be due and payable at the same time the site development review fees are paid.</p>	19-55(e)	<ol style="list-style-type: none">1. When property is redeveloped, CIAC fees shall remain with the parcel.2. Additional CIAC fees shall not be due unless additional property for which CIAC fees were due and unpaid is combined with the original parcel. In such instances, the parcel owner shall be required to pay the CIAC fees for the square footage not previously paid.3. For parcel split/combines, or undeveloped land, CIAC fees shall be assessed for any parcel area not previously assessed a CIAC fee.4. For parcel split/combines that involve a portion of land that previously paid an ERU based CIAC fee, the original parcel area will be considered paid. As a result of the parcel combine, CIAC may be due on the additional square footage.5. Should the CIAC fee remain unpaid, and the surrounding parcels are included within a Utility Extension Project, the portion of land which the CIAC fees are unpaid may be included within the UEP	<p>Clarify where previously assessed CIAC fees lie and when additional fees would be due when properties split or combine.</p>

19-55 Contributions in Aid of Construction

Application of Proceeds

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(g)	g. The proceeds of all contributions in aid of construction with respect to the water, wastewater or irrigation water systems shall be applied only to the payment of the cost of expansion of the respective system, and to the payment of any bonds to which the contributions in aid of construction shall have been pledged or may be legally used.	19-55(g)	g. The proceeds of all contributions in aid of construction with respect to the water, wastewater or irrigation water systems shall be applied only to the payment of the cost of expansion of the respective system, for renewal and replacement projects , and to the payment of any bonds to which the contributions in aid of construction shall have been pledged or may be legally used.	Allows for CIAC proceeds to be utilized for renewal and replacement projects

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(1)(a)	a. All CIAC must be paid as described in (c), (d), or (e) above, or an agreement to pay CIAC through annual installments as described in subsection (g)(1)b. below, must be signed and filed with the city's Financial Services Department prior to issuance of a permit. All CIAC pertaining to each structure must be paid, or an annual installment agreement executed prior to the issuance of a permit. This applies to platted and unplatted property. Failure to pay the CIAC when due may result in revocation of any development permits that have been issued for the property and will prohibit the issuance of a temporary certificate of occupancy, certificate of occupancy, or certificate of use	19-55(h)(1)(a)	a. All CIAC must be paid as described in (c), (d), (e), or (f) above, or an agreement to pay CIAC through annual installments as described in subsection (h)(1)b or c below, must be signed and filed with the city's Financial Services Department prior to issuance of a permit. All CIAC pertaining to each parcel must be paid, or an annual installment agreement executed prior to the issuance of a permit. This applies to platted and unplatted property. Failure to pay the CIAC when due may result in revocation of any development permits that have been issued for the property and will prohibit the issuance of a temporary certificate of occupancy, certificate of occupancy, or certificate of use.	Changing fee from capacity based (per structure) to square foot (parcel area)

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(1)(b)	b. If the property owner elects to pay the contribution in aid of construction in an annual installment agreement, the property owner shall execute a voluntary lien in the amount of the outstanding balance of the contribution in aid of construction for the property. The lien shall be recorded in the public records for Lee County and shall constitute a lien upon the property subject to the betterment or contribution in aid of construction of the same nature and to the same extent as the lien for general county and municipal taxes. Such lien shall be superior in dignity to all other liens, titles and claims, until paid. Additionally, a lien recording fee, as provided for in the schedule of charges established by the Lee County Clerk of the Circuit Court shall be paid by the property owner(s) to the city. Owners electing to pay the CIAC in installments may, but are not required to, make an initial down payment at the time of making application to pay the CIAC in installments.	19-55(h)(1)(b)	b. If the property owner elects to pay the contribution in aid of construction in an annual installment agreement, the City shall require the property owner to execute a CIAC agreement in the amount of the outstanding balance of the contribution in aid of construction for the property. The agreement shall be recorded in the public records for Lee County. A recording fee, as provided for in the schedule of charges established by the Lee County Clerk of the Circuit Court shall be paid by the property owner(s) to the city. Owners electing to pay the CIAC in installments may, but are not required to, make an initial down payment at the time of making application to pay the CIAC in installments.	Changing fee from capacity based (per structure) to square foot (parcel area). Changing CIAC fee financing from voluntary lien to tax billed installment agreement.

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(1)(b) (cont.)	<p>The remaining principal balance shall be paid in 15 equal annual installments of principal, plus interest at a rate to be determined at the time of application to pay in installments. The interest portion of the annual payment shall be calculated annually on the remaining principal balance. The interest rate shall be a fixed rate, shall be established at the time of application to pay the CIAC in installments and shall equal the current prime lending rate, as published in the Wall Street Journal on the last day of the month preceding the application, plus 1%, plus a 1% administrative fee and shall be effective the first day of the current month. The interest rate shall remain fixed until the annual installment agreement is paid in full. There shall be no penalty for prepayment. The installment agreement and lien shall provide that, upon an installment not being paid within 30 days after the date it is due, the city may accelerate the balance of payments and require them all to be paid within 30 days after acceleration; that any payment not made within 30 days after the date it is due shall carry a penalty of 1-1/2% per month on the unpaid principal balance until paid; and that attorneys' fees and costs shall be awarded to the prevailing party in any action to enforce the agreement and in any foreclosure proceeding. The property owner may pay the contribution in aid of construction in its entirety within 30 days from initial payment being due with no interest charge</p>	19-55(h)(1)(b) (cont.)	<p>The remaining principal balance shall be paid in equal principal annual installments, not exceeding fifteen (15), plus interest and collection costs. The interest rate shall be determined at the time of application to pay in installments and such installments shall become part of the non-ad valorem assessment property tax bill. The interest portion of the annual payment shall be calculated annually on the remaining principal balance. The interest rate shall be a fixed rate, shall be established at the time of application to pay the CIAC in installments and shall equal the current prime lending rate, as published in the Wall Street Journal on the last day of the month preceding the application, plus 1%, plus a 1% administrative fee and shall be effective the first day of the current month. The interest rate shall remain fixed until the annual installment agreement is paid in full. There shall be no penalty for prepayment in full. The property owner may pay the contribution in aid of construction in its entirety within 30 days from initial payment being due with no interest charge.</p>	<p>Removing lien language for financing and foreclosure proceeding language. Collection on the tax bill eliminates the need for the voluntary lien and any foreclosure action.</p>

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
	New	19-55(h)(1)(c)	c. Payment of the contribution in aid of construction due to be paid for any parcel of land being developed in no way other than clearing the land, add fill material to the land, the platting thereof and/or the construction thereon of roads, drainage facilities and/or utility facilities may be deferred and paid pursuant to a deferred payment agreement. A deferred payment agreement shall require a proportional payment of the CIAC for each part of the project area/parcel upon issuance of a building permit for such part, transfer of title to such part, or the passage of 15 years, whichever occurs first. After the deferral period, the balance of the loan will be placed on the non-ad valorem property tax bill as outlined in the deferral agreement.	Added new language to allow for prorated deferrals for large developments. Allows developers to pay as permits are issued.

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(a)	a. Development of the property prior to paying a CIAC does not relieve the property owner of the responsibility to the city for contributions in aid of construction. In the event of this occurrence due to oversight or City Council action, the property owner will be billed accordingly and must submit payment or enter into an installment agreement or hardship deferred payment agreement within 30 days of the date of the bill. Failure to do so will result in the imposition of an involuntary lien as provided below.	19-55(h)(2)(a)	a. Development of the property prior to paying a CIAC does not relieve the property owner of the responsibility to the city for contributions in aid of construction. In the event of this occurrence due to oversight or City Council action, the property owner will be billed accordingly and must submit payment or enter into an installment agreement. Failure to do so will result in the CIAC being placed on the non-ad valorem property tax bill along with interest and collection costs.	Removed reference to lien and replaced with non ad valorem installment method. Removed submitting hardship agreement after receipt of bill-hardship applications are only accepted at the beginning of the calendar year.

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(b)	b. The property owner may either pay the CIAC in full or finance the fee as prescribed. Financing the fee requires an annual installment agreement and a voluntary lien as described in subsection (d)(1)b. above. The CIAC fee shall be due and payable within 180 days from the date the notice of availability is sent to the property owner. After the expiration of 150 days from the date the notice of availability was sent, the city shall send a bill for any unpaid CIAC fees to the property owner of record which states that CIAC fees are due and payable, will become delinquent if not paid in full or financed within 30 days, and shall include a statement that failure to pay in full or finance the fees within the 30 day period or to request, in writing, an opportunity to contest the fees before the City Council, will result in the city financing the CIAC fees and filing an involuntary lien against the property.	19-55(h)(2)(b)	b. The property owner may either pay the CIAC in full or finance the fee as prescribed. Financing the fee requires an annual installment agreement and a voluntary annual installment agreement as described in subsection (h)(1)b above. The CIAC fee shall be due and payable within 180 days from the date the notice of availability is sent to the property owner. After the expiration of 150 days from the date the notice of availability was sent, the city shall send a bill for any unpaid CIAC fees to the property owner of record which states that CIAC fees are due and payable, will become delinquent if not paid in full or financed within 30 days, and shall include a statement that failure to pay in full or finance the fees within the 30 day period or to request, in writing, an opportunity to contest the fees before the City Council, will result in the city financing the CIAC fees and filing an involuntary lien against the property.	Removed involuntary lien language in collection of delinquent CIAC fees.

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(b) (cont.)	The bill shall be delivered to the owner by U.S. Mail, Return Receipt Requested, using the address of the owner as stated on the County Property Appraiser's records, or by hand delivery. In the event a property owner does not respond to the request for payment within 30 days of the billing date, the city will finance the CIAC and place an involuntary lien on the property. Any property owner who desires to finance CIAC fees that are delinquent (i.e. more than 180 days from the date notice of availability was sent to the property owner) on the terms provided in subsection (d)(1)b. above and have not had foreclosure proceedings initiated by the city pursuant to subsection (d)(2)d. below, can finance the CIAC fees upon the payment of all outstanding penalties and interest. Any existing lien filed pursuant to this section shall remain until the CIAC fees and any penalties and interest are paid in full but the modified installment payment agreement shall be recorded in the Public Records of Lee County, Florida. If a lien has not yet been filed against the property, a lien shall be filed pursuant to subsection (d)(1)b. above.	19-55(h)(2)(b) (cont.)	The bill shall be delivered to the owner by U.S. Mail, Return Receipt Requested, using the address of the owner as stated on the County Property Appraiser's records, or by hand delivery. In the event a property owner does not respond to the request for payment within 30 days of the billing date, the city will finance the CIAC utilizing the non-ad valorem installment method.	Updated collection method for delinquent CIAC fee from lien process to non-ad valorem installment method.

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(c)	<p>c. Right to contest imposition of involuntary liens. Any property owner who desires to contest the imposition of an involuntary CIAC lien must submit a written request to the Director of Financial Services within 30 days from the date the bill for unpaid CIAC fees was mailed or hand delivered by the city. The request shall be scheduled for City Council consideration as soon as practicable. The City Council, after hearing from the property owner and staff, shall determine whether to modify or correct any proposed lien. The property owner shall have 15 days from the date of the City Council action to pay the full amount of the CIAC fee found by the City Council to be due. Failure to pay the fee in full within said 15 day period shall result in the execution and filing of an involuntary lien by the City Manager or designee for the amount due.</p>	19-55(h)(2)(c)	<p>c. Right to contest Non-ad valorem assessment installment method. Any property owner who desires to contest the imposition of involuntary CIAC non-ad valorem assessment installments must submit a written request to the Director of Financial Services within 30 days from the date the bill for unpaid CIAC fees was mailed or hand delivered by the city. The request shall be scheduled for City Council consideration as soon as practicable. The City Council, after hearing from the property owner and staff, shall determine whether to modify or correct the CIAC installments. The property owner shall have 15 days from the date of the City Council action to pay the full amount of the CIAC fee found by the City Council to be due. Failure to pay the fee in full within said 15 day period shall result in the execution and filing of a Non-ad valorem assessment installment schedule by the City Manager or designee for the amount due.</p>	Updated delinquent CIAC collection from imposition of involuntary lien to non-ad valorem assessment installments.

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(d)	<p>d. Imposition of lien for delinquent CIAC fees. If the owner has not entered into an annual installment agreement and voluntary lien and has not paid the CIAC fees in full within 30 days of the date the bill was mailed or hand delivered, and the owner has not submitted a written request to the city to contest the billing in front of the City Council, or the owner has contested the billing and same are found to be valid by the City Council, the City Manager, or his or her designee, shall execute and record a lien against the property for the amount of the CIAC fees remaining due plus a lien recording fee. The CIAC fees contained in the lien shall bear interest at the rate provided for in F.S. § 55.03 for interest on judgments. Said lien shall be of the same nature and to the same extent as a lien for general county and municipal taxes falling due in the same year or years said fees were due. Such lien shall be superior in dignity to all other liens, titles, and claims, until paid. Any liens placed against real property pursuant to this section may be foreclosed upon by the city in a manner provided by state law for the foreclosure of mortgages on real property if any installment payment due pursuant to the lien remains unpaid for 30 days. Owners of property against whom a foreclosure action is commenced shall be liable for all fees, costs, and expenses incurred by the city or its agents, including reasonable attorneys fees.</p>	19-55(h)(2)(d)	<p>d. Imposition of Non-ad valorem assessment installment schedule for delinquent CIAC fees. If the owner has not entered into an annual installment agreement and has not paid the CIAC fees in full within 30 days of the date the bill was mailed or hand delivered, and the owner has not submitted a written request to the city to contest the billing in front of the City Council, or the owner has contested the billing and same are found to be valid by the City Council, the City Manager, or his or her designee, shall execute and record a Non-ad valorem assessment installment schedule against the property for the amount of the CIAC fees remaining due plus a recording fee. The CIAC fees contained in the Non-ad valorem assessment installment schedule shall bear interest at the rate provided for in F.S. § 55.03 for interest on judgments.</p>	Updated delinquent CIAC collection from imposition of involuntary lien to non-ad valorem assessment installments

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(e)	e. Release of lien. Owners who have paid their lien in full shall, upon request, be entitled to a release of lien from the city. The recording of the release of lien and any charges therefor shall be the responsibility of the property owner.	19-55(h)(2)(e)	e. Release of lien. For owners who financed the CIAC fee utilizing the legacy lien process and have paid their lien in full, and upon request, the City will prepare a release of lien.	Clarifying CIAC fees financed with a lien as the legacy process
19-38(h)(2)(f)	f. General. Any informality or irregularity in the procedure to impose a lien for CIAC shall not affect the validity of the same after the lien has been recorded, and no deviation from the procedures prescribed hereunder shall affect the validity of the lien unless it can be clearly shown that the party objecting was materially injured thereby.		Removed	No longer need language about the validity of the lien
19-38(h)(2)(g)	g. Other means. Nothing herein shall prohibit the city from utilizing other means to collect delinquent CIAC including, but not limited to, an action for damages filed with the appropriate court in Lee County or collection of the delinquent amount as a non-ad valorem assessment, as follows:	19-55(h)(2)(f)	f. Other means. Nothing herein shall prohibit the city from utilizing other means to collect delinquent CIAC including, but not limited to, an action for damages filed with the appropriate court in Lee County or collection of the delinquent amount as a non-ad valorem assessment, as follows:	No changes- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)1	1. In lieu of foreclosure, any CIAC which is delinquent by more than six months may be collected as a non-ad valorem assessment pursuant to F.S. § 197.3632.	19-55(h)(2)(f)1	1. In lieu of foreclosure, any CIAC, which was financed through the legacy lien process and is delinquent by more than six months may be collected as a non-ad valorem assessment pursuant to F.S. § 197.3632.	Clarifying CIAC fees financed with a lien as the legacy process
19-38(h)(2)(g)2A	2. Amount of Non-Ad Valorem Assessment. (A) The non-ad valorem assessment shall include the delinquent CIAC together with interest accrued thereupon, and each annual installment shall include administrative and collection costs, fees and expenses imposed by the county property appraiser or county tax collector under F.S. § 197.3632, and amounts necessary to account for the early payment discount for ad valorem property taxes and non-ad valorem assessments.	19-55(h)(2)(f)2A	2. Amount of Non-Ad Valorem Assessment. (A) The non-ad valorem assessment shall include the delinquent CIAC together with interest accrued thereupon, and each annual installment shall include administrative and collection costs, fees and expenses imposed by the county property appraiser or county tax collector under F.S. § 197.3632, and amounts necessary to account for the early payment discount for ad valorem property taxes and non-ad valorem assessments.	No changes- moving from 19-38 to 19-55
19-38(h)(2)(g)2B	(B) The non-ad valorem assessment shall not include any accrued and unpaid penalties or fines. Upon payment in full of the total amount of the non-ad valorem assessment, any such accrued penalties or fines shall be waived and the city shall file a satisfaction or release of lien for the CIAC in the public records.	19-55(h)(2)(f)2B	(B) The non-ad valorem assessment shall not include any accrued and unpaid penalties or fines. Upon payment in full of the total amount of the non-ad valorem assessment, any such accrued penalties or fines shall be waived and the city shall file a satisfaction or release of lien for the CIAC in the public records.	No changes- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)3	3. Intent Resolution. Prior to commencing collection of the non-ad valorem assessment, the city shall adopt a resolution stating the city's intent to use the uniform method of collection and provide notice of its intent to consider such resolution in accordance with F.S. § 197.3632(3).	19-55(h)(2)(f)3	3. Intent Resolution. Prior to commencing collection of the non-ad valorem assessment, the city shall adopt a resolution stating the city's intent to use the uniform method of collection and provide notice of its intent to consider such resolution in accordance with F.S. § 197.3632(3).	No changes- moving from 19-38 to 19-55
19-38(h)(2)(g)4	4.Initial Assessment Resolution. After adoption of the intent resolution, City Council shall consider an initial assessment resolution. The initial assessment resolution shall at a minimum:	19-55(h)(2)(f)4	4. Initial Assessment Resolution. After adoption of the intent resolution, City Council shall consider an initial assessment resolution. The initial assessment resolution shall at a minimum:	No changes- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)4 (cont.)	<p>(A) Describe the parcels subject to the non-ad valorem assessment.</p> <p>(B) Describe the schedule for collection of the non-ad valorem assessment in annual installments which, unless determined otherwise in the initial assessment resolution, shall be as follows: Any delinquent amount less than \$1,000 may be collected by the city in one annual installment; amounts over \$1,000 but less than \$2,000 may be collected in three annual installments; and amounts over \$2,000 may be collected in five annual installments.</p> <p>(C) Schedule a public hearing at a meeting of the City Council, which meeting shall be a regular, adjourned or special meeting, at which to hear objections of all interested persons and to consider adoption of a final assessment resolution approving the non-ad valorem assessment roll.</p> <p>(D) Direct City staff to prepare the non-ad valorem assessment roll, publish and mail notice required by F.S. § 197.3632 using information then available from the ad valorem tax roll maintained by the county property appraiser.</p>	19-55(h)(2)(f)4 (cont.)	<p>(A) Describe the parcels subject to the non-ad valorem assessment.</p> <p>(B) Describe the schedule for collection of the non-ad valorem assessment in annual installments which, unless determined otherwise in the initial assessment resolution, shall be as follows: Any delinquent amount less than \$1,000 may be collected by the city in one annual installment; amounts over \$1,000 but less than \$2,000 may be collected in three annual installments; and amounts over \$2,000 may be collected in five annual installments.</p> <p>(C) Schedule a public hearing at a meeting of the City Council, which meeting shall be a regular, adjourned or special meeting, at which to hear objections of all interested persons and to consider adoption of a final assessment resolution approving the non-ad valorem assessment roll.</p> <p>(D) Direct City staff to prepare the non-ad valorem assessment roll, publish and mail notice required by F.S. § 197.3632 using information then available from the ad valorem tax roll maintained by the county property appraiser.</p>	No changes- moving section from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)5	<p>5.Non-Ad Valorem Assessment Roll.</p> <p>(A) Upon adoption of the initial assessment resolution, city staff shall prepare a preliminary non-ad valorem assessment roll that contains the following information:</p> <ul style="list-style-type: none"> i. A summary description of each parcel of property (conforming to the description contained on the ad valorem tax roll) subject to the non-ad valorem assessment; ii. The name of the owner of record of each parcel, as shown on the ad valorem tax roll; iii. The number of equivalent residential units (ERUs) attributed to each parcel; <p>(B) Copies of the initial assessment resolution and the preliminary non-ad valorem assessment roll shall be on file in the Public Works Department and open to public inspection.</p>	19-55(h)(2)(f)5	<p>5.Non-Ad Valorem Assessment Roll.</p> <p>(A) Upon adoption of the initial assessment resolution, city staff shall prepare a preliminary non-ad valorem assessment roll that contains the following information:</p> <ul style="list-style-type: none"> i. A summary description of each parcel of property (conforming to the description contained on the ad valorem tax roll) subject to the non-ad valorem assessment; ii. The name of the owner of record of each parcel, as shown on the ad valorem tax roll; iii. The number of equivalent parcels (EPs) and/or equivalent residential units (ERUs) attributed to each parcel; <p>(B) Copies of the initial assessment resolution and the preliminary non-ad valorem assessment roll shall be on file with the City Clerk's Office and open to public inspection</p>	Updated section iii to include both EPs and ERUs for the legacy delinquent loan collection process

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)6	6. Notice by Publication. After adoption of the initial assessment resolution, the city shall publish once in a newspaper of general circulation within Lee County a notice stating that at a meeting of the City Council on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the City Council will conduct a public hearing to receive input and objections of all interested persons to the final assessment resolution and approval of the non-ad valorem assessment roll. The published notice shall conform to the requirements set forth in F.S. § 197.3632.	19-55(h)(2)(f)6	6. Notice by Publication. After adoption of the initial assessment resolution, the city shall publish once in a newspaper of general circulation within Lee County a notice stating that at a meeting of the City Council on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the City Council will conduct a public hearing to receive input and objections of all interested persons to the final assessment resolution and approval of the non-ad valorem assessment roll. The published notice shall conform to the requirements set forth in F.S. § 197.3632	No changes- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)7	<p>7. Notice by Mail.</p> <p>(A) In addition to the published notice required by this section, the city shall provide notice of the public hearing by first class mail to the owner of each parcel of property subject to the non-ad valorem assessment. The mailed notice shall conform to the requirements set forth in F.S. § 197.3632 and shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the tax roll on the twentieth calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service</p>	19-55(h)(2)(f)7	<p>7. Notice by Mail.</p> <p>(A) In addition to the published notice required by this section, the city shall provide notice of the public hearing by first class mail to the owner of each parcel of property subject to the non-ad valorem assessment. The mailed notice shall conform to the requirements set forth in F.S. § 197.3632 and shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the tax roll on the twentieth calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service.</p>	No changes- moving from 19-38 to 19-55
19-38(h)(2)(g)7	<p>(B) The notice shall include, among other things, the intent of the city to collect the non-ad valorem assessment pursuant to the uniform method authorized by F.S. § 197.3632, if not paid in full by the following September 1, or such other date as may be determined in the initial resolution.</p>	19-55(h)(2)(f)7	<p>(B) The notice shall include, among other things, the intent of the city to collect the non-ad valorem assessment pursuant to the uniform method authorized by F.S. § 197.3632, if not paid in full by the following September 1, or such other date as may be determined in the initial resolution.</p>	No changes- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)7 (cont.)	(C) City staff may provide proof of such notice by affidavit. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.	19-55(h)(2)(f)7	(C) City staff may provide proof of such notice by affidavit. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.	No changes- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)8	Adoption of Final Assessment Resolution. At the time named in such notices, or to which an adjournment or continuance may be taken, the City Council shall conduct the public hearing to receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Council, adopt the final assessment resolution which shall: (A) Confirm, modify or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the City Council; (B) Approve the non-ad valorem assessment roll, with such amendments as it deems just and right; and (C) Direct certification and delivery of the non-ad valorem assessment roll to the county tax collector no later than September 15 of the current year.	19-55(h)(2)(f)8	8. Adoption of Final Assessment Resolution. At the time named in such notices, or to which an adjournment or continuance may be taken, the City Council shall conduct the public hearing to receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Council, adopt the final assessment resolution which shall: (A) Confirm, modify or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the City Council; (B) Approve the non-ad valorem assessment roll, with such amendments as it deems just and right; and (C) Direct certification and delivery of the non-ad valorem assessment roll to the county tax collector no later than September 15 of the current year.	No changes- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)9	9. Certification of Non-Ad Valorem Assessment Roll. The non-ad valorem assessment roll will be comprised of properties that have had levied against them non-ad valorem assessments under this article, where such assessment has not otherwise been paid in full prior to delivery of the roll to the county tax collector. Prior to certifying the non-ad valorem assessment roll to the county tax collector, City staff shall remove from such roll any parcel for which the assessment has been paid in full.	19-55(h)(2)(f)9	9. Certification of Non-Ad Valorem Assessment Roll. The non-ad valorem assessment roll will be comprised of properties that have had levied against them non-ad valorem assessments under this article, where such assessment has not otherwise been paid in full prior to delivery of the roll to the county tax collector. Prior to certifying the non-ad valorem assessment roll to the county tax collector, City staff shall remove from such roll any parcel for which the assessment has been paid in full.	No change- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)10	10. Annual Assessment Resolution. The City Council shall adopt an annual assessment resolution during its budget adoption process for each fiscal year in which non-ad valorem assessments are imposed hereunder to approve the non-ad valorem assessment roll for such fiscal year. The final assessment resolution shall constitute the annual assessment resolution for the initial fiscal year. The non-ad valorem assessment roll shall be confirmed or amended by the annual assessment resolution to reflect the then applicable annual installment of the non-ad valorem assessment. If a non-ad valorem assessment is imposed hereunder against property not previously subject thereto, the city shall provide mailed notice to the owner of such property in accordance with this section and conduct a public hearing prior to adoption of the annual assessment resolution. Failure to adopt an annual assessment resolution during the budget adoption process may be cured at any time.	19-55(h)(2)(f)10	10. Annual Assessment Resolution. The City Council shall adopt an annual assessment resolution during its budget adoption process for each fiscal year in which non-ad valorem assessments are imposed hereunder to approve the non-ad valorem assessment roll for such fiscal year. The final assessment resolution shall constitute the annual assessment resolution for the initial fiscal year. The non-ad valorem assessment roll shall be confirmed or amended by the annual assessment resolution to reflect the then applicable annual installment of the non-ad valorem assessment. If a non-ad valorem assessment is imposed hereunder against property not previously subject thereto, the city shall provide mailed notice to the owner of such property in accordance with this section and conduct a public hearing prior to adoption of the annual assessment resolution. Failure to adopt an annual assessment resolution during the budget adoption process may be cured at any time.	No change- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)11	11. Effect of Assessment Resolutions. The adoption of the final assessment resolution or of an annual assessment resolution requiring notice as provided in paragraph 10. above, shall be the final adjudication of the issues presented (including but not limited to adoption of the non-ad valorem assessment roll and the levy and lien of the non-ad valorem assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Council's adoption of the final assessment resolution. The non-ad valorem assessments for each fiscal year shall be established upon adoption of the annual assessment resolution.	19-55(h)(2)(f)11	11. Effect of Assessment Resolutions. The adoption of the final assessment resolution or of an annual assessment resolution requiring notice as provided in paragraph 10. above, shall be the final adjudication of the issues presented (including but not limited to adoption of the non-ad valorem assessment roll and the levy and lien of the non-ad valorem assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Council's adoption of the final assessment resolution. The non-ad valorem assessments for each fiscal year shall be established upon adoption of the annual assessment resolution.	No change- moving from 19-38 to 19-55
19-38(h)(2)(g)12	12. Proceeds of the Non-Ad Valorem Assessments. Proceeds of the non-ad valorem assessments, after payment of fees, costs and expenses associated with collection of the assessments, shall be deposited to the respective trust funds established for the water, wastewater and irrigation CIAC Fees and thereafter applies only to the payment of the cost of expansion of the respective system, and to the payment of any bonds to which the CIAC fees shall have been pledged or may be legally used.	19-55(h)(2)(f)12	12. Proceeds of the Non-Ad Valorem Assessments. Proceeds of the non-ad valorem assessments, after payment of fees, costs and expenses associated with collection of the assessments, shall be deposited to the respective trust funds established for the water, wastewater and irrigation CIAC Fees and thereafter applies only to the payment of the cost of expansion of the respective system, and to the payment of any bonds to which the CIAC fees shall have been pledged or may be legally used.	No change- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)13	13. Prepayment. The owners of property subject to a non-ad valorem assessment imposed hereunder may, at their option, prepay the assessment in full at any time; provided, however, that during any period commencing on the date the annual non-ad valorem assessment roll is certified for collection to the county tax collector and ending on the next date on which unpaid ad valorem taxes become delinquent, the city may reduce the amount required to prepay the non-ad valorem assessments imposed against any parcel of property by the amount of the assessment certified for collection with respect to such parcel.	19-55(h)(2)(f)13	13. Prepayment. The owners of property subject to a non-ad valorem assessment imposed hereunder may, at their option, prepay the assessment in full at any time; provided, however, that during any period commencing on the date the annual non-ad valorem assessment roll is certified for collection to the county tax collector and ending on the next date on which unpaid ad valorem taxes become delinquent, the city may reduce the amount required to prepay the non-ad valorem assessments imposed against any parcel of property by the amount of the assessment certified for collection with respect to such parcel.	No change- moving from 19-38 to 19-55
19-38(h)(2)(g)14	14. Other Applicable Provisions. Except as otherwise set forth above, non-ad valorem assessments imposed hereunder shall be administered in accordance with Chapter 17, Article III of the City Code. The city shall comply with any other requirements of F.S. § 197.3632.	19-55(h)(2)(f)14	14. Other Applicable Provisions. Except as otherwise set forth above, non-ad valorem assessments imposed hereunder shall be administered in accordance with Chapter 17, Article III of the City Code. The city shall comply with any other requirements of F.S. § 197.3632.	No change- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)15	15. Collection of Non-Ad Valorem Assessments. The non-ad valorem assessments collected pursuant to this section will be included in the combined notice for ad valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.	19-55(h)(2)(f)15	15. Collection of Non-Ad Valorem Assessments. The non-ad valorem assessments collected pursuant to this section will be included in the combined notice for ad valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.	No change- moving from 19-38 to 19-55
19-38(h)(2)(g)16	16. Agreement to reimburse county property appraiser and county tax collector. In order to use the uniform method for the levy, collection, and enforcement of the non-ad valorem assessments, the city is authorized to enter into a written agreement with the county property appraiser and the county tax collector providing for the reimbursement of their costs incurred in the administration and collection of the non-ad valorem assessments levied under this article.	19-55(h)(2)(f)16	16. Agreement to reimburse county property appraiser and county tax collector. In order to use the uniform method for the levy, collection, and enforcement of the non-ad valorem assessments, the city is authorized to enter into a written agreement with the county property appraiser and the county tax collector providing for the reimbursement of their costs incurred in the administration and collection of the non-ad valorem assessments levied under this article.	No change- moving from 19-38 to 19-55

19-55 Contributions in Aid of Construction

Payment of Charges

Current Section	Current Language	New Section	Proposed Language	Reason
19-38(h)(2)(g)17	17. Additional CIAC. Payment of any non-ad valorem assessment imposed hereunder shall not relieve the owner of affected property from the obligation to pay additional CIAC in the event the property is developed to a greater intensity or with more ERUs than were used in determining the amount of the non-ad valorem assessment.	19-55(h)(2)(f)17	17. Additional CIAC. Payment of any non-ad valorem assessment imposed hereunder shall not relieve the owner of affected property from the obligation to pay additional CIAC in the event the property is developed to a greater intensity or if property is combined with original parcel. CIAC will be due for the increased intensity or the additional square footage over the original amount of the non-ad valorem assessment.	Due to change in methodology, added additional CIAC may be due if the original parcel combines with another with CIAC due.
19-38(i)	CIAC paid as non-ad valorem assessments. As an alternative to payment of the CIAC in installments as provided in paragraph (h) above, and notwithstanding anything in this chapter to the contrary, the city may collect the CIAC as non-ad valorem assessments pursuant to F.S. § 197.3632; provided, however, that the city shall not be required to follow the public hearing and notice process set forth in F.S. § 197.3632(4) if the owner of the property provides written consent for the non-ad valorem assessment in accordance with F.S. § 197.3632(4)(a)(3).		Removed	Not needed as the non-ad valorem assessment will be the only option to finance the CIAC fee moving forward

Next Steps

- Ordinance to approve Chapter 2 changes- introduction on December 14, 2022; public hearing on January 11, 2022, with an effective date upon adoption.
- Ordinance to approve Chapter 19 changes- introduction on December 14, 2022; public hearing on January 11, 2022, with an effective date upon adoption.

THANK YOU
any questions?

