

RESOLUTION 2024- 190

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, ADOPTING THE MUNICIPAL SERVICE BENEFIT UNIT POLICIES AND PROCEDURES; FURTHER PROVIDING FOR FINDINGS AND AUTHORIZING THE COUNTY MANAGER OR DESIGNEE TO IMPLEMENT SAID POLICIES AND PROCEDURES AND TO MAKE ANY NECESSARY MODIFICATIONS TO THE SAME; PROVIDING APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 9, 2024, the Nassau County Board of County Commissioners adopted Ordinance 2024-022 and thereby formally codified an updated ordinance for the implementation of Municipal Service Benefit Units in unincorporated Nassau County; and

WHEREAS, the Nassau County Board of County Commissioners now desires to adopt Policies and Procedures to establish a simplified process for members of the public to submit requests to the County for the establishment of a Municipal Service Benefit Unit as set forth in the Municipal Service Benefit Unit Policies and Procedures, a copy of which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the Nassau County Board of County Commissioners further desires to authorize the County Manager or designee to implement the attached Municipal Service Benefit Unit Policies and Procedures and to make any modifications as the County Manager or designee deems necessary; and

WHEREAS, the Board now finds it in the best interest of the County and its citizens to adopt the Municipal Service Benefit Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. FINDINGS.

The above findings are true and correct and are hereby incorporated herein by reference.

SECTION 2. ADOPTION OF POLICIES AND PROCEDURES.

The Municipal Service Benefit Unit Policies and Procedures, attached hereto as Exhibit “A”, and incorporated herein by reference are hereby adopted.

SECTION 3. IMPLEMENTATION AND MODIFICATIONS.


The County Manager or designee is hereby authorized to implement the Municipal Service Benefit Unit Policies and Procedures and to make any modifications that the County Manager or designee may deem necessary.

SECTION 4. EFFECTIVE DATE.

This Resolution shall take effect immediately upon its passage.

ADOPTED THIS 18th DAY OF DECEMBER, 2024 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

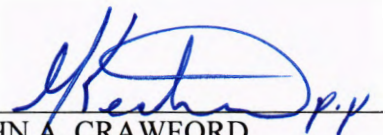
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



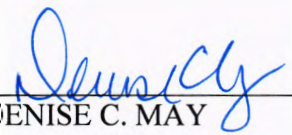
JOHN F. MARTIN
Its: Chairman

ATTEST as to Chairman’s Signature:

Approved as to form:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk



DENISE C. MAY
County Attorney

EXHIBIT “A”

MUNICIPAL SERVICE BENEFIT UNIT POLICIES AND PROCEDURES

INTRODUCTION.

The Nassau County Board of County Commissioners, pursuant to Chapter 125.01, Florida Statutes, and the Nassau County Code of Ordinances, may establish a Municipal Service Benefit Unit (MSBU) to serve a specific area of the county. A MSBU is a funding mechanism by which communities/neighborhoods may request to charge themselves to obtain desired improvements. A MSBU is created through the adoption of a County ordinance, which establishes the boundaries of the MSBU as well as establishes the assessment of rates, including frequency, duration and method of collection of the assessments against the properties located within the MSBU boundaries. A MSBU may be created for the following: road repairs and paving and stormwater drainage repairs and improvements.

MSBU assessments are generally flat, equal charges per property located within the MSBU. It is a non-ad valorem assessment and is not based on the value of the property receiving the benefit.

MUNICIPAL SERVICE BENEFIT UNIT CREATION.

STEP ONE: SUBMITTAL OF APPLICATION.

- A. To initiate the MSBU process, a property owner, homeowners group, entity representing an established community (subdivision or neighborhood) (hereinafter “Applicant”) may contact the Nassau County Office of Management and Budget to inquire or discuss the proposed project with the County:

Nassau County Office of Management and Budget

96135 Nassau Place

Suite 2

Yulee, Florida 32097

ATTN: (904) 530-6010

- B. The request shall include the following:

1. Scope of improvement or construction proposed.
2. Map depicting the proposed boundaries of the MSBU.
 - a. The MSBU must contain a minimum of two distinct taxable (or platted) pieces of property.
 - b. The MSBU boundaries must be contiguous and cannot split parcels or lots. Enclaves are not allowed if the reason is to remove a lot or lots because the property owner is not in favor of the establishment of the MSBU.
 - c. The MSBU may be established in un-platted residential areas where the proposed action benefits the properties in a definable geographic area.
3. Contact information for the Applicant.

STEP TWO: APPLICATION REVIEW.

Upon receipt of the above information from an Applicant, the Office of Management and Budget shall review the request to ensure all information has been provided. Upon receipt of a complete request, the Office of Management and Budget shall forward the request to the County Engineer for a preliminary review of the proposal.

STEP THREE: PRELIMINARY ENGINEERING REPORT AND COST ESTIMATES.

- A. A Preliminary Engineering Report is required and will provide the MSBU property owners an understanding of the project details including all project costs and likely assessments to implement the MSBU activity. If the County Engineer determines that the upfront engineering for the Preliminary Engineering Report is beyond the expertise or capacity of County staff, then outside engineering assistance may be utilized. If the cost of outside engineering assistance for the Preliminary Engineering Report exceeds \$25,000.00 dollars, it will require the preapproval by the Board of County Commissioners. All costs for the Preliminary Engineering Report will be charged to the future MSBU once established.
- B. The Preliminary Engineering Report shall reflect the estimated costs for project and estimated charge per property within the MSBU per month or annually. The MSBU assessment calculations shall include, but not be limited to, a Preliminary Engineering Cost, construction plan engineering and permitting, property acquisition, construction, and construction inspection. The Preliminary

Engineering Report shall also reflect the applicable costs for reserves, contingencies, legal costs, collection and administrative fees, financing costs, and other similar costs that can be reasonably attributable to the project.

STEP FOUR: PRE-PETITION SUBMITTAL COMMUNITY MEETING.

- A. Prior to circulating a petition on the proposed MSBU, the Applicant shall coordinate with the County Office of Management and Budget a Community Meeting with the property owners within the boundaries of the proposed MSBU. A letter will be mailed by the County through regular mail to each property owner advising of the application's submittal and the imminent petition process and inviting the property owners to the Community Meeting.
- B. At the Community Meeting, the proposed MSBU improvement details shall be presented and reviewed with the property owners within the boundaries of the proposed MSBU.

STEP FIVE: MSBU PETITION PROCESS.

- A. Following the Community Meeting, the County shall then coordinate a petition process to determine the percentage of property owners in support of the establishment of the proposed MSBU. The County will develop the petition form to be utilized and will provide the petition document to the Applicant to obtain the signatures. County staff will identify a date for petition return of 30-60 calendar days based upon target time frame in the process for the MSBU establishment. The petition form shall reflect the cost for project and estimated charge per MSBU per month or annually. For drainage repair and improvement projects, the petition must be approved by 66% of the property owners (one vote per parcel) within the boundaries of the proposed MSBU in order for the proposal to proceed to the Board of County Commissioners for consideration. For road repair and paving projects, the petition must be approved by 75% of the property owners (one vote per parcel) within the boundaries of the proposed MSBU in order for the proposal to proceed to the Board of County Commissioners for consideration.
- B. No petition will be accepted without the signatures of all property owners who may be required to dedicate rights-of-way or easements to the County in order to accommodate a project.

- C. The petition shall be verified by the Office of Management and Budget, the County Engineer and the County Attorney's Office as to ensure that all requirements have been met prior to setting a Public Hearing on the MSBU request.

STEP SIX: ESTABLISHMENT OF THE MSBU.

- A. Upon submission and verification of a petition approved by 66% of the property owners within the boundaries of the proposed MSBU for drainage repair and improvement projects or 75% of the property owners within the boundaries of the proposed MSBU for road repair and paving projects, the County shall set a date and time for a Public Hearing on the request to establish a MSBU.
- B. All legal notices shall be sent out and published in the newspaper as required by Florida Statutes. In addition, the County shall send notification by U.S Postal first-class mail to all property owners listed on the tax roll within the boundaries of the proposed MSBU.
- C. The Board of County Commissioners shall then hold a public hearing to receive public comments regarding the adoption and establishment of the proposed MSBU. Please note that although the petition has been accepted and a public hearing authorized, the petition is not binding until there is a final determination by the Board of County Commissioners to proceed with the project.
- D. At the public hearing, the Board of County Commissioners shall consider the adoption of the governing ordinance and a resolution containing the initial assessment roll. The Board of County Commissioners may approve or deny the ordinance.

FINAL STEP: IMPLEMENTATION.

- A. Once the MSBU ordinance is adopted by the Board of County Commissioners, the Office of Management and Budget along with the appropriate County staff shall proceed with implementing the assessment and performing or procuring the work as required pursuant to the County Purchasing Manual and State law. The implementation of the MSBU project may consist of structured financing, engineering services, procuring bids, ordering materials, renting equipment or mobilizing work with inhouse staff.
- B. All MSBU assessments shall be collected using the "Uniform Collection Method" pursuant to Section 197.3632, Florida Statutes, which provides for the levy, collection and

enforcement of non-ad valorem assessments through the uniform method. MSBU assessments can become a lien against a property if not paid, including homesteaded property.