

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES IN THE CITY OF PORT ST LUCIE; REIMPOSING AND INCREASING STORMWATER SERVICE FEES AGAINST COMMERCIAL AND RESIDENTIAL DEVELOPED AND UNDEVELOPED PROPERTY LOCATED WITHIN THE CITY OF PORT ST LUCIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND CONTINUING THEREAFTER UNTIL AMENDED; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Port St. Lucie, Florida (the "City") enacted Ordinance No. 97-64, codified in the City Code as Chapter 51 Section 51.04, Stormwater fee (the "Ordinance"), which authorizes the imposition of Stormwater fee for Stormwater Management Services against Commercial and Residential Developed and Undeveloped Property located within the City; and

WHEREAS, the imposition of the Stormwater fee for Stormwater Management Services for each fiscal year is an equitable and efficient method apportioning Stormwater Management Service Costs among parcels of Commercial and Residential Developed and Undeveloped Property; and

WHEREAS, the Council desires to collect the annual Stormwater fee within the City using the uniform tax bill collection method pursuant to the Uniform Assessment Collection Act found in Section 197.3632, Florida Statutes, as amended, for the fiscal year beginning on October 1, 2023; and

WHEREAS, the City Council finds that the present level of funding for Stormwater Management Services is insufficient to effectuate day-to-day operations and to build necessary capital projects; and

WHEREAS, the Council finds that the stormwater fee must be increased to address such insufficiencies; and

WHEREAS, the requirements to raise the stormwater fee, pursuant to Florida Statutes §197.3632 and the Ordinance have been met,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. RATIFICATION OF RECITALS. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this resolution.

Section 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of the

Ordinance, Chapters 166 and 197, Florida Statutes, and other applicable provisions of law.

Section 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Preliminary Rate Resolution, which initiates the annual process for updating the Assessment Roll and directs the re-imposition of the Stormwater fee pursuant to an annual rate resolution for the fiscal year beginning October 1, 2023. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

Section 4. PROVISION AND FUNDING OF STORMWATER MANAGEMENT SERVICES.

(A) Upon the imposition of the Stormwater fee for Stormwater Management Services against Commercial and Residential Developed and Undeveloped Property located in the City, the City shall provide Stormwater Management Services.

(B) It is hereby ascertained, determined, and declared that each parcel of Commercial and Residential Developed and Undeveloped Property will be benefited by the City's provision of Stormwater Management Services in an amount not less than the Stormwater fee imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

Section 5. REIMPOSITION OF STORMWATER SERVICE FEE.

For the fiscal year beginning on October 1, 2023 the Stormwater fee for Stormwater Management Services is to be re-imposed for Commercial and Residential Developed and Undeveloped Property located in the City pursuant to Section 51.04 of the City Code. An estimated fee of \$178.00 per Equivalent Residential Unit (ERU) is hereby established and approved for the 2023-2024 fiscal year.

Section 6. AUTHORIZATION OF PUBLIC HEARING. A public hearing shall be held during a regular City Council Meeting September 11, 2023 at 6:30 p.m. in Council Chambers at City Hall, Building A, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984 for the purpose of (a) receiving and considering comments on the fees from affected property owners and the public; (b) considering the adoption of the annual fee resolution for the upcoming fiscal year; and (c) authorizing the re-imposition of Stormwater fees for Stormwater Management Services for the fiscal year beginning October 1, 2023, and collecting such assessments via the uniform method of collection on the same tax bill as non-ad valorem taxes.

Section 7. DIRECTION TO CITY MANAGER.

(A) The City Manager or his designee is hereby authorized and directed to prepare or cause to be prepared, an updated Assessment Roll for the fiscal year beginning October 1, 2023, in the manner provided in the Ordinance. Such updated Assessment Roll shall contain the following: (1) a summary description of all assessed property within the City conforming to the description on the Tax Roll; (2) the name and address of each owner of record for each parcel as shown on the Tax Roll; and (3) the amount of the Assessment to be imposed against each such parcel of assessed property. A copy of this Preliminary Rate Resolution, the Ordinance, and the updated Assessment Roll shall be maintained in the office of the City Clerk of the City and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(B) The City Manager or his designee is hereby authorized and directed to publish a notice, as required by Section 50.21(d) of the Ordinance, in substantially the form attached hereto as Appendix "A," incorporated herein by reference. Such notice by publication shall be published not later than August 21, 2023, in a newspaper of general circulation within the City.

(C) The City Manager or his designee is hereby authorized and directed to provide notice by first class mail to affected owners of each parcel of assessed property pursuant to the requirements of Section 50.21(e) of the Ordinance. Such notice shall be in substantially the form attached hereto as Appendix "B," incorporated herein by reference and shall be mailed not later than August 21, 2023.

Section 8. CONFLICT. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 9. SEVERABILITY. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 10. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THIS 14th DAY OF AUGUST, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE:

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
James D. Stokes, City Attorney

