

RESOLUTION 24-R__

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; RE-IMPOSING AND INCREASING STORMWATER SERVICE FEES AGAINST COMMERCIAL AND RESIDENTIAL DEVELOPED AND UNDEVELOPED PROEPRTY LOCATED WITHIN THE CITY OF PORT ST. LUCIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024; SPECIFYING THE UNIT OF MEASUREMENT FOR THE STORMWATER USER FEES; 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 of Ordinances as Chapter 51. - Stormwater Utility System (the “Ordinance”), which authorizes the imposition of a stormwater service fee for Stormwater Management Services against Commercial and Residential Developed and Undeveloped Property located within the City; and

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

WHEREAS, the Council desires to collect the annual stormwater service fees 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, 2024; and

WHEREAS, the Council adopted Resolution No. 24-R46 on August 12, 2024 (the “Preliminary Rate Resolution”), containing a brief and general description of the stormwater management services; designating the amount of the service fee and the unit of measurement for such fee; and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, the purpose of the imposition of the Stormwater Service Fee is to provide funding for a stormwater system to maintain and improve drainage in the City; and

WHEREAS, notice of the public hearing to re-impose Stormwater Service Fees and provide for the collection of such fees was published on August 20, 2024 in a newspaper of general circulation within the City; and

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WHEREAS, a public hearing was held on September 9, 2024, and comments and objections of all interested persons have been heard and considered as required by the Ordinance and the Council desires to adopt an annual service fee resolution for the fiscal year beginning October 1, 2024.

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

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 Ordinance, Chapters 166 and 170 of the Florida Statutes, the Preliminary Rate Resolution, Section 197.3635, Florida Statutes, and other applicable provisions of law.

Section 3. Establishing the Fee. The Council hereby establishes a Stormwater Service Fee in the amount of \$183.00 for one Equivalent Residential Unit (“ERU”) for the fiscal year beginning October 1, 2024, and subsequent fiscal years unless changed by ordinance or resolution.

Section 4. Confirmation of Preliminary Rate Resolution. Except as otherwise amended herein, the Preliminary Rate Resolution is hereby confirmed, incorporated herein by reference, and made a part hereof. Further, it is hereby ascertained, determined, and declared as set forth in the Ordinance, that the Council has the authority to impose upon all non-exempt properties within the incorporated area of the City of Port St. Lucie, as more fully described in Exhibit “A”, stormwater fees in an amount not less than the cost of such service by the City for each parcel, and computed in the manner set forth in this Resolution. Adoption of this Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance and the Preliminary Rate Resolution, from the stormwater systems to be provided, and also a legislative determination that the stormwater fees are fairly and reasonably apportioned among the non-exempt properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

Section 5. Affidavit of Mailing and Proof of Publication. The Stormwater Affidavit of Mailing, executed by the Finance Department for the purpose of affirming the mailing of individual mailed notices, is attached hereto as Exhibit “B”, and incorporated herein by reference. The Proof of Publication of the public hearing, as required by Section 197.3632, Florida Statutes, is attached hereto as Exhibit “C” and incorporated herein by reference.

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Section 6. Notice Letter. A form of the notice letter sent out to the affected property owners, which contains the information as required by Section 197.3632, Florida Statutes, is attached hereto as Exhibit “D”.

Section 7. Adoption of Assessment Roll. The Council hereby approves and adopts the non-ad valorem assessment roll reflecting, *inter alia*, the stormwater fees to be collected for the fiscal year commencing October 1, 2024, which is on file with the City Clerk and shall be delivered to the St. Lucie County Tax Collector for collection using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments in the manner prescribed by the Ordinance.

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 Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida this 9th day of September, 2024.

CITY COUNCIL
CITY OF PORT ST. LUCIE:

By: _____
Shannon M. Martin, Mayor

ATTEST:

APPROVED AS TO FORM:

Sally Walsh, City Clerk

By: _____
Richard Berrios, City Attorney