

RESOLUTION 23-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, ADOPTING THE NON-AD VALOREM ASSESSMENT ROLL FOR STORMWATER UTILITY USER FEES; SPECIFYING THE UNIT OF MEASUREMENT FOR THE ASSESSMENT; APPROVING THE RATE OF THE ASSESSMENT; 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”) has enacted Chapter 51 of the City’s Code of Ordinances to govern the Stormwater Utility System; and

WHEREAS, the Council is authorized by the provisions of Chapters 166 and 170 of the Florida Statutes, the Florida Constitution, the Charter of this City and Section 403.0893, Florida Statutes, to construct, reconstruct, improve, and extend Stormwater Utility Systems (“Stormwater system”), to issue revenue bonds and other debt if needed to finance in whole or in part the cost of such a system, and to establish just and equitable rates, fees and charges for the services and facilities provided by the Stormwater system; and

WHEREAS, the Council, adopted by Ordinance 86-131 (the “Establishing a Stormwater Utility System”), as amended by Ordinance 88-32, Ordinance 89-84, Ordinance 92-23, Ordinance 93-47 and Ordinance 97-64 to impose and establish fees (the “Stormwater Utility User Fees”) for the Stormwater system, and Resolution 89-R70 for the purpose of establishing the City’s intent pursuant to Chapter 197 of the Florida Statutes to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments to collect Stormwater Utility User Fees; and

WHEREAS, the Council on August 28, 2023, adopted Resolution No. 23-R83 (the "Preliminary Rate Resolution"), containing a brief and general description of the stormwater management services; designating the rate of assessment; and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, the purpose of the assessment of the Stormwater Utility User Fees is to provide funding for a Stormwater system to maintain and improve drainage in the City.

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.

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Section 2. Authority. This Resolution (“Assessment Resolution”) is adopted pursuant to the provisions of Chapter 51 of the City’s Code of Ordinances, Chapters 166 and 170 of the Florida Statutes, the Florida Constitution, the Charter of this City, Section 403.0893, Florida Statutes, Sections 197.3632 and 197.3635, Florida Statutes, and other applicable provisions of law.

Section 3. Establishing The Rate. The Council hereby establishes the rate of the assessment for Stormwater Utility User Fees in the sum of \$178.00 for one Equivalent Residential Unit (“ERU”) for the fiscal year beginning October 1, 2023, and subsequent fiscal years unless changed by ordinance or resolution.

Section 4. Findings of Fact. The foregoing findings are incorporated herein by reference and made a part hereof. Further, it is hereby ascertained, determined, and declared as set forth in Chapter 51 of the City’s Code of Ordinances, that the Council has the authority under the Florida Constitution, Chapters 166 and 170 and other applicable Florida Statutes to impose upon certain defined residential properties within the incorporated area of the City of Port St. Lucie, as more fully described in Exhibit "A" attached hereto and incorporated by reference herein, Stormwater Utility User Fees in an amount not less than the cost of such service by the City for each parcel, computed in the manner set forth in this Assessment Resolution, based upon the following legislative determinations:

(a) Those elements of the Stormwater system for the collection and disposal of storm and surface water are of benefit and provide services to all assessed property within the City; and

(b) The cost of operating and maintaining the Stormwater system and financing necessary repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in an equitable manner among those who are benefitted by the system; and

(c) The resources needed to perpetuate the Stormwater system for an undeveloped lot is not substantially different from the resources needed to perpetuate the Stormwater system for a developed lot, as determined by empirical functions of the City's Public Works Department.

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 the changes set forth in Exhibit "A" and adopts the non-ad valorem assessment roll for Stormwater Utility User Fees and Stormwater assessment roll, which is on file with the City Clerk.

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 _____ day of _____, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE:

By: _____
Shannon M. Martin, Mayor

ATTEST:

APPROVED AS TO FORM:

Sally Walsh, City Clerk

By: _____
James D. Stokes, City Attorney