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**COUNTY**  
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**COUNTY ATTORNEY**

September 27, 2021

Russ Blackburn  
City Manager  
City of Port St. Lucie  
121 S.W. Port St. Lucie Boulevard  
Port St. Lucie, FL 34984-5099

Re: Adoption of Mobility Plan and Mobility Fee

Dear Mr. Blackburn: *Russ*

Thank you for your letter of September 23. Thank you as well for providing notice of the City's public hearing and for the invitation to speak at the public hearing. Please provide me with a copy of the proposed "revisions" to the Ordinance as well as a draft of a "separate agreement" to collect fees for an extra 4 days.

I have read the City staff's recommendation as outlined in your letter and suggest, respectfully, that the City staff recommendations do not go far enough and will not result in a resolution of the issues between the parties. Instead, I respectfully suggest that the City Council consider the following resolution:

- The County adopted a resolution (Resolution No. 21-361) that requires the County to escrow all road and park impact fees collected within the City beginning October 1 while the County's consultants complete the update of the County's impact fees including road and park impact fees. The adopted resolution provides for a refund of fees to the fee payer in the event the study results in lower impact fees. The resolution also directs the County's impact fee consultants to consider increasing the number of impact fee zones for road and park impact fees. The County will extend the term of this resolution through December 31, 2021.
- The County will provide the City with the opportunity to review and comment on the draft impact fee update before the draft is presented to the Board and will provide notice to the City in the event there are workshops scheduled on the topic.
- The City will continue to collect the County's road and park impact fees through December 31, 2021.
- During this interim period the City will exclude County roads from its mobility fee calculations in the event that the City determines to adopt or readopt a mobility fee ordinance.

- During this interim period the County will agree that the City's mobility fee (excluding County roads) will be credited against the County's road impact fee in an amount not to exceed fifty percent (50%). The County commits to discussing an adjustment of this percentage based on the results of the County's study.

I believe that the proposed resolution will keep the parties in a "neutral" position and will allow the County to complete its study, allow the City to complete Phase II of its Mobility Plan, and allow the parties to complete the conflict resolution process. As I have indicated to you previously if the parties are unable to resolve their differences, litigation will almost certainly result which, in my opinion, would be a "loss" for all concerned including the development community.

Please distribute this letter to the City Council in advance of the October 4 meeting and include this letter as part of the record.

Sincerely,



Howard N. Tipton

CC: Board of County Commissioners  
County Attorney  
Management and Budget Director  
Innovation and Performance Division Director  
Public Works Director