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September 9, 2021

Russ Blackburn
City Manager
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

RE: Conflict Resolution – September 13 Public Hearing
Request for Continuance

Dear Mr. Blackburn: 

As you know, County staff has been working in good faith to resolve issues in the Chapter 164 dispute resolution process for County Roads and Parks Impact Fees that was initiated by the City. The parties have scheduled a third meeting for September 15 to continue conflict resolution negotiations. At our last meeting on August 31, you indicated that the City intended to proceed with the September 13 public hearing to adopt its mobility plan (including County roads) despite the fact that the parties are engaged in discussions to resolve the issues.

This letter serves as a formal request that the City postpone the adoption of its mobility fee ordinance until after the conflict resolution process is completed. As you are also aware, the County is currently conducting a study regarding the update to our road impact fee analysis. We estimate that the study will be completed in November. Based upon that study, we anticipate revising our ordinance to address the concerns the City has raised such as adding additional benefit zones and determining whether the road impact fees currently being charged are appropriate.

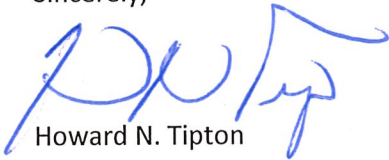
The County proposes that adoption of the City's mobility plan ordinance be postponed pending the result of the County's study so that meaningful negotiations can continue. On September 21, 2021, County staff will present a proposed interim resolution that would provide for escrowing road impact fees collected within the City after October 1, 2021, until the County's study and the conflict resolution are completed. The County would also request that the City consider extending the collection agreement until the conflict resolution process is completed.

Failure to postpone adoption of the ordinance and failure to enter into an interim collection agreement will force the County to move forward with its alternative collection process on October 1. As indicated previously, the County believes that the City has no jurisdiction to collect funds for County road impacts in a City imposed mobility fee without the County's consent. The County also believes that the City cannot prevent the County from collecting its road impact fees within the City.

Additionally, as indicated above, the City initiated the Chapter 164 dispute resolution process in which the County has fully participated in good faith. Florida Statutes section 164.1058 provides that a primary governmental entity that fails to participate in good faith in the Chapter 164 process shall be required to pay attorney's fees and costs. The County and City are scheduled to meet on September 15, 2021, to further discuss possible resolutions. Adoption of an ordinance two days before this meeting could potentially be considered in bad faith and may implicate the provisions of Florida Statutes section 164.1058.

Please accept this letter as part of the County's good faith effort to resolve the disputes between the parties. Please also make this letter a part of the record in the City's September 13 public hearing.

Sincerely,



Howard N. Tipton

HNT/kl

Copies to: County Attorney
Management & Budget Director
Public Works Director
Innovation & Performance Division Director