
500 Boston Avenue (34950)
PO Box 3191, Fort Pierce, FL 34948




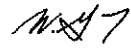
Phone: 772.466.1600
Fax: 772.467.2504

Director of Finance
"Committed to Quality"

MEMORANDUM

TO: Fort Pierce City Commission

FROM: Nina B. Hurtubise, CPA 
FPUA Director of Finance

THROUGH: William G. Thiess, P.E. 
FPUA Director of Utilities

DATE: August 6, 2014

SUBJECT: City Commission Agenda Request for August 18, 2014 Meeting
Memorandum of Understanding for Advance Distribution Payment to the City
Memorandum of Understanding for City Streetlight Retrofit

I am forwarding for consideration and approval by the City Commission during the August 18, 2014 City Commission meeting, the following Memorandums of Understanding:

- 1) Memorandum of Understanding between Fort Pierce Utilities Authority (FPUA) and the City of Fort Pierce (the City) authorizing FPUA to make an advance distribution payment to the City in the amount of \$1,250,000.00 to be repaid by deductions from future distribution payments.
- 2) Memorandum of Understanding between FPUA and the City formalizing changes requested by the City related to the billing of streetlights due to the City's streetlight retrofit program.

Please return one original signed copy to me in order to process the payment. If you have any questions or are in need of additional information, please feel free to contact me.

cc: City Manager
City Clerk



Our mission is to provide our customers with economical, reliable and friendly service in a continuous effort to enhance the quality of life in our community.

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**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF FORT PIERCE, FLORIDA AND FORT PIERCE UTILITIES AUTHORITY
ADVANCE DISTRIBUTION PAYMENT TO THE CITY**

THIS MEMORANDUM OF UNDERSTANDING is made by and between the Fort Pierce Utilities Authority, a municipal authority created and established by the City Commission of the City of Fort Pierce, Florida, ("FPUA") and the City of Fort Pierce, a Municipality organized under the laws of the State of Florida (the "City").

WHEREAS, the City has requested an advance of the monies it will receive by virtue of the restructured electric and gas rates that has increased the gross income upon which the annual 6% distribution to the City is calculated;

WHEREAS, the parties hereto reached a consensus as to the advance and the repayment terms at a joint meeting held October 31, 2011; and

WHEREAS, FPUA is able to accommodate such advance distribution by virtue of its Bond Resolution No. 2012-01.

NOW, THEREFORE, FPUA and the City hereby agree and covenant on the terms and conditions hereinafter stated:

1. FPUA shall advance to the City up to the sum of \$1,250,000.00 as an advance on the annual distribution provided said advance is requested by the City and paid by FPUA before September 30, 2014.

2. The outstanding advance shall accrue interest equal to the average interest rate earned by FPUA on its pooled cash accounts during their most recent fiscal year.

3. That the proposed repayment schedule shall be that FPUA will withhold from the annual 6% distribution to the City the following amounts paid during the year indicated:

\$0.00 – 2015

\$0.00 – 2016

\$416,666.67 together with interest accrued - 2017

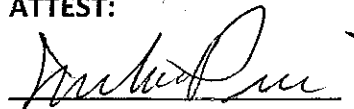
\$416,666.67 together with interest accrued - 2018

Any remaining balance - 2019

4. The City shall have the right to repay the advance at any time by direct payment to FPUA or the right to request FPUA withhold a greater or lesser amount from the 6% annual distribution to the City for any year set forth in the repayment schedule herein, provided that the entire balance plus accrued interest shall be due and payable on the same date as the annual distribution paid in 2019.

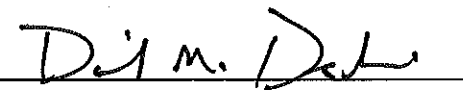
IN WITNESS WHEREOF, the parties have caused the execution of this Memorandum of Understanding by their duly-authorized officials the day and year set forth below.

ATTEST:


Secretary

(Seal)

FORT PIERCE UTILITIES AUTHORITY

BY: 
Chairperson

DATE: 8/5/14

APPROVED AS TO FORM AND CORRECTNESS:

BY: 
Attorney for FPUA

ATTEST:

Linda Cox, City Clerk

(Seal)

CITY OF FORT PIERCE

BY: _____
Linda Hudson, Mayor

DATE: _____

APPROVED AS TO FORM AND CORRECTNESS:

BY: _____
Robert V. Schwerer, City Attorney