



Received
MAY 24 2019
City of Fort Pierce
City Manager's Office

TO: VENETIA BARNES, STORMWATER ENGINEER
FROM: Peter Sweeney, City Attorney
RE: Stormwater Utility Fee Increase – Update to Resolution No. 05-32
CAO RLS File: No. 19-132
DATE: May 23, 2019

RECEIVED

MAY 28 2019

CITY OF FORT PIERCE
ENGINEERING DEPARTMENT

I have reviewed the Request for Legal Services related to the Resolution for Stormwater Utility Fee Increase (Update to Resolution 05-32). It is approved as to Form and Correctness and I have signed in the appropriate signature spaces.

If you have any further questions, please contact this office via phone or email.

Thank you.

PS/mm

cc: Nicholas C. Mimms, P.E., City Manager
John R. Andrews, P.E., City Engineer
Linda Cox, City Clerk

OK
NCU 5/23/19



CITY ATTORNEY USE ONLY

Date Received:	
Assigned To:	
File:	19-132
Due Date:	
Hours:	

Received

MAY 14 2019

City of Fort Pierce
City Manager's Office

RECEIVED

MAY 14 2019

City Attorney

REQUEST FOR LEGAL SERVICES

TO: PETER J. SWEENEY, CITY ATTORNEY

SUBMITTED BY: VENETIA BARNES, STORMWATER ENGINEER *[Signature]*

THROUGH: JOHN R. ANDREWS, P.E., CITY ENGINEER *[Signature]*

CITY MANAGER AUTHORIZATION: NICHOLAS C. MIMMS, P.E., CITY MANAGER *[Signature]*

RE: STORMWATER UTILITY FEE INCREASE – UPDATE TO RESOLUTION No. 05-32

DATE: MAY 14, 2019

Service Required: (please circle or underline)	Draft Document	Written Opinion Requested
Review Documents	Advise	Other: _____
Attend Meetings		

Upon review and/or "Approval as to Form and Correctness," the Department submitting the RLS is responsible for placement of any related item on a Commission or Board Agenda.

- Brief statement of the nature of the request or problem:** Review for form and correctness of the update to Resolution No. 05-32.
- Discussion of the implications and the possible impact if not apparent from preceding information:** NA
- Time considerations and their significance:** At the City Commission's May 13, 2019 conference agenda, the SMU fee increase was agreed upon to move forward. The resolution necessitates two readings prior to adoption. The Saint Lucie County Property Tax Appraiser's filing deadline is July 8, 2019.
- Are City funds required? If so, list approvals obtained for expenditure of funds:** No.
- Factual background:** The SMU fees were increased in September 2005 as per Resolution No. 05-32.


6. List and/or attach all related documents and known authorities (e.g., statute, ordinance, resolution, administrative code, legal case, RFP, bidder's response, contract, lease, letter, memorandum, prior legal opinion, deed, etc.): Please find the attached related information:

- Proposed Resolution
- Resolution No. 05-32

7. Identify prior legal assistance on this or a related matter and the attorney who handled it:
 Rob Schwerer, City Attorney

8. If this is a request for review of a contract, provide the following:

- a. List of individuals who have read and approved the business terms and conditions of the contract and confirmed the ability to carry out the terms of the contract as they apply to the City: (This office is not responsible for reviewing either the accuracy or value of the business terms and conditions or product specifications of the contract as agreed upon between the department and contractor. However, this office is available to negotiate the terms as desired by the City upon request.)
- b. Insurance requirements that differ from the City's template insurance terms: (The department should consult with the Risk Manager for each contract to determine whether there are any special insurance requirements.)

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response
			<p style="text-align: center;">Approved as to Form & Correctness</p> <p style="text-align: center;">City Attorney - Peter J. Sweeney</p> <p>Signed: </p> <p>Date: <u>5-22-19</u></p>

RESOLUTION NO. 19-R _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, PROVIDING NOTICE OF INTENT TO CONSIDER AN INCREASE IN THE STORMWATER UTILITY FEE TO SIXTY-NINE DOLLARS AND NO/100 (\$69.00) PER ERU PER YEAR AND FURTHER PROVIDING SUCH INCREASE TO BE ADOPTED IN THE MANNER REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, Florida, has established a Stormwater Management Utility within the City of Fort Pierce; and

WHEREAS, a Stormwater Management Utility Fee is levied each year and collected pursuant to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; and

WHEREAS, upon information provided by, and recommendation of, City Staff it appears that such Stormwater Management Utility Fee needs to be increased for the coming year to SIXTY-NINE DOLLARS and NO/100 (\$69.00) per ERU per year; and

WHEREAS, the City of Fort Pierce proposes to increase the Stormwater Management Utility Fee to SIXTY-NINE DOLLARS and NO/100 (\$69.00) with such fee to be further considered and adopted hereafter at a public hearing in the manner provided for by law with the general public and individual property owners to be given legal notice of such proposed increase; and

WHEREAS, the City of Fort Pierce has adopted a budgeted amount for the Stormwater Management Utility Fee, and by this Resolution hereby notifies the St. Lucie County Tax Collector of its intent to increase that fee to SIXTY-NINE DOLLARS and NO/100 (\$69.00).

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Fort Pierce, Florida, as follows:

SECTION 1. The St. Lucie County Tax Collector is hereby given notice of intent to provide hereafter that the Stormwater Management Utility Fee be established at SIXTY-NINE and NO/100 (\$69.00) per Equivalent Residential Unit (ERU) that shall apply starting in the 2019-2020 fiscal year period commencing October 1, 2019;

SECTION 2. The Director of the Stormwater Management Utility for the City of Fort Pierce, Florida, or such Director's authorized designee, shall notify the St. Lucie County Tax Collector of the Stormwater Management Utility Fee herein approved and proposed for final adoption, as stated to be collected pursuant to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments.

SECTION 3. The Stormwater Management Utility Fee herein provided for shall not become effective unless or until adopted hereinafter at a public hearing in the manner provided for by law with due public notice.

SECTION 4. This Resolution shall become effective immediately upon adoption.
IN WITNESS WHEREOF, this Resolution has been duly adopted this ____ day of
_____ 2019.

LINDA HUDSON, MAYOR

Attest:

APPROVED AS TO FORM AND CORRECTNESS

LINDA COX, CITY CLERK

By: _____
PETER J. SWEENEY, CITY ATTORNEY

(CITY SEAL)

RESOLUTION NO. 05-32

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, PROVIDING NOTICE OF INTENT TO CONSIDER INCREASE IN STORMWATER UTILITY FEE TO FIFTY-FOUR DOLLARS and NO/100 (\$54.00) PER ERU PER YEAR AND FURTHER PROVIDING SUCH INCREASE TO BE ADOPTED IN THE MANNER REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, Florida, has established a Stormwater Management Utility within the City of Fort Pierce; and

WHEREAS, a Stormwater Management Utility Fee is levied each year and collected pursuant to the uniform method for the levy, collection, and enforcement of non-Ad Valorem assessments; and

WHEREAS, upon information provided by, and recommendation of, City Staff it appears that such Stormwater Management Utility Fee needs to be increased for the coming year to FIFTY-FOUR DOLLARS and NO/100 (\$54.00) per ERU per year; and

WHEREAS, the City of Fort Pierce proposes to increase the Stormwater Management Utility Fee to FIFTY-FOUR DOLLARS and NO/100 (\$54.00) with such fee to be further considered and adopted hereafter at a public hearing in the manner provided for by law with the general public and individual property owners to be given legal notice of such proposed increase; and

WHEREAS, the City of Fort Pierce has adopted a budgeted amount for the Stormwater Management Utility Fee, and by this Resolution hereby notifies the St. Lucie County Tax Collector of its intent to increase that Fee to FIFTY-FOUR DOLLARS and NO/100 (\$54.00).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, as follows:

SECTION 1. The St. Lucie County Tax Collector is hereby given notice of intent to provide hereafter that the Stormwater Management Utility Fee shall be established at FIFTY-FOUR DOLLARS and NO/100 (\$54.00) per equivalent residential unit (ERU) that shall apply starting in the 2005 - 2006 Fiscal Year commencing October 1, 2005;

SECTION 2. The Director of the Stormwater Management Utility for the City of Fort Pierce, or such Director's authorized designee, shall notify the St. Lucie County Tax Collector of the Storm Water Management Utility Fees herein approved and proposed for final adoption, as stated to be collected pursuant to the uniform method for the levy, collection and enforcement of non-Ad Valorem assessments.

SECTION 3. The Stormwater Management Utility Fee herein provided for shall not become effective unless or until adopted hereinafter at a public hearing in the manner provided for by law with due public notice.

SECTION 4. This Resolution shall become effective immediately upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted on this 18th day of July, 2005.



MAYOR COMMISSIONER

ATTEST:



CITY CLERK

(CITY SEAL)