

RESOLUTION NO. 122-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A BUDGET FOR THE STORMWATER UTILITY SYSTEM; ESTABLISHING RATES FOR STORMWATER MANAGEMENT ASSESSMENTS FOR EACH PARCEL WITHIN THE BENEFITTED AREA, OTHER THAN NON-ASSESSED PROPERTY; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR THE CERTIFICATION AND ADOPTION OF THE STORMWATER ASSESSMENT ROLL IN ACCORDANCE WITH CHAPTER 56 OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Delray Beach, Florida, did, on July 10, 1990, adopt Ordinance No. 21-90, which provides for the creation and establishment of a City-wide Stormwater Management System; and

WHEREAS, the City Commission of the City of Delray Beach did, on April 27, 1993, adopt Ordinance No. 35-93 which amended Chapter 56 of the Code of Ordinances of the City of Delray Beach to provide for the method of establishing and collecting Stormwater Management Assessments; and

WHEREAS, the statutory authority for the creation and implementation of Ordinance No. 21-90, as amended, is predicated on Article VIII, Section 2(b) of the Florida Constitution; Chapter 166, Florida Statutes, as amended and supplemented; Section 403.0893, Florida Statutes, as amended and supplemented; Chapter 197, Florida Statutes, as amended and supplemented; the City Charter of the City of Delray Beach, Florida; and other applicable provisions of law; and

WHEREAS, the City Commission of the City of Delray Beach has found that owners, tenants and occupants of property within the geographical boundaries of the City will derive a special benefit from the effective management of stormwater and other surface water and from the operation, maintenance and expansion of the stormwater management system; and

WHEREAS, Chapter 56 of the Code of Ordinances of the City of Delray Beach establishes that the rate for stormwater management assessments for each parcel within the benefited area, other than with respect to non-assessed property, shall be established each year by resolution of the City Commission; and

WHEREAS, Chapter 56 of the Code of Ordinances of the City of Delray Beach provides that such rate resolution shall not be adopted prior to the establishment of an operational budget for the system or prior to conducting a rate hearing as required by applicable law; and

WHEREAS, Chapter 56 of the Code of Ordinances of the City of Delray Beach provides

that such budget shall include, but not be limited to, a capital element, a debt service element and an Operation and Maintenance element and further requires that the rate hearing and rate resolution shall clearly establish what portion of the stormwater management assessment reflects the capital element, the debt service element, if any, and the Operation and Maintenance element; and

WHEREAS, a budget of operation for the year ending September 30, 2020, is set forth in Exhibit "A" and is established in conformity with the requirements of Ordinance No. 21- 90, as amended, and Chapter 56 of the Code of Ordinances of the City of Delray Beach; and

WHEREAS, billing and collection of the stormwater management assessment shall be accomplished utilizing the uniform method of collection; and

WHEREAS, a public hearing on this resolution setting the rates and adopting the budget and for the purposes of adopting and certifying a stormwater assessment roll was duly noticed; and

WHEREAS, the City, upon adoption of the budget and rates, shall review the stormwater assessment roll to determine its conformity with the proposed rate resolution and, if, upon the completion of such review the City shall be satisfied that the Stormwater Management Assessment Roll has been prepared in conformity with the proposed rate resolution, it shall adopt said resolution and ratify and confirm the Stormwater Management Assessment Roll and certify that the Stormwater Management Assessment Roll is correct and proper and is to be used in collecting the stormwater management assessments. Thereafter, the City Commission, if no objections are made by persons affected by the assessment roll at the public hearing or if objections having been made are deemed insufficient by the City Commission, shall thereupon adopt the assessments as shown by the Assessment Roll; and

WHEREAS, the owner of each parcel within the benefited area for which a stormwater assessment is levied shall thereafter be responsible for payment therefor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the City Commission does hereby adopt the aforementioned preamble in its entirety.

Section 2. That the City Commission does hereby adopt, after public hearing, the budget as established in Exhibit "A" hereto which is incorporated herein.

Section 3. That the City Commission hereby adopts and certifies the Stormwater Management Assessment Roll.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED in regular session on this the _____ day of July 2019.

ATTEST:

Shelly Petrovia, Mayor

Katerri Johnson, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Lynn Gelin, City Attorney

**EXHIBIT "A" TO RESOLUTION
FY 2019 – 2020 BUDGET**

FUND 448 STORMWATER UTILITY FUND		
Dept 38 Stormwater Utility		
Div 000 Administration		FY 2020
12-10	Regular Salaries/Wages Regular Salaries/Wages	60,546
21-10	FICA Taxes Employer FICA	4,632
22-10	Retirement Contributions General Employees Retirement	5,020
23-10	Life & Health Insurance Health Insurance	9,253
23-20	Life & Health Insurance Life Insurance	158
23-30	Life & Health Insurance Disability Insurance	125
24-10	Workers Compensation Workers Compensation	4,068
25-10	Other Employee Benefits Unemployment Compensation	33
27-10	Other Employee Benefits Employee Assistance Program	29
*	PERSONAL SERVICES	\$ 83,864
31-10	Professional Services Engineering/Architectural	-
31-90	Professional Services Other Professional Services	75,000
32-10	Accounting & Auditing Audit & Accounting Fees	2,010
40-10	Travel & Per Diem Travel & Training	2,000
41-11	Communication Services Portable Phones / MDD	540
42-10	Freight & Postage Services Postage	800
43-10	Utility Services Electricity	1,625
43-25	Utility Services Stormwater Assessment Fee	1,328
44-30	Rentals & Leases Equipment	4,415
45-10	Insurance General Liability	4,835
47-20	Printing & Binding Reproduction Services	2,000
49-35	Other Current Charges Share of Administrative Expense	200,943
49-50	Other Current Charges Advertising	1,500
51-10	Office Supplies Stationery, Paper, Forms	1,000
51-15	Office Supplies Other Office Supplies	1,500
51-20	Office Supplies Office Equipment < \$5,000	1,000
52-20	Operating Supplies General Operating Supplies	1,000
52-33	Operating Supplies Uniform/ Linen Service	250
54-10	Books Pubs Subs & Memberships Books & Publications	500
54-30	Books Pubs Subs & Memberships Training & Education Costs	3,000
*	OPERATING EXPENSES	\$ 305,246
64-11	COMPUTER EQUIPMENT	-
64-12	OFFICE EQUIPMENT	-
*	CAPITAL OUTLAY	-
**	STORMWATER ADMINISTRATION	\$ 389,110

FUND 448 STORMWATER UTILITY FUND			
Dept 38 Stormwater Utility			
Div 380 MAINTENANCE			
12-10	Regular Salaries/Wages Regular Salaries/Wages		242,997
14-10	Overtime Overtime /Call-Out Pay		20,000
21-10	FICA Taxes Employer FICA		20,119
22-10	Retirement Contributions General Employees Retirement		20,145
23-10	Life & Health Insurance Health Insurance		55,519
23-20	Life & Health Insurance Life Insurance		792
23-30	Life & Health Insurance Disability Insurance		502
24-10	Workers Compensation Workers Compensation		12,145
25-10	Other Employee Benefits Unemployment Compensation		197
27-10	Other Employee Benefits Employee Assistance Program		175
*	PERSONAL SERVICES		\$ 372,591
31-15	Professional Services Medical		30
34-45	Other Contractual Services Lot Mowing / Clearing		95,000
34-90	Other Contractual Services Other Contractual Services		250,000
40-10	Travel & Per Diem Travel & Training		1,645
41-11	Communication Services Portable Phones / MDD		2,280
43-10	Utility Services Electricity		27,900
43-20	Utility Services Irrigation Water		5,047
44-10	Rentals & Leases Land Rental / Lease		5,000
44-45	Rentals & Leases Vehicle Rental / Garage		103,240
45-10	Insurance General Liability		13,032
46-10	Repair and Maintenance Service Vehicle Maintenance / Garage		109,520
46-15	Repair and Maintenance Service Equipment Maintenance		100,000
46-40	Repair and Maintenance Service Other Repair Maintenance		-
52-10	Operating Supplies Fuel & Lube		29,610
52-20	Operating Supplies General Operating Supplies		5,000
52-27	Operating Supplies Equipment < \$5,000		8,000
52-33	Operating Supplies Uniform / Linen Service		3,000
52-41	Operating Supplies Gardening Supplies		5,000
53-10	Road Materials & Supplies Repairs Roads		10,000
53-11	Road Materials & Supplies Repairs / Drainage		20,000
53-15	Road Materials & Supplies Repairs / Other Road Materials		-
54-30	Books Pubs Subs & Memberships Training & Education Costs		1,450
*	OPERATING EXPENSES		\$ 794,754
64-90	OTHER MACHINERY/EQUIPMENT		-
*	CAPITAL OUTLAY		-
**	STORMWATER SYSTEM MAINTENANCE		\$ 1,167,345

FUND 448 STORMWATER UTILITY FUND			
Dept 85 Debt Service			
Div 850 Debt Service			
71-16	STORMWATER NOTE		-
72-16	STORMWATER NOTE-INTEREST		-
*	<i>DEBT SERVICE</i>		-
**	DEBT SERVICE		\$ -
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FUND 448 STORMWATER UTILITY FUND			
Dept 91 Transfers			
Div 910 Transfers			
91-15	TRANSFER TO GENERAL FUND		310,314
*	<i>TRANSFERS</i>		310,314
**	TRANSFERS		\$ 310,314
***	STORMWATER UTILITY FUND		\$ 310,314