RESOLUTION NO. 125-26

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, the City Commission of the City of Delray Beach did, on May 16, 2023, adopt

Ordinance No. 18-23 which amended Chapter 56 of the Code of Ordinances of the City of Delray Beach to provide a modified basis for assessment from a per acreage charge to a tier-based system; and

WHEREAS, the City Commission of the City of Delray Beach did, on April 22, 2025, adopt Ordinance No. 14-25, which amended Chapter 56 of the Code of Ordinances of the City of Delray Beach to include a standardized assessment for unimproved land and clarification on the method of assessment for condominiums and cooperatives; and

WHEREAS, a budget of operation for the year ending September 30, 2027, 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. The City Commission does hereby adopt the aforementioned preamble in its entirety.

Section 2. The City Commission does hereby adopt, after public hearing, the budget as established in Exhibit "A" hereto which is incorporated herein. That the City Commission hereby adopts and certifies the Stormwater Management Assessment Roll.

Section 3. This Resolution shall take effect immediately upon its adoption

PASSED AND ADOPTED in regular session on the _____day of _____2026.

ATTEST:

_____ _____

Alexis Givings, City Clerk Thomas F. Carney, Jr., Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Lynn Gelin, City Attorney