

RESOLUTION NO. 91-18

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, 2019, 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 therefore.

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 17th day of July 2018.

ATTEST:

Shelly Petrolia, Mayor

City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
R. Max Lohman, City Attorney

**Exhibit "A" to Resolution 91-18
FY 2018-19**

FUND 448 STORMWATER UTILITY FUND

Dept 38 Stormwater Utility

Div 000 Administration

12-10	REGULAR SALARIES/WAGES	\$	52,693
21-10	EMPLOYER FICA		4,031
22-10	GEN'L EMP RETIREMENT		4,832
23-10	HEALTH INSURANCE		8,563
23-20	LIFE INSURANCE		192
23-30	DISABILITY INSURANCE		119
24-10	WORKERS' COMPENSATION		6,829
25-10	UNEMPLOYMENT COMPENSATION		32
27-10	EMPLOYEE ASSISTANCE PROG.		29
*	PERSONAL SERVICES		77,320
31-10	ENGINEERING/ARCHITECT		33,300
31-90	OTHER PROFESS SERVICES		75,000
32-10	AUDIT/ACCOUNTING FEES		2,010
40-10	TRAVEL & TRAINING		2,000
42-10	POSTAGE		800
43-10	ELECTRICITY		1,683
43-25	STORMWATER CHARGES		1,328
44-30	EQUIPMENT RENTAL/LEASE		980
45-10	GENERAL LIABILITY		5,552
47-20	REPRODUCTION SERVICES		2,000
49-35	SHARE OF ADMIN EXP		200,943
49-50	ADVERTISING		1,500
51-10	STATIONERY/PAPER/FORMS		1,000
51-15	OTHER OFFICE SUPPLIES		1,500
51-20	OFFICE EQUIPMENT		1,000
52-20	GEN'L OPER SUPPLIES		3,000
52-33	UNIFORM/LINEN SERVICE		300
54-10	BOOKS & PUBLICATIONS		500
54-30	TRAINING/EDUCATION COSTS		3,000
*	OPERATING EXPENSES		337,396
64-11	COMPUTER EQUIPMENT		-
64-12	OFFICE EQUIPMENT		-
	CAPITAL OUTLAY		-
**	STORMWATER ADMINISTRATION	\$	414,716

**Exhibit "A" to Resolution 91-18
FY 2018-19**

**FUND 448 STORMWATER UTILITY FUND
Dept 38 Stormwater Utility
Div 380 MAINTENANCE**

12-10	REGULAR SALARIES/WAGES	\$ 190,365
14-10	OVERTIME	15,000
21-10	EMPLOYER FICA	15,710
22-10	GEN'L EMP RETIREMENT	17,457
23-10	HEALTH INSURANCE	42,814
23-20	LIFE INSURANCE	768
23-30	DISABILITY INSURANCE	429
24-10	WORKERS' COMPENSATION	20,385
25-10	UNEMPLOYMENT COMPENSATION	196
27-10	EMPLOYEE ASSISTANCE PROG.	173
*	PERSONAL SERVICES	303,297
31-15	MEDICAL	30
34-45	LOT MOWING/CLEARING	95,000
34-90	OTHER CONTRACTUAL SERVICE	250,000
40-10	TRAVEL & TRAINING	2,000
41-11	PORTABLE PHONE	2,280
43-10	ELECTRICITY	18,005
43-20	IRRIGATION WATER	11,136
44-10	LAND RENTAL/LEASE	3,450
44-45	VEHICLE MAINT-GARAGE	107,260
45-10	GENERAL LIABILITY	12,922
46-10	VEHICLE MAINT-GARAGE	102,550
46-15	EQUIPMENT MAINTENANCE	100,000
46-40	OTHER REPAIR/MAINT COST	135,000
52-10	FUEL/LUBE VEHICLES	16,802
52-20	GEN'L OPER SUPPLIES	5,000
52-27	EQUIPMENT	8,000
52-33	UNIFORMS/LINEN SERVICE	2,500
52-41	GARDENING SUPPLIES	6,000
53-10	REPAIRS-ROADS	10,000
53-11	REPAIRS-DRAINAGE	5,000
53-15	OTHER ROAD MATERIALS	15,000
54-30	TRAINING/EDUCATION COSTS	1,450
*	OPERATING EXPENSES	909,385
64-90	OTHER MACHINERY/EQUIPMENT	
*	CAPITAL OUTLAY	-
**	STORMWATER SYSTEM MAINTENANCE	\$ 1,212,682

**Exhibit "A" to Resolution 91-18
FY 2018-19**

**FUND 448 STORMWATER UTILITY FUND
Dept 38 Stormwater Utility
Div 300 CAPITAL**

46-13		Drainage Swales	\$	100,000
63-90		Other Improvements		100,000
65-10		Stormwater Masterplan/Other Imp		360,000
68-18		NE 2 Ave/Seacrest Beautific Improv		55,000
XX-XX	***	Delray Shore WM Upgrade Phase 3		462,000
XX-XX	***	Delray Shore WM Upgrade Phase 4		147,000
XX-XX	***	Reclaimed Water System Exp Area 9		306,500
XX-XX	***	SW Management Area Fencing		25,000
XX-XX	***	SW Pipe Lining on Barrier Island		850,000
XX-XX	***	Thomas Pump Station Upgrade		172,500
XX-XX	***	Tropic Palms Water Main Upgrade Phase 2		100,000
XX-XX	***	Tropic Isles Roadway Evaluation		100,000
*		<i>CAPITAL OUTLAY</i>		2,778,000
**		CAPITAL	\$	2,778,000
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***		Account number not yet assigned		

**FUND 448 STORMWATER UTILITY FUND
Dept 85 Debt Service
Div 850 Debt Service**

71-16		STORMWATER NOTE		48,600
72-16		STORMWATER NOTE-INTEREST		2,549
*		<i>DEBT SERVICE</i>		51,149
**		DEBT SERVICE	\$	51,149

**FUND 448 STORMWATER UTILITY FUND
Dept 91 Transfers
Div 910 Transfers**

91-15		TRANSFER TO GENERAL FUND		419,792
*		<i>TRANSFERS</i>		419,792
**		TRANSFERS	\$	419,792
***		STORMWATER UTILITY FUND	\$	4,876,339

