

## **ORDINANCE. 2020-11**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO STORMWATER UTILITY FEES; REVISING THE STORMWATER UTILITY FEE STRUCTURE IN SUPPORT OF THE VILLAGE STORMWATER MANAGEMENT SYSTEM; ESTABLISHING OCTOBER 1, 2020 AS THE EFFECTIVE DATE OF THE NEW STORMWATER FEE AMOUNT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Administration)***

**WHEREAS**, on July 11, 2005 the Village of Palmetto Bay (the "Village") exercised its option to exempt from the provisions of Section 24-61-2 of the Code of Miami-Dade County, and establish a stormwater utility within the boundaries of the Village and commit to implement the provisions of Section 403.0893(1), (2) or (3), Florida Statutes; and

**WHEREAS**, In May 2006, the Village adopted Ordinance 06-07 which established the Village's Stormwater Utility; and

**WHEREAS**, the Village of Palmetto Bay (the "Village") has constructed, owned, operated, and maintained an extensive public stormwater management system to collect and manage stormwater to protect the health, safety and welfare of its citizens; and

**WHEREAS**, Section 15.107 of the Code established and assessed the initial Stormwater Utility Fees against each developed and undeveloped property within the Village for the services and facilities provided by the Stormwater Management Capital Improvement Program; and

**WHEREAS**, the Stormwater Utility Fees set forth in Section 15.107 of the Code has not been amended since 2006, as such the Village service fee per ERU shall increase from \$4.00 to \$5.00; and

**WHEREAS**, the Village Council desires to assess an equitable fee for all developed and undeveloped properties that are connected with, use, are serviced by, or are benefited by such Stormwater

Management System to provide a dedicated funding source for the ongoing expenses associated with the Capital Improvement Program and the annual expenses related to ongoing Operation and Maintenance of existing systems; and

**WHEREAS**, the Village Council hereby determines that based upon the major Capital Improvement Projects recommended for implementation and the annual expenses related to ongoing maintenance of the existing systems, the increased costs of operating and maintaining the Stormwater Utility necessities an increase in the Stormwater Utility Fees at this time.

**NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** Article III, Storm- water Management, section 15-107, "Fee schedule and payment," subsection (a), of the Village Code, is hereby amended as follows:

The Village service fee per ERU billing shall be \$5.00 per month. Stormwater management utility fees shall be invoiced and collected as a separate line item on utility account bills. The Village is authorized to utilize Miami-Dade County as an acceptable third party to perform billing services.

**Section 2. Effective Date.** This amendment shall take effect on October 1, 2020.

**PASSED ON FIRST READING** this 13<sup>th</sup> day of July 2020.

**PASSED and ADOPTED** this 23<sup>rd</sup> day of September 2020.

Attest:

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**Missy Arocha**  
**Village Clerk**

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**Karyn Cunningham**  
**Mayor**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,  
FLORIDA ONLY:**

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**John C. Dellagloria, Esq.  
Village Attorney**

**FINAL VOTE AT ADOPTION:**

Council Member Patrick Fiore	<u>YES</u>
Council Member David Singer	<u>NO</u>
Council Member Marsha Matson	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Karyn Cunningham	<u>YES</u>