

RESOLUTION NO. U.A. 2004-13

A RESOLUTION FIXING AND ESTABLISHING CAPITAL IMPROVEMENT CHARGES AND GUARANTEED REVENUE CHARGES FOR THE SERVICES AND FACILITIES FURNISHED BY THE WATER SYSTEM AND THE WASTEWATER SYSTEM OF THE FORT PIERCE UTILITIES AUTHORITY, FORT PIERCE, FLORIDA, IN ACCORDANCE WITH ORDINANCE NO. F-399 OF THE CITY OF FORT PIERCE, FLORIDA, SUPERSEDING AND RESCINDING THOSE CHARGES FOR THE SERVICES AND FACILITIES FURNISHED BY THE WATER SYSTEM AND THE WASTEWATER SYSTEM SET FORTH IN RESOLUTIONS NO. U.A. 98-1, OF THE FORT PIERCE UTILITIES AUTHORITY, AND PROVIDING FOR A EFFECTIVE DATE HEREOF.

WHEREAS, the Fort Pierce Utilities Authority was created and established by Ordinance No. F-399 enacted by the City Commission of the City of Fort Pierce, Florida, and approved by a majority vote of the qualified electors of the City of Fort Pierce, Florida, in a referendum election held in said City on May 30, 1972; and

WHEREAS, Section 8 (6) of said Ordinance No. F-399 grants to said Fort Pierce Utilities Authority the power and duty to fix charges.

SECTION I. CAPITAL IMPROVEMENT CHARGES: Effective, September 7, 2004, the Fort Pierce Utilities Authority, Fort Pierce Florida, (the "Authority") shall impose a Capital Improvement Charge on any and all new water and wastewater customers connecting to the water and/or wastewater system. The Capital Improvement Charge is based on the cost of expanding the water supply and wastewater treatment facilities and shall be applicable to all new water and wastewater service within the territory served by the Fort Pierce Utilities Authority. The schedule of Capital Improvement Charges imposed herein shall be subject to revision from time to time as may be necessary. The obligation for payment of such charges shall occur in accordance with the payment schedule contained within the County Developer's Agreement or the Authority's Water/Wastewater Supply Agreement. In the case of small projects where a County Developer's Agreement or the Authority's Water/Wastewater Supply Agreement does not exist, the Capital Improvement Charge payment would be paid at the time the Authority signs the Department of Environmental Protection (DEP) Water/Wastewater Construction Permit. Application for service will not be accepted without a valid building permit. If the building permit expires, the application for service will be canceled. Applicant will need to pay Capital

Improvement Charges one time only for any given location, unless equivalent residential connections (ERC) are added.

A. Basis for Determination of Capital Improvement Charges: The Capital Improvement Charges set forth in Section I.B. and I.C., respectively, for water and wastewater service shall be determined on the basis of an ERC. It shall be assumed that an ERC for water service shall be 300 gallons per day and an ERC for wastewater service shall be 240 gallons per day. For each new non single-family residential, general service, commercial, or industrial customer, the Capital Improvement Charge shall be based on the estimated water usage and wastewater flow (i.e., service level) required by such customer relative to the single-family residential customer. The estimate of the service level required for non single-family residential connections is set forth in the Schedule of Daily Rate Gallonage for Various Occupancies (Exhibit A) which is a part of this Resolution. The service level based on the Schedule of Daily Gallonage shall be converted to ERC's and the Capital Improvement Charge determined accordingly. Any use or customer type not specifically referred to in such schedule shall be charged a Capital Improvement Charge based on estimated water consumption as determined by the Authority.

B. Water System Capital Improvement Charge: The water system Capital Improvement Charge, effective September 7, 2004, shall be \$ 1,605 per ERC and shall be due at the time application is made for water service.

C. Wastewater System Capital Improvement Charge: The wastewater system Capital Improvement Charge, effective September 7, 2004, shall be \$1,447 per ERC and shall be due at the time application is made for wastewater service.

D. Exemptions: Locations with current or previously existing water and/or wastewater service are not subject to Capital Improvement Charges; however, if additional equivalent single-family residential unit connections (ERC's) are added to the location, Capital Improvement Charges will be imposed for those additional connections.

SECTION II. The following defines the implementation of the Capital Improvement Charges:

A. Special Exception: Capital Improvement Charges will be offset by an amount equal to 60% of off-site system extension costs paid by the developer. This Capital Improvement Charge credit is applicable to any service applied for by the developer or a subsequent individual purchaser for this development only, and will be specified in the applicable service agreement with the developer. All Capital Improvement Charge credits must be used within 10 years from the date the service agreement is signed by the Authority. After this date, all such credits described herein will expire. Credits are only applicable to Capital Improvement Charges for water and wastewater service as described herein.

SECTION III. The monies from the Capital Improvement Charges, provided for in Section I of this Resolution, shall be deposited in the Utilities Revenue Fund and shall be used for capital projects and improvements or retiring outstanding debt service.

SECTION IV. GUARANTEED REVENUE CHARGES: Effective September 7, 2004, the Fort Pierce Utilities Authority, Fort Pierce, Florida, shall impose a monthly Guaranteed Revenue Charge on any person desiring to receive a commitment to reserve water and/or wastewater capacity for future development from the Authority. A charge for reserving water and/or wastewater system capacity shall be determined on the basis of an equivalent residential connection as defined in Section I.A. of this Resolution and shall be included as part of a Water/Wastewater Supply Agreement between the party reserving the capacity and the Authority.

These charges shall apply to developments which require the Authority to reserve capacity for Florida Department of Environmental Protection (FDEP) permitting purposes. Upon signing the County's Developer's Agreement or the Authority's Water/Wastewater Supply Agreement, the developer shall submit to the Authority a signed and notarized letter to FDEP (Sample A) stating that in the event the developer does not pay the charges as billed within 30 days, the developer authorizes FDEP to cancel the permitting for all remaining units. The developer has one (1) year from the date of the Water/Wastewater Supply Agreement to complete the infrastructure (the Authority Final Inspection and Acceptance) and will be billed at the end of that year, and then annually thereafter, for the preceding 12 months of Guaranteed Revenue Charges on units not connected to the Authority's water and/or wastewater system at the end of each 12-month period. Payment will be due within 30 days.

A. Water System Guaranteed Revenue Charge: The water system Guaranteed Revenue Charge, effective September 7, 2004, shall be \$80.04 per year per ERC. The annual charge shall be billed at the end of the first year after signing the Water/Wastewater Supply Agreement, and then annually thereafter, for any units not connected to the Authority's water system. Payment will be due within 30 days.

B. Wastewater System Guaranteed Revenue Charge: The wastewater system Guaranteed Revenue Charge, effective September 7, 2004, shall be \$ 105.60 per year per ERC. The annual charge shall be billed at the end of the first year, and then annually thereafter, for any units not connected to the Authority's wastewater system. Payment will be due within 30 days.

C. Exemptions: Municipal Services Benefit Unit (MSBU) projects and Community Development Block Grant projects will not be subject to Guaranteed Revenue Charges.

SECTION V. The General Government of the City of Fort Pierce, Florida, shall be exempt from Capital Improvement Charges and Guaranteed Revenue Charges.

SECTION VI. Upon adoption of the Resolution, and effective date thereof, the charges hereinabove set forth in Sections I and IV of this Resolution shall be fixed and established as an Order of the Fort Pierce Utilities Authority and shall supersede and rescind those charges set forth in Resolution 98-1, Sections I. and IV.

SECTION VII. This resolution shall be and become effective January 1, 2005.

This the _____ day of _____, A.D. 2004.

ATTEST:

SECRETARY

CHAIRMAN

Approved as to Form and Correctness:

Attorney for Fort Pierce Utilities Authority

RES98-1.doc

Florida Department of Environmental Protection FORM LETTER

(Date)

State of Florida Department of Environmental Protection
P. O. Box 15425
West Palm Beach, FL 33406

Re: FDEP Water Permit # _____

FDEP Wastewater Permit # _____

To Whom It May Concern:

Fort Pierce Utilities Authority (FPUA) signed the applications for construction for water and/or wastewater permits for my project:

for **water**, on the date: _____

for **wastewater**, on the date: _____

These permits obligate FPUA to reserve system capacity for this project.

If my project does not have the water and/or wastewater facilities constructed by the date _____, then I agree that FPUA may withdraw its capacity reservations for my project, or the sections or phases of the project which have not been constructed.

Furthermore, I agree that FPUA may request Florida Department of Environmental Protection to cancel or void permits issued by your agency for water/wastewater facilities not constructed.

By: Owner/Developer

Date

Notary Public

Date