



**Mayor**  
ROB MEDINA  
**Deputy Mayor**  
KENNY JOHNSON  
**Councilmembers**  
RANDY FOSTER  
DONNY FELIX  
PETER FILIBERTO

## **AGENDA**

### **Special Council Meeting 2022-25 Wednesday**

**September 7, 2022 - 6:00 PM**  
**Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida 32907**

#### **CALL TO ORDER:**

#### **ROLL CALL:**

#### **COMMENTARY BY STAFF:**

1. Statement regarding tax rate for Fiscal Year 2023.

#### **PUBLIC HEARING:**

1. Discussion of tentative millage rate for Tax Year 2021 and City Manager's summary of proposed budget for Fiscal Year 2022-2023.

#### **BUSINESS:**

1. Consideration of the tentative millage rate for Tax Year 2021; re-computation, if needed, and announcement of tentative millage rate and percentage increase over rolled-back rate.
2. Ordinance 2022-96, amending the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the rates, fees and charges for the City's utilities system and services, first reading
3. Ordinance 2022-97, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Miscellaneous Provisions', by adjusting the permit fees and other charges related to the City's utilities wastewater system, first reading
4. Ordinance 2022-98, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, first reading
5. Ordinance 2022-99, adopting the final budget for Fiscal Year 2022-2023, first reading
6. Discussion of declaring critical need funding for Fiscal Year 2022-2023.

#### **ADJOURNMENT:**

**If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made,**

**which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.**

**In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.**

**If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.**

**Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.**

**THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.**



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Larry Wojciechowski, Finance Director

**DATE:** 9/7/2022

**RE:** Statement regarding tax rate for Fiscal Year 2023.

The City Council is required by Florida Statute to hold a public hearing on the tentative millage rate and the proposed FY 2023 Budget.

Staff will begin the meeting by reading a statement regarding the tax rate and providing a summary of the FY 2023 proposed budget.

Following the initial staff commentary, the public hearing should commence.

At the close of the public hearing, the Council will consider:

- Any changes in the tentative tax rate and the percent of increase over the rollback rate
- Adoption of the tentative millage rate and tentative voted debt millage rate
- Consideration of the added Resolution declaring funding critical needs for FY 2023; to be adopted at the FY 2023 Second Public Hearing
- First reading of Utility Rate Ordinances amending Chapters 200, 201 and 202 by adjusting the rates, fees, and charges
- First reading of the Budget Adoption Ordinance

**REQUESTING DEPARTMENT:**

Finance

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to

adopt the tentative millage rate, tentative debt millage rate and proposed budget.

Motion to approve the Critical Funding Needs Resolution to be adopted at the second Public Hearing.

Motion to approve the first reading of the Utility Ordinances.

Motion to approve the first reading of the Budget Adoption Ordinance.



## **LEGISLATIVE MEMORANDUM**

**DATE:** 9/7/2022

**RE:** Discussion of tentative millage rate for Tax Year 2021 and City Manager's summary of proposed budget for Fiscal Year 2022-2023.

**ATTACHMENTS:**

**Description**

**Staff Presentation**



# FY 2023

## 1<sup>ST</sup> PUBLIC BUDGET HEARING

SEPTEMBER 7, 2022

PRESENTED BY  
ANGELICA COLLINS  
BUDGET ADMINISTRATOR

# TOPICS OF REVIEW

- **FY 2023 Important Numbers**
- **Proposed Budget With Changes Summary**
  - City-wide
  - General Fund Specific
  - Budget by Funds
- **General Fund**
  - Revenues by Source
  - Expenditures by Type
  - Expenditures by Department
- **2023 – 2027 Master CIP Preview**
- **Important Upcoming Dates**



# FY 2023 IMPORTANT NUMBERS

- **Ad Valorem Operating Millage Rate**
  - 7.5995
- **Voted Debt Millage Rate**
  - 1.0931
- **General Fund 2-Month Required Minimum Fund Balance**
  - \$13,838,672 or 16.7%
- **General Fund Stabilization Funds**
  - @ 2.0% - \$594,270
  - @ 3.0% - \$891,404
  - @ 4.0% - \$1,188,539



# PROPOSED BUDGET WITH CHANGES SUMMARY

TOTAL \$282,803,933

- The citywide FY 2023 Proposed with Changes Budget decreased by \$5,746,603, or 2.0%, from the Proposed Budget of \$288,550,536

Fund	Proposed	Proposed with Changes	Difference \$	Difference %
General Fund	93,375,216	93,375,216	0	0.0%
2019 G.O. Road Bond Fund	14,010,184	11,194,184	(2,816,000)	(20.1%)
Utilities Operating Fund	43,002,110	41,847,507	(1,154,603)	(2.7%)
Utilities Renewal & Replacement Fund	11,961,574	11,981,574	20,000	0.2%
Stormwater Utility Fund	16,985,293	15,189,293	(1,796,000)	(10.6%)
<b>Total Variance</b>			<b>(5,746,603)</b>	<b>(2.0%)</b>

# PROPOSED BUDGET WITH CHANGES SUMMARY

GENERAL FUND – NO \$ BUDGET CHANGES

## ■ Expenditure Adjustments

- ✓ ***Reclassification of Assistant to City Manager to Deputy City Manager***
  - \$69,696 Increase in Personnel Costs
- ✓ ***Addition of One (1) Community Information Coordinator***
  - \$95,113 Increase in Personnel & Operating Costs
- ✓ ***Fire Air-Paks Count Increase From 35 to 50 Units & Cost Estimate Increase for 85 Budgeted Regulators***
  - \$120,837 Increase in Capital Costs
- ✓ ***County Disposal Cost Estimate Increase***
  - \$4,383 in Operating Costs
- ***Expenditure Adjustments Off-Set Through a Decrease in Funding from the Building Security Project Line***
  - Project Estimates Pending Due to Facility Review – Funding to be Allocated Later in FY 2023 Once Costs are Known

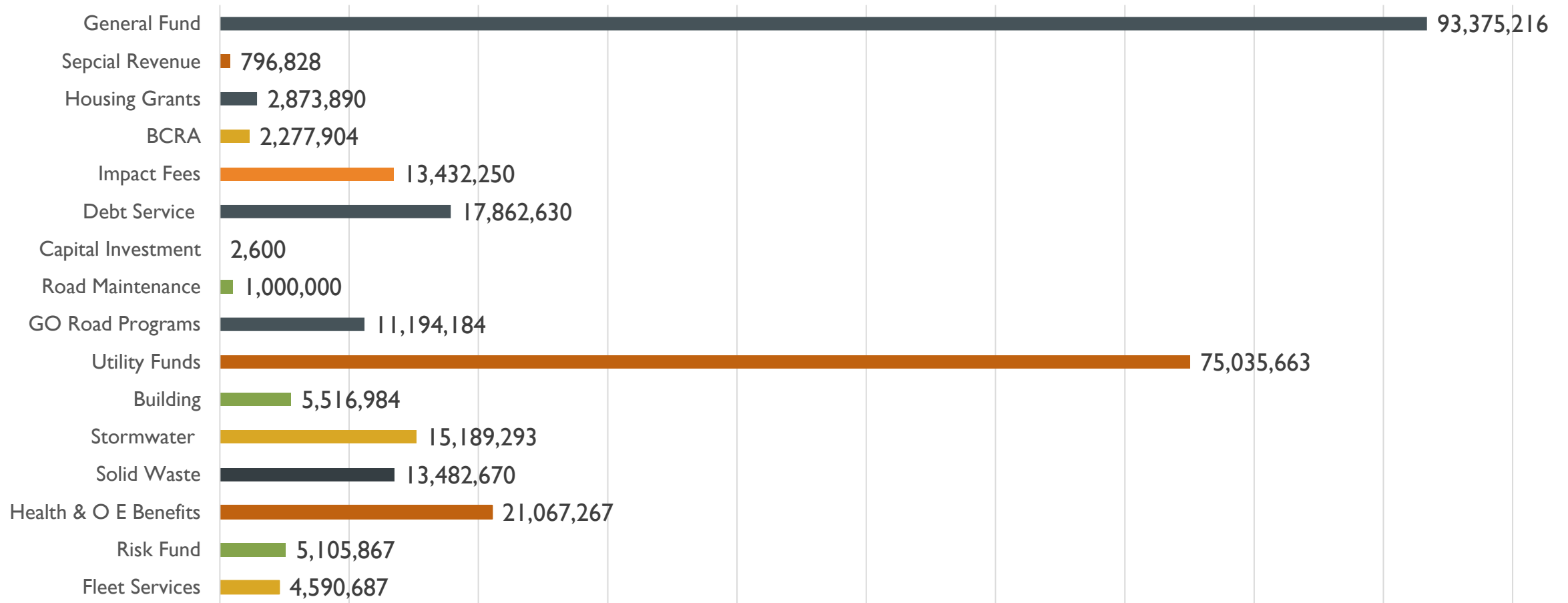
# PROPOSED BUDGET WITH CHANGES SUMMARY

## ALL OTHER FUNDS

Fund	Change	Difference \$
2019 G.O. Road Bond Fund	Remove PMU 50 Paving Project – Opened in FY 2022	(2,816,000)
Utilities Operating Fund (UTO)	Lift Station #5 Relocation – Move to UTRR Budget Corrections Including <ul style="list-style-type: none"> <li>Remove Duplicate Entries for Looping Project &amp; Malabar Road Extension Project</li> <li>Add Missing Payroll/Personnel Service Costs to Water Division Account</li> <li>Reduce Construction Vehicle Account by 50.0%</li> </ul>	(1,154,603)
Utilities Renewal & Replacement Fund (UTRR)	Lift Station #5 Relocation – Moved from UTO	20,000
Stormwater Utility Fund (SWU)	Remove PMU 44 Culvert Replacement Project – Opened in FY 2022	(1,796,000)
<b>Total Impact – All Other Funds</b>		<b>(5,746,603)</b>

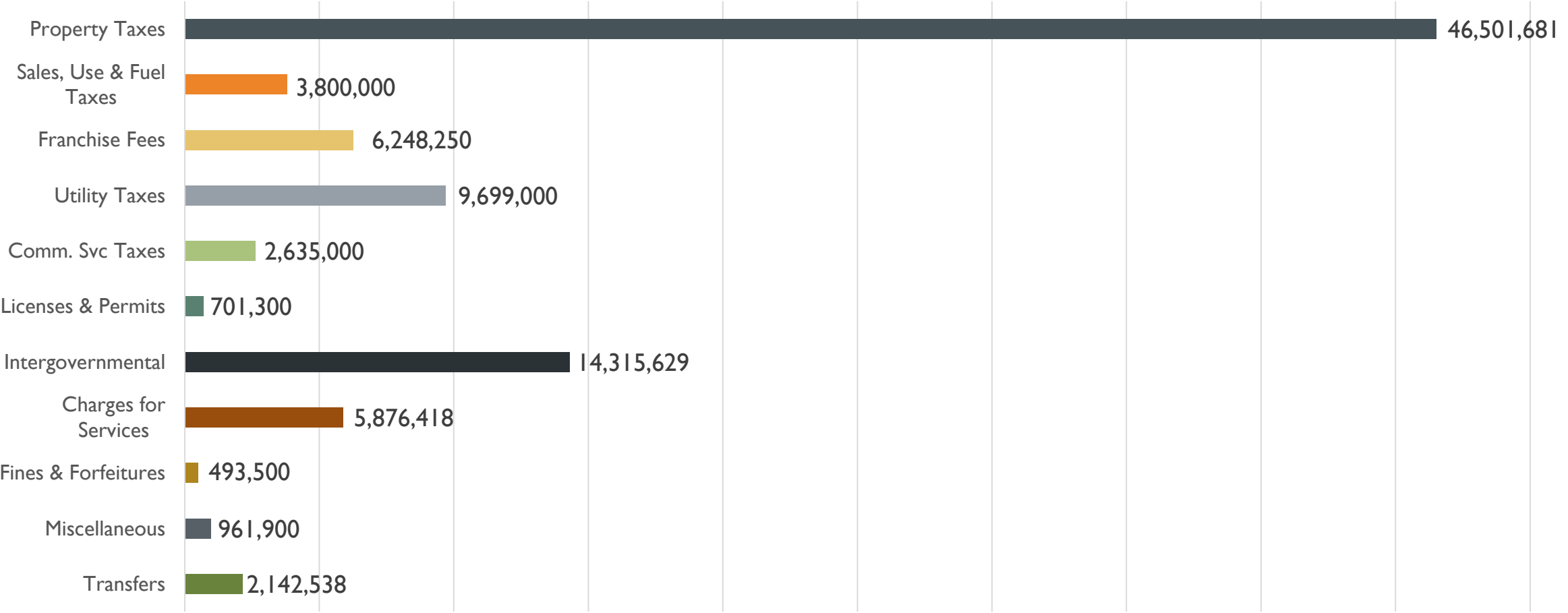
# FY 2023 BUDGET BY FUND

CITYWIDE TOTAL BUDGET- \$282,803,933



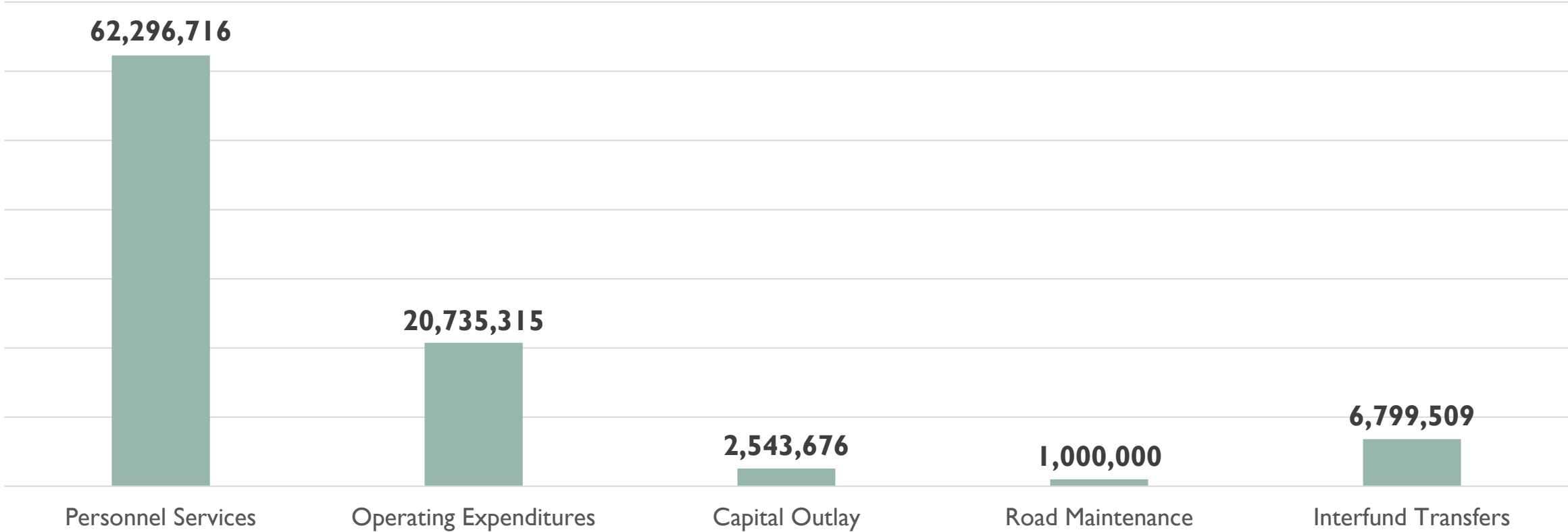
# FY 2023 GENERAL FUND REVENUES BY SOURCE

TOTAL BUDGET - \$93,375,216



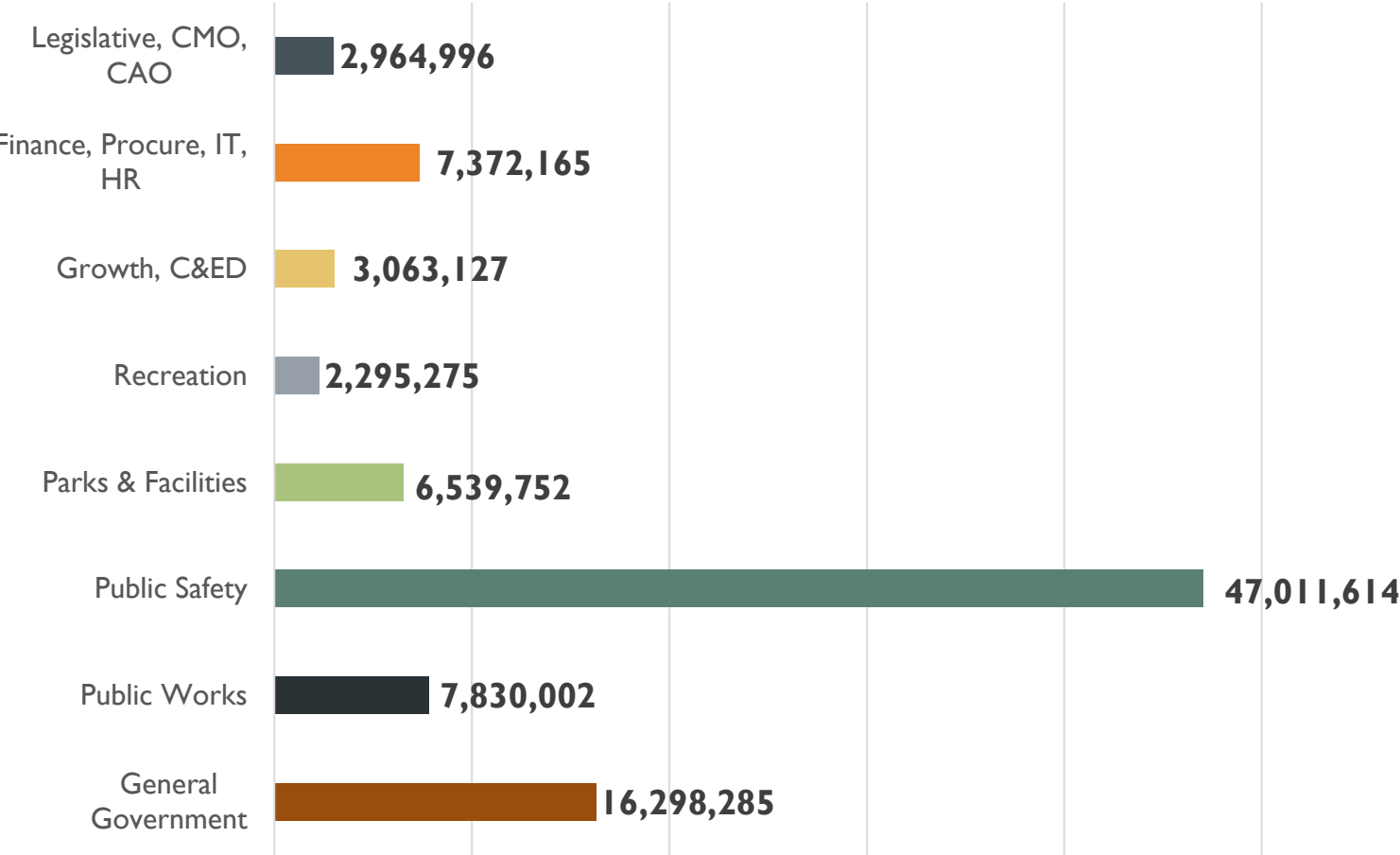
# FY 2023 GENERAL FUND EXPENDITURES BY TYPE

TOTAL BUDGET - \$93,375,216



# FY 2023 GENERAL FUND EXPENDITURES BY DEPT.

TOTAL BUDGET - \$93,375,216



Legislative	852,942
Office of City Manager	1,601,292
Office of City Attorney	510,762
Procurement	695,229
Finance	1,488,502
Information Technology	4,442,046
Human Resources	746,388
Growth Management	2,101,177
Community & Econ. Development (C&ED)	961,950
Recreation	2,295,275
Parks & Facilities	6,539,752
Police	28,299,544
Fire	18,712,070
Public Works	7,830,002
General Government	16,298,285
TOTAL	93,375,216

# 2023-2027 MASTER CIP

CITYWIDE \$393,505,768

- The 5-year citywide Master Capital Improvement Program (CIP) totals \$393,505,768 across eight (8) Departments

Department	2022/Prior	2023	2024	2025	2026	2027	Total	2023-2027 Total
Building	496,027	6,784,542	0	0	0	0	7,280,569	6,784,542
Fire	0	5,023,858	4,263,654	3,528,654	6,483,821	13,705,647	33,005,634	33,005,634
Information Technology	0	250,877	9,481,400	2,056,200	1,563,000	827,000	14,178,477	14,178,477
Parks & Facilities	250,000	6,990,914	3,581,560	5,190,880	4,360,675	7,407,747	27,781,776	27,531,776
Police	203,038	3,716,975	4,953,423	5,503,115	8,148,090	13,349,060	35,873,701	35,670,663
Public Works	499,000	22,346,184	52,162,676	5,160,261	16,266,161	2,662,806	99,097,088	98,598,088
Recreation	0	275,500	0	0	0	0	275,500	275,500
Utilities	9,550,050	19,373,284	39,150,166	46,762,460	66,837,770	5,337,408	187,011,138	177,461,088
<b>Fiscal Year Total</b>	<b>10,998,115</b>	<b>64,762,134</b>	<b>113,592,879</b>	<b>68,201,570</b>	<b>103,659,517</b>	<b>43,289,668</b>	<b>404,503,883</b>	<b>393,505,768</b>



# 2023-2027 MASTER CIP

CITYWIDE \$393,505,768

Fund	2022/Prior	2023	2024	2025	2026	2027	Total	2023-2027 Total
General Fund	205,893	11,720,242	20,411,784	16,912,074	19,724,296	27,669,460	96,643,749	96,437,856
Housing Funds	150,000	880,027	0	0	0	0	1,030,027	880,027
Impact Fee Funds	97,145	3,293,460	5,828,000	246,000	9,526,700	8,460,800	27,452,105	27,354,960
Community Investment Fund	0	992,560	379,778	0	0	0	1,372,338	1,372,338
Road Maintenance CIP Fund	0	0	3,000,000	3,000,000	6,000,000	0	12,000,000	12,000,000
G.O. Road Program Funds	0	11,194,134	36,000,000	0	0	0	47,194,134	47,194,134
Utilities Operating Fund	996,150	6,479,800	18,005,610	2,725,000	1,611,000	1,122,000	30,939,560	29,943,410
Utilities - Capital Funds	8,553,900	12,893,484	23,341,236	44,037,460	65,237,770	4,487,408	158,551,258	149,997,358
Building Fund	496,027	6,784,542	45,720	0	0	0	7,326,289	6,830,262
Stormwater Utility Fund	499,000	10,165,569	6,580,751	1,281,036	1,559,751	1,550,000	21,636,107	21,137,107
Grants - To Be Determined	0	358,316	0	0	0	0	358,316	358,316
<b>Fiscal Year Total</b>	<b>10,998,115</b>	<b>64,762,134</b>	<b>113,592,879</b>	<b>68,201,570</b>	<b>103,659,517</b>	<b>43,289,668</b>	<b>404,503,883</b>	<b>393,505,768</b>

# 2023-2027 MASTER CIP

CITYWIDE \$393,505,768

Type	2022/Prior	2023	2024	2025	2026	2027	Total	2023-2027 Total
Capital Asset/Outlay	760,000	8,822,290	8,098,875	6,265,510	6,911,872	10,873,026	41,731,573	40,971,573
Capital Projects	10,238,115	55,939,844	105,494,004	61,936,060	96,747,645	32,416,642	362,772,310	352,534,195
<b>Fiscal Year Total</b>	<b>10,998,115</b>	<b>64,762,134</b>	<b>113,592,879</b>	<b>68,201,570</b>	<b>103,659,517</b>	<b>43,289,668</b>	<b>404,503,883</b>	<b>393,505,768</b>

Type	2022/Prior	2023	2024	2025	2026	2027	Total	2023-2027 Total
1 - Health & Safety	201,500	5,740,188	4,045,000	3,418,000	300,000	225,000	13,929,688	13,728,188
2 - Asset Preservation or Replacement	7,368,543	38,940,718	60,925,348	22,992,253	12,877,792	19,053,943	162,158,597	154,790,054
3 - Service/Asset Expansion/Addition	3,428,072	20,081,228	48,622,531	41,791,317	90,481,725	24,010,725	228,415,598	224,987,526
<b>Fiscal Year Total</b>	<b>10,998,115</b>	<b>64,762,134</b>	<b>113,592,879</b>	<b>68,201,570</b>	<b>103,659,517</b>	<b>43,289,668</b>	<b>404,503,883</b>	<b>393,505,768</b>

# 2023-2027 MASTER CIP

GENERAL FUND \$96,437,856

- The 5-year General Fund Master Capital Improvement Program (CIP) totals \$96,437,856, accounting for 24.5% of all requests within the citywide Master CIP
- Public Safety accounts for 57.2% or \$55,142,943
- Of the \$11,720,242 in FY 2023, a total of \$2,543,676 or 21.7% is included in the Budget

Department	2022/Prior	2023	2024	2025	2026	2027	Total	2023-2027 Total
Fire	0	3,453,342	3,938,654	3,285,654	4,960,121	5,247,847	20,885,618	20,885,618
Information Technology	0	250,877	7,239,000	2,056,200	1,552,000	555,000	11,653,077	11,653,077
Parks & Facilities	100,000	4,218,627	3,581,560	5,190,880	4,360,675	7,407,747	24,859,489	24,759,489
Police	105,893	2,695,415	4,570,645	5,500,115	8,145,090	13,346,060	34,363,218	34,257,325
Public Works	0	986,481	1,081,925	879,225	706,410	1,112,806	4,766,847	4,766,847
Recreation	0	115,500	0	0	0	0	115,500	115,500
<b>Fiscal Year Total</b>	<b>205,893</b>	<b>11,720,242</b>	<b>20,411,784</b>	<b>16,912,074</b>	<b>19,724,296</b>	<b>27,669,460</b>	<b>96,643,749</b>	<b>96,437,856</b>

# 2023-2027 MASTER CIP

GENERAL FUND \$96,437,856

Type	2022/Prior	2023	2024	2025	2026	2027	Total	2023-2027 Total
Capital Asset/Outlay	0	4,643,406	5,892,724	5,196,474	4,898,121	6,753,026	27,383,751	27,383,751
Capital Projects	205,893	7,076,836	14,519,060	11,715,600	14,826,175	20,916,434	69,259,998	69,054,105
<b>Fiscal Year Total</b>	<b>205,893</b>	<b>11,720,242</b>	<b>20,411,784</b>	<b>16,912,074</b>	<b>19,724,296</b>	<b>27,669,460</b>	<b>96,643,749</b>	<b>96,437,856</b>

Type	2022/Prior	2023	2024	2025	2026	2027	Total	2023-2027 Total
1 - Health & Safety	0	4,258,488	3,570,000	3,025,000	150,000	75,000	11,078,488	11,078,488
2 - Asset Preservation or Replacement	205,893	5,793,127	7,637,334	11,833,724	6,969,271	12,644,535	45,083,884	44,877,991
3 - Service/Asset Expansion/Addition	0	1,668,627	9,204,450	2,053,350	12,605,025	14,949,925	40,481,377	40,481,377
<b>Fiscal Year Total</b>	<b>205,893</b>	<b>11,720,242</b>	<b>20,411,784</b>	<b>16,912,074</b>	<b>19,724,296</b>	<b>27,669,460</b>	<b>96,643,749</b>	<b>96,437,856</b>

# IMPORTANT UPCOMING DATES

Date	Meeting Topic/Discussion
Friday, September 16	Budget Advertisement in Florida Today <ul style="list-style-type: none"><li>• Notice of Tax Increase</li><li>• Budget Summary</li></ul>
Wednesday, September 21	2 <sup>nd</sup> Public Hearing to Adopt Millage Rate & Budget – Starting at 6:00 pm



## **LEGISLATIVE MEMORANDUM**

**DATE:** 9/7/2022

**RE:** Ordinance 2022-96, amending the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the rates, fees and charges for the City's utilities system and services, first reading

**ATTACHMENTS:**

**Description**

Ordinance 2022-96

## ORDINANCE 2022-96

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 200, UTILITIES CODE, BY ADJUSTING THE RATES, FEES, AND CHARGES FOR THE CITY'S UTILITIES SYSTEM AND SERVICES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 200, Utilities Code, is hereby amended and shall henceforth read as follows:

### **“CHAPTER 200: UTILITIES CODE**

\* \* \*

#### **Section 200.03 GENERAL TERMS AND CONDITIONS REGARDING UTILITIES SERVICES.**

(A) *Withholding Service.* The City may withhold or discontinue Utilities services for any violation made by the customer of any rule or regulation set forth in this chapter.

(B) *Unauthorized Connections/Tampering.* All meters shall be furnished or approved by the City. The meters shall remain the property of the City and shall at all times be accessible by the City and subject to its control. Connections to the Utilities' water mains or distribution lines, for any purposes whatsoever, are to be made only by employees of the City or as authorized by the City. Any person found altering or tampering with any property of the Utilities as described in Section 812.14, Florida Statutes shall be guilty and punishable as provided in Sections 775.082 and 775.083, Florida Statutes. Such person may also be found liable in a civil action pursuant to Section 812.14, Florida Statutes as may be amended from time to time and any other laws or regulations that may apply.

In cases where the meter lock has been broken and/or there has been unauthorized use of water, wastewater or reclaimed water service, the customer shall:

(1) Pay a tamper charge of ~~\$350.00~~ >>which will be set as follows:<<

	FY 21-22	FY 22-23
>>Tampering Fee (1 <sup>st</sup> Offense)<<		>>\$250.00<<
>>Tampering Fee (2 <sup>nd</sup> Offense)<<		>>\$500.00<<
>>Tampering Fee (3 <sup>rd</sup> and Subsequent Offenses)<<		>>\$750.00<<

(2) Pay the actual costs (if any) to replace/reinstall any damaged or broken City property; and

(3) Pay an estimated bill for the amount of water, wastewater and/or reclaimed water services used from the time service was discontinued until the tampering was discovered.

>>In cases where there is no meter or backflow prevention device in place and/or there has been unauthorized use of water, wastewater or reclaimed water service, the customer or unauthorized user shall pay an Unauthorized Use Fee of \$1,000.00.<<

Each violation of this section shall be subject to a charge per incident in accordance with Section 812.14, Florida Statutes. The Utilities has the right to pursue legal action and impose additional penalties when deemed appropriate to the maximum extent allowed by the law and as provided in the Florida Statutes. The Utilities shall restore water service upon payment of all applicable service charges, back billing charges, penalties and other amounts due.

\* \* \*

#### **Section 200.04 METER INSTALLATION RATES.**

(A) Each residential applicant shall be charged for the tap, meter, backflow prevention device, meter service box and for installation of the meter. Rates for residential meter installations for all meter sizes will be set as follows:

	FY 21-22	FY 22-23
5/8 x 3/4" Meter <sup>1</sup>	<del>\$703.11</del>	>>\$734.96
5/8 x 3/4" Meter (w/double check; residential only)	<del>\$736.75</del>	\$770.12
1" Meter <sup>1</sup>	<del>\$800.73</del>	\$837.00
1 1/2" Meter <sup>1</sup>	<del>\$1,140.41</del>	\$1,192.07
2" Meter <sup>1</sup>	<del>\$1,434.34</del>	\$1,499.32<<

<sup>1</sup>Owner provided backflow requirements may apply.



(B) Each new subdivision development applicant shall be charged for the meter, backflow prevention device, meter service box and for installation of the meter. Rates for new subdivision development meter installations for all meter sizes will be set as follows:

	FY 21-22	FY 22-23
5/8 x 3/4" Meter <sup>1</sup>	<del>\$375.00</del>	>>\$391.99
5/8 x 3/4" Meter (w/double check; residential only)	<del>\$409.19</del>	\$427.73
1" Meter <sup>1</sup>	<del>\$473.16</del>	\$494.59
1 1/2" Meter <sup>1</sup>	<del>\$812.86</del>	\$849.68
2" Meter <sup>1</sup>	<del>\$1,107.34</del>	\$1,157.50<<

<sup>1</sup>Owner provided backflow requirements may apply.

(C) The meter charge for commercial development (without installation provided) will be set as follows:

	FY 21-22	FY 22-23
5/8 x 3/4" Meter <sup>1</sup>	<del>\$296.69</del>	>>\$310.13
1" Meter <sup>1</sup>	<del>\$359.56</del>	\$375.85
1 1/2" Meter <sup>1</sup>	<del>\$585.65</del>	\$612.18
2" Meter <sup>1</sup>	<del>\$732.34</del>	\$765.52<<

<sup>1</sup>Owner provided backflow requirements may apply.

\* \* \*

## Section 200.05 METER TESTING.

(A) Meter testing shall be done at the customer's request, and in accordance with the following guidelines and schedules:

(1) *Meter Test Request.* If any customer requests a test of the meter, the City will require a meter test or bench test fee which fee shall be set as follows:

	FY 21-22	FY 22-23
Meter Test	<del>\$86.05</del>	>>75.00
Bench Test – 3/4" to 1" Meter >>Less than 1.5" Meter<<	<del>\$164.35</del>	\$213.00
Bench Test – 2" Meter	<del>\$186.40</del>	\$251.00<<

	FY 21-22	FY 22-23
>>Bench Test – Greater than 2” Meters<<		>>Actual Cost<<

\* \* \*

## **Section 200.07 DISCONNECTING, RECONNECTING, AND TRANSFERRING SERVICE.**

(A) There shall be a charge for City service connections and for transferring of City accounts from the name of one person to the name of another, which shall be paid before the service connection is made or accounts changed. There shall be no service connection charge if the original service connection for meter installation or service installation fee has been paid.

(1) *Transferring Service.* The charge for the transfer of service to a new customer account at a previously served location or reconnection of service subsequent to a customer requested disconnection shall be set as follows. If after the reconnection the customer does not have water service due to the main valve at the house being in the off position, and the field service representative returns to the property, an additional service initiation fee will be applied to the account for each return trip to be set as follows:

	FY 21-22	FY 22-23
Transfer Fee (Re-Initiation Fee) (Per Trip)		
During normal hours	<del>\$22.06</del>	>>\$24.00
During after hours	<del>\$68.38</del>	\$65.00<<
<del>Service Initiation Fee (Per Trip)</del>		
<del>During normal hours</del>	<del>\$22.06</del>	
<del>During after hours</del>	<del>\$68.38</del>	

(2) *Reconnection.* When service is discontinued because of nonpayment of amounts due or non-sufficient funds, the disconnection/reconnection fee will be applied to the account as set forth below. If service is ordered discontinued because of nonpayment of the amount due, then payment is subsequently received (thus preventing the service from being discontinued), an administrative fee will be applied to the account. If service has been discontinued because of non-payment and water service is restored without authorization by the City, the City shall remove the meter and a pulled meter/reinstall meter charge will be applied to the account. Service shall not be restored until the customer has paid the entire amount of the delinquent bill,

together with penalties and the pulled meter/reinstall meter charge. If a meter was pulled prior to October 1, 2015, a re-install meter charge shall be applied to any account requesting to have such meter re-installed.

	FY 21-22	FY 22-23
Administrative Fee (Per Request)>>(Normal Hours)<<	<del>\$22.06</del>	>>\$24.00<<
Administrative Fee (Per Request)>>(After Hours)<<		>>\$48.00<<
Disconnection/Reconnection Charge (Non-Payment)		
During normal hours	<del>\$44.11</del>	>>\$48.00
During after hours	<del>\$90.44</del>	<del>\$88.00</del>
Pulled Meter/Reinstall Meter Charge	<del>\$65.09</del>	<del>\$71.00&lt;&lt;</del>
<del>Re-Install Meter Charge (Per Trip) (Meters Pulled Prior to 10/1/15)</del>	<del>\$46.35</del>	

#### Section 200.08 TEMPORARY SERVICE.

(A) All rates and deposit amounts for temporary service shall be set as follows:

	FY 21-22	FY 22-23
Temporary Hydrant Meter Deposit – 1”	\$375.00	\$375.00
Temporary Hydrant Meter Deposit – 1 1/2”	\$700.00	\$700.00
Temporary Hydrant Meter Deposit – 2”	\$900.00	\$900.00
Temporary Hydrant Meter Deposit – 3”	\$1,550.00	\$1,550.00
Temporary Hydrant Meter Installation	<del>\$155.51</del>	>>\$117.00
Temporary Hydrant Meter Removal	<del>\$105.88</del>	<del>\$81.00</del>
Temporary Hydrant Meter Relocation	<del>\$204.05</del>	<del>\$152.00&lt;&lt;</del>

\* \* \*

#### Section 200.09 FIRE PROTECTION SERVICE.

\* \* \*

(B) Rates for fire protection service for all fire line sizes are set as follows:

	FY 21-22	FY 22-23
2” Line	<del>\$164.03</del>	>>\$166.90
4” Line	<del>\$526.29</del>	<del>\$535.50&lt;&lt;</del>

	<b>FY 21-22</b>	<b>FY 22-23</b>
6" Line	<b>\$1,045.70</b>	<b>&gt;&gt;\$1,064.00</b>
8" Line	<b>\$1,674.50</b>	<b>\$1,703.80</b>
10" Line	<b>\$2,405.81</b>	<b>\$2,447.91</b>
12" Line	<b>\$3,280.64</b>	<b>\$3,338.05&lt;&lt;</b>

\* \* \*

### **Section 200.13 METER REREADS AND SPECIAL READS.**

\* \* \*

(B) All fees under this section shall be set as follows:

	<b>FY 21-22</b>	<b>FY 22-23</b>
High Bill Investigation Fee	<b>\$29.79</b>	<b>&gt;&gt;\$30.00&lt;&lt;</b>

\* \* \*

### **Section 200.15 REIMBURSEMENT RATES FOR ADDITIONAL SERVICES.**

The City shall charge the customer for specific utility services performed by and materials supplied by the City at the request of the customer or due to damages by the customer as determined on an individual basis, set as follows and based upon actual costs incurred by the City:

	<b>FY 21-22</b>	<b>FY 22-23</b>
Sewer Cleaning Vacuum Truck (per hour; 1 hour minimum)		
During normal hours	<b>\$204.05</b>	<b>&gt;&gt;168.00</b>
During after hours	<b>\$225.00</b>	<b>\$205.00&lt;&lt;</b>
Video and Sealing Services (per hour; 1 hour minimum)		
During normal hours	<b>\$176.48</b>	<b>&gt;&gt;\$110.00</b>
During after hours	<b>\$197.42</b>	<b>\$135.00&lt;&lt;</b>
Backhoe Services (per hour; 1 hour minimum)		
During normal hours	<b>\$83.83</b>	<b>&gt;&gt;\$87.00</b>
During after hours	<b>\$93.75</b>	<b>\$100.00&lt;&lt;</b>
Dump Truck Services (per hour; 1 hour minimum)		
During normal hours	<b>\$109.20</b>	<b>&gt;&gt;\$125.00&lt;&lt;</b>

	<b>FY 21-22</b>	<b>FY 22-23</b>
During after hours	<del>\$119.13</del>	<del>&gt;&gt;\$140.00&lt;&lt;</del>
Dump Truck and Trailer Services (per hour; 1 hour minimum)		
During normal hours	<del>\$121.33</del>	<del>&gt;&gt;\$139.00</del>
During after hours	<del>\$130.16</del>	<del>\$155.00&lt;&lt;</del>
Trash Pump (per hour; 1 hour minimum)		
4"	<del>\$29.79</del>	<del>&gt;&gt;\$11.00</del>
6"	<del>\$35.30</del>	<del>\$14.00</del>
8"	<del>\$36.40</del>	<del>\$15.00&lt;&lt;</del>
Other Utility Service Calls (per hour; 1 hour minimum)		
1 person crew		
During normal hours	<del>\$66.19</del>	<del>&gt;&gt;\$52.00</del>
During after hours	<del>\$78.32</del>	<del>\$65.00&lt;&lt;</del>
2 person crew		
During normal hours	<del>\$93.75</del>	<del>&gt;&gt;\$94.00</del>
During after hours	<del>\$116.92</del>	<del>\$120.00&lt;&lt;</del>
3 person crew		
During normal hours	<del>\$121.33</del>	<del>&gt;&gt;\$138.00</del>
During after hours	<del>\$156.63</del>	<del>\$170.00&lt;&lt;</del>
Supervisor		
During normal hours	<del>\$67.29</del>	<del>&gt;&gt;\$62.00</del>
During after hours	<del>\$78.32</del>	<del>\$80.00&lt;&lt;</del>

## **Section 200.16 ENGINEERING SERVICE CHARGES.**

\* \* \*

(B) Fees shall be set as follows:

	<b>FY 21-22</b>	<b>FY 22-23</b>
Utility Plan Review and Inspection Fees		
Base fee	<del>&gt;&gt;\$884.23</del>	<del>&gt;&gt;750.00</del>
Charge per Water Equivalent Residential Connection (ERC)	<del>\$82.11</del>	<del>\$70.00</del>
Charge per Sewer Equivalent Residential Connection	<del>\$82.11</del>	<del>\$70.00</del>
<del>Backbone Water Main (per linear foot)</del>	<del>\$1.29</del>	<del>\$1.29&lt;&lt;</del>

	FY 21-22	FY 22-23
<del>Backbone Wastewater Main (per linear foot)</del>	<del>\$1.29</del>	<del>&gt;&gt;\$1.29</del>
Lift Stations with Backbone Mains (per lift station)	<del>\$1,894.78&lt;&lt;</del>	<del>\$2,102.00&lt;&lt;</del>

## Section 200.17 WATER AND WASTEWATER SYSTEM RATES.

(A) *Schedule.* The City hereby adopts a System rate schedule set as follows and applied to each customer of the System beginning with the first reading of the customer's water meter by the City or the first billing by the City as set forth in the new rate schedule:

### INSIDE CITY RATES

	FY 21-22	FY 22-23
Single Family Residential		
Base Facility Charge:		
Water		
5/8 x 3/4"	<del>\$15.34</del>	<del>&gt;&gt;\$15.61</del>
1"	<del>\$38.35</del>	<del>\$39.02</del>
1 1/2"	<del>\$76.70</del>	<del>\$78.04</del>
2"	<del>\$122.73</del>	<del>\$124.88&lt;&lt;</del>
Wastewater		
5/8 x 3/4"	<del>\$22.64</del>	<del>&gt;&gt;\$23.49</del>
1"	<del>\$56.61</del>	<del>\$58.73</del>
1 1/2"	<del>\$113.20</del>	<del>\$117.45</del>
2"	<del>\$181.13</del>	<del>\$187.92&lt;&lt;</del>
Usage Charge (per 1,000 gallons):		
Water		
First Block	<del>\$3.92</del>	<del>&gt;&gt;\$3.99</del>
Second Block	<del>\$5.08</del>	<del>\$5.17</del>
Third Block	<del>\$7.04</del>	<del>\$7.16</del>
Fourth Block	<del>\$8.79</del>	<del>\$8.94</del>
Wastewater	<del>\$6.56</del>	<del>\$6.81&lt;&lt;</del>

Note: Single family residential wastewater usage charge only applies to a maximum of 10,000 gallons per month.

	FY 21-22	FY 22-23
Non-Single Family Residential		
Base Facility Charge:		
Water		
5/8 x 3/4"	<b>\$15.34</b>	<b>&gt;&gt;\$15.61</b>
1"	<b>\$38.35</b>	<b>\$39.02</b>
1 1/2"	<b>\$76.70</b>	<b>\$78.04</b>
2"	<b>\$122.73</b>	<b>\$124.88</b>
3"	<b>\$245.43</b>	<b>\$249.73</b>
4"	<b>\$383.51</b>	<b>\$390.22</b>
6"	<b>\$767.02</b>	<b>\$780.44</b>
8"	<b>\$1,227.23</b>	<b>\$1,248.71</b>
10"	<b>\$1,764.15</b>	<b>\$1,795.02</b>
12"	<b>\$2,684.40</b>	<b>\$2,731.38&lt;&lt;</b>
Wastewater		
5/8 x 3/4"	<b>\$22.64</b>	<b>&gt;&gt;\$23.49</b>
1"	<b>\$56.61</b>	<b>\$58.73</b>
1 1/2"	<b>\$113.20</b>	<b>\$117.45</b>
2"	<b>\$181.13</b>	<b>\$187.92</b>
3"	<b>\$362.55</b>	<b>\$375.83</b>
4"	<b>\$566.02</b>	<b>\$587.25</b>
6"	<b>\$1,132.03</b>	<b>\$1,174.48</b>
8"	<b>\$1,811.25</b>	<b>\$1,879.17</b>
10"	<b>\$2,490.47</b>	<b>\$2,583.86</b>
12"	<b>\$3,962.10</b>	<b>\$4,110.68&lt;&lt;</b>
Usage Charge (per 1,000 gallons)		
Water		
First Block	<b>\$3.92</b>	<b>&gt;&gt;\$3.99</b>
Second Block	<b>\$5.08</b>	<b>\$5.17</b>
Third Block	<b>\$7.04</b>	<b>\$7.16</b>
Fourth Block	<b>\$8.79</b>	<b>\$8.94</b>
Wastewater	<b>\$6.56</b>	<b>\$6.81&lt;&lt;</b>
Sewer Only		
Flat Fee per Month (per ERC)	<b>\$55.42</b>	<b>&gt;&gt;\$57.52&lt;&lt;</b>

**Section 200.18 LEAKS AND WASTE.**

\* \* \*

(C) *Causes for shutoff to be remedied; charge for turn-on.* Whenever the water supply to and for any premises has been shut off because of leaks or waste as in this section provided, the same shall not be turned on again until all cause or causes for shutoff shall have been remedied or removed, and until satisfactory assurance shall be given to the Utilities Department that the condition causing the shutoff will not again exist by the customer and a fee set as follows shall have been paid to the City.

	FY 21-22	FY 22-23
<del>Turn On/Off</del> >>Administrative<< Fee (Per Trip)		
During normal hours	<del>\$22.06</del>	>>\$24.00
During after hours	<del>\$68.38</del>	\$48.00<<

\* \* \*"

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the



inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect on October 1, 2022.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

**Within the exhibit, ~~strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.**



## **LEGISLATIVE MEMORANDUM**

**DATE:** 9/7/2022

**RE:** Ordinance 2022-97, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Miscellaneous Provisions', by adjusting the permit fees and other charges related to the City's utilities wastewater system, first reading

**ATTACHMENTS:**

**Description**

Ordinance 2022-97

## ORDINANCE 2022-97

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 201, SEWER USE, SUBCHAPTER 'MISCELLANEOUS PROVISIONS', BY ADJUSTING THE PERMIT FEES AND OTHER CHARGES RELATED TO THE CITY'S UTILITIES WASTEWATER SYSTEM; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 201, Sewer Use, Subchapter 'Miscellaneous Provisions', is hereby amended and shall henceforth read as follows:

### "MISCELLANEOUS PROVISIONS

\* \* \*

#### Section 201.281 PERMIT FEES AND OTHER CHARGES.

(A) *Inspection Fees.*

(1) Inspection fees are set as follows:

	FY 21-22	FY 22-23
Inspections	<del>\$98.17</del>	>>\$125.00<<

(2) Violation inspection or if an industry or commercial operation is found to be out of compliance, the industry or commercial operation will be charged the rate as follows per hour per person per visit until said industry or commercial operation comes into compliance:

	FY 21-22	FY 21-22
Violation Inspections (1 <sup>st</sup> Offense)	<del>\$98.17</del>	>>\$125.00<<
Violation Inspections (2 <sup>nd</sup> Offense)		>>\$250.00<<
Violation Inspections (3 <sup>rd</sup> Offense)		>>\$375.00<<

(3) Inspection of private lift stations will be charged the rate as follows per hour per person per visit:

	FY 21-22	FY 22-23
Lift Station (Private) Inspection		
During Normal Hours	<b>\$66.19</b>	<b>&gt;&gt;\$100.00</b>
During After Hours	<b>\$78.32</b>	<b>\$125.00&lt;&lt;</b>

\* \* \*

(B) *Industrial Discharge Permit Fees: 3 Year Period.*

(1) Type I, II, and III permit fees will be set as follows:

	FY 21-22	FY 22-23
Discharge Permit-Type I	<b>\$2,167.00</b>	<b>&gt;&gt;\$2,112.00</b>
Discharge Permit-Type II	<b>\$1,083.00</b>	<b>\$995.00</b>
Discharge Permit-Type III	<b>\$301.00</b>	<b>\$775.00&lt;&lt;</b>

(C) *Fats, Oil and Grease (FOG) Permit Fees: 1 Year Period*

(1) Fats, Oil and Grease (FOG) permit fee will be set as follows:

	FY 21-22	FY 22-23
FOG Permit	<b>\$122.00</b>	<b>&gt;&gt;\$122.00&lt;&lt;</b>

\* \* \*

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions

of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect on October 1, 2022.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

---

Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

**Within the exhibit, ~~strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.**



## **LEGISLATIVE MEMORANDUM**

**DATE:** 9/7/2022

**RE:** Ordinance 2022-98, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, first reading

**ATTACHMENTS:**

**Description**

**Ordinance 2022-98**

## ORDINANCE 2022-98

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 202, RECLAIMED WATER, BY ADJUSTING THE RATES, FEES, AND CHARGES FOR RECLAIMED WATER; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 202, Reclaimed Water, Section 202.09, Rates and Charges, is hereby amended and shall henceforth read as follows:

**“Section 202.09 RATES AND CHARGES.**

(A) All fees shall be set as follows for the use of reclaimed water:

	FY 21-22	FY 22-23
Residential – Flat Rate	<del>\$12.26</del>	>>\$12.72
Commercial – Metered – Base – 5/8” x 3/4” Meter	<del>\$15.90</del>	\$16.50
Commercial – Metered – Base – 1” Meter	<del>\$34.35</del>	\$35.64
Commercial – Metered – Base – 1 1/2” Meter	<del>\$65.09</del>	\$67.53
Commercial – Metered – Base – 2” Meter	<del>\$102.01</del>	\$105.84
Commercial – Metered – Base – 3” Meter	<del>\$220.05</del>	\$228.30
Commercial – Metered – Base – 4” Meter	<del>\$341.86</del>	\$354.68
Commercial – Metered – Base – 6” Meter	<del>\$680.06</del>	\$705.56
Commercial – Metered – Consumption (per tgals)	<del>\$.59</del>	\$.61<<

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect on October 1, 2022.

Read in title only at Meeting 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting 2022-XX, held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Within the exhibit, ~~strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***





## **LEGISLATIVE MEMORANDUM**

**DATE:** 9/7/2022

**RE:** Ordinance 2022-99, adopting the final budget for Fiscal Year 2022-2023, first reading

**ATTACHMENTS:**

**Description**

Ordinance 2022-99

## **ORDINANCE 2022-99**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Palm Bay, Florida, held a public hearing as required by Section 200.065, Florida Statutes, on September 7, 2022, and

**WHEREAS**, the City Council of the City of Palm Bay, Florida, adopted a tentative budget and tentative millage rate necessary to fund the tentative budget, and

**WHEREAS**, a further public hearing was held to adopt a millage rate and finalize the budget, and

**WHEREAS**, the final millage has been adopted prior to this Ordinance as required by Florida Truth in Millage.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The budget for the City of Palm Bay, which is by reference incorporated herein as Exhibit A and made an integral part of this ordinance, is hereby adopted as the final budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, pursuant to City Charter and City Code of Ordinances, Chapter 35, Finance.

**SECTION 2.** Funds are hereby appropriated in accordance with City Code of Ordinances, Chapter 35, Finance, Section 35.028, as set forth in the final adopted budget.

**SECTION 3.** The provisions within this ordinance shall take effect on October 1, 2022.

Read in title only at Meeting No. 2022-XX, held on \_\_\_\_\_, 2022; and read in title only and duly enacted at Meeting No. 2022- XX, held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_



## **LEGISLATIVE MEMORANDUM**

**DATE:** 9/7/2022

**RE:** Discussion of declaring critical need funding for Fiscal Year 2022-2023.

**ATTACHMENTS:**

**Description**

**Proposed Resolution**

## **RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, DECLARING CRITICAL NEED FUNDING FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN ACCORDANCE WITH CITY CHARTER ARTICLE VI – TAXES & FEES, SECTION 6.01 TAXES, SUBSECTION (C), RESULTING IN AN AD VALOREM PROPERTY TAX OPERATING MILLAGE RATE IN EXCESS OF THE 3.0% CAP RATE; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay has an estimated 127, 603 residents making it the largest City in Brevard County, the second largest city in East Central Florida and the sixteenth largest city in Florida; and

**WHEREAS**, at 88 square miles, the City of Palm Bay is the largest city in Brevard County and among the top 20 largest cities in Florida; and

**WHEREAS**, as a chartered municipality, the City has the power “to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law” Fla. Const. Art. VIII, § 2; and

**WHEREAS**, the municipal services the City of Palm Bay provides includes police and fire services; and

**WHEREAS**, to address the poor condition of roads within the City of Palm Bay, in 2018 voters passed a referendum approving the issuance of \$150,000,000 General Obligation Bonds to construct roadway improvements; and

**WHEREAS**, based upon the number of roads, the type of repair the roadway received and upon consultation with City staff, City Council and management set a goal to contribute an average of 4 million dollars yearly to maintain the roads within the City; and

**WHEREAS**, the City's power to levy a millage for ad valorem taxes to fund municipal functions and services is restricted by state and city law; and

**WHEREAS**, Section 200.081 Florida Statutes prohibits municipalities from levying a millage in excess of 10 mills; and

**WHEREAS**, pursuant to Section 1, Chapter 74-430, Laws of Florida, as amended by Section 1, chapter 85-381, Laws of Florida, if the proposed budget for operating funds of a governmental unit in Brevard County levying ad valorem taxes on all or part of Brevard County's tax roll exceeds by ten percent the ad valorem tax revenues for operating funds for the previous year, exclusive of the revenues raised from new construction and improvements that were not on the previous year's tax roll, then the municipality must request approval by an affirmative referendum vote; and

**WHEREAS**, on November 8, 2016, by referendum voters amended Section 6.01 the City's Charter to prohibit City Council from imposing any ad valorem tax for city purposes at a millage rate which causes the budgeted revenue to the City to increase over the budgeted ad valorem revenue for the previous fiscal year by more than three percent (3%), commonly referred to as the "3% Cap"; and

**WHEREAS**, the approved amendment to Section 6.01(c) of the City's Charter permits the City Council to impose an ad valorem tax for municipal purposes at a rate which exceeds the 3% Cap "if a supermajority of the City Council concurs in a finding that such an excess is necessary because of emergency or critical need. The finding shall set forth the ultimate facts upon which it is based and shall be valid for a single budget year;" and

**WHEREAS**, The ad valorem property tax operating millage rate for municipal

purposes to be levied on the taxable property within the City limits of the City of Palm Bay, Florida, during the fiscal year beginning October 1, 2022, and ending September 30, 2023, is set at the rate of 7.5995 mills exceeding the 3.0% CAP (limitation on budgeted revenue) rate of 6.7770 by 12.14%; and

**WHEREAS**, a supermajority of City Council finds there is a critical need for funding police, fire, capital assets and project needs and road maintenance for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The above recitals are true and correct and are hereby incorporated by reference.

**SECTION 2.** A critical need exists to impose an ad valorem tax for municipal purposes at a rate that will exceed the budgeted ad valorem revenue by more than three percent (3%) to address funding deficiencies in police, fire, capital asset and project needs, and road maintenance as supported by the following ultimate facts:

1. The City of Palm Bay has experienced a 10-year population growth rate of 18.4%, however, the General Fund full-time employee count has only increased 6.4%.
2. The City of Palm Bay's staffing of police officers in comparison to the City's population results in an average ratio of 1.38 police officers per 1,000 residents which is significantly below the State of Florida's average of 2.33 police officers per 1,000 residents. As a result, the City of Palm Bay's Police Department has the lowest police officer to resident ratio in Brevard County and ranks 241 out of 246 Police Departments in the State of Florida.

3. The City of Palm Bay's average ration of 0.95 Firefighters per 1,000 residents is below the National Fire Protection Association (NFPA) recommended average of 1.52 Firefighters per 1,000 residents.
4. As the City of Palm Bay is a geographically large city encompassing over 88 square miles, the unmet need for additional firefighters and fire stations has resulted in an increasing number of Fire response calls nearing the upper end of the four-to-eight-minute travel time standards set by the National Fire Protection Association (NFPA).
5. The General Fund capital funding asset and project needs total more than \$11.7 million for Year One (Fiscal Year 2023) of the Five-Year 2023 to 2027 Master Capital Improvement Plan (CIP) total of \$96.4 million.
6. The City of Palm Bay has 150 vehicles and pieces of equipment at, or exceeding their useful life, as reflected in the fleet capital asset database, with an estimated capital replacement cost value of over \$5.0 million; and
7. The City of Palm Bay's current funding capabilities only permit funding for road maintenance needs ranging from \$750,000 to \$1.0 million annually, well below the goal of \$4.0 million average annual funding jeopardizing the City's ability to properly maintain the roadways being repaired by the \$150,000, 000 General Obligation Bond.

**SECTION 3.** The provisions within this resolution shall take effect on October 1, 2022. This resolution was duly enacted at Meeting No. 2022-XX, of



the City Council of the City of Palm Bay, Brevard County, Florida, held on  
September 21, 2022.

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Robert Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK