



City of North Port

RESOLUTION NO. 2023-R-78

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING A PAYMENT IN LIEU OF TAXES CHARGED IN ADDITION TO THE WATER BASE FACILITY CHARGE, WATER CONSUMPTION CHARGE, AND BULK WATER CHARGE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR ADOPTION OF PAYMENT IN LIEU OF TAXES; PROVIDING FOR EXCLUSIONS TO PAYMENT IN LIEU OF TAXES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 78-38 of the Code of the City of North Port, Florida, the City Commission shall establish and adopt by resolution a water system rate schedule to include a bulk water rate; and

WHEREAS, on September 10, 2019, the City Commission adopted Resolution No. 2019-R-16, adopting the City's utility rate and water system rate schedules, including fire protection service rates, guaranteed revenue charges, reclaimed water rates, water system rates and fees, wastewater rates and fees, and automatic increases; and

WHEREAS, on September 13, 2022, the City Commission adopted Resolution No. 2022-R-57, adopting the City's annual utility rate schedule for private fire protection services, the utility rate schedule for reclaimed water, the water system rate schedule for bulk water, the utility rate schedule for water and wastewater service deposits, and automatic rate increases; and

WHEREAS, on June 14, 2023, at a publicly notices workshop, the City Commission discussed the adoption of a payment in lieu of taxes on utility water rates to cover the services provided to parcels that are publicly owned by a utility and exempt from property taxes; and

WHEREAS, the City Commission desires to adopt a rate schedule incorporating rates for a payment in lieu of taxes in addition to the rate schedules adopted in Resolution No. 2019-R-16 for water base facility charges and water usage volume charges; and

WHEREAS, the City Commission desires to adopt a rate schedule incorporating rates for a payment in lieu of taxes in addition to the rate schedule adopted in Resolution No. 2022-R-57 for bulk water; and

WHEREAS, the City Commission finds it necessary for the utilities department to make a tax equivalent payment for the services received from the City, including for police and fire department services; and

WHEREAS, the City Commission finds that this payment in lieu of taxes serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

SECTION 2 – ADOPTION OF PAYMENT IN LIEU OF TAXES

2.01 The City Commission hereby adopts the following utility rate schedule incorporating rates for a payment in lieu of taxes added to the charges for water base facility, water consumption, and bulk water charges:

Payment in Lieu of Taxes	
Charge Type	Effective Date – December 1, 2023
Water base facility charges, water consumption charges, and bulk water charges	5% of charges

SECTION 3 – EXCLUSIONS TO PAYMENT IN LIEU OF TAXES

3.01 Private fire protection shall not be subject to the 5% change.

3.02 Annual guaranteed revenue charges shall not be subject to the 5% change.

SECTION 4 – CONFLICTS

4.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of such conflict.

SECTION 5 – SEVERABILITY

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 6 – EFFECTIVE DATE

6.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on November 28, 2023.

CITY OF NORTH PORT, FLORIDA

MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY