

8

R-10-010

A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE IMPOSITION AND PAYMENT OF CERTAIN PAYMENTS IN LIEU OF TAXES UPON CERTAIN PROPERTY UTILIZED BY THE COUNTY'S UTILITY SYSTEM; PROVIDING FOR THE AMOUNT, SOURCE AND PRIORITY OF SUCH PAYMENT; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE IMPOSITION AND COLLECTION OF SUCH PAYMENTS IN LIEU OF TAXES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the Constitution and applicable laws of the State of Florida authorize and empower Manatee County, Florida (the "County"), to adopt this Resolution; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has acted pursuant to the Florida Constitution; Chapter 125, Florida Statutes, as amended and supplemented; Part VII of Chapter 159, Florida Statutes, as amended and supplemented; Chapter 63-1598, Laws of Florida, Acts of 1963, as amended and supplemented; Chapter 197, Florida Statutes, as amended and supplemented; Chapter 403, Florida Statutes, as amended and supplemented; Ordinance No. 85-11, enacted by the Board on April 23, 1985, Ordinance No. 91-25, No91-26 and No. 91-27, each enacted by the Board on January 15, 1991, as such ordinances may be amended and supplemented from time to time; and other applicable provisions of law, (the "Act") to create a consolidated utility system (the "System"), which the County currently owns and operates; and

WHEREAS, the System, as a unit of the County, is exempt from all County taxation; and

WHEREAS, the System would be subject to County taxes if it were owned by a private enterprise; and

WHEREAS, the users of the System, both within and outside the County, benefit from the County ownership of the System; and

WHEREAS, the taxpayers of the County would pay higher taxes because the System is not privately owned in the absence of the impositions provided; and

WHEREAS, the proposed payments in lieu of taxes will not exceed the amount that would be paid if the County's applicable property tax rate was applied to the book value; and

WHEREAS, the Board has previously adopted R-91-021 authorizing the issuance of the first, second and third series of Manatee County Public Utilities Revenue Bonds in the initial aggregate principal amount of not exceeding \$200,000,000 for the purpose of refunding certain outstanding Manatee County, Florida, Water and Sewer Revenue Bonds

and making certain immediate additions , extensions, and improvements to the Manatee County Water and Sewer System prior to the creation of the Manatee County Public Utilities System; as amended and supplemented and as may be amended and supplemented in the future (collectively, the "Resolution"); and

WHEREAS, pursuant to the Resolution, the revenues, fees and charges derived from the operation of the System shall first be used to pay Operating Expenses, including payments in lieu of taxes, before the payment of principal, redemption premium, if any, and interest on the County's outstanding Public Utilities revenue bonds (the "Bonds"); and

WHEREAS, the Board of County Commissioners has previously adopted Resolution R-89-178 which authorizes payments in lieu of taxes from the Utilities System to the County's General Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, as follow:

SECTION 1. Authority of this Resolution. This Resolution is enacted pursuant to the "Act" and Resolution R-89-178

SECTION 2. Imposition and Payments in Lieu of Taxes. There is hereby imposed upon the System the obligation to pay to the County certain amounts in lieu of ad valorem taxes (the "Impositions"). The Impositions shall be payable in full, to the General Fund of Manatee County, for 2009-10 fiscal year, in the amount of \$3,290,167 for the Water and Wastewater facilities and \$50,000 for the Solid Waste facilities on the effective date of this Resolution.

SECTION 3. Funds from Which Impositions Payable. The impositions shall be payable by the System from monies available in the Revenue Funds, (as described in Part II, Section 4(D) of the Resolution), and subject to the limitations contained therein.

SECTION 4. Additional Authorization. The Chairman and Clerk of the Board and any other proper officials of the County, and each of them, is hereby authorized and directed to do and cause to be done all acts and things necessary or proper for carrying out the intent of this Resolution.

Such additional authorization shall include the initiation of rate studies from time to time and the adoption of rate resolutions on a timely basis to ensure that all obligations of the County under the Resolution, together with the payment of the Impositions, are satisfied.

SECTION 5. Review of Appraisals. A certified copy of this resolution shall be furnished to the Property Appraiser for Manatee County who is hereby requested to advise the Board in the event the impositions authorized by this resolution should appear to be in excess of the maximum that would be due and owing if the system was operated by a for-profit private enterprise.

SECTION 6. Severability. In the event any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding(s) shall not affect the validity of any other work, clause, phrase, sentence or paragraph hereof.

SECTION 7. This resolution shall take effect immediately upon adoption.

ADOPTED IN OPEN SESSION WITH A QUORUM PRESENT AND VOTING THIS 26th DAY OF January, 2010.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ATTEST: R.B. SHORE, CLERK
CIRCUIT COURT



BY: Susan Albright
AR

[Signature]

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	APPROVAL OF PAYMENTS IN LIEU OF TAXES RESOLUTION R-10-010	TYPE AGENDA ITEM	Consent
DATE REQUESTED	January 26, 2010	DATE SUBMITTED/REVISED	January 20, 2010
BRIEFINGS? Who?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Financial Management Dept.	AUTHORIZED BY TITLE	Jim Seuffert, Director, FMD <i>JS</i>
CONTACT PERSON TELEPHONE/EXTENSION	Peggy Curtin, FMD x3748	PRESENTER/TITLE TELEPHONE/EXTENSION	Jim Seuffert, Director, FMD x3760
ADMINISTRATIVE APPROVAL		<i>[Signature]</i>	

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

- Adoption of Resolution R-10-010 confirming authorization of the imposition and payment of the FY2009-2010 payments in lieu of taxes upon certain property owned by the County's Utilities System, as previously approved by the Board and anticipated in the FY 2009-2010 budgets.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

- R-89-178 and subsequent resolutions authorizing payments in lieu of tax from the Utilities System to the General Fund.

BACKGROUND/DISCUSSION

- In 1989, the Board of County Commissioners initially authorized payments in lieu of taxes (PILT) from the Utility System to the County General Fund in order to reduce property taxes countywide.
- Each year, the Board of County Commissioners adopts a resolution confirming the payments for that year.
- For the FY2009-2010, the amount of payment in lieu of taxes to the General Fund from the Utilities System will be \$3,340,167, as provided for in the FY2009-2010 budget.

COUNTY ATTORNEY REVIEW		APPROVED IN OPEN SESSION
Check appropriate box		JAN 26 2010
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: __)	BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)	
<input checked="" type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)	
<input type="checkbox"/>	OTHER	

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS: <i>MA 1/26/10</i>	
Resolution R-10-010		Certified copies of R-10-010 to FMD, Clerk's Finance, Tax Collector, and Property Appraiser.	
COST:	N/A	SOURCE (ACCT # & NAME):	Water & Sewer Administration- 4010008200552015 Landfill Operations- 4800010900552015
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

M-10-017

Selected 2 Acct Keys

User: Curtin, Peggy

YTD Actual to Annual Budget

12/22/09

SELECT GL Account Key: 4010008200,4800010900 ; Object: 552015

GL Side BC-BCC GENERAL LEDGER

WB-WORKING BUDGET

Object	Description	Director	FY	Qt	Pe
552015	Pmt In Lieu of Taxes		10	01	12

GL Account Key	Budget	Actual	Encumbrance	Balance
401-0008200 W/S-Administrat	3,290,167.00	0.00	0.00	3,290,167
480-0010900 Landfill Oper	50,000.00	0.00	0.00	50,000
*** TOTAL EXPENSE ***	3,340,167.00	0.00	0.00	3,340,167

Hit RETURN when done with this screen or PRINT:

Selected 2 Acct Keys

User: Curtin, Peggy

Org. Keys and Parts

12/22/09

SELECT GL Account Key: 4010008200,4800010900

GL Side BC-BCC GENERAL LEDGER

ACCOUNT NUMBER Acct Key Code & Title =====	Fund Division =====	Fund grp Cost ctr =====	Function Section =====	Depart Budget =====
401-0008200	401	401	53	23
4010008200 Water/Sewer-Administration	042	00082	0008200	2304
480-0010900	480	407	53	23
4800010900 Landfill Operations	048	00109	0010900	2303

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