

F.D. SPORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

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CLERK
MANATEE

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85 MAY 31 AM 10 38

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, PROVIDING FOR ACQUISITION AND CONSTRUCTION OF COUNTY BUILDINGS, PROPERTY, ROADS, HIGHWAYS, WATERWAYS, DRAINAGE, RECREATIONAL OR SOLID WASTE, AND RESOURCE RECOVERY FACILITIES IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY THE COUNTY OF MANATEE, FLORIDA, TO FINANCE THE COST THEREOF; PROVIDING FOR THEIR PAYMENT FROM REVENUES DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION AND AUTHORIZED TO BE PLEDGED FOR THE PURPOSES PROVIDED HEREIN; PROVIDING FOR THE RIGHTS OF THE OWNERS OF SUCH REVENUE BONDS; PROVIDING FOR THE ISSUANCE OF BOND ANTICIPATION NOTES; AND PROVIDING THE METHOD BY WHICH THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, pursuant to Article VIII, Section 1 of the Constitution of the State of Florida and Section 125.01 Florida Statutes, the Board of County Commissioners of Manatee County, Florida, has all powers of local self-government to perform County functions and to render services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of County ordinances; and

WHEREAS, it is necessary for the public health, safety and general welfare of the County and its citizens that provision be made for acquisition and construction of County buildings, property, roads or highways and for financing or refinancing the cost of such County buildings, roads or highways.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MANATEE, FLORIDA:

SECRETARY OF STATE
MAY 30 10 01 AM '85

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"C" Capital Improvements Projects

SECTION 1. DEFINITIONS. As used in this ordinance, the following words and terms shall have the meanings, unless some other meaning is plainly intended:

(1) The word "County" shall mean the County of Manatee, Florida.

(2) The term "Board" shall mean the Board of County Commissioners of the County of Manatee, Florida.

(3) The word "Project" shall mean the construction, acquisition, reconstruction, renovation, and improvement of county buildings, property, roads, highways, waterways, drainage, recreational, solid waste and resource recovery facility improvements, including all lands or interest therein, equipment and all property real or personal, tangible or intangible, now or hereafter owned or used in connection therewith or the refunding of any debt of the County issued in connection therewith.

(4) The term "Bonds" shall mean the obligations issued by the County under the provisions of this ordinance to pay the Cost of the Project and payable from certain Non-Ad Valorem Revenues as shall be determined by subsequent proceedings of the County.

(5) The term "Non-Ad Valorem Revenues" shall mean all monies derived by the County from sources other than ad valorem taxation and shall also exclude all monies which are prevented from being pledged as provided herein, or used for the purposes provided herein or by Federal or State Law or pledged by the County under proceedings heretofore adopted or such monies that are derived from any self

liquidating project or facility that the County may hereafter construct to acquire.

(6) The term "Cost of a Project" shall mean the cost of acquiring or constructing such Project, and the cost of improvements, and shall include the cost of all labor and materials, the cost of all lands, property, rights easements, and franchises acquired, which are deemed necessary for such construction or acquisition, the cost of all machinery and equipment, financing charges, interest prior to, during and for one year after the completion of construction, necessary reserves, engineering and legal expenses, cost of plans, specifications, surveys, estimates of construction costs of revenues, other expenses necessary or incident to determining the feasibility or practicability of such construction or acquisition, administrative expenses, and such other expenses as may be necessary or incidental to the financing herein authorized and to such construction or acquisition and the placing of the Project in operation.

SECTION 2. GENERAL POWERS. The County is hereby authorized and empowered:

(1) To acquire by purchase or to construct, or partly acquire and partly construct, and to improve, repair, reconstruct, own, operate and maintain a Project.

(2) To issue Bonds to pay the Cost of a Project payable from certain Non-Ad Valorem Revenues as shall be determined by subsequent proceedings of the County.

(3) To fix and collect rentals or other charges for the services and facilities furnished by the Project to the extent applicable.

(4) To acquire in the name of the County, either by purchase or the exercise of the right of eminent domain, such lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property, as it may deem necessary in connection, with the construction, reconstruction, improvement, extension, enlargements, operation or maintenance of any Project.

(5) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this ordinance, and to employ such consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as may, in the judgment of the Board, be deemed necessary, and to fix their compensation.

(6) To receive and accept from any Federal or State agency grants for or in aid of the planning, construction, reconstruction or financing of any Project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

(7) To issue Bond Anticipation Notes, in the manner provided in Section 10 hereof.

SECTION 3. NEITHER CREDIT NOR TAXING POWER PLEDGED.

(1) Bonds issued under the provisions of this ordinance shall not be deemed to constitute a debt of the County or a pledge of the full faith and credit of the County, but such Bonds shall be payable solely from certain Non-Ad Valorem Revenues as determined by subsequent proceedings of the County. All such Bonds shall contain a statement on their face to the effect that the County is not obligated to pay the same or the interest thereon except from the Non-Ad Valorem Revenues as determined by subsequent proceedings of the County and that the full faith and credit of the County are not pledged to the payment of the principal of or interest on the Bonds.

(2) The Bonds issued under the provisions of this ordinance shall not directly or indirectly or contingently obligate the County to levy or to pledge any form of ad valorem taxation therefor. No owner of Bonds shall ever have the right to compel the exercise of the ad valorem taxing power on the part of the County to pay such Bonds or the interest thereon or to enforce payment of such Bonds or the interest thereon against any property of the County, nor shall such Bonds constitute a charge, lien or encumbrance, upon any property of the County, except for the certain Non-Ad Valorem Revenues pledged for the payment of the Bonds as determined by subsequent proceedings of the County.

SECTION 4. PURCHASE OF PROJECT. The Board is hereby authorized to acquire by purchase, whenever it shall deem such purchase expedient, any Project, or any such Project, wholly or partly constructed, and any franchise, easements, permits and contracts for the construction of any such Project, upon such terms and at such prices as may be reasonable and can be agreed upon between the Board and the owner thereof.

SECTION 5. BONDS.

(1) The Board shall have the power and it is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of Bonds for the purpose of paying all or part of the Cost of a Project. The Board shall determine the form of the Bonds, the manner of their execution, their determination or denominations, the place or places of payment of principal and interest which may be at a bank or trust company within or without the State of Florida. The Bonds are not subject to any limitation on indebtedness prescribed by law and shall not be included in the amount of bonds which the County may be authorized to issue under any statute. The Board may sell the Bonds in such manner and for such price as it may determine to be in its best interests and at such rate or rates of interest not exceeding the maximum amount prescribed by law. Prior to the preparation of definitive Bonds, the Board may, under like restrictions, issue its temporary bonds, exchangeable for definitive Bonds when such Bonds have been executed and are available for delivery. The Board may also provide for the replacement of any Bonds which

shall become mutilated, destroyed, stolen or lost. Such Bonds may be issued without any other proceedings or conditions other than those proceedings or conditions which are specifically required by this ordinance.

(2) The net proceeds of such Bonds shall be used solely for the payment of the Cost of a Project, and the payment of the principal and interest on Bond Anticipation Notes issued by the County pursuant to Section 10 hereof. The net proceeds of the Bonds shall be expended in such manner and under such terms and conditions as the Board may provide. If the proceeds of the Bonds shall be less than the Cost of the Project, additional Bonds may in like manner be issued to provide the amount of the deficit, and, unless otherwise provided in the proceedings authorizing the Bonds, shall be deemed to be of the same issue and shall be entitled to payment from the pledged Non-Ad Valorem Revenues on a parity with the Bonds originally issued. If the proceeds of the Bonds issued for a Project shall exceed the cost thereof, the surplus may be used for the payment of the principal of and the interest on the Bonds or may be used by the County for any lawful purpose.

(3) If the County has heretofore acquired or constructed a Project and shall have issued Bonds payable from certain Non-Ad Valorem Revenues, as determined at subsequent proceedings of the County, to pay the cost thereof and if the County desires to construct additions, extensions, improvements or betterments to such Project or to acquire by purchase or to construct an additional

Project and to refund such outstanding Bonds, the County may provide for the issuance of a single issue of Bonds under the provisions of this ordinance for the combined purposes:

(a) of refunding such Bonds then outstanding upon their redemption or maturity date, and

(b) of constructing such additions, extensions, improvements or betterments or of acquiring by purchase or of constructing such additional Project.

(4) The proceedings providing for the issuance of the Bonds may also contain such limitation upon the issuance of additional Bonds as the Board may deem proper, and such additional Bonds shall be issued under such restrictions and limitations as may be prescribed by such proceedings. All monies received from the sale of the Bonds issued under the provisions of this ordinance shall be applied solely for the purposes for which the Bonds shall be authorized.

SECTION 6. PLEDGE OF NON-AD VALOREM REVENUES.

(1) The County may pledge the proceeds of certain Non-Ad Valorem Revenues, as determined by subsequent proceedings of the County, as security for the payment of the principal of and interest on the Bonds issued hereunder or for reserves or other funds that the County may create and establish under the proceedings authorizing the Bonds as shall be necessary to secure their payment.

(2) If certain Non-Ad Valorem Revenues are pledged, as determined by subsequent proceedings of the County, such pledge shall

be and constitute a valid and legally binding contract between the County and the owners of the Bonds and the County shall be obligated to budget and appropriate and to continue to receive and apply said Non-Ad Valorem Revenues in accordance with the proceedings which authorized the issuance of the Bonds for which said Non-Ad Valorem Revenues are pledged as security as long as the principal of and interest on the Bonds are outstanding and unpaid.

SECTION 7. TRUST FUNDS. All monies received pursuant to the authority of this ordinance whether Bond proceeds, Non-Ad Valorem Revenues or any other monies received by the County from the Project shall be deemed to be trust funds to be held and applied as provided in the proceedings authorizing the issuance of the Bonds.

SECTION 8. REMEDIES OF BONDHOLDERS. Any owner of Bonds issued under the provisions of this ordinance, except to the extent the rights herein given may be restricted by the proceedings which authorized the issuance of the Bonds, may by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such proceedings which authorized the Bonds and may enforce and compel the performance of all duties required by this ordinance, or by such proceedings, to be performed by the County or the Board.

SECTION 9. REFUNDING BONDS. The County is hereby authorized to provide by proper proceedings for the issuance of refunding bonds for the purpose of refunding any Bonds then outstanding at their redemption or maturity date issued under the provisions of this ordinance or any other law for the purpose of paying all or a part of the Cost of a Project, as defined in this ordinance. The County is further authorized to provide by proper proceedings for the issuance of Bonds for the combined purposes of:

(a) paying the cost of acquiring by purchase or constructing a Project, and

(b) refunding Bonds of the County which shall have been issued for a Project and shall then be outstanding at their redemption or maturity date.

The issuance of such refunding Bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Board and of the County in respect to the same, shall be governed by the foregoing provisions of this ordinance insofar as the same may be applicable.

SECTION 10. ISSUANCE OF BOND ANTICIPATION NOTES. The County may, at any time and from time to time after the adoption of the proceedings authorizing the issuance of Bonds, temporarily borrow money evidenced by Bond Anticipation Notes to pay all or a part of the Cost of a Project in anticipation of the receipt of the proceeds derived from the sale of Bonds or of the receipt of any Non-Ad Valorem Revenues, as determined by subsequent proceedings of the

County. Such Bond Anticipation Notes shall be paid in full not later than five years after the date of the issuance of such Bond Anticipation Notes. The Bond Anticipation Notes shall be authorized by proper proceedings of the County and shall be in such denomination or denominations, shall bear interest at such rate or rates not exceeding the maximum rate permitted by law, shall be in such form and shall be executed in such manner as prescribed in the proceedings authorizing the issuance of such Bond Anticipation Notes. The Bond Anticipation Notes may be sold at either public or private sale or, if such Bond Anticipation Notes issued for the purpose of renewing then outstanding Bond Anticipation Notes, they may be exchanged therefore, on such terms as the Board shall determine. If provided for in the proceedings authorizing the issuance of such Bond Anticipation Notes, the Board may retire such Bond Anticipation Notes by means of County revenues lawfully available for such purpose, in lieu of retiring them from the proceeds derived from sale of Bonds; provided, however, that before the retirement of any Bond Anticipation Notes by means other than issuance of Bonds the Board shall amend or repeal the proceedings pursuant to which the Bonds are to be issued so as to reduce the authorized amount of the Bond issue by the amount of the Bond Anticipation Notes so retired.

SECTION 11. . This ordinance shall become effective immediately upon its adoption in the manner provided by law.

Passed and adopted by the Board of County Commissioners of Manatee County, Florida on the 28th day of May, 1985.

MANATEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By *K. G. O'Neil*
Vice-Chairman

ATTESTED

R. L. ...
By: *R. L. ...* - *Chief Deputy Clerk*
Clerk of the Circuit Court of
Manatee County, Florida,
ex-officio, Clerk of the
Board of County Commissioners
of said County



The Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921
BRADENTON, FLORIDA 33506
TELEPHONE (813) 748-0411

PUBLISHED DAILY
BRADENTON, MANATEE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto; that the attached copy of advertisement, being a legal advertisement in the matter of
Public Hearing Ordinance 85-14

_____ in the _____ Court,
was published in said newspaper in the issues of _____
5/7/85

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Bradenton, Manatee County, Florida, each day and has been entered as second class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and the affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley

Sworn to and subscribed before me this

8th day of May

A.D. 19 85

(SEAL) Notary Public
Notary Public, State of Florida at Large
My Commission Expires May 30, 1987

258

NOTICE OF PUBLIC HEARING
Notice is hereby given, pursuant to Florida Statutes 125.66 that the Board of County Commissioners of Manatee County, Florida will conduct a public hearing at the office of said Board in the Courthouse, Bradenton, Fl on the 28th day of May, 1985 at 9:00 a.m. or soon thereafter to consider, act upon, adopt or reject the following ordinance:
ORDINANCE 85-14
An ordinance of the County of Manatee, Florida providing for acquisition and construction of county buildings, property roads, highways or waterways; providing for the issuance of revenue bonds by the County of Manatee, Florida, to finance the cost thereof; providing for their payment from revenues derived from sources other than ad valorem taxation and authorized to be pledged for the purposes provided herein; providing for the rights of the owners of such revenue bonds; providing for the issuance of bond anticipation notes; and providing the method by which this ordinance shall become effective.
According to Florida Statutes, Section 286.0105, a person wishing to appeal any decision by the Board of County Commissioners with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made. Any person wishing to review the above Ordinance may do so at the County Attorney's Office.
5/7/85

Manatee County
CLERK OF THE CIRCUIT COURT

Richard B. "Chips" Shore

P. O. BOX 1000 - MANATEE COUNTY COURTHOUSE - BRADENTON, FLORIDA 33506 - TELEPHONE (813) 749-1800

May 28, 1985

Liz Cloud, Chief
Bureau of Laws
Department of State
The Capitol, Room 1802G
Tallahassee, Florida 32301-8018

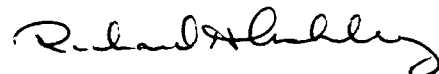
Dear Ms. Cloud:

Enclosed are two certified copies of Ordinance 85-14 adopted by the Board of County Commissioners Manatee County, Florida, in open session May 28, 1985.

MANATEE COUNTY ORDINANCE NO. 85-14:
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
PROVIDING FOR ACQUISITION AND CONSTRUCTION OF
COUNTY BUILDINGS, PROPERTY, ROADS, HIGHWAYS,
WATERWAYS, DRAINAGE, RECREATIONAL OR SOLID WASTE
AND RESOURCE RECOVERY FACILITIES IMPROVEMENTS;
PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY THE
COUNTY TO FINANCE THE COST THEREOF. . . .
PROVIDING THE METHOD BY WHICH THIS ORDINANCE SHALL
BECOME EFFECTIVE.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy of the Ordinance for your file and return one copy to my office in the enclosed self-addressed Federal Express envelope.

Sincerely,



Richard H. Ashley
Chief Deputy Clerk

RHA/eml

Encl: (2)

cc: Board Records

CLERK CIRCUIT AND COUNTY COURT - CLERK BOARD OF COUNTY COMMISSIONERS - COUNTY COMPTROLLER, AUDITOR AND RECORDER

X

STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 28th day of May, 1985.

SUBJECT: ORDINANCE NO. 85-14 (CAPITAL IMPROVEMENT BONDS)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, PROVIDING FOR ACQUISITION AND CONSTRUCTION OF COUNTY BUILDINGS, PROPERTY, ROADS, HIGHWAYS, WATERWAYS, DRAINAGE, RECREATIONAL OR SOLID WASTE AND RESOURCE RECOVERY FACILITIES IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY THE COUNTY OF MANATEE, FLORIDA, TO FINANCE THE COST THEREOF.....
PROVIDING THE METHOD BY WHICH THIS ORDINANCE SHALL BECOME EFFECTIVE.

WITNESS My Hand and Official Seal this the 28th day of May, 1985, in Bradenton, Florida.

R. B. SHORE

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

By: Richard H. Ashley
Richard H. Ashley
Chief Deputy Clerk



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

CLERK OF COURT
MANATEE COUNTY FLORIDA

FILED FOR RECORD
MAY 31 AM 10 37

May 30, 1985

Honorable Richard B. "Chips" Shore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 33506

Attention: Richard H. Ashley, Chief Deputy Clerk
Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of May 28, 1985
and certified copy/ies of Manatee County
Ordinance No. 85-14
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ Ordinance(s) in this office
on May 30, _____ 1985.
4. The original/duplicate copy/ies showing the filing date
one certified
is/~~are~~ being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/ mb

Enclosure (1)

92

FLORIDA-State of the Arts

Capital Improvement Projects

85-14

"C"