

ORDINANCE NO. 12-38

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PERTAINING TO PUBLIC FINANCE; AMENDING AND RESTATING ORDINANCE NO. 93-50 ENACTED ON NOVEMBER 30, 1993; MAKING CERTAIN FINDINGS AND DETERMINATIONS; AUTHORIZING CERTAIN FINANCIAL ASSISTANCE TO THE MANATEE COUNTY PORT AUTHORITY; PROVIDING FOR THE IMPLEMENTATION OF SUCH ORDINANCE BY SUBSEQUENT PROCEEDINGS; PROVIDING A REPEALER AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

2012 OCT 23 2H12:57
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, on November 30, 1993, Manatee County, Florida (the "County") enacted Ordinance No. 93-50 and it is hereby determined by the Board of County Commissioners of Manatee County, Florida (the "Board") to be necessary to amend and restate such ordinance; and

WHEREAS, pursuant to Section 125.01(1)(1), Florida Statutes, as amended and supplemented, the County is authorized to provide and operate port facilities; and

WHEREAS, pursuant to Section 125.01(1)(p), Florida Statutes, as amended and supplemented, the County is authorized to enter into agreements with other governmental agencies within the boundaries of the County for performance by one unit on behalf of the other, of any of either agency's authorized functions; and

WHEREAS, pursuant to Section 315.03(15), Florida Statutes, as amended and supplemented, the County is authorized and empowered, to contract debts for the acquisition or construction of any port facilities or make advances to finance all or any part of such acquisition or construction or in the carrying out of any other purposes of Chapter 315, Florida Statutes, as amended and supplemented; and

WHEREAS, pursuant to Chapter 67-1681, Laws of Florida, as codified pursuant to Chapter 2003-351, Laws of Florida, and as amended and supplemented from time to time (herein, the "County Port Authority Act"), the Florida Legislature has established the Manatee

Statutes, as amended and supplemented, Section 315, Florida Statutes, as amended and supplemented, the County Port Authority Act and other applicable provisions of law.

SECTION 3. SCOPE AND PURPOSES. The scope and purposes of this Ordinance are:

- a. To amend Ordinance No. 93-50 to make consistent with the terms and provisions of the Bond Resolution.
- b. To promote waterborne commerce at Port Manatee which will result in an economic benefit for all of Manatee County.
- c. To assist the Authority in achieving the lowest net interest rate cost for the Port Bonds issued by the Authority pursuant to the Bond Resolution.
- d. To provide a clear source of lawful authority for the County to budget and appropriate its legally available non-ad valorem revenues to cure a Reserve Account Deficiency for the 2012 Bonds and certain other Port Bonds issued under the Bond Resolution for which the County has agreed to provide financial assistance.
- e. To declare such financial assistance by the County to the Authority to be a public purpose under Florida law.

SECTION 4. COUNTY AUTHORIZED TO PROVIDE FINANCIAL ASSISTANCE. Subject to the terms and provisions of Section 5 below and, subject to the terms and provisions of subsequent proceedings of the Board, with respect to the procedures to carry out the County's financial assistance herein contemplated, including but not limited to entering into an interlocal agreement by and between the County and the Authority, the County is hereby authorized to pay over from its legally available non-ad valorem revenues to the Authority, if

necessary to cure a Reserve Account Deficiency whenever the Net Revenues of the Authority are insufficient for such purpose.

SECTION 5. NOT A GENERAL OBLIGATION OF COUNTY. The County's obligation to provide financial assistance to the Authority in the manner contemplated pursuant to this Ordinance is not a general obligation of the County and is not a pledge of its full faith and credit, and the County will never be obligated to utilize its ad valorem taxing power or be required to mortgage or pledge any County property in connection therewith unless approved by a majority of the qualified electors in the County.

SECTION 6. CONDITION PRECEDENT FOR COUNTY ASSISTANCE. The County's obligation to provide financial assistance to the Authority, as contemplated by this Ordinance, is conditioned on the agreement by the Authority to repay to the County, from the Authority's legally available surplus moneys, all non-ad valorem revenues that the County provided to the Authority under the authorization provided in this Ordinance. Such repayment obligation of the Authority shall be non-interest bearing but shall survive the payment of all Port Bonds issued under the Bond Resolution for which the County has agreed to provide financial assistance.

SECTION 7. SEVERABILITY OF PROVISIONS. If any section, clause, sentence or provision of this Ordinance, or the application of such section, clause, sentence or provisions, to any persons, bodies or circumstances, shall be held to be inoperative, invalid or unconstitutional, the invalidity of such section, clause, sentence or provision shall not be held, deemed or taken to affect the application of the provisions of this Ordinance to persons, bodies or circumstances other than those as to which it, or any parts thereof, shall have been held

inoperative, invalid or unconstitutional, and the remaining portions hereof shall not be affected and shall remain in full force and effect.

SECTION 8. REPEALER. All ordinances and resolutions, or parts thereof, in conflict with this Ordinance are to the extent of such conflict hereby repealed.

SECTION 9. ADDITIONAL AUTHORIZATION. The Board is hereby authorized to adopt such resolution or resolutions and take such actions or cause such actions to be taken which it deems necessary or proper for carrying out the purposes and transactions contemplated by this Ordinance.

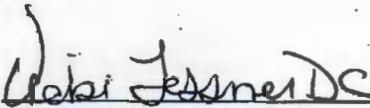
SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective in the manner provided by law. A certified copy of this Ordinance, as enacted, shall be filed with the Department of State.

PASSED AND ENACTED in regular session this, the 18th day of October, 2012.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
Chairman

Attest:


Clerk of the Board of County
Commissioners of Manatee County,
Florida



WPB 382851287v8/10-8-12/016841.010800



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 18th day of

October, 2012

R.B. SHORE
Clerk of Circuit Court

By:  D.C.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

RECEIVED
OCT 30 2012
BOARD RECORDS

KEN DETZNER
Secretary of State

October 23, 2012

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 19, 2012 and certified copy of Manatee County Ordinance No. 12-38 which was filed in this office on October 23, 2012.

As requested, one date stamped copy of this ordinance is being return for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

Enclosure