

**R-04-219**

**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 my 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 2003-04 fiscal year, in the amount of \$1,352,492 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 17<sup>TH</sup> DAY OF AUGUST, 2004.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

BY: 

ATTEST: R.B. SHORE, CLERK  
CIRCUIT COURT

BY: 

