

R-08-230

**A RESOLUTION TO ADOPT A FIVE YEAR
CAPITAL IMPROVEMENT PROGRAM AND A
POLICY REGARDING THE ADMINISTRATION OF
THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, the Manatee County Board of County Commissioners has adopted Resolution R-04-287, which details a Five Year Capital Improvement Program to meet the needs of Manatee County Government, and;

WHEREAS, the policy adopted in Resolution R-04-287 requires that the CIP be updated annually, and;

WHEREAS, the capital improvement needs for the period 2009- 2013 have been surveyed, inventoried, categorized and assembled into a five year program and prioritized, and presented in Exhibit B of the resolution, and;

WHEREAS, an adopted Five Year Capital Improvement Program shall represent general County policy with respect to capital improvement programming and improve the County's ability to obtain financing for the identified capital projects;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Resolution R-08-230

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1. The Policy for the administration of the Five Year Capital Improvement Program described in "Exhibit A" of this resolution is hereby adopted.

2. The Five Year Capital Improvement Program described in "Exhibit B" of this resolution is hereby adopted.

3. If any provisions of the Five Year Capital Improvement Programs previously adopted by the Board of County Commissioners are not consistent with this Resolution R-08-230, then R-08-230 shall prevail.

ADOPTED with a quorum present and voting this the 15th day of September, 2008.

**ATTEST: R. B. Shore
CLERK OF THE CIRCUIT COURT**

**BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA**

By: *[Signature]*

By: *[Signature]*
Secretary - Chairman



EXHIBIT A

ADMINISTRATION OF THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM

1. PURPOSE AND INTENT

This section is established to provide for the applicability and effect of the Five Year Capital Improvement Program for the Manatee County Board of County Commissioners, and to set forth specific requirements and procedures related to the revision and update of the Capital Improvement Program. It is the intent of this resolution that its prescriptive provisions shall be implemented, in part, through the completion of the Capital Improvement projects as described herein.

2. APPLICABILITY

The Five Year Capital Improvement Program shall apply to capital improvement and capital maintenance projects undertaken by the County of Manatee, Florida. For the purposes of this section, the term "capital improvement project" shall mean a non-recurring expenditure of \$50,000 or more from County funds for the construction, installation, or acquisition of capital facilities, or the acquisition of interests in land.

3. REVIEW AND REVISION

Each year the Five Year Capital Improvement Program shall be updated by resolution of the Board of County Commissioners. Such review and revision of the Capital Improvement program shall be consistent with the Goals, Objectives, and Policies of the Manatee County Comprehensive Plan.

4. CONSISTENCY OF GOVERNMENTAL DEVELOPMENT

- A. For the purpose of the consistency requirement of the Program, the first year of the Five Year Capital Improvement Program shall apply to all capital improvement projects undertaken by the County of Manatee for which funds were or will be appropriated in Fiscal Year 2008-2009, except as provided in paragraph D of Section 5 Administrative Provisions, or in a prior year, if the project has not been started as of October 1, 2008.
- B. Year Two of the Five Year Capital Improvement Program shall apply to all capital improvement projects for which funds will be appropriated in Fiscal Year 2009-2010. Projects for Year Two are subject to availability of funds and subsequent appropriation of funds by the Board of County Commissioners.

- C. Years Three through Five of the Five Year Capital Improvement Program shall represent general County policy with respect to capital improvements programming, subject to review and revision on a case by case basis during each of the succeeding budget years, and subject to availability of funds.
- D. Notwithstanding Paragraphs A, B, and C above, the County of Manatee may undertake other capital improvement projects not shown in the Five Year Capital Improvement Program as follows:
 - (1) Emergencies - Such projects found by the Board of County Commissioners to be of an emergency nature may be undertaken without amendment to the Program.
 - (2) Other Projects - Or, if not so found to be of an emergency nature, such projects that are deemed by the Manatee County Board of County Commissioners to be of higher priority than capital projects shown in the CIP may be undertaken, providing that the plan is amended by resolution of the Board of County Commissioners. Budget Amendment resolutions which identify such high priority projects as additions or changes to the CIP may serve as the required resolution to amend the plan.

Provided, however, that in all cases, such projects shall be otherwise consistent with the prescriptive provisions of the Plan.

5. ADMINISTRATIVE PROVISIONS

- A. Capital improvements shall be deemed consistent with the Capital Improvement Program where they are consistent as to general location, scale and type of facility as provided in the CIP project description, although it need not be consistent in revenue sources or manner of operation.
- B. If funding for a project identified in the CIP as a future year project or a project of record becomes available in advance of the year for which it is planned, the Board of County Commissioners may proceed to implement that project when funding becomes available without an amendment to the Plan.
- C. Amounts shown in the CIP as estimated project costs are estimates and not intended to serve as precise project budgets. This also applies to initial appropriations for the capital projects. A precise project budget will be established for a project upon completion of the following:
 - (1) Engineering and architectural plans and specifications, upon which the project cost will be estimated.

- (2) Adoption of budget amendments subsequent to completion of plans and specifications that may be necessary to properly fund the project.
- D. Budgets for projects shall be adopted by the Board of County Commissioners as provided in Resolution R-94-270 which establishes the Manatee County Budget Administration and Implementation Policy. Budget Administration Procedures as provided for under Resolution R-94-270 allow the Budget Officer or his designee to authorize the Purchasing Division to encumber items which require exception to the level of budget control established in the Budget Administration Procedures. This authorization can be given for approved projects, items previously approved for expenditure by the Board of County Commissioners, items required by law, or other expressed priorities of the Board of County Commissioners. Projects included in this CIP and previous CIP's are to be considered "approved projects" for the purpose of encumbering funds in anticipation of formal budget amendment in order to meet significant time constraints or provide for improved fiscal resource management.
- E. To the maximum extent possible, engineering and architectural plans and specifications prepared for roadway projects contained in the Capital Improvement Program will incorporate landscaping, pedestrian/bicycle facilities and other aesthetic design considerations that enhance the image of the community and reduce the impacts to adjacent land uses.
- F. This Five Year Capital Improvement Program is prepared to be consistent with the Capital Improvement Element of the Comprehensive Plan subject to any proposed amendments to the plan presented to the Board of County Commissioners. If any provisions of this resolution are not consistent with the Comprehensive Plan, then the Comprehensive Plan shall prevail over any provisions of this resolution. Projects in the Five Year Capital Improvement Element of the Comprehensive Plan may require subsequent adoption of ordinances and/or amendments to the Comprehensive Plan before the projects can be initiated.
- G. Debt service for projects funded from the proceeds of the 2004 Transportation Revenue and Refunding Bonds may be paid from Transportation Impact Fee Revenues if all applicable impact fee requirements are met.

6. FUNDING SOURCES

- A. It is the intent of the Board of County Commissioners that any project included in this program may be financed and refinanced using bond proceeds. The language in sections 6.B and 6.C below is provided to ensure that the issuance of bonds to finance projects remains as a viable alternative, even if other funding sources are used to initially finance projects.

- B. This resolution is an affirmative action of the Board towards the issuance of bonds to finance or refinance the Capital Improvement Program of the County in accordance with the laws of the State and the applicable provisions of the Internal Revenue Code of 1986, as amended and the rules and regulations of the Internal Revenue Service applicable thereto.
- C. There is hereby authorized to be issued and this Board hereby determines to issue, to the extent necessary to provide financing for projects identified herein, or refinancing for such projects funded from other sources, its general obligation and revenue bonds pursuant to the laws of the State of Florida and, if required by the laws of the State, or the Constitution, a referendum vote on such general obligation bonds, for the capital improvements described in "Exhibit B" hereto in the Five Year Capital Improvement Program in one or more series and issues in aggregate principal amount of up to \$276,069,712. The authority established herein shall be implemented by subsequent resolutions of the Board of County Commissioners.