

RESOLUTION NO. 14-119

A RESOLUTION OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; ESTABLISHING GUIDELINES FOR THE USE OF SURPLUS CONCESSION REVENUES; PROVIDING FOR RESERVATION OF RIGHTS AND DISCRETION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County owns and operates its Coquina Beach Park Facility and Manatee Beach Park Facility (collectively, the “Facilities”) on Anna Maria Island, and has awarded Franchise License Agreements (collectively, the “Concession Contracts”) for the operation of food, beverage and beach shop concessions at the Facilities to United Park Services, Inc.; and

WHEREAS, from time to time, the County receives revenue payments pursuant to the Concession Contracts, and the Board of County Commissioners (“Board”) has exercised its budgetary discretion to allocate revenues paid to the County under the Concession Contracts net of the baseline amount of \$233,520 (such net revenues to be hereinafter referred to as “Surplus Concession Revenues”) to the funding of public projects that benefit Anna Maria Island; and

WHEREAS, it is in the best interest of the public health, safety and welfare of the County to establish guidelines for the use and distribution of Surplus Concession Revenues as provided in this Resolution.

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

SECTION 1. GUIDELINES FOR USE AND DISTRIBUTION OF SURPLUS CONCESSION REVENUES. The Board hereby establishes the following guidelines for the use and distribution of Surplus Concession Revenues.

- a. *Programs.* Subject to the provisions of this Resolution, Surplus Concession Revenues shall be used to fund public capital projects, community planning studies or other consultant reports, and other one-time projects that serve a valid public purpose and benefit the entire Anna Maria Island (“Project”). A Project may be undertaken:
 - (i) Directly by the County; or
 - (ii) By one or more of the City of Anna Maria, the City of Bradenton Beach or the City of Holmes Beach (each an “Island City”, and collectively, the “Island Cities”). Projects undertaken by one or more Island City (“Intergovernmental Projects”) shall be selected and funded in accordance with the criteria set forth in *paragraph b.*, below.

- b. *Intergovernmental Projects.* The Board shall select Intergovernmental Projects in accordance with the following criteria:
- (i) An Intergovernmental Project shall benefit the entire Anna Maria Island (notwithstanding that it may be undertaken by a single Island City), which shall be evidenced by a letter jointly executed by the mayors of each of the Island Cities, stating their support for the funding of the Intergovernmental Project;
 - (ii) Before considering an Intergovernmental Project, the Board shall receive a written request from the Island City or Island Cities which shall include: (1) the letter of support described in *subparagraph (i)*, above; (2) a description of the particulars of the Intergovernmental Project; (3) a statement of the reasons why the Intergovernmental Project meets the criteria set forth in this Resolution; and (4) a detailed description of the matching funds to be provided by the Island City or Island Cities undertaking the Intergovernmental Project;
 - (iii) An Intergovernmental Project shall constitute a “one-time” project, and shall not result in a transfer from an Island City or Island Cities to the County of funding responsibility for ongoing general governmental services; and
 - (iv) The funding of an Intergovernmental Project shall be memorialized in an interlocal agreement, pursuant to Section 163.01, *Florida Statutes*, between or among the County and the Island City or Island Cities undertaking the Intergovernmental Project. The interlocal agreement shall provide for the County’s funding of the Intergovernmental Project on a reimbursement basis, subject to (1) the County’s standards and practices for intergovernmental funding, and (2) the requirements of applicable law.

SECTION 2. RESRVATION OF RIGHTS AND DISCRETION. This Resolution sets forth guidelines to the Island Cities and the public as to how the Board intends to use Surplus Concession Revenues. The Board reserves its right and budgetary discretion to use Surplus Concession Revenues for any valid public purpose, and to refuse to fund any Intergovernmental Project for any reason. Surplus Concession Revenues are not reserved exclusively for the uses described in this Resolution. The funds and accounts maintained by the County and the Clerk to the Board of County Commissioners, and the Surplus Concession Revenues deposited therein, shall not constitute “trust funds” under any provision of law or decisional case law. This Resolution does not constitute a contract with any Island City or Island Cities, or any other party, for the use of Surplus Concession Revenues or relating to the other matters addressed in this Resolution.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED WITH A QUORUM PRESENT AND VOTING THIS THE 23RD DAY OF SEPTEMBER, 2014.

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

By: *Larry Bristle*
Chairperson

**ATTEST: R.B. SHORE
Clerk of the Circuit Court**

By: *Rubin Liberty*
Deputy Clerk

