

RESOLUTION 2003- 15

**A RESOLUTION OF THE KEY LARGO
WASTEWATER TREATMENT DISTRICT
EVIDENCING ITS CONSENT TO THE INCLUSION
OF THE UNINCORPORATED AREAS OF THE KEY
LARGO WASTEWATER TREATMENT DISTRICT
WITHIN THE BOUNDARIES OF THE KEY LARGO
WASTEWATER TREATMENT DISTRICT
MUNICIPAL SERVICE TAXING UNIT**

WHEREAS, on January 29, 2003, the Key Largo Wastewater Treatment District adopted Amended Resolution No. 4, requesting that the Monroe County Board of County Commissioners establish a municipal services taxing unit not to exceed .35 mils;

WHEREAS, on May ²⁰ ~~21~~ ^{6th}, 2003, the Monroe County Board of County Commissioners adopted Ordinance No. ~~017-2003~~ creating the Key Largo Wastewater Treatment District Municipal Service Taxing Unit;

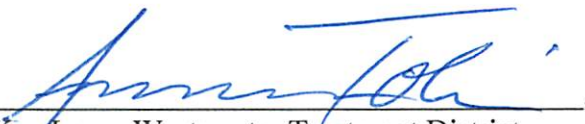
WHEREAS, Monroe County's Ordinance No. ~~018-2003~~ Section 9, requires that the effectiveness of the Ordinance shall be subject to the Key Largo Wastewater Treatment District adopting a resolution consenting to the inclusion of the unincorporated areas of the Key Largo Wastewater Treatment District within the boundaries of the Key Largo Wastewater Treatment District Municipal Service Taxing Unit;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:

The Board consents to the inclusion of the unincorporated areas of the Key Largo Wastewater Treatment District within the boundaries of the Key Largo Wastewater Treatment District Municipal Service Taxing Unit for the term of years as set forth in Monroe County's Ordinance Number 018-2003.

PASSED AND ADOPTED this 20th day of May, 2003.
FAILED this n/a day of May, 2003.

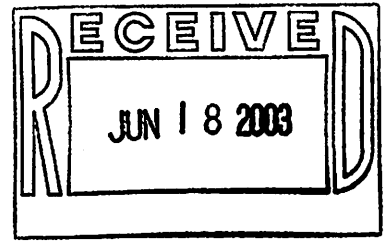
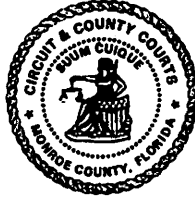
KEY LARGO WASTEWATER TREATMENT DISTRICT GOVERNING BOARD



Chair, Key Largo Wastewater Treatment District



Secretary



CLERK OF THE CIRCUIT COURT
MONROE COUNTY

BRANCH OFFICE
MARATHON SUB COURTHOUSE
3117 OVERSEAS HIGHWAY
MARATHON, FLORIDA 33050
TEL. (305) 289-6027
FAX (305) 289-1745

MONROE COUNTY COURTHOUSE
500 WHITEHEAD STREET, SUITE 101
KEY WEST, FLORIDA 33040
TEL. (305) 292-3550
FAX (305) 295-3663

BRANCH OFFICE
PLANTATION KEY
GOVERNMENT CENTER
88820 OVERSEAS HIGHWAY
PLANTATION KEY, FLORIDA 33070
TEL. (305) 852-7145
FAX (305) 852-7146

June 17, 2003

Mrs. Liz Cloud, Chief
Bureau of Administrative Code & Laws
The Collins Building
107 W Gaines Street, Suite L43
Tallahassee FL 32399-0250

Via Certified Mail 7002 2030 0001 2668 8054

Dear Mrs. Cloud,

Enclosed please find a certified copy of Ordinance No. 018-2003 creating the Key Largo Wastewater Treatment District Municipal Service Taxing Unit located within the unincorporated area of Monroe County, Florida, to provide wastewater services and facilities; defining the boundaries of the unit; authorizing the Board to annually levy ad valorem taxes within the boundaries of such unit not to exceed 0.35 mil; authorizing the use of the tax revenue for enumerated purposes; and providing an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a Regular Meeting in formal session on May 20, 2003. Please file for record.

Should you have any questions please feel free to contact me at (305) 292-3550.

Danny L. Kolhage
Clerk of the Circuit Court
and ex officio Clerk to the
Board of County Commissioners

by:


Pamela G. Hancock, D.C.

Ordinance No. 018-2003
June 17, 2003

cc: Municipal Code Corporation *via Certified Mail 7002 2030 0001 2668 8061*
County Administrator w/o document
Growth Management
County Attorney
BOCC ✓
File

MONROE COUNTY, FLORIDA

ORDINANCE NO. 018 - 2003

AN ORDINANCE OF MONROE COUNTY, FLORIDA, CREATING THE KEY LARGO WASTEWATER TREATMENT DISTRICT MUNICIPAL SERVICE TAXING UNIT LOCATED WITHIN THE UNINCORPORATED AREA OF MONROE COUNTY, FLORIDA, TO PROVIDE WASTEWATER AND RECLAIMED WATER SERVICES AND FACILITIES; DEFINING THE BOUNDARIES OF THE UNIT; AUTHORIZING THE BOARD TO ANNUALLY LEVY AD VALOREM TAXES WITHIN THE BOUNDARIES OF SUCH UNIT NOT TO EXCEED 0.35 MIL; AUTHORIZING THE USE OF THE TAX REVENUE FOR ENUMERATED PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

SECTION 1. TITLE. This ordinance may be cited as the Key Largo Wastewater Treatment District (KLWTD) Municipal Service Taxing Unit (MSTU).

SECTION 2. AUTHORITY AND PURPOSE.

(A) This Ordinance is enacted under the authority of Article VIII, Section 1, Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes. The Board of County Commissioners (the "Board") of Monroe County, Florida, has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances and resolutions.

(B) Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service taxing unit for any part or all of the unincorporated areas within its boundaries, or within the municipal boundaries of an incorporated area upon consent of the governing body of such municipality, within which may be provided essential facilities and services.

(C) The purpose of this Ordinance is to create a municipal service taxing unit to fund the provision of municipal services associated with the administration, planning and

development of wastewater and reclaimed water projects within the municipal service taxing unit as generally described in Section 3 of this Ordinance. This Ordinance shall be liberally construed to effect the purposes hereof.

(D) This Ordinance is adopted to fulfill the request of the Key Largo Wastewater Treatment District and in consideration of the Board's obligations under a Transition Agreement by and between the Key Largo Wastewater Treatment District, the Florida Keys Aqueduct Authority (the "Authority"), and the Board to provide limited funding source for the reimbursement and provision of municipal services relating to administration, planning and development of wastewater and reclaimed water projects (the "Transition Agreement").

SECTION 3. CREATION OF MUNICIPAL SERVICE TAXING UNIT.

(A) Pursuant to the provisions of section 125.01(1)(q), Florida Statutes, there is hereby created a municipal service taxing unit for that portion of the County within the unincorporated of Key Largo under the jurisdiction of the KLWTD. Such municipal service taxing unit shall be known as the Key Largo Wastewater Treatment District Municipal Service Taxing Unit. All matters concerning such municipal service taxing unit shall be governed by the Board.

(B) The boundaries of the Key Largo Wastewater Treatment District Municipal Service Taxing Unit (MSTU) shall embrace and include territory consisting of Key Largo including all lands east of Tavernier Creek, including Tavernier, Key Largo and Cross Key, with the exception of Ocean Reef.

(C) From time to time the Board may by resolution take any action not inconsistent with this Ordinance or the Transition Agreement to assist the KLWTD in funding the administration, planning and development of wastewater and reclaimed water projects within and benefiting the Key Largo Wastewater Treatment District Municipal Service Taxing Unit.

SECTION 4. AUTHORIZATION OF AD VALOREM TAXES.

(A) The Board is hereby authorized, in the manner and under the authority provided by section 125.01(1)(q) and (r), Florida Statutes, to levy and collect additional ad valorem taxes at a millage rate not to exceed 0.35 mil upon real and personal property within the Key Largo Wastewater Treatment District Municipal Service Taxing Unit commencing with County fiscal year 2003-2004. The foregoing millage limitation shall not be increased without the Key Largo Wastewater Treatment District first adopting a resolution consenting thereto.

(B) The collection of ad valorem taxes as authorized herein shall cease after four (4) consecutive fiscal years and the Key Largo Wastewater Treatment District Municipal Service Taxing Unit shall terminate at the end of County fiscal year 2007-2008.

SECTION 5. USE OF REVENUE; IMPLEMENTATION.

(A) Revenues derived from ad valorem taxes levied within the Key Largo Wastewater Treatment District Municipal Service Taxing Unit pursuant to Section 4 shall be used solely to pay for and provide funding for administration, planning and development costs associated with and incurred in advancing of wastewater and reclaimed water projects within and benefiting the Key Largo Wastewater Treatment District Municipal Service Taxing Unit.

(B) The Board shall adopt a budget for the Key Largo Wastewater Treatment District Municipal Service Taxing Unit for the fiscal year beginning October 1, 2003, and each year thereafter, at the same time and in the same manner as the County budget. Such budget shall contain all or such portions of the costs incurred and planned in conjunction with the funding of municipal services contracted to be provided by the Authority under any interlocal agreement.

SECTION 6. SEVERABILITY. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

SECTION 8. INCLUSION IN THE CODE OF ORDINANCES. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

SECTION 9. EFFECTIVE DATE.

(A) The effectiveness of this Ordinance shall be subject to the Key Largo Wastewater Treatment District adopting a resolution consenting to the inclusion of the unincorporated areas of the Key Largo Wastewater Treatment District within the boundaries of the Key Largo Wastewater Treatment District Municipal Service Taxing Unit.

Ordinance Creating Key Largo Wastewater Treatment District MSTU

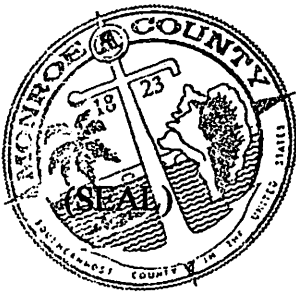
(B) After enactment by the Board, this Ordinance shall be filed with the Department of State as provided in section 125.66(2), Florida Statutes, said filing to be effective on or before June 30, 2003.

[Remainder of page intentionally left blank.]

Ordinance Creating Key Largo Wastewater Treatment District MSTU

PASSED AND ADOPTED by the Board of County Commissioners, Monroe County, Florida at a regular meeting of said Board held on this 20th day of May, 2003.

Mayor Dixie Spehar	<u>yes</u>
Mayor Pro Tem Murray Nelson	<u>yes</u>
Commissioner George Neugent	<u>no</u>
Commissioner Charles "Sonny" McCoy	<u>yes</u>
Commissioner David Rice	<u>yes</u>



BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

By: Dixie M. Spehar
Mayor/Chairperson

Danny Kolhage, Clerk

By: Jamela Hancock
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
BY: [Signature]
ROBERT N. WOLFE
DATE 5-13-03

FILED FOR RECORD
2003 JUN 17 AM 11:50
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.

EXHIBIT A

**KEY LARGO WASTEWATER TREATMENT DISTRICT MUNICIPAL SERVICE
TAXING UNIT AREA**

The Municipal Services Taxing Unit will include all areas within the boundaries of the Key Largo Wastewater Treatment District inclusive as identified in the attached map graphic.

