

R-28.50

ORDINANCE NO.: 90-33

AN ORDINANCE TO CREATE THE ISTACHATTA - NOBLETON RECREATION AND COMMUNITY HALL MUNICIPAL SERVICE TAXING UNIT DISTRICT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR AND FOR THE SELECTION OF AN ADVISORY COMMITTEE; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR THE PREPARATION OF AN ANNUAL BUDGET AND THE COLLECTION AND LEVY OF TAXES; PROVIDING FOR CAPITAL RESERVES; PROVIDING FOR FISCAL REGULATIONS BY THE COUNTY COMMISSION; DECLARATION OF SPECIAL BENEFITS; PROVIDING FOR AMENDMENTS TO ORDINANCE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

RLaura Rm131

SECRETARY OF STATE

DEC 20 1990

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FILED FOR RECORD
KAREN NICOLA, CLERK
HERNANDO COUNTY, FL
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BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I. FINDINGS OF FACT AND PURPOSE.

It is the finding of the Board of County Commissioners that the Legislature has, in Section 125.01(1)(q), Florida Statutes, provided for the creation of a municipal service taxing and benefit unit as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges, special assessments and ad valorem taxes within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services, in order to solve the controversy of double taxation between residents of the incorporated and unincorporated areas and in order to provide a needed and necessary service. It is the purpose of this Ordinance to create a County Municipal Service Taxing Unit for the purpose of succeeding the Istachatta - Nobleton Recreation and Community Hall District and for exercising all powers and duties which said District had the authority to exercise.

SECTION II. CREATION OF UNIT.

The district shall consist of all property within the following described area:

All that Section of Hernando County East and North of a line described as follows: Start at a point where Highway S.R. 45 enters Hernando County from the North and proceed Southwest along said Highway to where S.R. 45 crosses the South boundary line of TWP 21S, then East along said line to the Southeast corner of Section 36, TWP 21S, Range 20E, thence South along the Western boundary of Section 6 of TWP 22S, Range 21E, to the Southwest corner of Section 7, then East along the Southern boundary, Section 7 and 8 to where I-75 and the Withlacoochee River intersect.

SECTION III. GOVERNING BODY.

The Governing Body of the Istachatta - Nobleton Recreation and Community Hall Municipal Service Taxing Unit District shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. DUTIES OF BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners shall perform all duties necessary for the providing of park and recreation facilities and services within the area of the District.

SECTION V. POWERS OF THE BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners is authorized and empowered as follows:

- A. To make rules and regulations for its own government and proceedings and to adopt an official seal for the unit.
- B. To employ engineers, attorneys, accountants, financial and other experts and such other agents and employees as said board may require to deem necessary to effectuate the purposes of this Ordinance or to contract for any such service authorized by this Ordinance.
- C. To acquire in the name of the district by purchase, lease, gift, or the exercise of the right of eminent domain, such lands and rights and interest therein, as it may deem necessary in connection with the furnishing of services

authorized by this Ordinance and to hold and dispose of all real and personal property under its control; provided, however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits of the district.

D. To designate the official address of the unit and where the records and seal shall be kept.

E. To designate the bank or proper institution for the deposit and care of any funds and negotiable documents of the unit not required to be deposited with the County Treasurer.

F. To sue and be sued in its own name, plead and be impleaded.

G. To acquire, lease as lessee or lessor, construct, reconstruct, improve, enlarge, equip, repair, maintain and operate equipment and units within the jurisdiction of the unit.

H. To determine the rate of special assessments, fees, taxes and other charges for operation of the system and/or for the use of the above services.

I. To acquire in the name of the unit by gift or purchase of any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement or operation of the unit and to hold and dispose of all real and personal property under its control.

J. To accept grants of money or materials or property of any kind for the district from any Federal or State agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.

K. To do all acts and things necessary or convenient to carry out the powers and duties granted by this Ordinance.

L. To borrow money to enable the unit to carry out the provisions of this Ordinance.

O.R. 805 PG 1672

M. The powers herein granted shall be exercised by the Board of County Commissioners.

SECTION VI. ADVISORY COMMITTEE.

The Istachatta-Nobleton Recreation District shall have an advisory committee (hereinafter called the "Committee") which shall consist of five (5) members who shall be qualified electors within the District, and who shall serve for (2) two-year terms. Appointments to the Committee shall be made by the Hernando County Board of County Commissioners, and the members' terms shall run from January 1 to December 31.

Should there at any time be a vacancy in the Committee of the District, the Hernando County Board of County Commissioners shall appoint a member to fill the balance of the term of office of such member. The Hernando County Board of County Commissioners shall have the power to remove a member for nonfeasance, misfeasance, or malfeasance, and change of residence from within the District.

The Advisory Committee shall advise and make recommendations to the Board of County Commissioners on all miscellaneous matters of the District.

SECTION VII.

A. The District shall prepare an annual budget for the cost and expenses of operations each year, at the same time and in the same manner as other County budgets. The fiscal year of the District shall commence October 1, and end September 30, in each year. The budget shall include the statutory fees of the County Property Appraiser and Tax Collector and collecting the ad valorem tax herein authorized.

B. Meetings: The Committee of the District shall hold meetings monthly which shall be open to the public.

C. Salary of the Committee: The members of the Board and of the Committee shall receive no salary for service of said Board.

O.R. 805 PG 1673

SECTION VIII. BUDGET.

The Hernando County Board of County Commissioners, upon annual request of the District Committee and upon submittal for approval of the District's budget, is hereby authorized and empowered to make an annual appropriation of monies for the operation of the Istachatta-Nobleton Recreation District, and to levy an ad valorem tax up to but not to exceed .4 mill upon each dollar of valuation of taxable real property and tangible personal property in the District for such purposes. The assessment for the ad valorem tax herein authorized, shall be made as of the 1st of January of each year.

SECTION IX. CAPITAL RESERVES.

The Commissioners are empowered to set up reservations in their budget in excess of their estimated expenditures for the ensuing fiscal year, for the purpose of creating reasonable reserves for the purchase of equipment and making other necessary capital expenditures.

SECTION X. COUNTY COMMISSIONERS - FISCAL AND OTHER REGULATIONS.

The Board of County Commissioners may by proper resolution establish rules and regulations regarding the operation of the district.

SECTION XI. DECLARATION OF SPECIAL BENEFIT.

It is hereby declared and determined by the Hernando County Board of County Commissioners that the establishment and maintenance of the unit, as aforesaid, will confer special benefits upon the lands within said unit for which an ad valorem may be assessed or collected by Hernando County, Florida, within the provisions of Florida Law.

SECTION XII. ADMINISTRATION.

The County Administrator shall be responsible for ensuring the administration of the unit.

O.R. 805 PG 1674

SECTION XIII. REPEAL.

Any ordinance in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION XIV. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

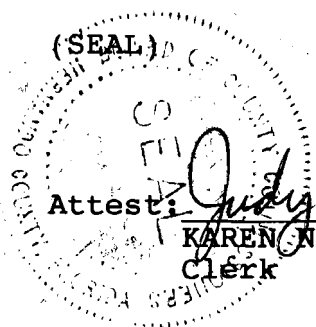
SECTION XV. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners of Hernando county, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XVI. EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 18th day of December, 1990, A.D.



Attest: Judy S. Korbus, Deputy
KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By: Harold D. Varvel
HAROLD D. VARVEL
Chairman

O.R. 805 PG 1675