

HERNANDO COUNTY ORDINANCE NO. 80-4

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, CREATING A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF PROVIDING WATER AND SEWER FACILITIES IN UNINCORPORATED AREAS OF HERNANDO COUNTY AND IN CONSENTING INCORPORATED AREAS OF HERNANDO COUNTY, TO BE KNOWN AS THE HERNANDO COUNTY WATER AND SEWER DISTRICT; AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF WATER SUPPLY AND DISTRIBUTION FACILITIES AND SEWAGE COLLECTION AND DISPOSAL FACILITIES AND APPURTENANT FACILITIES IN SUCH DISTRICT; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY SUCH DISTRICT TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM REVENUES DERIVED FROM THE OPERATION OF SUCH FACILITIES, ASSESSMENTS AGAINST PROPERTIES SPECIALLY BENEFITED BY SUCH FACILITIES, TAXES WITHIN SUCH DISTRICT ONLY AND ANY OTHER FUNDS OF SUCH DISTRICT OR OF HERNANDO COUNTY DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION AND LEGALLY AVAILABLE FOR SUCH PURPOSE; ABOLISHING WEST HERNANDO COUNTY WATER AND SEWER DISTRICT AND PROVIDING THAT THE DISTRICT HEREBY CREATED SHALL BE SUCCESSOR THERETO; AND PROVIDING THE METHOD BY WHICH THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, pursuant to Article VII, Section 1 of the Constitution of the State of Florida and Section 125.66, Florida Statutes, the Board of County Commissioners (the "Board") of Hernando County, Florida (the "County"), has all powers of local self-government to perform County functions and to render services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of County ordinances; and

WHEREAS, pursuant to Section 125.01(5), Florida Statutes, the Board has the power to create special districts within which may be provided municipal services and facilities, for any part or all of the County, including any incorporated area of the County if the governing body of such area shall approve such creation by ordinance; and

WHEREAS, it is necessary for the public health, safety and general welfare of the County and its citizens and inhabitants that provision be made for the acquisition and construction of water supply and distribution facilities and sewage collection and disposal facilities and related facilities which shall serve the County and its citizens and inhabitants and for financing the cost of such projects; and

WHEREAS, it is in the best interest of the public health, safety and general welfare of the County and its citizens and

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inna [redacted] that a municipal s [redacted] district be created for [redacted] purpose of providing such water and sewer facilities for the unincorporated area of the County and approving incorporated areas thereof; and

WHEREAS, the Board has heretofore duly created pursuant to the provisions of Part II of Chapter 153, Florida Statutes, and other applicable provisions of law, the West Hernando County Water and Sewer District, and it is in the best interest of the welfare and economy of the County and its citizens and inhabitants that the district hereinafter created succeed to all of the properties, rights, powers, responsibilities, duties and obligations of the West Hernando County Water and Sewer District, in pursuit of uniformity of services and rates and of the economies of consolidation of administration and operation, and that the West Hernando County Water and Sewer District be abolished;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. Definitions. As used in this ordinance, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

(1) "Act" shall mean Chapter 125, Florida Statutes.

(2) "Assessments" shall mean the proceeds to be derived from assessments to be levied against the lands and properties to be specially benefited by the construction of any project, including interest on such assessments and any penalties thereon and moneys received upon the foreclosure of the liens of any such assessments, but excluding money recovered for the expense of collecting Assessments.

(3) "Board" shall mean the Board of County Commissioners of the County and, ex officio, governing body of the District.

(4) "Bonds" shall mean the obligations issued by the District under the provisions of this ordinance to pay the Cost of a Project or combination of one or more Projects, the principal of and premium, if any, and interest on which shall be payable from the revenues derived from the operation of one or more Projects, Assessments, taxes within the District only or any other funds of the District or of the County derived from sources other than ad valorem taxation and legally available for such purpose.

(5) "Cost," when used in connection with a Project, shall



mean expenses necessary, appurtenant or incidental to the acquisition and construction of such Project, including without limitation the cost of any land or interest therein or of any fixtures, equipment or personal property necessary or convenient therefor, the cost of labor and materials to complete such construction, engineering and legal expenses, fiscal expenses, expenses for plans, specifications and surveys, interest during construction, administrative expenses related solely to the acquisition and construction of the Project and all expenses incident to the financing of the Project and the issuance of Bonds therefor.

(6) "County" shall mean Hernando County, Florida.

(7) "District" shall mean the municipal services district created in Section 2 of this ordinance.

(8) "Project" shall mean any Water System or Sewer System, or any extension of or improvement to either, or any combination thereof, and shall include all property and rights, easements and franchises relating thereto and deemed necessary or convenient for the acquisition, construction or operation thereof.

(9) "Sewer System" shall mean and include any system, facility, plant or other property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage and, without limiting the generality of the foregoing, shall embrace treatment plants, pumping stations, intercepting lines, pressure lines, mains and all necessary or convenient appurtenant equipment.

(10) "Water System" shall mean and include any system, facility, plant, or other property used or useful or having the present capacity for future use in connection with the obtaining, purifying and supplying of water for human consumption, fire protection, irrigation or consumption by business or industry and, without limiting the generality of the foregoing, shall embrace wells, reservoirs, tanks, pumps, pipes, mains and all necessary or convenient appurtenant equipment.

SECTION 2. CREATION OF DISTRICT AND ABOLITION OF WEST HERNANDO COUNTY WATER AND SEWER DISTRICT. Upon the effective date of this ordinance, determined as provided in Section 6 hereof, the appropriate executive officers of the district heretofore created in the County by the Board pursuant to Part II of Chapter 153, Florida Statutes, now existing and known as the "West Hernando

County Water and Sewer District, shall forthwith execute in favor of the District such deeds, bills of sale, assignments and other instruments as shall be necessary and sufficient to convey and transfer to the District all of the right title and interest in and to all real and personal property of the West Hernando County Water and Sewer District, including without limitation all Water System facilities and all Sewer System facilities, all uncollected rates, fees, Assessments and other charges, claims, judgements, decrees and choses in action and any and every other property right of any nature whatsoever; and except for retaining only such power and authority as shall be necessary for such conveyances, transfers and assignments in favor of the District, the District, the West Hernando County Water and Sewer District is hereby abolished. A new district to be known as the "Hernando County Water and Sewer District" is hereby created and established as a public body corporate and politic to succeed such former district. The District hereby created and established shall embrace all of the unincorporated area of the County. The District is created for the purpose of providing a Water System or Water Systems and a Sewer System or Sewer Systems, or any combination thereof, within such area. The area comprising the District shall be deemed to include also any incorporated area with respect to which the governing body thereof shall have approved by ordinance the creation of the District and the inclusion of such incorporated area therein. The Board shall be ex officio the governing board of the District. The Board shall adopt an appropriate corporate seal for use by the District.

SECTION 3. POWERS OF DISTRICT. The District shall have and exercise all of the powers granted by the Act with respect to municipal services districts created under the Act, including without limitation the power to acquire, construct, erect, equip, operate and maintain Projects and finance the Cost thereof with the proceeds of Bonds of the District, which Bonds the District is hereby authorized to issue.

SECTION 4. ASSESSMENTS. The District may provide for the construction or reconstruction of assessable improvements, for the levying of special assessments upon benefited property for the payment of all or any part of the Cost thereof and for the issuance of Bonds payable from such assessments or payable in part from

such assessments, and the District may proceed under the provisions of Chapter 170, Florida Statutes, as if the District were a municipality and the proposed Project were one described in Section 170.01 of such Chapter, except as hereinafter provided otherwise:

Special assessments against properties deemed to be benefited by a Project shall be assessed upon such properties in proportion to the benefits, determined and prorated on a flat rate basis (providing an equal assessment upon each lot or parcel assessed), or on an area basis, or according to the front footage of the respective properties assessed or on such other basis as the Board may prescribe as being most equitable and fair under the circumstances.

The Board may declare that any assessments may be made payable in not more than forty (40) equal yearly installments, with interest on the unpaid balance thereof at a rate per annum determined by the Board, to which, if not paid when due, there shall be added the penalty prescribed by such Chapter.

Bonds payable from such assessments and any other Bonds issued hereunder shall bear interest at such rate or rates per annum as shall be determined by the Board, payable annually or semiannually, shall mature at such time or times not exceeding forty (40) years from the date of their issuance and shall be sold in such manner and at such price as the Board may determine to be in the best interests of the District, but no such sale may be made at a price of less than ninety per centum (90%) of the par value of the Bonds.

SECTION 5. SUCCESSOR DISTRICT. All title and right to and ownership of the real and personal property, uncollected rates, fees, Assessments and other charges, claims, judgments, decrees and choses in action, and any and every other property right of any nature whatsoever held or owned by the former West Hernando County Water and Sewer District are hereby vested in the District. All valid claims, debts, obligations or rights, including all outstanding bonds of the former West Hernando County Water and Sewer District, existing in favor of any person, firm or corporation against the former West Hernando County Water and Sewer District, shall be valid and binding against the District.

SECTION 6. EFFECTIVE DATE. A certified copy of this ordinance shall be filed by the Clerk of the Board with the office of the Secretary of State of Florida within ten (10) days after enactment, and this ordinance shall take effect upon receipt by

said \_\_\_\_\_ of official acknowledgment from the Secretary of State \_\_\_\_\_  
that this ordinance has been filed with said office.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO  
COUNTY, FLORIDA, this 22nd day of April, A.D. 1980.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

BY  \_\_\_\_\_  
JOHN H. WAGNER, CHAIRMAN

Attest  \_\_\_\_\_  
HAROLD WILLIAM BROWN, CLERK

