RESOLUTION NO. 00-10-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, PETITIONING MONROE COUNTY, FLORIDA, TO REMIT TO THE CITY OF MARATHON ITS PROPORTIONATE SHARE OF AD VALOREM AND NON-AD VALOREM REVENUES, SPECIAL ASSESSMENTS, SERVICE CHARGES, IMPACT FEES OR OTHER REVENUES COLLECTED BY THE COUNTY FROM THE RESIDENTS OF THE CITY WHICH THE COUNTY IS UTILIZING TO PROVIDE SERVICES THAT DO NOT BENEFIT THE CITY PURSUANT TO ARTICLE VIII, SECTION 1(H), FLORIDA CONSITUTION AND SECTIONS 125.01(6) AND (7), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 1(h) of the Florida Constitution, prohibits the taxation of property within a municipality for those services rendered by a county exclusively for the benefit of the property or residents in unincorporated areas; and

WHEREAS, Section 125.01(7), Florida Statutes, prohibits county governments from expending county revenues to fund any service or project provided by a county when no real benefit accrues to the property or residents within a municipality or municipalities; and

WHEREAS, Section 125.01(6)(a), Florida Statutes, authorizes the governing body of a municipality to petition the Monroe County Board of County Commissioners (the "County") to remit to the municipality a portion of taxes and revenues collected from the municipality if such taxes and revenues are to be expended on services or programs that benefit the property or residents in unincorporated areas; and

WHEREAS, for fiscal year 1999-2000, the County collected and retained both ad valorem and non-ad valorem revenues, special assessments, impact fees and services charges (the "Revenues") from the residents of the City; and

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WHEREAS, those Revenues were separated by the County into several funds, including but not limited to, the Fire and Ambulance District I, the Unincorporated Parks and Beaches Fund, and the Planning, Building, Code and Fire Marshall Municipal Service Taxing District (the "Districts"); and

WHEREAS, on November 30, 1999, the City of Marathon (the "City") was incorporated; and

WHEREAS, the Residents of the City are no longer included in the Districts; and

WHEREAS, on October 1, 2000, the County carried forward into its fiscal year Budget for 2000-2001, a "fund balance" of unexpended revenues and reserves from each of the Districts; and

WHEREAS, a portion of the fund balances in each of the Districts represents City revenues; and

WHEREAS, as the City is no longer included in any of the Districts, the County can expend said Revenues in only unincorporated Monroe County; and

WHEREAS, it is a violation of the Florida Constitution and Florida Statutes for the County to spend City revenues on municipal-type services that benefit the unincorporated areas.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. <u>Recitals</u>. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Pursuant to Section 125.01(6), Florida Statutes, the City Council requests the Board of County Commissioners of the County to remit to the City its proportionate share of

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Revenues presently being held by the County in the District funds, which Revenues represent those funds collected by the County from the City. A copy of the "Revenues and Fund Balances" spreadsheet providing a detailed description of the funds at issue attached as Exhibit "A" is incorporated into and made a part of this Resolution.

Section 3. Pursuant to Section 125.01(6)(a), Florida Statutes, the City Council petitions to the County to remit the Revenues to the City within six (6) months of the adoption of the County budget in the proportion specified in Section 125.01(6)(a), Florida Statutes, or by any other method prescribed by law.

Section 4. Pursuant to Section 125.01(6)(a), Florida Statutes, the City Council requests the County to respond to this petition within 90 days as required by law.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 24 th day of 2000. Carol N. Chamberlain MY COMMISSION # CC682322 EXPIRES September 22, 2001 ATTEST: ROBERT MILLER. MAYOR

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APPROVED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY

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Fund Name	Fund Number	Specific Revenue Source	Basis of Claim	Calculation Retionale	Amount Expected from the County
Roada	102	Lncał Option Gas Tax	County received these revenues from the state after the City has incorporated and not used them for their granzory purposes within City	City's share of the laxes for months of Dec. through June (7 (Honths)	\$127.74
Roinis	102	Fund balance	Revenues that were collected within the City and not expended	City's share of the fund briance as of 9/30/2000 per City's population to entire County's population	\$1.657,95
Impart Fees - Rosdway	130 District 2	Impact Fee collections and Interest on the lund balance	Impact Fee revenues were collected by the County within the City and not expended for madway purposes	City's share of the budgeted Impact Fee collections per City's nopulation to entire District's population	\$72.89
Impact Fees - Hondway	130 District 2	Fund balance	Revenues that were collected within the City and not expended	City's share of the hind balance as of 9/30/2000 per City's population to entire District's population	\$1,011.01(
Impact Fees - Parks and Rec.	131 District 2	Impact Fae collections and Interest on the fund Instance	Impact Fee revenues work collected by the Colimy within the City and not expended for park and rec. purposes	City's chara of the budgelod Impact Fee collections per City's population to entire District's population	\$33,71
Impact Faes - Parks and Rice.	131 District 2	Fund balance	Revenues that wive collected within the City and not expension	City's share of the tord balance As of 9/30/2000 per City's population to seture District's population	\$118,46
impact Fees - Fire/EMS	135 District 2	impact Fon collections and interest on the fund balance	Impact Fue revolues were collected by the County within the City and not expended for finutems purposes	City's share of the twelgered Impact Fon collections per City's population to entire District's population	\$3,64
Impact Fees - Fire/EMS	135 District 2	Fund balance	Bavenues like were collocted within the City and not expended	City's share of the fund balance as of 9/30/2000 per City's population to entire District's population	\$18,22
Fire and Ambulance District 1	141	Fund Delanco	Revenues that were collected within the City and not expended	City's share of the fund balance as of 9/30/2000 per City's taxable value *	\$473,460
Unincorporated Parks & Beaches	147	Ad-valorem lax collections	Ad-valorem taxes were cullected from properties within the City and no services were rendered	City's taxable value times the millage rute	\$244,877
Unincorporated Parks & Beaches	147	Fund bakance	Revenues that were collecter within the City and not exposition	City's share of the fund balance as of 9/30/2000 per City's taxable value to entire District's taxable value	\$134,070
MSTO - Ping/ Bidg / Cade/ Fire Marshall	148	Revenues	Rovenues that were collected within the City and no services provided after Dec. 1, 1999	Dec. to Sept. derivation per aminipated revenue loss for this dept. per Moirco County study	\$734,167
MSTD - Ping/ Blug./ Code/ him Marshall	148	Fund balance	Revenues that were collected within the City and not expended	City's share of the fund balance as of 9/30/2000 per City's taxable value to entiro Clainct's taxable valuo	\$672,600
Penny ntrastructure Sales Tax	304	Intrastructure Suntax		City's share of the taxes for months of Dec. through June (/ mornhs) per City's population to the entire County's population	8691,15 4
Penny Mnaeiructure Salos Tax	304	Fund balance	Revenues that were collected within the City and not	City's share of the fund balance as of 9/30/2000 par City's population to entire County's population	\$2,484,398
Sului Wasse Managwiikhi Municipal Service District	414	Revenued Earnings as of September 30, 1998	Surphis funds collected from the residents	City's share of the unreserved retained earnings and contributed capital per City's population in the online County's population	\$1,753,994
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Revenues and Fund Balances due per Negotlations with Monroe County

*Fire Rescue stand of \$473,460		▶	\$197,199
*EMS share of \$4/3,468	as s	\$276,267	
Total	······································	•	\$473,468