

**RESOLUTION NO. 00-10-61**

**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 CONSTITUTION 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

**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. Recitals. 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

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<sup>th</sup> day of October, 2000.



Carol N. Chamberlain  
MY COMMISSION # CC682322 EXPIRES  
September 22, 2001  
BONDED THRU TROY FAIR INSURANCE, INC.

ATTEST:

  
ROBERT MILLER, MAYOR

Carol N. Chamberlain  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY

  
CITY ATTORNEY

