

RESOLUTION NO. 00-10-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (THE "CITY"), IN ACCORDANCE WITH THE "FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT," CHAPTER 164, FLORIDA STATUTES, PROVIDING MONROE COUNTY, FLORIDA (THE "COUNTY"), WITH NOTICE OF THE CITY'S INTENT TO FILE SUIT TO RECOVER THE CITY'S PROPORTIONATE SHARE OF AD VALOREM AND NON-AD VALOREM REVENUES, SPECIAL ASSESSMENTS, SERVICE CHARGES, IMPACT FEES AND ALL OTHER ASSESSMENTS, TAXES, AND REVENUES COLLECTED BY THE COUNTY FROM THE RESIDENTS OF THE CITY; DIRECTING THE CITY MANAGER TO PREPARE A LETTER TO THE MONROE COUNTY ADMINISTRATOR IN COMPLIANCE WITH THE PROVISIONS OF THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; DIRECTING THE CITY MANAGER TO SEND THE LETTER TOGETHER WITH A CERTIFIED COPY OF THIS RESOLUTION TO THE COUNTY ADMINISTRATOR AND OTHERS WITHIN FIVE DAYS AFTER THE PASSAGE OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes (the "Act"), requires the City to initiate the Act's conflict resolution procedures through the passage of a resolution by the City Council prior to filing suit; and

WHEREAS, the City has requested that Monroe County remit the City's proportionate share of ad valorem and non-ad valorem revenues, special assessments, service charges, impact fees, and other assessments, taxes, and revenues ("City Revenues") collected from residents of the City but unexpended by the County for fiscal year 1999-2000; and

WHEREAS, the City has also petitioned Monroe County in accordance with Section 125.01(6)(a), Florida Statutes, to remit the City Revenues; and

WHEREAS, the City's request and petition to Monroe County were a proper exercise of its sovereign authority; and

WHEREAS, the City's request to Monroe County was proper because the City is no longer part of unincorporated Monroe County and the County is prohibited from expending City Revenues in and for unincorporated Monroe County; and

WHEREAS, the City's request to Monroe County was proper because the County carried forward into its fiscal year budget for 2000-2001 "fund balances" containing unexpended revenues and reserves, a portion of which represent City Revenues; and

WHEREAS, despite the City's request, Monroe County continues to wrongfully withhold the City Revenues; and

WHEREAS, it is a violation of Article VIII, Section 1(h), Florida Constitution, and Sections 125.01(6) & (7), Florida Statutes, and other applicable laws and rules, for the County to spend the City Revenues on municipal-type services that benefit exclusively the unincorporated areas of the County;

WHEREAS, it is the City's desire and intention to resolve this conflict with the County without the necessity of court proceedings, if possible.

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 Chapter 164, Florida Statutes, this Resolution shall constitute notice to the County of the City's initiation of conflict resolution procedures pursuant to the Act.


Section 3. The City Manager is directed to send within five days after the passage of this Resolution, by certified mail, return receipt requested, a certified copy of this Resolution together with a letter to the County Administrator.

Section 4. The letter from the City Manager shall contain a statement of the conflict between the City and the County, the justification for the City's initiation of the Act's conflict resolution procedures, proposed dates and a proposed location for a conflict assessment meeting between the City and the County, and shall suggest which County officials should be present at the meeting.

Section 5. The City Manager shall mail a copy of the letter and this Resolution also to any other state, regional, or local governmental entity which may have a role in approving or implementing a particular element or aspect of any settlement of the conflict, or whose substantial interests may be affected by the resolution of the conflict, and to any other governmental entity deemed appropriate by the City Manager.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 24th day of October, 2000.



ROBERT MILLER, MAYOR

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

Carol N. Chamberlain

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY

MBO

CITY ATTORNEY