

ORDINANCE NO. 85-3

AN ORDINANCE TO CREATE THE HERNANDO BEACH MUNICIPAL FIRE SERVICE UNIT; ESTABLISHING BOUNDARIES FOR SAID DISTRICT; PROVIDING FOR A GOVERNING BOARD; PROVIDING FOR SELECTION OF BOARD MEMBERS; PRESCRIBING THE JURISDICTION, POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR THE PREPARATION OF AN ANNUAL BUDGET; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS AND A PROCEDURE FOR LEVYING AND COLLECTING SAID SPECIAL ASSESSMENTS; PROVIDING FOR CAPITAL RESERVES; PROVIDING FOR FISCAL REGULATIONS BY THE COUNTY COMMISSION; DECLARATION OF SPECIAL BENEFITS; PERMITTING FIRE PROTECTION CONTRACTS; SETTING MEETINGS AND SALARY OF SAID BOARD; PROVIDING FOR AMENDMENTS TO ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; REPEALING ORDINANCE NOS. 83-2 AND 84-9; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, as follows:

SECTION I FINDINGS OF FACT AND PURPOSE

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that fire protection is an essential service for the benefit of the health, safety and welfare of the public. It is further 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 and special assessments 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 creating, establishing, maintaining and operating a fire protection system within the areas described in Exhibit "A", attached hereto and made a part hereof by reference.

SECTION II CREATION OF UNIT

For the purpose of creating, establishing, maintaining and operating a fire protection system within the area described herein, there is hereby created a Municipal Service Taxing Unit to be known as the "Hernando Beach Municipal Fire Service Unit", which shall be all the property within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference, located in Hernando County, Florida.

SECTION III GOVERNING BODY

The Governing Body of the Hernando Beach Municipal Fire Unit shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV ADVISORY BOARD

To assist in the governing and administration of the Hernando Beach Municipal Fire Service Unit (the Unit) there is hereby created a Hernando Beach Municipal Fire Service Advisory Board, which shall consist of six (6) members who shall be appointed by the Hernando County Board of County Commissioners.

(a) Upon the creation of the Unit the Board of County Commissioners shall appoint five members of the Advisory Board. The members of the Advisory Board shall be appointed for a term of two years, which is the duration of the Unit in accordance with Section IX of this Ordinance.

(b) Members of the Advisory Board shall be residents of the unit and registered electors of Hernando County. No employee of the Unit shall be a member of the Advisory Board.

(c) The Hernando County Board of County Commissioners shall have the power to remove a member of the advisory board for nonfeasance, misfeasance, or malfeasance, or change of residence from within the district. Vacancies created by the resignation, death or removal from said advisory board shall be filled by the Hernando County Board of County Commissioners to fill the balance of the term of office of such member. Three consecutive unexcused absences shall be grounds for removal.

SECTION V. DUTIES OF BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners shall perform all duties necessary for the establishment, operation, maintenance,

training and control of fire fighting units and fire control units. These duties shall be performed through the advisory board; provided however, that all actions of the advisory board shall be subject to the ratification and approval of the Board of County Commissioners.

SECTION VI POWERS OF THE BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners is authorized and empowered to:

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 or deem necessary to effectuate the purposes of this ordinance or to contract for any such services 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 fire fighting equipment and units within the jurisdiction of the unit.

h. To determine the rate of special assessments, fees, 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 fire fighting and rescue equipment and units within the district, 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.

m. The powers herein granted shall be exercised by the Advisory Board; provided, however, that all actions of the Advisory Board shall be subject to the ratification and approval of the Board of County Commissioners.

SECTION VII BUDGET

Within the time set by general law for County budgets, the Board of County Commissioners shall adopt a budget for the ensuing fiscal year showing the following information:

a. Cash balances to be carried over; current special assessments, fees, charges and proceeds received from the sale or exchange of property of the district or for special services or by gift.

b. An estimate of all ordinary and special and extraordinary expenditures which are contemplated and are deemed necessary to be made during the ensuing fiscal year.

c. Actual receipts and disbursements for the past fiscal year.

d. The only funds of the Unit shall be funds heretofore collected pursuant to assessment levied under Ordinance No. 83-2 as amended by Ordinance No. 84-9, including interest thereon.

SECTION VIII DURATION OF UNIT

The duration of the Hernando Beach Municipal Fire Service Unit is hereby extended beyond the April 27, 1985, termination date for an additional two-year period, beginning on April 27, 1985, and ending on April 27, 1987; provided, however, said Unit may be earlier terminated upon expenditure of all the funds of the Unit. Upon termination of the Unit, all assets of the District shall be transferred and conveyed to the Hernando Beach Volunteer Fire Department; provided, however, that any such conveyance shall contain a restriction that the assets are to be used solely by the Hernando Beach Volunteer Fire Department and if at any time, the assets are sought to be transferred or conveyed, that said assets will revert to Hernando County. The transfer and conveyance of said assets shall further be conditioned upon a provision in such transfer and conveyance that in the event of the cessation of the Hernando Beach Volunteer Fire Department as a viable entity, the assets of said Hernando Beach Municipal Fire Service Unit shall revert to Hernando County.

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 issuance of requisitions and purchase orders and the payment of bills. 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 a special assessment may be assessed or collected by Hernando County, Florida, within the provisions of Florida law.

SECTION XII FIRE PROTECTION CONTRACTS

Municipalities within Hernando County may enter into contracts with said unit for the operation of fire-fighting equipment or for the furnishing of fire protection within said unit and said unit may enter into contracts with municipalities, with other fire districts or units or private organizations for furnishing fire protection in said units.

SECTION XIII MEETINGS

The Advisory Board shall hold meetings monthly which shall be open to the public.

SECTION XIV SALARY

The members of the Advisory Board shall receive no salary for services on said board.

SECTION XV ADMINISTRATION

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

SECTION XVI REPEAL

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

SECTION XVII REPEAL OF ORDINANCE NOS. 83-2 AND 84-9

Hernando County Ordinance Nos. 83-2 and 84-9, which created the Hernando Beach Municipal Fire Service Unit and provided for its operation, are hereby repealed, and this Ordinance is substituted for them.

SECTION XVIII SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed

as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

SECTION XIX EFFECTIVE DATE

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, and shall take effect as provided by law.

ADOPTED THIS 19th day of March, 1985.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By


LEONARD F. TRIA, CHAIRMAN

Attest


HAROLD WILLIAM BROWN, CLERK