

ORDINANCE NO. 2005-3

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF TAYLOR COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2000-10 AND 2004-08, CREATING A SPECIAL WATER AND SEWER DISTRICT IN THE AREA OF THE UNINCORPORATED TAYLOR COASTAL COMMUNITY; DEFINING ITS BOUNDARIES; PROVIDING FOR A WATER OR SEWER SYSTEM OR BOTH; PROVIDING FOR ISSUANCE OF REVENUE BONDS OR CERTIFICATES TO BE REPAID FROM THE REVENUES OF SAID SYSTEMS; PRESCRIBING THE POWERS OF THE DISTRICT INCLUDING THE POWER TO CONTRACT WITH ANY MUNICIPALITY, GOVERNMENTAL AGENCY, OR OTHER ENTITY FOR WATER DISTRIBUTION AND SEWER COLLECTION; DEFINING POWERS, FRANCHISES AND PRIVILEGES; PROVIDING FOR GOVERNING BODY OF SAID DISTRICT; AUTHORIZING THE DISTRICT FOR PURPOSE OF CARRYING ON ITS OPERATIONS TO ACQUIRE BY GIFT, PURCHASE OR EMINENT DOMAIN LANDS AND TITLE TO RIGHTS-OF-WAY OVER LANDS AND UNDER NAVIGABLE WATERS WITHIN AND WITHOUT SAID DISTRICT NECESSARY IN OPERATION OF SYSTEM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners determine that it is necessary in the public interest of Taylor County that a special water and sewer district be created in the unincorporated community of the Taylor Coastal area; and

WHEREAS, Federal and State funds appear to be available to construct a sewer system that will serve the unincorporated Taylor Coastal areas; and

WHEREAS, the water quality has been allegedly negatively impacted by the lack of a central sewer system in the unincorporated Taylor Coastal areas; and

WHEREAS, the public interest of the residents of the County, particularly the residents in the unincorporated Taylor Coastal areas, will best be served by the creation of a sewer and water district and the construction and operation of a central sewer system; and

WHEREAS, the Board of County Commissioners of Taylor County has the apparent power and authority to establish a district as it shall deem in its discretion to be necessary in the public

interest pursuant to Section 153.53, as amended, Florida Statutes, and Chapter 125, Florida Statutes, as amended; and

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Taylor County, Florida:

Section 1. Short Title. This Ordinance may be known as the "Taylor Coastal Water and Sewer District Act."

Section 2. Boundaries. There is hereby created in Taylor County a special district to be known as Taylor Coastal Water and Sewer District. The District will include all that portion of Taylor County described as follows:

That part of Section 4, that lies South and Westerly of Yates Creek and all of Sections 5, 6, 8, 9; all of Sections 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 35, 36, in Township 7 South, Range 7 East; all of Section 31 in Township 7 South, Range 8 East also all of Sections 1, 12, 13, Townships 8 South, Range 7 East; all of Sections 6, 7, 18, Township 8 South, Range 8 East in Taylor County, Florida.

Section 3. Definitions. Whenever used in this act, unless a different meaning clearly appears from the context:

- (1) "County" means Taylor County.
- (2) "County Commissioners" means the Board of County Commissioners of Taylor County.
- (3) "Board" means the Board of Commissioners of the Taylor Coastal Water and Sewer District.
- (4) "Water System" means and includes all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply, transportation or distribution of water, and any integral part thereof, including but not limited to

water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and all necessary appurtenances and equipment, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the District for the operation thereof.

(5) "Sewerage" means the water-carried wastes created in and carried or to be carried away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other private or public building, together with such surface or ground water or household and industrial waste as may be present.

(6) Sewerage Disposal System means and includes any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources) , or any integral part thereof, including but not limited to treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the District for the operation thereof.

(7) "Sewers" include mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system including pumping stations where deemed necessary by the District.

(8) "Sewer System" embraces both sewers and sewage disposal systems and all property, rights, easements and franchisee relating thereto.

(9) "System" means and includes a water system or sewer system or any one (1) or more thereof.

(10) "District" means the Taylor Coastal water and Sewer District created and established by this act in Taylor County.

(11) "Bonds" mean bonds or revenue certificates or other financial obligations of the District which are part or all of an issue of such obligations, any one (1) or more of which mature over three (3) years from date of issue, issued pursuant to this act.

(12) "Sewer" includes in its meaning the word sewerage.

Section 4. Objects and purposes of the District. The objects and purposes of the District are to acquire, purchase, lease, construct, improve, extend, operate, maintain and finance any water system or systems or parts thereof, and/or any sewer system or systems or parts thereof serving such unincorporated areas and other customers and users as the District may determine. The District may acquire a supply of water either within or without the county and either within or without the state. The District may itself own and operate water and sewer systems in unincorporated territory and may also sell and transport water to other systems, whether publicly or privately owned, and other users and consumers.

Section 5. Governing Body.

(1) The commissioners of the District shall be the governing board of the water system for the Taylor Coastal area, known as Taylor Coastal Utilities, Inc., a Florida not-for-profit corporation as of the date of the adoption of the Ordinance. Such governing board shall exercise all powers and responsibilities authorized by this act.

(2) Commissioners of the District shall be owners of property within the District who are registered electors in Taylor County, Florida.

(a) The District Commissioners shall consist of seven (7) members and shall be appointed by the Board of County Commissioners of Taylor County. The District commissioners shall be divided into two groups. Group No. 1 shall consist of three District

commissioners who shall first be appointed for a two year term beginning May 3, 2004 and ending May 2, 2006, after 2006 the said Group No. 1 shall be appointed for a four year term beginning May 3, 2006. Group Number 2 shall consist of four District Commissioners who shall first be appointed for a four year term beginning May 3, 2004 and ending May 2, 2008. After 2008 the said Group No. 2 shall be appointed for a four-year term beginning May 3, 2008. The appointment of all District Commissioners shall be by the Board of County Commissioners but the sitting District Commissioners may present names of persons who might serve.

(b) To qualify as a District commissioner, the potential District Commissioner must sign an oath stating, "I do solemnly swear or affirm that I am a registered voter within the State of Florida and that I own real property within the boundaries of the Taylor Water and Sewer District as designated in Taylor County Ordinance No. 2000-10."

(c) In the event of a vacancy due to any cause in the District Board of Commissioners, the same shall be filled by appointment by a majority of the members of the Board of County Commissioners for the unexpired term. Moreover, during their unexpired terms, members of the special district governing body are subject to removal by the governing body of Taylor County, being the Board of County Commissioners of Taylor County.

(4) Each Commissioner, before he or she assumes office, shall be required to give the Governor a sufficient surety bond in the sum of \$2,000.00, the cost thereof being borne by the District, conditioned on the faithful performance of the duties of his or her office, said bond to be approved and filed in the same manner as is that of the Board of County Commissioners. The failure of any person to make and file this bond within ten (10) days after his or her appointment shall create a vacancy on said Board.

(5) Members of the District Board of Commissioners may be entitled to compensation and

reimbursement for traveling expenses incurred in the performance of their duties as provided by Chapter 153 and 112, Florida Statutes. Compensation of the District Board of Commissioners shall be by resolution. Reimbursement for travel expense shall be approved by a majority of the District Commissioners. The District Board of Commissioners shall hold a regular monthly meeting, and special meetings as needed in an appropriate place within the District. A quorum shall consist of four (4) commissioners at any meeting.

Section 6. Organization. As soon as practical and as provided by law, after the first District Commissioners have been appointed or elected and have qualified, they shall meet and organize by election from among their number a chairman, vice chairman, a secretary and a treasurer, who shall serve a term of one (1) year, and be elected annually thereafter. The secretary need not be a commissioner. The members of the Board shall serve four (4) year terms. Board members may be reimbursed for expenses incurred incident to the legitimate transaction of business of the district as authorized by section 112.061, Florida statutes, and only when such expenses are approved by a majority of the board members at a regular or special meeting.

Section 7. Funds. No funds of the District shall be used for any purpose other than the administration of the affairs and business of the District, the construction, care, maintenance, upkeep, operation and repair of sewers and sewer and water systems in the district, as the Board may determine to be for the best interest of the District and inhabitants thereof. All disbursements of the funds of the District shall be made pursuant to warrants or checks signed any one (1) of the chairman, vice-chairman, or treasurer and counter-signed by another Board member or the office secretary.

Section 8. Powers of Board. The Board of Commissioners of the Taylor Coastal Water and Sewer District, in addition to and supplementing other powers granted by law, is authorized and empowered:

1) To acquire in the name of the District, either by purchase or the exercise of the right of eminent domain, or to construct and to reconstruct, improve, extend, enlarge, equip,

repair, maintain and operate water system or sewerage facilities, either within or without the territorial limits of the District.

(2) To issue revenue bonds or assessment bonds of the District payable from the water rates or sewer service charges or other revenues of the District.

(3) To fix and collect rates and charges for water furnished by any waterworks facilities and to fix and collect charges for making connections with any waterworks facilities.

(4) To fix and collect sewer service charges for the services furnished by any sewerage facilities and to fix and collect charges for making connections with any sewerage facilities.

(5) To acquire in the name of the District, either by purchase or the exercise of the right of eminent domain, such lands and rights of way and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary in connection with the construction or operation of waterworks or sewerage facilities, and to hold and dispose of all real and personal property under its control.

(6) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and accounting experts and attorneys, and such employees and agents as may, in the judgment of the Board, be deemed necessary and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this act.

(7) To exercise jurisdiction, control and supervision over any waterworks facilities and any sewerage facilities owned, operated or maintained by it and to make and enforce

such rules and regulations for the maintenance and operation of any such facilities as may in its judgment be necessary or desirable sewer and water service charges for the services furnished by any sewerage or water facilities, and charge and collect the same. Any such rates and charges shall be so fixed and revised as to provide funds, with other funds available for such purpose, sufficient at all times:

(a) To pay the cost of maintaining, repairing and operating the waterworks or sewerage facilities of the District and to provide reserves therefore and for replacements and depreciation and necessary extensions and enlargements.

(b) To pay the principal of and the interest on all outstanding bonds for the payment of which such rates and charges are pledged as the same shall be come due and provide reserves therefore.

(c) To provide a margin of safety for making such payments and providing such reserves. Such rates and charges shall not be subject to supervision or regulation by any commission, board, bureau or agency of the state or any political subdivision of the state. Such rates and charges shall be just and equitable and the sewer service charges shall be just and equitable and the sewer service charges may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewerage facilities or upon the number of persons residing or working in or otherwise connected with such premises or upon the type of character of such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors. In cases where the character of sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewerage facilities, an additional charge may be made therefore, or the Board may, if it deems advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in a manner

as shall be specified by the Board before discharging the sewage into any sewer lines owned or maintained by the District.

(d) No rates, fees or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the proposed sewer system or water system, or both, or owners, tenants or occupants served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees and charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees and charges shall be given by one (1) publication in a newspaper published in the county and circulating in the district at least ten (10) days before the date fixed for such notice for the hearing. The hearing may be adjourned or continued from time to time. If there be no such newspaper published in the county and circulating in the District, the notice of such rate hearing shall be posted as provided for in Section 153.56, Florida Statutes. After such hearing, such schedule or schedules, either as initially adopted or as modified or amended, may be finally adopted.

Section 9. Collection of Rates and charges. The Board of Commissioners may provide in the resolution authorizing the issuance of bonds under this act or in any trust agreement securing such bonds that any sewer service shall be included in bills rendered for water used on the premises and that if any water rates or sewer service charges shall not be paid within thirty (30) days from the rendition of any such bills, the District may discontinue furnishing water to such premises and may disconnect the same from the waterworks facilities. Moreover, the Board may establish a late fee by resolution. Any such resolution or trust agreement may include any or all of the following provisions, and may require the Board to adopt such resolutions or to take such other lawful action as shall be necessary to effectuate such provisions, and the Board is hereby authorized to adopt such resolutions and to take such other action:

(1) That the District may require the owner, tenant or occupant of each lot or parcel of land within the District who is obligated to pay water rates or sewer service charges to the

District to make a reasonable deposit with the District in advance to insure the payment of such rates or charges and to be subject to application to the payment thereof, if and when delinquent.

(2) That if any water rates or sewer service charges payable to the District shall not be paid within thirty (30) days after the same shall be due and payable, the District may at the expiration of such thirty (30) day period disconnect the premises from the waterworks or sewerage facilities; and the District may proceed to recover the amount of any such delinquent rates or charges, with interest and late charges, in an action of assumpsit in the small claims court or otherwise as provided by law.

(3) That if any sewer service charges for the use of any sewerage facilities by or in connection with any premises not served by any waterworks facilities of the District shall not be paid within thirty (30) days after the same shall become due and payable, the owner, tenant or occupant of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewerage facilities of the District until such sewer service charges, with interest, shall be paid; that if such owner, tenant or occupant shall not cease such disposal at the expiration of such thirty (30) day period it shall be the duty of any public or private corporation, board, body or person supplying water to or selling water for use on such premises to cease supplying water to or selling water for use on such premises within five (5) days after receipt of notice of such delinquency from the District; and that if such corporation, board, body or person shall not, at the expiration of such five (5) day period cease supplying water to or selling water for use on such premises, then the District may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

Section 10. Connection with Sewer System. Upon the construction of sewerage facilities under the provisions of this act, the owner, tenant or occupant of each lot or parcel of land within the District which receives water service from the District and has a privately maintained system or which abuts upon a street or other public way containing a sanitary sewer as a part of such sewerage facility or a sanitary sewer served or which may be served by such sewerage

facilities and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall, connect with such building such sanitary sewer, and shall cease to use any other method for the disposal of sewage wastes or other polluting matter. All such connections shall be made in accordance with rules and regulations and may provide for a charge for making any such connection in such reasonable amount as the Board may fix and establish. This act being necessary for the welfare of the inhabitants of the District shall be liberally construed to effect the purpose thereof.

Section 11. Connection with Water System. Upon the acquisition or construction of water facilities under the provisions of this act, the owner, tenant or occupant of each lot or parcel of land within the District which abuts upon a street or other public way containing a water line as a part of such water facility served or which may be served by such water facility and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall, connect with such building such water facility, and shall cease to use any other water for potable purposes and, further, prohibiting from allowing any of said water from a source other than the public water system from entering any potable water line or lines on said property or elsewhere. All such connections shall be made in accordance with rules and regulations and may provide for a charge for making any such connection in such reasonable amount as the Board may fix and establish. This act being necessary for the welfare of the inhabitants of the District shall be liberally construed to effect the purpose thereof.

Section 12. Failure to connect to systems. If any such owner of any parcel of land required to connect to the district's public water system and/or wastewater system in accordance with the Ordinance refuses to connect with and use the facilities of the district's public water system and/or wastewater system after notification by the board. Then, said owner, tenant or occupant shall be given thirty (30) days to respond to District's request to connect. If no response is

made to the District within the thirty (30) days allotted by this ordinance, then the district shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. After successful connection to the waste water system the owner, tenant or occupant of each lot or parcel of land shall not use or install any other form of waste water disposal; including, but not limited to, septic tanks and drain fields.

The district shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the district shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county taxes. The district may foreclose such lien in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

This act being necessary for the welfare of the inhabitants of the District shall be liberally construed to effect the purpose thereof.

Section 13. Declaration of Policy. The undertakings enumerated in this act constitute a proper public purpose for the benefit and welfare of the owners and inhabitants of the District and it is hereby found and declared that in the construction, acquisition, improvement, maintenance, operation, extension and improvement of any or all of its systems, the District will be exercising a proper governmental function.

Section 14. The accounts and records of the District shall be post audited annually, at the expense of the District, by an independent certified public accountant.

Section 15. This ordinance shall take effect as provided by law and the Clerk is directed to send a certified copy to the Secretary of State of the State of Florida as provided by law.

ORDAINED by the Board of County Commissioners in and for Taylor

County, Florida, this 19th day of April, 2005.



BOARD OF COUNTY COMMISSIONERS
TAYLOR COUNTY, FLORIDA

BY: *Daryll T. Gunter*
DARYLL T. GUNTER, Chairman

Annie Mae Murphy
ANNIE MAE MURPHY, Clerk