

ORDINANCE 2014-29

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 92, PARKS, PUBLIC BEACHES, AND PUBLIC BEACH ACCESSES, OF THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES; ADOPTING THE FINDINGS SET FORTH IN A STUDY BY BURTON AND ASSOCIATES; CREATING A NEW SECTION 92.37, REPEALING THE LONGBOAT KEY BEACH EROSION CONTROL DISTRICT A UPON THE PAYOFF OF THE GENERAL OBLIGATION BOND TO BE ISSUED IN THE FUTURE BY LONGBOAT KEY BEACH EROSION CONTROL DISTRICT A OR OCTOBER 1, 2021, WHICHEVER SHALL OCCUR EARLIER; CREATING A NEW SECTION 92.40, ESTABLISHING THE LONGBOAT KEY GULFSIDE DISTRICT, A DEPENDENT SPECIAL DISTRICT OF THE TOWN OF LONGBOAT KEY; CREATING A NEW SECTION 92.41, PROVIDING FOR THE PURPOSE, POWERS, FUNCTION, AND DUTIES OF THE LONGBOAT KEY GULFSIDE DISTRICT; CREATING A NEW SECTION 92.42, ESTABLISHING THE GEOGRAPHIC BOUNDARIES OF THE LONGBOAT KEY GULFSIDE DISTRICT; CREATING A NEW SECTION 92.43, ESTABLISHING THE AUTHORITY OF THE LONGBOAT KEY GULFSIDE DISTRICT; CREATING A NEW SECTION 92.44, ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE LONGBOAT KEY GULFSIDE DISTRICT IS THE BEST ALTERNATIVE; CREATING A NEW SECTION 92.45, SETTING FORTH THE GOVERNANCE OF THE LONGBOAT KEY GULFSIDE DISTRICT; CREATING A NEW SECTION 92.46, ESTABLISHING THE APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS FOR THE LONGBOAT KEY GULFSIDE DISTRICT; CREATING A NEW SECTION 92.47, ESTABLISHING THE FINANCING METHODS OF THE LONGBOAT KEY GULFSIDE DISTRICT; CREATING A NEW SECTION 92.48, ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE LONGBOAT KEY GULFSIDE DISTRICT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; CREATING A NEW SECTION 92.57, REPEALING THE LONGBOAT KEY BEACH EROSION CONTROL DISTRICT B UPON THE PAYOFF OF THE GENERAL OBLIGATION BOND TO BE ISSUED IN THE FUTURE BY LONGBOAT KEY BEACH EROSION CONTROL DISTRICT A OR OCTOBER 1, 2021, WHICHEVER SHALL OCCUR EARLIER; CREATING A NEW SECTION 92.60, ESTABLISHING THE LONGBOAT KEY BAYSIDE DISTRICT, A DEPENDENT SPECIAL DISTRICT OF THE TOWN OF LONGBOAT KEY; CREATING A NEW SECTION 92.61, PROVIDING FOR THE PURPOSE, POWERS, FUNCTION, AND DUTIES OF THE LONGBOAT KEY BAYSIDE DISTRICT; CREATING A NEW SECTION 92.62, ESTABLISHING THE GEOGRAPHIC BOUNDARIES OF THE LONGBOAT KEY BAYSIDE DISTRICT; CREATING A NEW SECTION 92.63, ESTABLISHING THE AUTHORITY OF THE LONGBOAT KEY BAYSIDE DISTRICT; CREATING A NEW SECTION 92.64, ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE LONGBOAT KEY BAYSIDE DISTRICT IS THE BEST ALTERNATIVE; CREATING A NEW SECTION 92.65, SETTING

FORTH THE GOVERNANCE OF THE LONGBOAT KEY BAYSIDE DISTRICT; CREATING A NEW SECTION 92.66, ESTABLISHING THE APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS FOR THE LONGBOAT KEY BAYSIDE DISTRICT; CREATING A NEW SECTION 92.67, ESTABLISHING THE FINANCING METHODS OF THE LONGBOAT KEY BAYSIDE DISTRICT; CREATING A NEW SECTION 92.68, ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE LONGBOAT KEY BAYSIDE DISTRICT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; DIRECTING THE TOWN CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE TO THE PROPERTY APPRAISERS AND TAX COLLECTORS OF SARASOTA AND MANATEE COUNTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key ("Town") is a coastal, barrier island community with approximately 10 miles of beaches adjacent to the Gulf of Mexico; and

WHEREAS, the Town is authorized pursuant to its home rule powers, Article VIII of the Florida Constitution and Chapters 166 and 189, Florida Statutes, to create dependent special districts within the jurisdictional boundary lines of the municipality; and

WHEREAS, in 1990, the Town of Longboat Key Commission ("Town Commission") enacted Ordinance 90-21, which created the Longboat Key Beach Erosion Control District; and

WHEREAS, in 1992, the Town Commission enacted Ordinance 92-24, which superseded the enactment of Ordinance 90-21, and created the "Longboat Key Beach Erosion Control District A" (hereinafter "District A"), a dependent special district for the purpose of providing beach restoration and maintenance programs; and

WHEREAS, Ordinance 92-24 established that the geographical boundaries of District A to include: (a) all gulf-front properties located between Gulf of Mexico Drive and the Gulf of Mexico; and (b) all commercially zoned or used properties that are contiguous to Gulf of Mexico Drive or other District property; and

WHEREAS, in 1992, the Town Commission enacted Ordinance 92-26, which superseded the enactment of Ordinance 90-21, and created the "Longboat Key Beach Erosion Control District B" (hereinafter "District B"), a dependent special district for the purpose of providing beach restoration and maintenance programs; and

WHEREAS, Ordinance 92-26 established that the geographical boundaries of District B would include all properties within the Town of Longboat Key that were not located in District A; and

WHEREAS, since the establishment of District A and District B, three (3) beach renourishment projects have been publicly funded through the issuance of bonds; and

WHEREAS, pursuant to voter referendum approval on March 15, 2011, and bond validation final judgment rendered on August 3, 2011, District A is authorized to issue a not to exceed \$16,000,000 general obligation bond (together with any refunding bond, the "District A Bond") to finance certain beach renourishment and/or erosion control capital projects estimated to begin in 2016, and residents of the Town will thereafter be expected to pay a certain voted millage to be levied by District A and District B, to repay such District A Bond during the 2015 through 2020 tax years; and

WHEREAS, due to the anticipated long-term needs of the Town to finance future beach maintenance activities and renourishment projects, the Town Commission commissioned a study by Burton and Associates (hereinafter "Burton study") dated September 9, 2014, to evaluate and establish the validity, uniformity, benefits, and reasonableness associated with the Town continuing to levy an ad valorem tax on the property owners within the Town, and to determine whether any updates to the existing dependent district structures established by Ordinances 92-24 and 92-26 and codified within Chapter 92, Sections 92.30 through 92.56, of the Town's Code of Ordinances should be considered for future projects and activities; and

WHEREAS, on October 6, 2014, and November 3, 2014, the Town Commission conducted public hearings to consider revisions to Chapter 92 of the Town's Code of Ordinances; and

WHEREAS, during the public hearings held on October 6, 2014, and November 3, 2014, the Town Commission heard testimony and evidence relating to the Town's beaches and the Town Commission was presented with the findings and recommendations from the Burton study; and

WHEREAS, at said public hearings, the Town Commission heard testimony and evidence that the Town's beaches are a valuable asset to the Town and that beach maintenance and renourishment projects protect the health, safety, and welfare of the Town's residents; and

WHEREAS, the Town Commission also heard testimony and evidence that the Town's beaches are an integral asset to the Town as the beaches attract tourists, commercial businesses, and future residents to the community and retain commercial businesses and current residents within the Town; and

WHEREAS, the Town Commission also heard testimony and evidence that beach maintenance and renourishment activities within the Town will be an ongoing Town expenditure necessitated by tidal and wave action and other natural and man-made causes of beach and coastal erosion; and

WHEREAS, at said public hearings, the Town Commission considered the Burton study findings that beach maintenance and renourishment projects enhance the value of all real property, including commercial property, located within the Town; and

WHEREAS, at said public hearings, the Town Commission considered the Burton study findings that all private and commercial properties within the Town receive some

benefit in terms of property value preservation from beach maintenance activities and renourishment projects within the Town; and

WHEREAS, at said public hearings, the Town Commission considered the Burton study findings that private and commercial real properties that are located in closer proximity to the Gulf of Mexico and the Town's beaches receive enhanced benefit from ongoing beach maintenance and renourishment activities since the properties receive protection from the total loss of property due to their proximity to the Gulf of Mexico; and

WHEREAS, at said public hearings, the Town Commission considered the Burton study recommendation that based upon the enhanced benefit, it was reasonable for the real properties generally located on the west side of Gulf of Mexico Drive to pay a higher millage rate than those real properties generally located on the east side of Gulf of Mexico Drive; and

WHEREAS, at said public hearings, the Town Commission considered the Burton study recommendation that Gulf of Mexico Drive is an appropriate and reasonable geographic dividing line to establish two (2) dependent districts for purposes of levying an appropriate millage; and

WHEREAS, after considering the findings in the Burton study, the evidence and testimony provided at the above referenced public meetings and hearings, the Town Commission has determined that that the establishment of two (2) new dependent special districts for future ongoing beach renourishment projects and maintenance activities is within the public interest; and

WHEREAS, the Town Commission has decided to establish the two (2) new dependent special districts that shall encompass all real property within the jurisdictional boundaries of the Town as follows: (a) Longboat Key Gulfside District ("Gulfside District") generally located on the westerly side of Gulf of Mexico Drive, and (b) Longboat Key Bayside District ("Bayside District") generally located on the easterly side of Gulf of Mexico Drive; and

WHEREAS, the Town Commission has decided that it shall preside as the governing boards of both the Gulfside District and Bayside District; and

WHEREAS, the Town Commission finds that there is a public purpose in financing future beach renourishment projects and the ongoing beach maintenance projects necessary through the creation of the Gulfside and Bayside Districts; and

WHEREAS, the Town Commission seeks to establish the Town's authority to: (a) finance the long-term beach renourishment projects and maintenance activities within the Town's Gulfside and Bayside Districts; (b) create an operation and maintenance/administration/renewal and replacement fund within the Gulfside and Bayside Districts for the ongoing funding of beach renourishment and maintenance projects; (c) utilize the Town's taxing powers to finance the Town's ongoing beach renourishment projects and maintenance activities within such districts; and (d) subject to referendum approval, issue bonds or other obligations for the funding of beach renourishment and

beach projects payable by the property owners within the Gulfside and Bayside Districts; and

WHEREAS, following the issuance and maturity or full retirement, as applicable of the District A Bond, the Town Commission seeks to sunset and repeal the existing Longboat Key Beach Erosion Control District A and Longboat Key Beach Erosion Control District B upon the payoff of the District A Bond or October 1, 2021, whichever shall occur earlier and, subject to referendum approval, issue all future debt to finance certain beach renourishment and/or erosion control capital projects using the Gulfside and Bayside District special dependent district structure.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA THAT:

SECTION 1. The above recitals are true and correct and are hereby incorporated fully herein.

SECTION 2. The Town Commission hereby adopts and incorporates by reference the finding contained within the study by Burton and Associates, dated September 9, 2014.

SECTION 3. Chapter 92, Parks, Public Beaches, and Public Beach Accesses is hereby amended as shown in the attached Exhibit A, with additions shown in underline and deletions in strikethrough text.

SECTION 4. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 5. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 6. The creation of the Gulfside District and Bayside District is consistent with the *Town of Longboat Key's Comprehensive Plan* (adopted by Ordinance 2007-37 and dated December 3, 2007).

SECTION 7. The Town of Longboat Key Clerk is hereby directed to provide a certified copy of this Ordinance to the Property Appraisers of Sarasota and Manatee County and the Tax Collectors of Sarasota and Manatee County so as to provide such entities with notice of the creation of the Gulfside and Bayside Districts for the purposes of including the ad valorem taxes on subsequent year's tax bill. The Town of Longboat Key shall comply with such additional notice requirements as may be required by law, including but not limited to such notice as may be required pursuant to Chapter 189, Florida Statutes and by the Florida Department of Revenue.

SECTION 8. This Ordinance shall take effect immediately upon second reading, public hearing, and adoption. The governing board of the Longboat Key Gulfside District and Longboat Key Bayside District shall be empowered to act as of the effective date of this Ordinance. The creation of the Longboat Key Gulfside District and Longboat Key Bayside District shall take effect on the date of adoption.

PASSED on the first reading the 6th day of October , 2014.

ADOPTED on second reading and public hearing the 3rd day of November , 2014.

ATTEST:

/s/ James L. Brown
James L. Brown, Mayor

/s/ Trish Granger
Trish Granger, Town Clerk

Attachment: Exhibit "A" – Chapter 92

**ORDINANCE 2014-29
EXHIBIT A**

CHAPTER 92 – PARKS, BEACHES, AND PUBLIC ACCESSES

Parks.

Removal of dead fish.

Longboat Key Beach Erosion Control District A

Longboat Key Gulfside District

Longboat Key Beach Erosion Control District B

Longboat Key Bayside District

Longboat Key Beach Erosion Control District A

Editor's note: The editor has interpreted Ords. 92-24 and 92-26, creating Erosion Control Districts A and B as superseding Ord. 90-21, passed July 31, 1990, which created the "Longboat Key Beach Erosion Control District."

Longboat Key Beach Erosion Control District A

92.30 Authority for this subchapter.

92.31 Findings.

92.32 Creation.

92.33 Territory of district.

92.34 Governing body.

92.35 Purposes of district.

92.36 Powers of district.

92.37 Repeal of district.

Longboat Key Gulfside District

92.40 Establishment of Gulfside District.

92.41 Purpose, Powers, Function and Duties.

92.42 Geographic Boundary of Gulfside District.

92.43 Authority of Gulfside District.

92.44 Best Alternative.

92.45 Governance.

92.46 Applicable Financial Disclosure, Noticing, and Reporting.

92.47 Financing.

92.48 Consistent with Comprehensive Plan.

Longboat Key Beach Erosion Control District B

92.50 Authority for this subchapter.

92.51 Findings.

92.52 Creation.

92.53 Territory of district.

92.54 Governing body.

92.55 Purposes of district.

92.56 Powers of district.

92.57 Repeal of district.

Longboat Key Bayside District

92.60 Establishment of Bayside District.

92.61 Purpose, Powers, Function and Duties.

92.62 Geographic Boundary of Bayside District.

92.63 Authority of Bayside District.

92.64 Best Alternative.

92.65 Governance.

92.66 Applicable Financial Disclosure, Noticing, and Reporting.

92.67 Financing.

92.68 Consistent with Comprehensive Plan.

92.30 Authority for this subchapter.

This subchapter is enacted pursuant to Article VIII, § 2(b), Florida Constitution of 1968, as amended; F.S. ch. 166, pts. I and II, (1991); F.S. ch. 170, (1991); and F.S. §§ 189.402(1) and 189.4041, (1991), as amended; and other applicable provisions of law.

(Ord. 92-24, passed 8-6-92)

92.31 Findings.

The town commission hereby finds that it is necessary and proper for the town to establish a dependent special district for beach restoration and maintenance within the town.

(Ord. 92-24, passed 8-6-92)

92.32 Creation.

There is hereby created and established a dependent special district of the town entitled the "Longboat Key Beach Erosion Control District A."

(Ord. 92-24, passed 8-6-92)

92.33 Territory of district.

The boundaries of the Longboat Key Beach Erosion Control District A are set forth on the large-scale maps of the town which were on display in the town hall prior to and during the enactment of Ordinances 92-24 and 92-26 of the town commission, enacted on August 6, 1992, which large-scale maps are presently on file in the office of the town clerk. Representations of such maps solely for identification and administrative convenience have been prepared and are attached hereto as Exhibit A. Any discrepancy or apparent discrepancy between the actual large-scale maps and the representations attached hereto as Exhibit A shall be resolved in favor of the large-scale maps on file in the office of the town clerk.

(Ord. 92-24, passed 8-6-92)

92.34 Governing body.

The members of the town commission shall serve ex officio as the governing body of the Longboat Key Beach Erosion Control District A.

(Ord. 92-24, passed 8-6-92)

92.35 Purposes of district.

The purpose of the Longboat Key Beach Erosion Control District A shall be to provide for the planning, financing, construction, operation and maintenance of gulf beach restoration and gulf beach maintenance projects within the district and other related gulf beach projects.

(Ord. 92-24, passed 8-6-92)

92.36 Powers of district.

The district shall have all the powers under Florida law which the town has under Florida law, which shall be exercised solely for the purposes of the district as established herein, which powers shall include, but not be limited to, the power to conduct studies and adopt plans related to beach restoration and maintenance, maintain the beach, purchase and sell property, enter into contracts with both public and private entities, issue bonds and other obligations, levy taxes, levy special assessments, and appropriate and spend public funds; provided, however, that the power to issue bonds or other obligations or the levy of special assessments shall require the approval of a majority of the electors of the district voting on the proposed bond issue or special assessment.

(Ord. 92-24, passed 8-6-92)

92.37 Repeal of district.

Upon the payoff of the general obligation bond to be issued in the future by the Longboat Key Beach Erosion Control District A (including any refunding bond) or October 1, 2021, whichever shall occur earlier, all provisions contained within Sections 92.31 through 92.36 of this Code of Ordinances relating to the Longboat Key Beach Erosion Control District A shall be repealed and of no further force and effect.

Longboat Key Gulfside District

92.40 Establishment of Gulfside District. The Town Commission does hereby establish the Longboat Key Gulfside District, hereinafter the "Gulfside District" pursuant to the Town's home rule authority as set forth in Article VIII, Section 2 of the Florida Constitution; and the Town's home rule authority as set forth in Chapter 166, Florida Statutes; and Chapter 189, Florida Statutes. The Gulfside District shall be a dependent special district of the Town of Longboat Key, Florida.

92.41 Purpose, Powers, Function, and Duties. The purpose and function of the Gulfside District is to facilitate the Town's financing of ongoing beach maintenance and renourishment activities within the Town that are necessitated by tidal action and other natural and man-made causes of beach and coastal erosion. The Gulfside District shall have all powers, functions, and duties authorized by law to effectuate its purpose including but not limited to the following:

- a. To provide for the planning, financing, construction, operation, and maintenance of beach restoration and maintenance projects;
- b. To conduct studies and adopt plans related to beach restoration and maintenance projects;
- c. To provide for on-going maintenance activities relating to the Town's beaches, sand, accesses and dune system;
- d. To enter into contracts with both public and private entities;
- e. To receive, utilize, or expend funds, grants, or services from the federal, state, county, or other local governments, or from other private or civic sources;
- f. To request the Town Commission create an operation and maintenance/administration/renewal and replacement fund within the Gulfside District for the purposes of funding routine beach maintenance activities, operations, administration, and for purposes of maintenance/renewal and replacement fund or debt service;

- g. To construct, reconstruct, or improve, develop and execute a logical and suitable program for comprehensive beach and shore preservation relating to the use and maintenance of the beaches and sand which may be important to their preservation and enjoyment;
- h. To contract for services of engineers, attorneys, or other consultants and other agents and employees as the Gulfside District may require or deem necessary to accomplish the purpose and functions of said district;
- i. To request the Town Commission levy within the boundaries of the Gulfside District ad valorem taxes to pay the costs of construction, reconstruction, improvement, or maintenance of the beaches, sand, accesses and erosion control projects within said district;
- j. To request the Town Commission levy within the boundaries of the Gulfside District non-ad valorem assessments to pay the costs of construction, reconstruction, improvement, or maintenance of the beaches, sand, accesses, and erosion control projects within said district;
- k. To request the Town Commission issue bonds or other obligations payable by ad valorem taxes or non-ad valorem assessments collected within the boundaries of the Gulfside District, to finance or refinance beach restoration, renourishment, or maintenance activities, which constitute capital projects, and costs incidental to the issuance of such bonds or obligations including any referendum costs for both the Gulfside District and the Bayside District, if applicable, provided that the proposed bonds or other obligations and associated ad valorem levy, if applicable, has been approved by a majority of the qualified electors residing within said district;
- l. To purchase, hold, lease, sell, or otherwise acquire and convey such real and personal property and interests, as may be necessary or proper to carry out the purpose, powers, functions and duties of said district;
- m. To hold, control, and acquire by donation or purchase, or dispose of, any easements, dedications, platted reservations, or any reservations for the purposes authorized herein; and
- n. To have and exercise such powers as are reasonably implied in or not inconsistent with this subsection which the Town Commission determines are necessary and proper so the Gulfside District can carry out the objectives and purposes of said district.

92.42 Geographic Boundary of Gulfside District. The geographic boundary for the Gulfside District shall include and incorporate all real properties generally located on the westerly side of Gulf of Mexico Drive that are located between Gulf of Mexico Drive and the Gulf of Mexico, all of which are located within the municipal boundaries of the Town. A map identifying all of the parcels located within the Gulfside District is provided in the appendix of this chapter and is hereby incorporated by reference as Exhibit 1.

92.43 Authority of the Gulfside District. The Gulfside District shall have all of the powers authorized by law to perform the duties and financing set forth in Sections 92.41 and 92.47 of the Code of Ordinances.

92.44 Best Alternative. The Town Commission hereby finds that based upon evidence, testimony and reports, the creation of the Gulfside District is the best alternative available for achieving the beach maintenance and renourishment activities set forth herein.

92.45 Governance. The Town Commission shall sit as the governing board of the Gulfside District. The Town Commissioners shall receive no compensation from the Gulfside District for serving as the governing board of said special district. The organization and duties of the Town Commissioners as members of the governing board of Gulfside District shall be the same as it relates to the members as Town Commissioners.

92.46 Applicable Financial Disclosure, Noticing and Reporting. The financial disclosure, noticing, and reporting requirements applicable to the Gulfside District shall be the same as otherwise applicable to the Town Commissioners and the Town of Longboat Key. The Gulfside District shall comply with all reporting requirements required by state law relating to dependent special districts.

92.47 Financing. The Town Commission finds that the levy of ad valorem taxes is the most equitable method available to fairly apportion the costs associated with conducting beach renourishment, beach protection and erosion prevention, and fund the ongoing operating and maintenance, and administration support, costs associated with maintaining the Town's beaches. The Gulfside District is authorized to request the Town Commission levy within the boundaries of the Gulfside District ad valorem taxes to pay all costs to finance and refinance the construction, reconstruction and improvement of beach renourishment, beach protection and erosion prevention projects, and the operation and maintenance, and administrative support, costs associated with maintaining high quality beach conditions. Such costs may include, but are not limited to, the cost to conduct the renourishment and maintenances activities referenced in Section 92.41 of the Code of Ordinances; the cost of the referendum for both the Gulfside District and the Bayside District, if applicable, to approve the bonds or other obligations to finance or refinance the renourishment and maintenance activities, including expenses incidental to the issuance of bonds or other obligations; the cost of the bonds or other obligations to finance or refinance the renourishment and maintenance activities, including expenses incidental to the issuance of bonds or other obligations; the cost of the debt service on the bonds or other obligations necessary to finance or refinance the renourishment and maintenance activities, including the establishment of an appropriate reserve; the cost of the Town's administrative support for the Gulfside District; all costs, referendums, and other activities associated with the Bayside District; and any other costs associated with maintaining the high quality standards established by the Town Commission for the Town's beaches. Following a request from the Gulfside District, the Town Commission may issue bonds or other obligations, subject to referendum approval by the voters within the Gulfside District, payable from ad valorem taxes levied within the Gulfside District which mature more than twelve (12) months after issuance to finance or refinance capital projects in the manner and to the extent heretofore described. The ad valorem taxes, and related bonds, requested by the Gulfside District, shall be assessed and issued only to further the specific purpose of beach restoration and maintenance activities set forth in Sections 92.40-92.48 of the Code of Ordinances and for financing and refinancing purposes. The Town Commission shall maintain the exclusive power and authority to borrow money for the purposes of the Gulfside District. The Town Manager and Town Finance Director shall annually present a written budgetary request on behalf of the Gulfside District to the Town Commission of the Town of Longboat Key by June 1, for the Gulfside District funding. Said request shall include a computation of the funds needed within the Gulfside District

and Bayside District, if any, for the upcoming fiscal year so as to meet all the obligations set forth herein.

92.48 Consistent with Comprehensive Plan. The creation of the Gulfside District is consistent with the Town of Longboat Key's Comprehensive Plan and all other applicable growth management rules and regulations.

Longboat Key Beach Erosion Control District B

92.50 Authority for this subchapter.

This subchapter is enacted pursuant to Article VIII, Section 2(b), Florida Constitution of 1968, as amended; F.S. ch. 166, pts. I and II, (1991); F.S. ch. 170, (1991); and F.S. §§ 189.402(1) and 189.4041, (1991), as amended; and other applicable provisions of law. (Ord. 92-26, passed 8-6-92)

92.51 Findings.

The town commission hereby finds that it is necessary and proper for the town to establish a dependent special district for beach restoration and maintenance within the town. (Ord. 92-26, passed 8-6-92)

92.52 Creation.

There is hereby created and established a dependent special district of the town entitled the "Longboat Key Beach Erosion Control District B." (Ord. 92-26, passed 8-6-92)

92.53 Territory of district.

The boundaries of the Longboat Key Beach Erosion Control District B are set forth on the large-scale maps of the town which were on display in the town hall prior to and during the enactment of subchapters 92-24 and 92-26 of the town commission, enacted on August 6, 1992, which large-scale maps are presently on file in the office of the town clerk. Representations of such maps solely for identification and administrative convenience have been prepared and are attached hereto as Exhibit A. Any discrepancy or apparent discrepancy between the actual large-scale maps and the representations attached hereto as Exhibit A shall be resolved in favor of the large-scale maps on file in the office of the town clerk. (Ord. 92-26, passed 8-6-92)

92.54 Governing body.

The members of the town commission shall serve ex officio as the governing body of the Longboat Key Beach Erosion Control District B. (Ord. 92-26, passed 8-6-92)

92.55 Purposes of district.

The purpose of the Longboat Key Beach Erosion Control District B shall be to provide for the planning, financing, construction, operation and maintenance of gulf beach restoration and gulf beach maintenance projects on the island of Longboat Key which benefit the area within Longboat Key Beach Erosion Control District B, whether such projects are physically located within or outside the district, and other related gulf beach projects.

(Ord. 92-26, passed 8-6-92)

92.56 Powers of district.

The district shall have all the powers under Florida law which the town has under Florida law, which shall be exercised solely for the purposes of the district as established herein, which powers shall include, but not be limited to, the power to conduct studies and adopt plans related to beach restoration and maintenance, maintain the beach, purchase and sell property, enter into contracts with both public and private entities, issue bonds and other obligations, levy taxes, levy special assessments and appropriate and spend public funds; provided, however, that the power to issue bonds or other obligations or the levy of special assessments shall require the approval of a majority of the electors of the district voting on the proposed bond issue or special assessment.

(Ord. 92-26, passed 8-6-92)

92.57 Repeal of district.

Upon the payoff of the general obligation bond to be issued in the future by the Longboat Key Beach Erosion Control District A (including any refunding bond) or October 1, 2021, whichever shall occur earlier, all provisions contained within Sections 92.50 through 92.56 of this Code of Ordinances relating to the Longboat Key Beach Erosion Control District B shall be repealed and of no further force and effect.

Longboat Key Bayside District

92.60 Establishment of Bayside District. The Town Commission hereby recognizes that the beaches of the Town are a town-wide asset that benefit all property owners and residents and that there are numerous public and private access areas to the Town's beaches that afford all of the Town's residents a reasonable opportunity to access the Town's beaches. The Town Commission does hereby establish the Longboat Key Bayside District, hereinafter the "Bayside District" pursuant to the Town's home rule authority as set forth in Article VIII, Section 2 of the Florida Constitution; and the Town's home rule authority as set forth in Chapter 166, Florida Statutes; and Chapter 189, Florida Statutes. The Bayside District shall be a dependent special district of the Town of Longboat Key, Florida.

92.61 Purpose, Powers, Function, and Duties. The purpose and function of the Bayside District is to facilitate the Town's financing of ongoing beach maintenance and renourishment activities within the Town that are necessitated by tidal and wave action and other natural and man-made causes of beach and coastal erosion irrespective of whether such projects are physically located within the geographical boundaries of the Bayside District. The Bayside District shall have all powers, functions, and duties authorized by law to effectuate its purpose including but not limited to the following:

- a. To provide for the planning, financing, construction, operation and maintenance of beach restoration and maintenance projects;
- b. To conduct studies and adopt plans related to beach restoration and maintenance projects;
- c. To provide for on-going maintenance activities relating to the Town's beaches, sand, accesses, and dune systems;
- d. To enter into contracts with both public and private entities;

- e. To receive, utilize, or expend funds, grants, or services from the federal, state, county, or other local governments, or from other private or civic sources;
- f. To request the Town Commission create an operation and maintenance/administration/renewal and replacement fund within the Bayside District for the purposes of funding routine beach maintenance activities, operations, administration, and for purposes of maintenance/renewal and replacement fund or debt service;
- g. To construct, reconstruct, or improve, develop, and execute a logical and suitable program for comprehensive beach and shore preservation relating to the use and maintenance of the beaches and sand which may be important to their preservation and enjoyment;
- h. To contract for services of engineers, attorneys, or other consultants and other agents and employees as the Bayside District may require or deem necessary to accomplish the purpose and functions of said district;
- i. To request the Town Commission levy within the boundaries of the Bayside District ad valorem taxes to pay the costs of construction, reconstruction, improvement, or maintenance of the beaches, sand, accesses, and erosion control projects within said district;
- j. To request the Town Commission levy within the boundaries of the Bayside District non-ad valorem assessments to pay the costs of construction, reconstruction, improvement, or maintenance of the beaches, sand, accesses, and erosion control projects within said district;
- k. To request the Town Commission issue bonds or other obligations payable by ad valorem taxes or non-ad valorem assessments collected within the boundaries of the Bayside District, to finance or refinance beach restoration, renourishment, or maintenance activities, which constitute capital projects, and costs incidental to the issuance of such bonds or obligations including any referendum costs for both the Gulfside District and the Bayside District, if applicable, provided that the proposed bonds or other obligations and associated ad valorem tax levy, if applicable, has been approved by a majority of the qualified electors residing within said district;
- l. To purchase, hold, lease, sell, or otherwise acquire and convey such real and personal property and interests, as may be necessary or proper to carry out the purpose, powers, functions and duties of said district;
- m. To hold, control, and acquire by donation or purchase, or dispose of, any easements, dedications, platted reservations, or any reservations for the purposes authorized herein; and
- n. To have and exercise such powers as are reasonably implied in or not inconsistent with this subsection which the Town Commission determines are necessary and proper so the Bayside District can carry out the objectives and purposes of said district.

92.62 Geographic Boundary of Bayside District. The geographic boundary for the Bayside District shall include and incorporate all real properties generally located on the easterly side of Gulf of Mexico Drive that are located between Gulf of Mexico Drive and Sarasota Bay, all of which are located within the municipal boundaries of the Town. A map identifying all of the parcels located within the Bayside District, is provided in the appendix of this chapter and is hereby incorporated by reference as Exhibit 2.

92.63 Authority of the Bayside District. The Bayside District shall have all of the powers authorized by law to perform the duties and financing set forth in Sections 92.61 and 92.67 of the Code of Ordinances.

92.64 Best Alternative. The Town Commission hereby finds that based upon evidence, testimony, and reports that the creation of the Bayside District is the best alternative available for achieving the beach maintenance and renourishment activities set forth herein.

92.65 Governance. The Town Commission shall sit as the governing board of the Bayside District. The Town Commissioners shall receive no compensation from the Bayside District for serving as the governing board of said special district. The organization and duties of the Town Commissioners as members of the governing board of Bayside District shall be the same as it relates to the members as Town Commissioners.

92.66 Applicable Financial Disclosure, Noticing and Reporting. The financial disclosure, noticing, and reporting requirements applicable to the Bayside District shall be the same as otherwise applicable to the Town Commissioners and the Town of Longboat Key. The Bayside District shall comply with all reporting requirements required by state law relating to dependent special districts.

92.67 Financing. In recognition of the fact that the Town's beaches are a town-wide asset benefiting all Town property owners and residents irrespective of their proximate location to the Gulf of Mexico, the Town Commission finds that the levy of ad valorem taxes is the most equitable method available to fairly apportion the costs associated with conducting beach renourishment, beach protection, and erosion prevention, and fund the ongoing operating and maintenance, and administrative support, costs associated with maintaining the Town's beaches. The Bayside District is authorized to request the Town Commission levy within the boundaries of the Bayside District ad valorem taxes to pay a percentage of the costs to finance and refinance the construction, reconstruction, and improvement of beach renourishment, beach protection and erosion prevention projects, and the operation and maintenance, and administrative support, costs associated with maintaining high quality beach conditions. Such costs may include, but are not limited to, the cost to conduct the renourishment and maintenances activities referenced in Section 92.61 of the Code of Ordinances; the cost of the referendum for both the Gulfside District and the Bayside District, if applicable, to approve the bonds or other obligations to finance or refinance the renourishment and maintenance activities, including expenses incidental to the issuance of bonds or other obligations; the cost of the bonds or other obligations to finance or refinance the renourishment and maintenance activities, including expenses incidental to the issuance of bonds or other obligations; the cost of the debt service on the bonds or other obligations necessary to finance or refinance the renourishment and maintenance activities, including the establishment of an appropriate reserve; the cost of the Town's administrative support for the Bayside District; and any other costs associated with maintaining the high quality standards established by the Town Commission for the Town's beaches. Unless a majority of voters voting in a referendum election in the Bayside District fail to approve the issuance of debt for beach district financing and refinancing purposes, the Bayside District's total contribution for the funding of the Town's beach renourishment, operation and maintenance activities, and costs shall be 20% of the combined millage rate for both the Gulfside and Bayside Districts. Any change to the

Bayside District's total combined millage contribution percentage for such financings or re-financings shall require a public referendum. Following a request from the Bayside District, the Town Commission may issue bonds or other obligations, subject to referendum approval by the voters within the Bayside District, payable from ad valorem taxes levied within the Bayside District which mature more than twelve (12) months after issuance to finance or refinance capital projects in the manner and to the extent heretofore described. The ad valorem taxes, and related bonds, requested by the Bayside District, shall be assessed and issued only to further the specific purpose of beach restoration and maintenance activities set forth in Sections 92.60-92.68 of the Code of Ordinances and for financing and refinancing purposes. The Town Commission shall maintain the exclusive power and authority to borrow money for the purposes of the Bayside District. The Town Manager and Town Finance Director shall annually present a written budgetary request on behalf of the Bayside District to the Town Commission of the Town of Longboat Key by June 1, for the Bayside District funding. Said request shall include a computation of the funds needed within the Gulfside District and Bayside District, if any, for the upcoming fiscal year so as to meet the obligations set forth herein.

92.68 Consistent with Comprehensive Plan. The creation of the Bayside District is consistent with the Town of Longboat Key's Comprehensive Plan and all other applicable growth management rules and regulations.

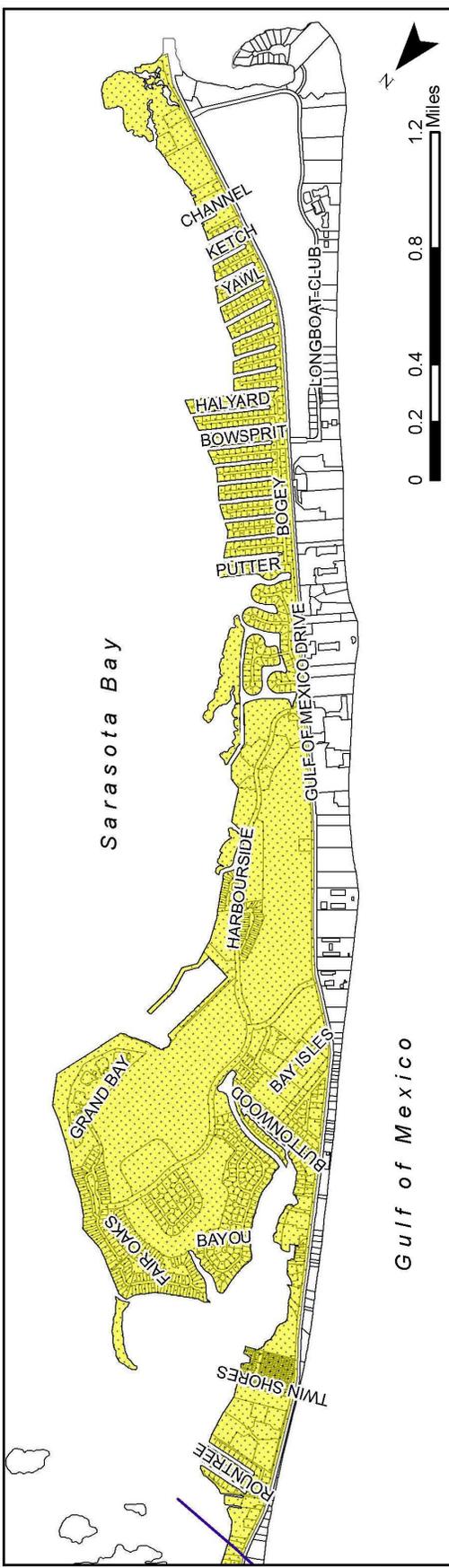
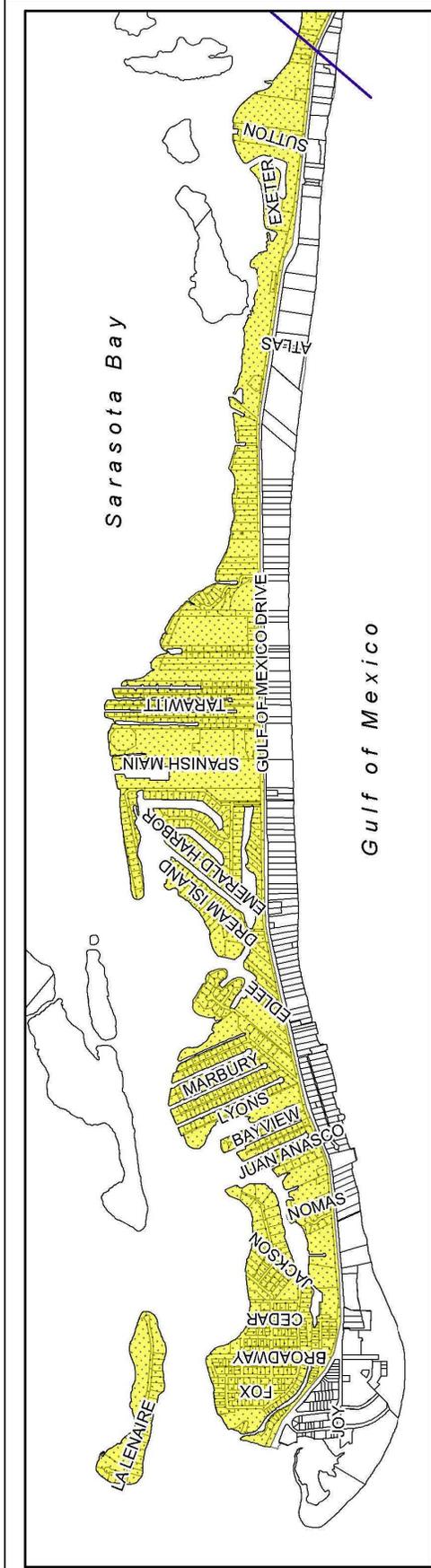
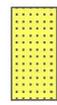


Exhibit 2. Bayside District



Bayside District

Town of Longboat Key

Prepared by
Department of
Planning, Zoning,
& Building
Town of
September 2014

