

RESOLUTION NO. 231

A RESOLUTION SUPPORTING THE CONTINUATION OF THE HALF-CENT SALES SURTAX UNTIL 2025 TO CONTINUE TO PAY CURRENT DEBT SERVICE ON THE CAPITAL COST OF THE BAY COUNTY INCINERATOR, WITH THE BALANCE TO BE DISTRIBUTED AMONG THE CITIES AND THE COUNTY BASED ON POPULATION AND TO BE EXPENDED EXCLUSIVELY FOR CAPITAL COSTS OF SOLID WASTE DISPOSAL AND STORMWATER MANAGEMENT / FLOOD CONTROL; PROVIDING AN IMMEDIATELY EFFECTIVE DATE CONTINGENT UPON CONCURRENCE AND PASSAGE OF MATERIALLY IDENTICAL RESOLUTIONS BY CITIES REPRESENTING GREATER THAN FIFTY PERCENT (50%) OF THE MUNICIPAL POPULATION OF BAY COUNTY, FLORIDA.

WHEREAS, Florida law authorizes the imposition, by referendum in individual counties, of an additional one-half (½) or one (1) percent sales tax to be collected by the State and distributed to the county and to the cities within the county by formula based upon population, pursuant to Section 212.055, Florida Statutes (the “Sales Tax”); and

WHEREAS, the Sales Tax distribution formula can be varied by agreement between the county and the cities representing a majority of the county’s municipal population (the “Cities”); and

WHEREAS, in 1988 the Sales Tax was approved by a majority of the voters of Bay County for the exclusive purpose of funding a portion of the capital costs of the Bay County Resource Recovery Plant (the “Incinerator”) and other capital costs of the Bay County solid waste system, subject in all cases to approval by the Cities; and

WHEREAS, the Cities did approve using the sales tax to pay the capital costs of the Incinerator, but the County has not requested and the Cities have not approved or disapproved using the proceeds of the Sales Tax for any other capital costs of the Bay County solid waste system; and

WHEREAS, debt service on the Incinerator is approximately three million five hundred thousand dollars (\$3,500,000) per year through the year 2023 with a requirement that the revenue

pledged to the debt service be collected through 2025; and

WHEREAS, Bay County, by their staff estimates, has accumulated approximately twenty-six million dollars (\$26,000,000) from the sales tax revenue for the purpose of funding certain identified capital projects, including the placement of “scrubbers” on the incinerator discharge (“Capital Projects”); and

WHEREAS, the Sales Tax as currently authorized will expire in May 2003; and

WHEREAS, in June 2002, Bay County proposed to the Cities an ordinance which would place on the ballot for the November 2002 general election a referendum question seeking approval of the voters for a continuation of the Sales Tax and providing that the Sales Tax would become effective contingent upon the Cities agreeing that Bay County shall continue to receive all the revenue from the Sales Tax until September 30, 2010, to be applied to the debt service and future capital costs of the Incinerator and the Bay County solid waste system; and

WHEREAS, continuation of the Sales Tax would create sufficient revenue to fund the current debt service on the Incinerator and still provide revenue for the County and all of the cities within Bay County; and

WHEREAS, the City of Parker (the “City”) recognizes the importance and necessity of the continuation of the Sales Tax for the infrastructure needs of the County and the cities within the County, and supports the continuation of the Sales Tax to insure that Bay County receives sufficient revenue to fully pay debt service on the bonds for the Incinerator as originally agreed; and

WHEREAS, the Cities also recognize the importance and necessity of permanently dedicating the balance of the Sales Tax receipts to be distributed pro-rata amongst the County and all the cities in the County based upon the respective populations of the cities within the County and the unincorporated population of the County, all of such revenue to be used exclusively for the

capital costs of solid waste disposal and stormwater management/flood control; and

WHEREAS, the City, along with other cities in the County, desires to present to the Board of County Commissioners an alternative referendum question which addresses the debt service requirements of the incinerator and provides both the County and all the cities within the County the ability to address solid waste issues as well as the critical issue of stormwater management / flood control.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF PARKER that the City stands willing to enter an interlocal agreement with Bay County, Florida and the other cities in Bay County presenting a unified referendum proposal to extend the Sales Tax as follows:

1. The term of the tax shall be from the date of its inception until 2025 two years after the current Incinerator bonds are paid.
2. An amount equal to the debt service on the current incinerator bonds (approximately three million five hundred thousand dollars (\$3,500,000) per year) shall be paid to the County annually from the surtax proceeds and used for the exclusive purpose of paying debt service on those bonds.
3. The remainder of the Sales Tax collected shall be distributed pro-rata, among the County and all the cities within the County, based upon the respective populations of the cities and the unincorporated population of the County as determined by the 2000 census and any subsequent decennial census.
4. The distributions shall be used by the County and the cities, severally, for the sole and exclusive purpose of paying the capital costs of solid waste disposal and stormwater management / flood control, or the cost of financing same.
5. The current reserves accumulated from the Sales Tax by the County of approximately



twenty-six million dollars (\$26,000,000) and any reserves accumulated before the current Sales Tax terminates in 2003 shall be expended solely for the Capital Projects.

BE IT FURTHER RESOLVED that this Resolution is contingent upon, and shall become effective when, adopted in substantially identical form by the governing bodies of cities representing a majority of the municipal population of Bay County, Florida.

PASSED, APPROVED AND ADOPTED as of this 16 day of August, 2002.

CITY OF PARKER, FLORIDA

BY: Brenda G. Hendricks  
Brenda G. Hendricks, Mayor

ATTEST:

  
City Clerk