

ORDINANCE NO. 2972

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH,
PALM BEACH COUNTY, FLORIDA CREATING THE
CITY OF RIVIERA BEACH UTILITY SPECIAL
DISTRICT; ADOPTING THE SPECIAL DISTRICT
CHARTER; PROVIDING FOR CONFLICTS,
CODIFICATION AND SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Article VIII, Section 1, of the Florida Constitution, and other applicable laws, the City Council of the City of Riviera Beach, Florida, as a Home Rule municipality, has all powers of local self government to perform city functions and to render city services in a manner not inconsistent with general or special law, and such power may be exercised by the enactment of city ordinances; and

WHEREAS, pursuant to Chapter 189, Florida Statutes, the Uniform Special District Accountability Act of 1989, as amended from time to time, municipalities may create a Special District to perform special purposes, including, but not limited to, the acquisition, financing, operation, management, repair, replacement, renewal, extension and expansion of public infrastructure for the provision of municipal services; and

WHEREAS, the City has determined that it is in its best interests and the best interests of its residents and the public to create, own, improve, construct, operate and maintain a utility special district, and that a utility special district is the best alternative to accomplish the City's utility infrastructure purposes, for the following reasons:

(1) From the public perspective, in order to promote the public health, safety and welfare of the City, and to protect and preserve the environment in and around the City, the creation of a utility special district best serves the public and is in the public interest by allowing greater flexibility for the City to fund and operate necessary capital infrastructure projects.

(2) The City must meet the comprehensive planning requirements of Chapter 163, Florida Statutes, which mandate that Florida local governments, including the City, coordinate available sources of funding and the availability of infrastructure. The creation of a utility special district will be a major factor in such required infrastructure funding and project coordination between utility infrastructure and City general fund infrastructure development.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF RIVIERA BEACH, FLORIDA, as follows:**

ORDINANCE NO. 2972

PAGE 2

SECTION 1. The City is authorized by the Florida Constitution and the provisions of applicable Florida laws, including, but not limited to, Section 189.4041, Florida Statutes, to create a dependent utility special district, and to construct, reconstruct, improve, and extend City utility systems and to issue revenue bonds and other debts if needed to finance in whole or part the cost of such utility systems and to establish just and equitable rates, fees, and charges for the services and facilities provided by the utility systems.

SECTION 2. In accordance with the requirements of Section 189.4041, Florida Statutes, the City hereby adopts the Utility Special District Charter which is attached to this Ordinance (the "Charter") and made a part hereof. The Charter sets forth each of the requirements of Section 189.4041(4), Florida Statutes.

SECTION 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance or Charter are repealed to the extent of any conflict.

SECTION 4. The provisions of the Charter shall be codified in the City Code.

SECTION 5. In the event that any portion or section of this Ordinance, including, but not limited to, the Charter, is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance or the Charter which shall remain in full force and effect.

SECTION 6. This Ordinance shall take effect immediately upon its adoption by the City Council.

PASSED AND APPROVED on first reading this 2ND day of JUNE, 2004.

PASSED AND ADOPTED on second and final reading this 16 day of June, 2004.

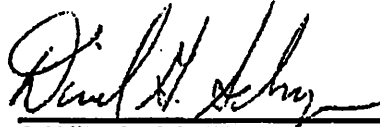
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ORDINANCE NO. 2972
PAGE 3

APPROVED:




MICHAEL D. BROWN,
MAYOR



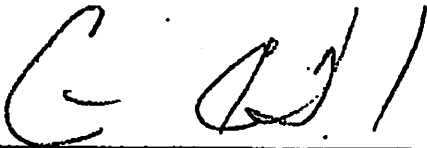
DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)



ANN ILES
CHAIR PRO-TEM

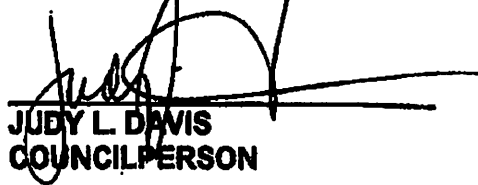
ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

ABSENT

ELIZABETH "LIZ" WADE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CITY ATTORNEY

DATE: 5/26/04

ORDINANCE NO. 2972
PAGE 4

MOTIONED BY: E. WADE

MOTIONED BY: D. WILSON

SECONDED BY: D. WILSON

SECONDED BY: A. ILES

1ST READING

2ND & FINAL READING

D. SCHNYER AYE

AYE

A. ILES AYE

AYE

D. WILSON AYE

AYE

J. DAVIS AYE

AYE

E. WADE AYE


ABSENT

ORDINANCE NO. 2972
PAGE 5

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

June 16, 2004
Date



Carrie E. Ward, MMC
City Clerk