

## ORDINANCE 08-09

**AN ORDINANCE ADOPTING THE FINAL BUDGET FOR THE HIDEAWAY BEACH SPECIAL TAXING DISTRICT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; APPROPRIATING FUNDS FOR OPERATING EXPENSES OF THE CITY OF MARCO ISLAND FOR THE GENERAL OPERATION OF THE HIDEAWAY BEACH SPECIAL TAXING DISTRICT, AND FOR CONTRIBUTING TO THE SINKING FUND TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF BONDS AND OTHER FIXED OBLIGATIONS OF THE TAXING DISTRICT, FOR AND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009, PROVIDING FOR BUDGET CONTROL POLICIES, PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Marco Island adopts a final budget and appropriates funds on an annual basis for the general operation of the several departments of the City and any Special Taxing Districts; and

WHEREAS, the City of Marco Island held an operating budget workshop on the fiscal year 2008-2009 budget on August 4, 2008 and reviewed the 2008-2009 budget for the Hideaway Beach Special Taxing District as proposed by the Tax District Board at the Hideaway Beach Special Taxing District Board Meeting held on July 17, 2008; and

WHEREAS, the 2008 Tax Assessment Roll for the Hideaway Beach Special Taxing District has been prepared, equalized, and certified, showing:

Total Taxable Value of Real and Personal Property:      \$539,326,098

WHEREAS, the process of the adoption of the annual budget is governed by Chapter 200, Florida Statutes "Truth in Millage" (TRIM) legislation, requiring calculation of the Rolled-Back Tax Rate and percentage increase over the Rolled-Back Rate, certain public notices, public hearings, and format of required ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

**Sec. 1.** That the budget for the Hideaway Beach Special Taxing District for the fiscal year commencing October 1, 2008 and ending September 30, 2009 is hereby adopted:

HIDEAWAY BEACH SPECIAL TAXING DISTRICT \$ 3,256,050

**Sec. 2.** That for the payment of expenses and obligations of the Hideaway Beach Special Taxing District for the fiscal year ending September 30, 2009, there is hereby appropriated out of any monies in the treasury of the Hideaway Beach Special Taxing District and any accruing revenues of the Special Taxing District available for said purposes to the funds and for the purposes hereinafter set forth, the sums of money shown in the following schedule:

SPECIAL REVENUE FUND:  
Hideaway Beach Special Taxing District \$ 3,256,050

**Sec. 3.** Budgetary control is maintained at the fund level in all funds except for the General Fund. Budget amendments are approved from time to time during the course of the fiscal year through the approval of the City Council by voice vote. A Budget Re-Appropriation Ordinance, consolidating all budget amendments approved during the course of the fiscal year and those recommended by the Hideaway Beach Tax District Board near the end of the fiscal year, is prepared and presented to the City Council near the end of the fiscal year to officially amend the Annual Budget.

**Sec.4.** The Finance Director is authorized to reserve at October 1, 2008 the unpaid purchase orders, outstanding contracts, and other commitments of Fiscal Year 2007-08. Said amounts reserved shall be designated as reservations of fund balance for encumbrances under fund equity and shall be carried forward into the next fiscal year as additions to the respective budgets.

**Sec.5.** The City Manager, through the Finance Director, is hereby authorized and directed to receipt all revenues listed herein for the purpose of which said revenues are designated and appropriated. In so doing, the Finance Director, through the City Manager, shall accurately account and record said receipts in the ledgers and financial records in each respective account. Such ledgers and financial records shall be subject to audit.

**Sec.6.** The City Manager, through the Finance Director, is hereby authorized and directed to disburse moneys for the purpose of meeting the expenses and expenditures as appropriated.

**Sec.7. Incorporation, Conflict, and Severability.**

**A.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

**B.** All sections or parts of sections of the Marco Island City Code of Ordinances, all City of Marco Island resolutions or parts of resolutions made applicable by City Charter in conflict herewith are hereby repealed to the extent of such conflict.

**C.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Sec.8. Effective Date.**

This Ordinance shall take effect immediately upon adoption at second reading.

First Reading (Tentatively Adopted) passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 2nd day of September, 2008.

Second Reading passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 15<sup>th</sup> day of September, 2008.

Attest:

  
\_\_\_\_\_  
Laura Litzan  
City Clerk

Approved as to form and  
legal sufficiency:

CITY OF MARCO ISLAND, FLORIDA

BY:   
\_\_\_\_\_  
William D. Trotter, Chairman

  
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Alan L. Gabriel, City Attorney