

RESOLUTION NO. R-14-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REVISED RATES, FEES, AND OTHER CHARGES FOR FACILITIES AND SERVICES FURNISHED OR TO BE FURNISHED BY THE MANATEE COUNTY PUBLIC UTILITIES SYSTEM; ESTABLISHING REVISED CROSS-CONNECTION BACKFLOW PREVENTION FEES AND CHARGES; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, a political subdivision of the State of Florida, owns and operates the Manatee County public utilities system pursuant to Section 125.01, Florida Statutes, Chapters 153 and 159, Florida Statutes, Chapter 63-1598, Laws of Florida, as amended, Chapter 2-31, Article IV, Manatee County Code of Ordinances, as amended, and other applicable provisions of law, together with resolutions adopted by the Board of County Commissioners of Manatee County; and

WHEREAS, Section 2-31-103, Manatee County Code of Ordinances, authorizes the county to prescribe, fix, establish and collect fees, rentals or other charges for the facilities and services furnished by the public utilities system on an equitable basis; and

WHEREAS, on October 22, 2013, the Board of County Commissioners of Manatee County enacted Ordinance No. 13-35, which created Chapter 2-31, Article X, Manatee County Code of Ordinances, to establish new requirements relating to cross-connection and backflow prevention; and

WHEREAS, Section 2-31-310, Manatee County Code of Ordinances, authorizes the Board of County Commissioners, by resolution, to establish rates, fees, and charges for the administration of Chapter 2-31, Article X, Manatee County Code of Ordinances, relating to implementation and maintenance of the cross-connection backflow prevention program facilities and services furnished by the public utilities system; and

WHEREAS, county staff has recommended changes to certain rates, fees, and other

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charges for the cross-connection backflow prevention facilities and services furnished by the public utilities system; and

WHEREAS, the Board of County Commissioners has reviewed the recommended changes and has determined that the revised rates, fees, and charges set forth in this resolution are fair and equitable and necessary to fund the proper operation of the cross-connection backflow prevention facilities and services of the public utilities system; and

WHEREAS, pursuant to Section 2-31-103, Manatee County Code of Ordinances, revision of the fees, rentals or other charges for the facilities and services of the public utilities system requires adoption of a resolution by the Board of County Commissioners at a public hearing; and

WHEREAS, Section 2-31-103, Manatee County Code of Ordinances, requires notice of public hearing for such resolution to be published at least once not less than ten (10) days prior to such public hearing in a newspaper of general circulation in the county; and

WHEREAS, Section 2-31-103, Manatee County Code of Ordinances, requires the Board of County Commissioners, at the public hearing, to disclose all purposes for which any increased and/or new fees, rentals or other charges will be used; and

WHEREAS, notice of public hearing to consider Resolution No. R-14-23 was duly published in a newspaper of general circulation in Manatee County; and

WHEREAS, on February 25, 2014, the Board of County Commissioners held a public hearing to consider Resolution No. R-14-23; and

WHEREAS, at the public hearing, the Board of County Commissioners disclosed all purposes for which any increased and/or new rates, fees, and charges established in Resolution No. R-14-23 will be used; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the county and the customers of the public utilities system, and the owners and holders of bonds

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issued to finance the construction of the public utilities facilities, to establish revised rates, fees, and other charges for the cross-connection backflow prevention facilities and services furnished or to be furnished by the public utilities system.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Cross-connection backflow prevention fees and charges. Pursuant to section 2-31-310 of the Manatee County Code of Ordinances, the revised cross-connection backflow prevention fees and charges are hereby established. The fees and charges for testing, repair, replacement, or installation of backflow prevention assemblies will be \$40.00 minimum, or the actual cost plus \$25.00 administrative fee, whichever amount is greater.

Section 2. Directions regarding codification. This resolution shall not be codified in the Manatee County Code of Resolutions.

Section 3. Prior and conflicting resolutions. All prior and conflicting resolutions or parts of resolutions shall be repealed, rescinded, superseded, and replaced by this resolution effective March 1, 2014, at 12:01 a.m.

Section 4. Severability. In the event that any provision, portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining provisions, portions or sections of this resolution which shall remain in full force and effect.

Section 5. Effective date. This resolution and the rates, fees, and charges established in this resolution shall become effective March 1, 2014, at 12:01 a.m.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 25 day of February, 2014.

ATTEST: R. B. Shore  
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: [Signature]  
Deputy Clerk

A circular blue seal for the Board of County Commissioners of Manatee County, Florida. The seal features the text "BOARD OF COUNTY COMMISSIONERS" around the top inner edge, "MANATEE CO., FLA." around the bottom inner edge, and "SEAL" in the center.

By: [Signature]  
Chairman