

ORDINANCE NO. 835

AN ORDINANCE OF THE CITY OF BROOKSVILLE, CONSENTING TO BE INCLUDED IN THE HERNANDO COUNTY MOSQUITO CONTROL MUNICIPAL SERVICE TAXING UNIT CREATED BY HERNANDO COUNTY ORDINANCE NO. 2011-11; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hernando County Board of County Commissioners created the Hernando County MOSQUITO CONTROL MUNICIPAL SERVICE TAXING UNIT (hereinafter, "the Unit") by its Ordinance No. 2011-11; and,

WHEREAS, Section 6 of the Hernando County Ordinance No. 2011-11 provides that "The provisions of this ordinance creating a MSTU shall not be effective within any municipality in Hernando County unless and until such municipality consents by ordinance in accordance with the provisions of Section 125.01(1)(q), Florida Statutes, as it may be amended from time to time, to the imposition of the MSTU within the municipality;" and,

WHEREAS, the City of Brooksville anticipates the approval of an interlocal agreement with Hernando County which will provide for the development of a comprehensive long-range county-wide mosquito control program with project funding and implementation schedules; and,

WHEREAS, the City of Brooksville City Council deems it to be advisable to consent to inclusion of the City of Brooksville in the Unit for the purposes of mosquito control;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

It is hereby ascertained, determined and declared that:

SECTION 1. Authorization. The Board of County Commissioners of Hernando County, Florida, ("the County"), has enacted ordinances authorizing the County to create or identify a municipal service taxing or benefit unit for other specific geographic areas within which the County imposes and collects tax revenue for mosquito control services.

SECTION 2. Determination of Inclusion. The Brooksville City Council has determined that the inclusion of the incorporated area of the City within the Unit is in the best interest of the owners of property within the corporate limits of the City.

SECTION 3. Consent of City. The Brooksville City Council hereby consents to the inclusion of all of the incorporated area of Brooksville, Florida, within the Unit created by Hernando County Ordinance Number 2011-11; provided, however, that such consent shall automatically be revoked if the millage levied by the County exceeds 0.1000. Such consent shall become effective upon adoption of this Ordinance. The City Council finds that the provision of mosquito control services is an essential municipal purpose.

SECTION 4. Annual Renewal of Consent. Consent of the Brooksville City Council given to the County by this Ordinance shall be deemed given in advance for each fiscal year hereafter and shall be automatically renewed for each succeeding fiscal year unless such consent is subsequently withdrawn as provided herein. The City Council may only withdraw such consent for any subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to the County prior to May 1, preceding the fiscal year for which consent is being withdrawn.

SECTION 5. Approval for Fiscal Year 2014. In the event that the City of Brooksville and Hernando County cannot reach an Interlocal Agreement for mosquito control services before July 1, 2013, this Ordinance will become null and void.

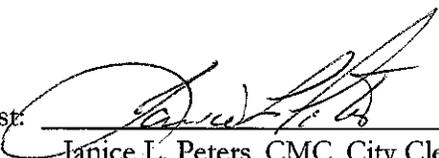
SECTION 6. Conflict. Any ordinance or code of the City, or any portion thereof, in conflict with the provisions of this ordinance, is hereby repealed to the extent of such conflict.

SECTION 7. Severability. In the event that any portion or section of this ordinance is determined to be invalid, unlawful or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance, which shall remain in full force and effect.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

SECTION 9. This Ordinance supersedes prior Ordinance Number 829, approved and adopted by the Brooksville City Council on June 4, 2012.

CITY OF BROOKSVILLE

Attest: 
Janice L. Peters, CMC, City Clerk

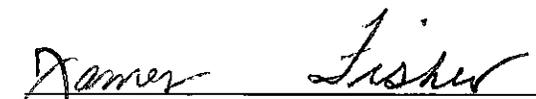
By: 
Lara Bradburn, Mayor

PASSED on First Reading April 15, 2013
NOTICE Published on April 26, 2013
PASSED on Second & Final Reading May 6, 2013

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini AYE
Bradburn AYE
Burnett AYE
Hohn AYE
Johnston AYE


Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney