

DISTRICT CHARTER

[98-473, Laws of Florida; as amended by 2003-352, Laws of Florida]

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DISTRICT CHARTER

SECTION 1. GENERAL PROVISIONS

- A. This act codifies provisions of previously adopted local acts, chapter 63-1569, Laws of Florida, as amended by chapters 75-426, 76-416, 80-531, and 87-528, Laws of Florida, affecting the public body corporate and political subdivision known as the Cedar Key Special Water and Sewerage District; adopts amendments thereto; and repeals all previously adopted local acts. Said body corporate and political subdivision shall remain an independent special district established by the Legislature of the State of Florida for the purpose of providing potable water and wastewater treatment services to the district boundary area described below. Said special independent district shall henceforth be known as the Cedar Key Water and Sewer District. All previous references to the Cedar Key Special Water and Sewerage District, shall hereafter be deemed to refer to the Cedar Key Water and Sewer District [hereafter "District"].
- B. District boundaries shall be as provided and incorporated by reference as if set forth fully herein.

The boundaries of the Cedar Key Water and Sewer District shall be as follows:

See Appendix A

- C. The District may continue to provide potable water service to those properties presently being served in Sections 16 and 17 of Township 15 South, Range 13 East.

SECTION 2. GOVERNING BODY ESTABLISHED

- A. The governing body of the District shall be a board of commissioners, hereafter referred to as "Board," consisting of five commissioners, each of whom shall be a qualified voter in the District.
- B. All elections shall be held at the same time and place as the municipal election of the City of Cedar Key. There shall be a separate ballot and the ballot shall be canvassed separately from those of the city election and shall be certified to this Board.
- C. Commissioners shall be elected for a period of 2 years commencing at noon on the day after their election. Following each election, the Board shall select one member as chair to serve during his or her term of office. The Board shall also designate one member as Board secretary. Disbursement of the funds of the District shall be made only upon orders authorized by the Board, signed by the chair and countersigned by the Board secretary or other Board member in the absence of the Board secretary.

- D. The Board shall appoint an administrative secretary, who shall be custodian of the official proceedings, records, and funds of the District and shall furnish bond for the performance of his or her duties and for the accounting for the funds of the District.
- E. All candidates for commissioner shall run by groups and shall qualify by filing the petition with the administrative secretary of this Board during the same period provided by the City of Cedar Key for city commission candidates. The administrative secretary of this Board shall be responsible for preparing the ballot and supervising the election of commissioners in holding elections.
- F. In case of a vacancy in the membership of the Board, the remaining four members shall appoint a qualified person to serve until the next election.

SECTION 3. POWERS OF DISTRICT GOVERNING BODY

- A. The District, acting by and through its Board, shall have the powers of a public body corporate and political subdivision, including the power to:
 - 1. Levy ad valorem taxes on all of the taxable property in said District, as hereinafter provided.
 - 2. Sue and be sued.
 - 3. Contract and be contracted with.
 - 4. Adopt and use a common seal and to alter same.
 - 5. Acquire by either or both construction or purchase, to own in its corporate name, and to lease and convey such real and personal property as the Board may deem proper or expedient.
 - 6. Appoint and employ a superintendent and other employees as the Board may deem advisable.
- B. Specifically, the Board shall have the power to:
 - 1. Acquire by either or both purchase or construction and to improve, extended, enlarge, reconstruct, own, operate, manage, and control a public water supply and distribution system and a sewage system for the purpose of supplying water in the District for public, domestic, industrial, and fire protection purposes, and for purpose of disposing of sewage;
 - 2. Fix and collect rates and charges for the services and facilities furnished by any such water supply and distribution system and any sewage system and to fix and collect charges for making connections with either system.

- C. No contract of the Board to purchase, sell, lease, or convey property, real or personal, wherein the consideration involved exceeds \$1,000, shall be valid or binding unless formal action thereon is taken at a meeting of the Board duly convened for that purpose. Two weeks prior to the meeting, there shall be published notice in a newspaper of general circulation published in Levy County, if any, and, if none is available, then by posting publicly a copy of such notice at the courthouse of the county not less than 14 days prior to the date of the meeting, in words and figures substantially as follows:

Notice to electors and customers in Cedar Key Water and Sewer District.
NOTICE IS GIVEN to all electors and customers of the Cedar Key Water and Sewer District as defined by Chapter Laws of Florida, that the Board of the District will, at a meeting of the Board to be held at , consider and dispose of the following official business of the Board:

(Here briefly state the general nature of the business to be transacted.)

All persons having any interest in said matter may appear before the Board at said time and place and they will be heard."

Dated this.
(Signed).

Secretary of the Board

SECTION 4. PROPERTY ACQUISITION

The Board shall have power in the name of the District to acquire any property, real or personal, deemed necessary for carrying out the provisions of this act through the exercise of the right of eminent domain. The procedure in acquiring said property shall be in accordance with the provisions of chapters 73 and 74, Florida Statutes, which are hereby expressly made applicable to eminent domain proceedings instituted by the District.

SECTION 5. BONDS: ISSUANCE

- A. The District acting by and through the Board is hereby authorized by resolution at one time or from time to time to issue bonds of the District to an aggregate principal amount not exceeding \$3 million, which amount shall include revenue-producing certificates issued by the District, for the purpose of paying all or any part of the cost of the sewage system and said water supply and distribution system.
- B. Such bonds and revenue-producing certificates shall bear interest at such rate or rates not exceeding 7 percent per annum as may be prescribed by resolution and shall mature at such time or times not exceeding 50 years from their date or dates as may be determined by the Board. The bonds and revenue-producing certificates may be made redeemable before maturity at the option of the Board upon terms and conditions as may be fixed by the Board prior to the issuance of the bonds or revenue-producing certificates.

- C. The Board shall determine the form of the bonds and revenue-producing certificates, including interest coupons to be attached thereto, and the manner of execution thereof and shall fix the denomination or denominations of the bonds or revenue-producing certificates and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state.
- D. All bonds issued under the provisions of this act shall be general obligations of the District and shall have all of the qualities and incidents of negotiable instruments under the negotiable instruments law of the state.
- E. The Board may sell such bonds or revenue-producing certificates in a manner, at a time or times, and for a price or prices as it may determine to be for the best interest of the District and, in the resolution or resolutions providing for the issuance of any such bonds or revenue-producing certificates, provisions may be made for the custody and application of the proceeds therefrom as may be deemed necessary or advantageous for safeguarding of the proceeds.

SECTION 6. BONDS: ELECTIONS

No bonds shall be issued by the District under the provisions of this act unless such issuance has been approved at an election as required by § 12, Art. VII of the State Constitution. Such election shall be called, noticed, and conducted and the results thereof determined and declared in the manner required by § 100.201, Florida Statutes, except as herein otherwise specifically provided.

SECTION 7. TAXATION: AD VALOREM

- A. At or prior to the issuance of any bonds under this act, provision shall be made in and by a resolution or resolutions adopted by the Board for the levy each year throughout the life of the bonds of a tax on all of the taxable real and personal property in the District sufficient in amount to pay the interest of the bonds as it becomes due and to create a sinking fund to pay the principal thereof at or before maturity.
- B. The revenues received each year in excess of the amount required to pay the current expenses of administration, operation, maintenance, renewals, and replacements of said water supply and distribution system and sewage system shall be used to pay such interest and principal, and only such portion or amount of the annual tax as would otherwise be required shall be levied and collected.
- C. A certified copy of the resolution or resolutions making provisions for the levy of taxes as set forth above shall be filed with the Board of County Commissioners of Levy County and with the Comptroller of the state. It shall be the duty of the board of county commissioners to order the assessment and collection of the taxes so provided to be assessed, levied, and collected in each year at the rate of taxation required to produce the amounts provided for each respective year and to be included in the warrant of the county tax assessor and attached to the assessment roll of taxes for each year, respectively.

- D. It shall be the duty of the county tax assessor to assess and of the county tax collector to collect, said taxes accordingly. The tax collector shall collect such tax in the same manner and with the same penalties as provided for county taxes and to remit the same to the administrative secretary of the Board within the time and in the manner prescribed by law for county taxes.
- E. It is the duty of the Department of Revenue to assess and levy said annual tax at the rate required of all the railroad lines and property and all telegraph and telephone lines and property located in the District, and the taxes shall be so assessed and levied as are county taxes upon such property, and such taxes when collected shall be remitted to the administrative secretary of the Board within the same time and in the manner prescribed by law for county taxes.
- F. Thereafter, whenever the Board of the District has net revenues available and set apart for the payment of interest and principal, it shall, on or before the next succeeding September 1, file with the board of county commissioners and also with the Department of Revenue a certification of the amount of thus available and set apart. The certification shall operate to abate and reduce the rate and amount of taxes otherwise provided to be levied and collected during the next year under the provisions of this act.

SECTION 8. TAXATION: MILLAGE CAP

In like manner as provided above, the Board is hereby further authorized each year to cause to be levied and collected an annual tax on all of the taxable real and personal property in the District at a rate not to exceed 3 mills per annum, the proceeds of which shall be used and applied to the payment of the cost of administration of the Board.

SECTION 9. TAXATION: USE OF PROCEEDS

All ad valorem taxes authorized above shall be entered on the assessment rolls for real and personal property in the District, and the proceeds thus received by the administrative secretary of the Board shall be used only for the purpose or purposes as herein authorized and provided to be levied.

SECTION 10. RESERVED

SECTION 11. AUTHORITY TO MANDATE SERVICE

The Board is authorized and empowered to, by resolution, provide and require that:

- A. All water used within the District by a user, except that used for lawn sprinkling, agricultural irrigation, or industrial use, shall be obtained from and through the District and its water distribution system, provided the water furnished by the District through its water distribution system is of a quality to meet the requirements of the Florida Department of Health for a public supply.

- B. All sewage originating within the District, except separately treated industrial waste, shall be disposed of through the District sewage system and not otherwise.
- C. The violation of user requirements set by resolution is a misdemeanor of the second degree, punishable as provided in § 775.082, Florida Statutes.

SECTION 12. QUALIFIED ELECTOR

Any person who is a resident within the District and who is now or shall hereafter become or be a qualified elector within Levy County, shall be deemed and held, for all purposes of this act, to be a qualified elector of the District.

SECTION 13. POWERS OF LEGISLATURE

Nothing in this act shall be construed as restricting the power of the Legislature to hereafter amend this act so as to enlarge the boundaries of the District or to increase the aggregate principal amount of bonds which may be issued by the District.

SECTION 14. TAX EXEMPT STATUS OF DISTRICT

Inasmuch as the works and facilities provided for in this act are for a public purpose essential for the health and welfare of the inhabitants of the District and for the growth and development thereof, the District shall not be required to pay any taxes or assessments upon any of its properties, nor the income therefrom.

SECTION 15. SEVERABILITY

The provisions of this act are declared to be severable and, if any provision is held unconstitutional or invalid by any court of competent jurisdiction, such constitutionality or invalidity shall not affect or impair any of the remaining provisions.

SECTION 16. EFFECTIVE DATE

Upon taking effect, this act shall supersede and repeal chapters 63-1569, 75-426, 76-416, 80-531, and 87-528, Laws of Florida. This act shall take effect upon becoming a law [May 28, 1998].

APPENDIX A

For a point of reference, commence at the point of intersection of the centerline of Florida State Road No. 24 (a 100 foot Right-of-Way) with the Easterly line of Section 3, Township 15 South, Range 13 East and run South 55 degrees 38 minutes 34 seconds West, along said centerline, a distance of 435.62 feet to a point of curvature in said line; continue thence Southwesterly along said centerline and along the arc of a curve, concave Southeasterly and having a radius of 11,459.16 feet, a chord distance of 332.29 feet to a point referenced as Point "A", the bearing of the aforementioned chord being South 54 degrees 48 minutes 44 seconds West; run thence South 36 degrees 38 minutes 46 seconds East, a distance of 50.00 feet to a point in the Southeasterly Right-of-Way line of said State Road No. 24 for the Point of Beginning. From the Point of Beginning thus described, continue South 36 degrees 38 minutes 46 seconds East, a distance of 420.00 feet to a point; run thence South 53 degrees 27 minutes 24 seconds West, a distance of 210.00 feet to a point; run thence North 36 degrees 38 minutes 46 seconds West, a distance of 420.00 feet to a point in the Southeasterly Right-of-Way line of said Florida State Road No. 24; thence run Southwesterly along said Right-of-Way line to the intersection of said line with the East line of the West half of the Northwest Quarter of the Northwest Quarter of Section 16, Township 15 South, Range 13 East; thence run South to the Southeast corner of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of said Section 16; thence run West to the West line of said Section 16; thence run South to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 17, Township 15 South, Range 13 East; thence run Westerly to the East Right-of-Way line of State Road No. 24; thence run Southerly along the said Right-of-Way line of State Road No. 24 to the North line of Section 20, Township 15 South, Range 13 East; thence run Easterly along the North line of Sections 20, 21, 22, and 23, to the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 14, Township 15 South, Range 13 East; thence run Southerly three and one-half miles to a point that is East of the Southern most point of the Island of Atsena Otie Key; thence run West a distance of six and one-quarter miles; thence run North a distance of three and one-quarter miles to the Northwest corner of Section 23, Township 15 South, Range 12 East; thence run Easterly along the North line of Sections 23 and 24 of Township 15 South Range 12 East, and the North line of Sections 19 and 20, Township 15 South, Range 13 East, to the West Right-of-Way line of State Road No. 24; thence run North and Northeasterly along said Right-of-Way line of State Road No. 24 to a point due West of the Westerly Right-of-Way line of Old State Road 24 and the Easterly Right-of-Way of State Road 24; thence run due East to the said intersection of the Westerly Right-of-Way line of Old State Road 24 and the Easterly Right-of-Way of State Road 24; thence run Northerly along the West Right-of-Way line of Old State road 24 to the East Right-of-Way line of State Road 24; thence run Northerly to the intersection of said line with the centerline of Levy County Road No. 347; thence run Northeast along the centerline of County Road No. 347 to the South line of Section 9, in Township 15 South, Range 13 East; thence continue North 18 degrees 24 minutes 19 seconds East, along the said centerline a distance of 221.24 feet to an intersection with a curve concave to the Northeast, having a radius of 5,729.58 feet and a central angle of 03 degrees 46 minutes 23 seconds; thence run Northeasterly along the arc of said curve a distance of 377.50 feet to the point of tangent of said seconds West; run thence South 36 degrees 38 minutes 46 seconds East, a distance of 50.00 feet to a point in the Southeasterly Right-of-Way line of said State Road No. 24 for the Point of Beginning. From the Point of Beginning thus described,

continue South 36 degrees 38 minutes 46 seconds East a distance of 420.00 feet to a point; run thence South 53 degrees 27 minutes 24 seconds West, a distance of 210.00 feet to a point; run thence North 36 degrees 38 minutes 46 seconds West, a distance of 420.00 feet to a point in the Southeasterly Right-of-Way line of said Florida State Road No. 24; thence run Southwesterly along said Right-of-Way line to the intersection of said line with the East Right-of-Way line of Old State Road 24; thence run Southerly to the East Right-of-Way line of State Road No. 24; thence run Southerly along the said Right-of-Way line of State Road No. 24 to the North line of Section 20, Township 15 South, Range 13 East; thence run Easterly along the curve; thence run North 22 degrees 10 minutes 42 seconds East along the said centerline a distance of 2,127.25 feet; thence run North 67 degrees 49 minutes 18 seconds West perpendicular to the said centerline a distance of 50 feet to an intersection with the West Right-of-Way line of said County Road No. 347; thence run South 22 degrees 10 minutes 42 seconds West along the said West Right-of-Way line a distance of 50 feet; thence run North 67 degrees 49 minutes 18 seconds West perpendicular to said West Right-of-Way line a distance of 105.82 feet; thence run North 22 degrees 10 minutes 42 seconds East parallel to said County Road No. 347, a distance of 100 feet; thence run South 67 degrees 49 minutes 18 seconds East perpendicular to the West Right-of-Way line a distance of 105.82 feet to the intersection with the West Right-of-Way line of County Road No. 347; thence run Southwesterly along said West Right-of-Way line to the intersection of said westerly line of County Road No. 347 to the intersection of said line with the centerline of State Road No. 24; thence run Northeasterly along the centerline of State Road No. 24 to Point "A" as referenced herein above; thence run South 36 degrees 38 minutes 46 seconds East to the Point of Beginning.

Together with the following described parcels of land:

Parcel A: (96/227)

That part of the Southwest Quarter of Section 9, Township 15 South, Range 13 East, particularly as follows, to-wit:

Commence at the Southwest corner of Section 9 Township 15 South 13 East for a point of reference; thence run South 89 degrees 32 minutes 55 seconds East along the South line of said Section 9 a distance of 291.56 feet to an intersection with the centerline of County Road No. 347; thence run North 18 degrees 24 minutes 19 seconds East along the said centerline a distance of 221.24 feet to an intersection with a curve concave to the Northeast, having a radius of 5,729.58 feet and a central angle of 03 degrees 46 minutes 23 seconds; thence run Northeasterly along the arc of said curve a distance of 377.50 feet to the point of tangent of said curve; thence run North 22 degrees 10 minutes 42 seconds East along the said centerline a distance of 2,127.25 feet; thence run North 67 degrees 49 minutes 18 seconds West perpendicular to the said centerline a distance of 50 feet to an intersection with the West Right-of-Way line of said County Road No. 347 to establish the Point of Beginning; from said Point of Beginning, thence run South 22 degrees 10 minutes 42 seconds West along the said West Right-of-Way line a distance of 50 feet; thence run North 67 degrees 49 minutes 18 seconds West perpendicular to said west Right-of-Way line a distance of 105.82 feet; thence run North 22 degrees 10 minutes 42 seconds East parallel to said County Road No. 347 a distance of 100 feet; thence run South 67 degrees 49 minutes 18 seconds East perpendicular to the said West Right-of-Way line a distance of 105.82 feet to an intersection with the West Right-of-Way line

of said County Road No. 347; thence run South 22 degrees 10 minutes 42 seconds West along the said West Right-of-Way line a distance of 50 feet to the Point of Beginning.

Parcel B: (96/232)

Begin at the Northeast corner of Section 17, Township 15 South, Range 13 East and thence run West along the North line of said Section 17 a distance of 660 feet; thence run South 660 feet; thence run East 660 feet to a point in the East line of said Section 17; thence run North 660 feet to the Point of Beginning.

and (109/617)

That part-of the Northeast Quarter of the Northeast Quarter of Section 17, Township 15 South, Range 13 East, being more particularly described as follows, to-wit:

Commence at the Northeast corner of said Section 17 for a point of reference; thence run South 00 degrees 29 minutes 38 seconds West along the East line of said Northeast Quarter of the Northeast Quarter of Section 17 a distance of 580.51 feet to a concrete monument on the North Right-of-Way line of a 66.00 foot road; thence run North 72 degrees 00 minutes 22 seconds West along the North line of said 66.00 foot road a distance of 228.38 feet to a concrete monument; thence run North 83 degrees 03 minutes 22 seconds West along the North line of said 66.00 foot road to a concrete monument set on said North Right-of-Way line a distance of 444.99 feet to establish the Point of Beginning. From said Point of Beginning, run North 00 degrees 29 minutes 38 seconds East parallel with the East line of said Northeast Quarter of the Northeast Quarter a distance of 461.94 feet; thence run North 89 degrees 30 minutes 20 seconds West along the North line of said Northeast Quarter of the Northeast Quarter a distance of 320 feet; thence run Southeasterly a distance of 500 feet, more or less, to a point in the North Right-of-Way line of said 66.00 foot road, which point is South 83 degrees 03 minutes 22 seconds East a distance of 110 feet from the Point of Beginning; thence run South 83 degrees 03 minutes 22 seconds East along the North line of said 66.00 foot road a distance of 110 feet to the Point of Beginning,

and (109/619)

Together with a perpetual easement and right-of-way for road, passageway, and public utilities on, over, and along that certain strip, piece, and parcel of land 66.00 feet wide situate and being in the County of Levy, State of Florida, particularly described as follows, to-wit:

That part of the Northeast Quarter of the Northeast Quarter of Section 17, Township 15 South, Range 13 East, further described as:

Commence at the Northeast corner of said Section 17 for a point of reference; thence run South 00 degrees 29 minutes 38 seconds West along the East line of said Northeast Quarter of the Northeast Quarter of Section 17 a distance of 580.51 feet to a concrete monument on the North Right-of-Way line of a 66.00 foot road for the Point of Beginning. From said Point of Beginning continue South 00 degrees 29 minutes 38 seconds West along the East line of said Northeast Quarter of the Northeast Quarter of Section 17, a distance of 69.20 feet to a

concrete monument set on the South Right-of-Way line of said 66.00 foot road; thence run North 72 degrees 00 minutes 22 seconds West along the South line of said 66.00 foot road a distance of 242.81 feet to a concrete monument; thence run North 83 degrees 03 minutes 22 seconds West along the South Right-of-Way line of said 66.00 foot road a distance of 55.77 feet to a concrete monument at the Northwesterly corner of the Central Florida Electric Co-Operative, Inc., Substation property; thence continue North 83 degrees 03 minutes 22 seconds West along the South Right-of-Way line of said 66.00 foot road a distance of 375.38 feet, to a concrete monument; thence run North 00 degrees 29 minutes 38 seconds East parallel to the East line of said Northeast Quarter of the Northeast Quarter of Section 17, a distance of 66.42 feet to a concrete monument set in the North line of said 66.00 foot road; thence run South 83 degrees 03 minutes 22 seconds East a distance of 444.99 feet to a concrete monument in the North Right-of-Way line of said 66.00 foot road; thence run South 72 degrees 00 minutes 22 seconds East along the North Right-of-Way line a distance of 228.38 feet to a concrete monument on the East line of said Northeast Quarter of the Northeast Quarter of said Section 17 to the Point of Beginning.

Parcel C: (96/229)

A strip of land 20 feet wide described as that part of the Northwest Quarter of the Northwest Quarter of Section 16, Township 15 South, Range 13 East, in Levy County, Florida, being 20.00 feet in width and lying 10.00 feet on each side of the following described centerline, to-wit:

Commence at the Northwest corner of said Section 16 in Township 15 South, Range 13 East for a point of reference and thence run South 00 degrees 29 minutes 38 seconds West along the West line of said Section 16 a distance of 419.60 feet to establish the Point of Beginning; from the said Point of Beginning thence run North 89 degrees 26 minutes 19 seconds East a distance of 103.96 feet to an intersection with the Westerly Right-of-Way line of State Road No. 347 and the point of termination of the above described centerline.

and

A strip of land 40.00 feet wide described as that part of the Northwest Quarter of the Northwest Quarter of Section 16, Township 15 South, Range 13 East in Levy County, Florida, being 40.00 feet in width and lying 20.00 feet on each side of the following described centerline, to-wit:

Commence at the Northwest corner of said Section 16 in Township 15 South, Range 13 East for a point of reference and thence run South 00 degrees 29 minutes 38 seconds West along the West line of said Section 16 a distance of 591.00 feet to establish the Point of Beginning; from said Point of Beginning, thence run South 88 degrees 34 minutes 22 seconds East a distance of 47.68 feet to an intersection with the Westerly Right-of-Way line of State Road No. 347 and the point of termination of the above described centerline.

All lying and being in Levy County, Florida.