

RESOLUTION 20-170

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING RESOLUTION 08-67 REGARDING THE CITY'S WATER AND SEWER EXTENSION IMPACT FEE FINANCING PROGRAMS; INCREASING THE MAXIMUM FACILITY VALUE AMOUNT FOR THE 75% PROGRAM TO \$70,000; CLARIFYING ELIGIBILITY AND APPLICATION REQUIREMENTS; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

Section 1. From and after the effective date of this Resolution, Section 2 of Resolution 08-67, New Program, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Section 2. New Program. There is hereby established a second financing program available only for facilities valued at less than seventy ~~ifty~~ thousand dollars (\$70,000) ~~(\$50,000)~~ but greater than seventy five hundred dollars (\$7,500), as follows:

- a. Qualification to participate is the same as the existing program.
- b. All terms and conditions are the same as the existing program, except the revenue certificate shall be payable at the rate of seventy-five percent (75%) of impact fees collected by the City and the certificate shall expire five (5) years after date of issuance.

Section 2. From and after the effective date of this Resolution, Section 3 of Resolution 08-67, No Right to Participate, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

SECTION 3. No Right to Participate.

- a. Prior to initiating construction, interested persons shall apply in writing to participate in an impact fee financing program, which request shall be timely reviewed by the Utilities Director or his or her designee, for a recommendation to the City Manager.
- b. The financing programs shall not be applicable to facilities which have been released for service by the Florida Department of Environmental Protection or are under construction prior to receipt of the initial application.

c. No person shall be entitled as a matter of right to participate in either program. Regardless of qualification, the City Manager shall have the discretion to deny in writing participation where, due to the condition, the availability of service, the business needs or the planning objectives of either or both of the water or sewer enterprise systems, the public interest would not be served by purchasing facilities under the relevant program. Any party denied participation may appeal the City Manager's written denial to the City Council by written notice delivered to the City Clerk within 20 days after receipt of the denial. The City Council's decision shall be based upon competent, substantial evidence adduced at a hearing on the appeal and shall be sustained if supported by any such evidence.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 10th day of September, 2020.

CITY OF PANAMA CITY BEACH

By: MSH

Mark Sheldon, Mayor

ATTEST:

Lynne Fasone

Lynne Fasone, City Clerk

RESOLUTION 08-67

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA RATIFYING AND CONFIRMING THE HISTORICAL WATER AND SEWER EXTENSION IMPACT FEE FINANCING PROGRAM; AUTHORIZING A SIMILAR PROGRAM FOR SMALLER EXTENSION PROJECTS AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City has in place a financing program where, in consideration of a developer's transfer of certain large scale water or sewer system extension facilities, or both, to the City, the City issues to the developer a revenue certificate in an amount equaling the costs of those facilities payable solely from impact fees collected from connections to the facilities transferred, without interest; and

WHEREAS, the City desires to extend the program to smaller water and sewer system extensions under terms better suited to smaller projects.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. Existing Program. The current financing program is hereby ratified and confirmed, as follows:

a. To qualify for the program, the facilities to be transferred must not lie within the boundaries of the property or project owned or controlled by the developer, and in the judgment of the City Engineer and City Manager must serve and provide a benefit of excess water or sewer capacity, or both, to the public and surrounding property not owned or controlled by the developer, which benefit is greater than the benefit of the facilities to the property owned or controlled by the developer.

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b. The principal amount of the revenue certificate must not exceed the actual, out of pocket cost of labor, materials and engineering incurred by the developer to construct the facilities. No other costs, including by way of example and not limitation, real estate costs, landscaping costs, construction period interest, attorney's fees or any other costs associated with the facilities to be transferred shall be included.

c. The revenue certificate must be payable, without interest, exclusively from the respective (water or sewer) impact fees collected by the City through the facilities transferred at the rate of twenty five percent (25%) of such impact fees actually collected by the City, and shall expire twenty (20) years after date of issuance without payment of the balance of any principal remaining unpaid and not yet due.

d. In the judgment of the City Engineer and City Manager, payment of the revenue certificate must not be likely to divert impact fees needed or desired for other capital projects in the system.

e. The facilities to be transferred must lie entirely within lands in which the city has a permanent and unrestricted right to access and maintain utility facilities.

f. Each transaction between the City and the developer shall be wholly evidenced by a family of three documents (i) a resolution reciting the description of the facilities and the City's limited obligation to pay for them; (ii) a bill of sale conveying the facilities to the City; and (iii) the revenue certificate itself.

SECTION 2. New Program. There is hereby established a second financing program available only for facilities valued at less than fifty thousand dollars (\$50,000) but greater than seventy five hundred dollars (\$7,500), as follows:

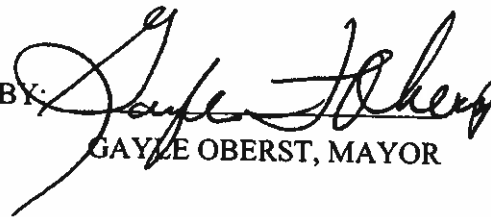
- a. Qualification to participate is the same as the existing program.
- b. All terms and conditions are the same as the existing program, except the revenue certificate shall be payable at the rate of seventy-five percent (75%) of impact fees collected by the City and the certificate shall expire five (5) years after date of issuance.

SECTION 3. No Right to Participate. No person shall be entitled as a matter of right to participate in either program. Regardless of qualification, the City Manager shall have the discretion to deny in writing participation where, due to the condition, the availability of service, the business needs or the planning objectives of either or both of the water or sewer enterprise systems, the public interest would not be served by purchasing facilities under the relevant program. Any party denied participation may appeal the City Manager's written denial to the City Council by written notice delivered to the City Clerk within 20 days after receipt of the denial. The City Council's decision shall be based upon competent, substantial evidence adduced at a hearing on the appeal and shall be sustained if supported by any such evidence.

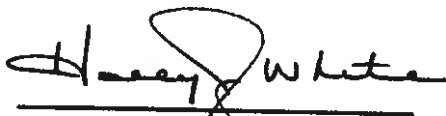
THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE.

PASSED IN REGULAR SESSION THIS 11th DAY OF SEPTEMBER, 2008.

CITY OF PANAMA CITY BEACH

BY: 
GAYLE OBERST, MAYOR

ATTEST:



HOLLY WHITE, CITY CLERK