

PROPOSED  
ORDINANCE NO. 28-12

ORDINANCE NO. 27-12

AN ORDINANCE PROVIDING FOR THE AUTHORIZATION AND APPROVAL OF THE APPLICATION OF THE MUNICIPAL SERVICES TAXING UNIT FOR LIBRARY SERVICES WITHIN THE CITY LIMITS OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

WHEREAS, on March 22, 1994, the Board of County Commissioners of Escambia County, Florida adopted a resolution for the creation of a Municipal Services Taxing Unit ("MSTU") for Library Services; and

WHEREAS, on July 28, 1994, the Board of County Commissioners of Escambia County, Florida adopted a resolution to clarify the fact that the MSTU for Library Services was to include all unincorporated areas of Escambia County; and

WHEREAS, Florida Statutes, Section 125.01, provides that subject to consent by ordinance of the governing body of an affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality; and

WHEREAS, the City desires to consent to the levy of the MSTU for Library Services within the incorporated area of the City of Pensacola, NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. The City of Pensacola authorizes, approves and consents to the application of the MSTU for Library Services by the Board of County Commissioners of Escambia County, Florida, within all of the municipal boundaries of the City of Pensacola, pursuant to Florida Statutes, Section 125.01, for a term of ten (10) years.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance

which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth (5<sup>th</sup>) business day after adoption or shall be effective upon such later date as may be provided therein.

Passed: December 13, 2012

Approved: P.C. [Signature]  
President of City Council

Attest:

[Signature: Patricia L. Burnett]  
City Clerk

Legal in form and valid as drawn:

[Signature]  
City Attorney



# CITY COUNCIL MEMORANDUM

December 13, 2012

Item 15C



**TO:** City Council

**FROM:** P.C. Wu, Council President

**SUBJECT:** Proposed Ordinance No. 28-12 – Funding For the West Florida Public Library System

## **RECOMMENDATION:**

That City Council approve Proposed Ordinance No. 28-12 on second reading.

## **SUMMARY:**

At the November 7, 2012 Special Committee of the Whole meeting to discuss the West Florida Public Library System a motion was passed to put on the November 13, 2012 Committee of the Whole Agenda to discuss levying a MSTU to fund the Library system. Since that time, the County has taken action to collaborate with the City of Pensacola to levy a MSTU to provide a dedicated funding source for the West Florida Public Library System. The County anticipates bring forward a resolution making the MSTU inclusive of the City on December 6, 2012 in order to comply with the statutory deadline.

In order to accomplish this, the County wants to levy the MSTU county-wide. Therefore, according to State Statues, the City needs to adopt an ordinance before the end of December, 2012 for this to be effective for Fiscal Year 2014 (October 1, 2013 – September 30, 2014). Due to the time constraints this item is being brought forward and an ordinance will be prepared for first reading on Thursday, November 15, 2012 should the Committee of the Whole approve this recommendation.

As discussed at the Special Committee of the Whole meeting on November 7, 2012, both the City and County staff have worked diligently to resolve this issue. For the Fiscal Year 2013 budget, remaining funds from Fiscal Year 2012 will be carried forward to stabilize the operating hours of the Library System at 87% for all branches. The adoption of this ordinance would be the next step in order to accomplish a permanent solution to Library funding within Escambia County. The Mayor, Staff, Library Board and Friends of the Library feel it is essential to have quality library services within Escambia County for both City and County residents. This would resolve a long overdue issue as it relates to the quality of life in the area.

## **PRIOR ACTION:**

The Fiscal Year 2013 Budget for the Library was adopted in September, 2012.

November 15, 2012, City Council approved Proposed Ordinance 28-12 on first reading.

**FUNDING:** Budget: N/A  
Actual: N/A

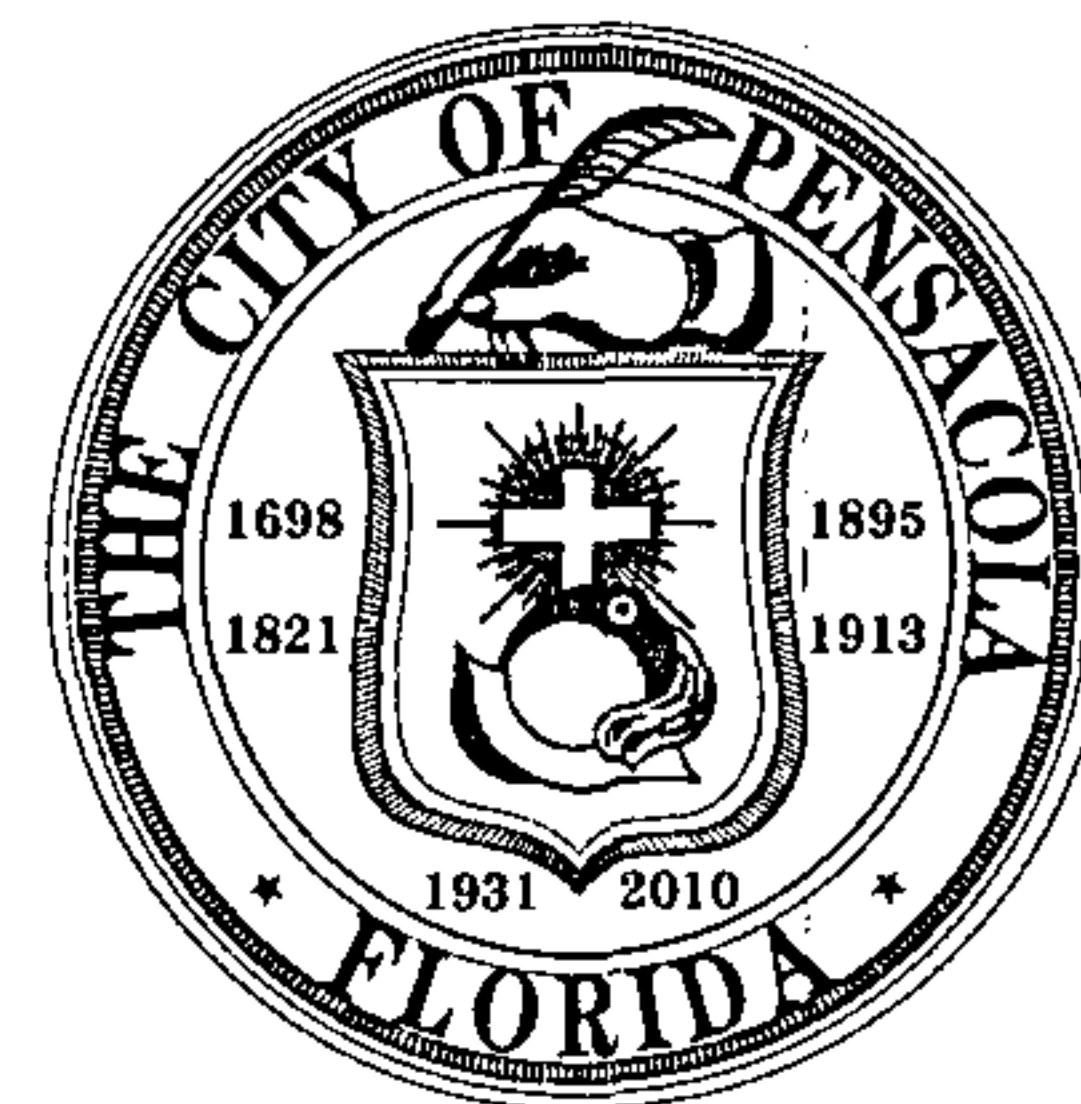
**ATTACHMENTS:** (1) Proposed Ordinance No. 28-12  
(2) Committee Memorandum dated December 10, 2012

**PRESENTATION:** No.

# COMMITTEE MEMORANDUM

December 10, 2012

## FOR INFORMATION



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**FROM:**

Ashton J. Hayward, III, Mayor

*will be for ASH*

**SUBJECT:**

West Florida Public Library System MSTU Ordinance Change

**SUMMARY:**

At the November 15, 2012 Council Meeting, City Council adopted an ordinance on the first reading to levy a Municipal Service Taxing Unit (MSTU) within the incorporated area upon the adoption by Escambia County to levy a MSTU within the unincorporated area for a dedicated funding source for the West Florida Public Library System. Included in that ordinance was a provision that the City of Pensacola authorizes the MSTU for a term of five (5) years. Following that meeting, Staff was informed by the County that their intention is to authorize the MSTU for a term of ten (10) years. Therefore, the ordinance that will be brought before City Council on December 13, 2012 for the second reading will include the change in term of the MSTU from five (5) years to ten (10) years, in order to remain consistent with Escambia County's ordinance.

**PRIOR ACTION:**

November 15, 2012 - Proposed Ordinance #28-12 adopted by City Council on the first reading.

**ATTACHMENTS:**

None.

**PRESENTATION:**

No.



Published Daily-Pensacola, Escambia County, FL

## PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **ANNA HAMMES** who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

### Notice of Proposed Ordinances

Was published in said newspaper in the issue(s) of:

**December 3, 2012**

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 3rd Day of **December, 2012**, by **ANNA HAMMES** who is personally known to me.

*A. Hammes*  
*Gillian L. Ward*

Affiant

Notary Public

**GILLIAN L. WARD**  
NOTARY PUBLIC - STATE OF FLORIDA  
COMMISSION #EE835572  
MY COMMISSION EXPIRES SEPT. 17, 2016

### NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 26-12, 27-12, and 28-12 were presented to the City Council of the City of Pensacola for first reading on Thursday, November 15, 2012 and will be presented for final reading and adoption on Thursday, December 13, 2012 at 5:30 p.m. in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida.

The titles of the proposed ordinances are as follows:

P.O. #26-12

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING PROVISIONS OF THE DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 9-9-4(g), FOR REDUCING INTEREST EARNED PERCENTAGE FOR THE GENERAL PENSION AND RETIREMENT PLAN; AMENDING SECTION 9-9-4(h), FOR NOT ALLOWING COST OF LIVING INCREASES FOR THE GENERAL PENSION AND RETIREMENT PLAN; PROVIDING FOR APPLICABILITY OF ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**

P.O. #27-12

**AN ORDINANCE AMENDING SECTION 12-12-7 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING LICENSE TO USE RIGHT OF WAY REGULATIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**

P.O. #28-12

**AN ORDINANCE PROVIDING FOR THE AUTHORIZATION AND APPROVAL OF THE APPLICATION OF THE MUNICIPAL SERVICES TAXING UNIT FOR LIBRARY SERVICES WITHIN THE CITY LIMITS OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**

A copy of the proposed ordinances may be inspected by the public in the City Clerk's office, located on the 7th Floor of City Hall, 222 West Main Street, Pensacola, Florida, or on-line on the City's website: <http://www.cityofpensacola.com/agendas/>. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to city services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

**CITY OF PENSACOLA, FLORIDA**  
By: Ericka L. Burnett, City Clerk

Visit [www.cityofpensacola.com](http://www.cityofpensacola.com) to learn more about City activities. Council agendas posted on-line before meetings.

Legal No 1583910.1T.December 3, 2012

RECEIVED

DEC 04 2012

CITY CLERK