

ORDINANCE 2023-18

AN ORDINANCE OF SUMTER COUNTY CREATING THE VILLAGES PUBLIC SAFETY DEPARTMENT DEPENDENT DISTRICT AS A DEPENDENT SPECIAL DISTRICT PURSUANT TO SECTION 189.092, FLORIDA STATUTES; STATING THE PURPOSE, POWERS, FUNCTIONS, AND DUTIES OF THE DISTRICT; DESIGNATING THE GEOGRAPHIC BOUNDARY LIMITATIONS OF THE DISTRICT; STATING THE AUTHORITY OF THE DISTRICT; EXPLAINING WHY THE DISTRICT IS THE BEST ALTERNATIVE; DESIGNATING THE MEMBERSHIP, ORGANIZATION, COMPENSATION, AND ADMINISTRATIVE DUTIES OF THE GOVERNING BOARD OF THE DISTRICT; STATING ALL FINANCIAL DISCLOSURES, NOTICING AND REPORTING REQUIREMENTS; STATING THE METHODS FOR FINANCING THE DISTRICT; DECLARING THAT THE CREATION OF THE DISTRICT IS CONSISTENT WITH THE APPROVED LOCAL GOVERNMENT COMPREHENSIVE PLANS, PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Sumter County Board of County Commissioners, Florida (the “County”) at its regular meeting on September 21, 2021, voted to continue providing fire, rescue, and emergency medical transport services through the support of two separate fire departments (Sumter County Fire & EMS Department and The Villages Public Safety Department), each delivering fire rescue and emergency medical service (“EMS”) transport services; and,

WHEREAS, a referendum on the November 2022 General Election to establish The Villages Fire EMS District as an independent fire district failed to pass; and,

WHEREAS, if the independent fire district passed, funding for Sumter County Fire & EMS would have reduced drastically, due to the limited number of parcels and property values, and conflicted with the continuation of the level of service directed by the County on September 21, 2021; and

WHEREAS, at its regular meeting held on September 10, 2023, the County voted to proceed with considering the creation of a dependent fire district to support the separation of levels of service provided by each fire department and to the extent practical to also separate the revenues by which to fund each fire department to keep the services at their current levels and growing based on the needs of each service area independently; and,

WHEREAS, Sumter County, Florida acting by and through its Board of County Commissioners, hereby establishes The Villages Public Safety Department Dependent District (the “District”) as authorized by Chapter 189, Florida Statutes, Chapter 125, Florida Statutes, and Article VIII, Section 1 of the Florida Constitution; and,

WHEREAS, the County reviewed all factors as required by Chapter 189, Florida Statutes, and upon such review determined that the establishment of the District is in the public interest of the County and its residents for their existing and future health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. ESTABLISHMENT AND STATUS STATEMENT OF DISTRICT. The “WHEREAS” recitals above are hereby confirmed and adopted, and the County does hereby establish The Villages Public Safety Department Dependent District, hereinafter the “District” as a dependent special district within the meaning of Chapter 189, Florida Statutes, for all purposes consistent with, and as authorized by Chapter 189, Florida Statutes, and all other applicable law.

SECTION 2. ESTABLISHMENT OF DISTRICT BOUNDARY. The geographic boundary for the District shall include and incorporate all property identified on the map of the District, attached hereto and incorporated herein; all of which is located within the County. Any property located within incorporated areas of the City of Wildwood are included within the District based on the approval of the City Commission as reflected in its ordinance 2023-62 and the Interlocal Agreement for Fire Rescue Service Delivery with the County.

SECTION 3. PURPOSE, POWERS, FUNCTIONS, DUTIES AND AUTHORITY OF DISTRICT. The District shall have all authority and powers as authorized by law and this Ordinance, to function so as to effectuate its purpose to cause the provision of fire, rescue and EMS transport services facilities, infrastructure and other “public facilities” to the District community. County shall exclusively provide and fund, through its General Fund, the following provisions of service to the District: Public Safety Radio, 911 Call Taking and Fire & EMS Dispatch, Fleet Maintenance, Community Automated External Defibrillator (AED) Program, and the Joint Fire Training Facility. Without limiting the generality of the foregoing, the District shall have the following specific powers:

a. The right to exercise any and all provisions or powers granted to the District by this Ordinance or applicable law;

b. The right to provide fire suppression service, basic and advanced life support service, emergency medical transport service, and activities related to the foregoing;

c. The right to establish, acquire, construct, reconstruct, repair, replace, operate and maintain such facilities, whether through purchase, lease, interlocal agreement or otherwise, as are determined by the District to be necessary and proper to provide the services described herein; provided, however, that all construction shall be in compliance with applicable state, regional and local regulations, including adopted comprehensive plans and land development regulations;

d. The right to acquire and maintain, whether through purchase, lease, interlocal agreement or otherwise, such firefighting and fire protection equipment deemed necessary to prevent or fight fires;

e. The right, pursuant to the provisions of chapter 401 and the certificate of public convenience and necessity issued by the County to the District, to establish and maintain emergency medical and rescue response services and acquire and maintain, whether through purchase, lease, interlocal agreement or otherwise, rescue, medical and other emergency equipment;

f. The right to engage, whether as employees, independent contractors, or pursuant to interlocal agreement, train, and equip such personnel as are necessary to accomplish the duties of the District. The District may employ and fix the compensation of a fire chief or chief administrator, and shall also have the power to enter into a management services contract with another unit of local government to undertake the supervision and management of the

operations of the District and its employees and maintenance and operation of its facilities and equipment;

g. The right to conduct public education to promote awareness of methods to prevent fires and reduce the loss of life and property from fires or other public safety concerns;

h. The right to cooperate or contract with other persons or entities, including other governmental agencies, as necessary, convenient, incidental, or proper in connection with providing effective mutual aid and furthering any power, duty or purpose authorized by this Ordinance. The District has, and the board may exercise, all powers and duties provided in Section 163.01, Chapter 189 and this Ordinance, including such powers within or without the District's boundary, in cooperation with any other governmental agency;

i. The right to enter into interlocal agreements with one or more general purpose governments pursuant to which the District may exercise any of its powers outside its territorial boundaries and within the territorial boundaries of such general purpose government, provided that in no event may the District directly impose ad valorem taxes or special assessments on real property located outside its boundaries;

j. The right to sue and be sued in the name of the District, to adopt and use a seal and authorize the use of a facsimile thereof, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers, including, but not limited to, the right to contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature;

k. The authority to prescribe, fix, maintain and regulate fees, charges or rents for the use of any District facilities or services including, but not limited to, those services and activities described in Section 191.009(3), Florida Statutes;

l. The authority to borrow money, issue bonds and other types of securities, pledge or otherwise encumber any of the District's property or assets upon terms and conditions to be determined by the District Board;

m. The right to adopt and enforce reasonable rules and regulations or procedures pertaining to the use, acquisition, maintenance, development, operation or disposal of any of the properties, services, facilities, or projects of the District;

n. The right to do, and to perform all such things described in this Section separately or in conjunction with the County, City of Wildwood, other special districts or other political subdivision of the state within the territorial limits of the District;

o. The right to employ and compensate a staff and such personnel or contract for said personnel services, consultants and technical and professional assistants as the District Board shall determine to be necessary;

p. The right to conduct and pay for studies, plans and designs to effectuate the purpose of the District, which action may include, but is not limited to, work plans for expansion, staffing plans and financing plans;

q. The right to enter into interlocal agreements or other contracts with public or private entities, except with the Cities of Bushnell, Center Hill, Coleman, Webster, or Wildwood conflicting with any interlocal agreement between County and these cities, if necessary, for the purpose of accomplishing the purposes of the District;

r. The right to enter into contracts with public or private entities for the provision of assistance in planning, financing and constructing any and all facilities and services as determined to be appropriate and desirable by the District Board;

s. The right to contract for appropriate engineering and financial feasibility studies;

t. The right to maintain an office at such place or places within the territorial boundary of the District as the District Board may designate;

u. The right to accept and receive, utilize or expend, in furtherance of its functions, funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of state, municipal, county or other local governments, or from private or civic sources;

v. The right to invest in accordance with applicable Florida law any surplus money, moneys in any sinking fund or other fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose;

w. The right to determine, order, levy, impose, collect and enforce non-ad valorem special assessments to construct, operate, and maintain those District facilities and services provided pursuant to the powers described in this Ordinance, which shall constitute a lien on the property against which assessed from the date of imposition thereof until paid, coequal with the lien of state, county, municipal, and school board taxes; provided however, any special assessments that may be levied must be collected via the uniform method of collection prescribed in Section 197.3632, Florida Statutes.

x. The right to levy and assess ad valorem taxes on all taxable property in the District to construct, operate and maintain district facilities and services, to pay the principal of, and interest on, general obligation bonds of the district, and to provide for any sinking or other funds established in connection with such bonds. An ad valorem tax levied by the District may

not exceed 0.75 mills or a millage authorized by law approved by vote of the electors therein, whichever is less. Such tax shall be assessed, levied, and collected in the same manner as county taxes.

y. The right to hold, control, and acquire by donation, purchase, lease, eminent domain or otherwise, or dispose of, any easements, dedications, platted reservations, or any other reservations for those purposes authorized by this Ordinance and to make use of such easements, dedications, or reservations for any of the purposes authorized by this Ordinance;

z. The right to hold, control and acquire by donation, purchase, lease, eminent domain or otherwise, any real property and to make use of such property for any of the purposes authorized by this Ordinance, and dispose of any District property on such terms as the District shall deem expedient;

aa. The right to provide adequate insurance on real and personal property, equipment, employees, and other personnel;

bb. To organize, participate in, and contribute monetarily to organizations or associations relating to the delivery of or improvement of fire control, prevention, emergency rescue services, or district administration;

cc. The right to exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use to acquire title to such interest in real property as is necessary to the exercise of the powers herein granted; and

dd. At the request of the County or any of its agencies, to provide assistance thereto in connection with the carrying out of any police functions such as annual fire inspections as provided within the Sumter County Code of Ordinances.

The District shall have such duties as are imposed on it by Chapter 189, Florida Statutes, and other applicable laws. With the exception of the above specifically enumerated powers, any conflict between this ordinance and Sumter County Ordinances 2023-17 shall be interpreted in favor of Ordinances 2023-17 and the terms of those ordinances and the Interlocal Service Boundary Agreements and Joint Planning Agreements enacted or amended thereby shall prevail.

SECTION 4. GOVERNING BOARD OF DISTRICT.

a. The governing body of the District (the “District Board”) shall exercise the powers granted to the District pursuant this Ordinance.

b. The District Board shall consist of five members, serving at-large, none of whom shall be elected officials, employees or agents of the County, elected officials, employees or agents of the City of Wildwood, or elected officials, employees or agents of any special district within the District. The initial members of the District Board and their initial terms of office ending November 2026 and November 2024 respectively, and the seat they represent shall be as follows:

	<u>NAME</u>	<u>INITIAL TERM</u>
(1)	<u>Stephen Bogle</u>	3 years
(2)	<u>Chris Christopoulos Jr</u>	3 years
(3)	<u>Kathleen Gowin</u>	3 years
(4)	<u>John Dean</u>	1 years
(5)	<u>Maryanne Scott</u>	1 years

c. Following the expiration of the terms of office of the initial members of the District Board, each member shall be elected by qualified electors as described below and shall hold office for a term of four years and until a successor is elected and qualifies. All elections shall be conducted in accordance with applicable state law and the provisions hereof.

All members of the District Board must be residents of the District. The members of the District Board must be citizens of the United States. For purposes of this subsection, “qualified electors” means any person at least 18 years of age who is a citizen of the United States, a legal resident of Florida and of the District, and who registers to vote with the supervisor of elections in the county in which the District land is located.

d. Elections of District Board members shall be nonpartisan and shall be conducted in the manner prescribed by law for holding general elections. Board members shall assume the office on the second Tuesday following their election.

e. Upon entering into office, members of the District Board shall take and subscribe to the oath of office as prescribed by section 876.05, Florida Statutes. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the County fill the vacancy by an appointment for the remainder of the unexpired term.

f. A majority of the members of the District Board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the District shall be upon a vote of a majority of the members present unless general law or a rule of the District requires a greater number.

g. As soon as practicable after each election or appointment, the District Board shall organize by electing one of its members as chair and by electing a secretary, who need not be a member of the District Board, and such other officers as the District Board may deem necessary.

h. The District Board shall keep a permanent record book entitled “Record of Proceedings of The Villages Public Safety Department Dependent District,” in which shall be

recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be open to inspection in the same manner as state, county, and municipal records pursuant to Chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the District Board in Sumter County.

i. All meetings of the District Board shall be open to the public and governed by the provisions of chapter 286, Florida Statutes.

j. Each member of the District Board shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the District Board, not to exceed \$4,800 per year.

k. At the time a vacancy occurs in the District Board during a member's term, the vacancy shall be filled by a vote of the County within sixty (60) days after the vacancy occurs. The person appointed shall hold office for the balance of the term and shall meet all qualifications under state law and this Ordinance.

SECTION 5. FINANCING OF THE DISTRICT. The District, in order to finance the purposes and operations of the District, shall have the power to levy ad valorem taxes through the process proscribed by the Florida Department of Revenue, special assessments, borrow money and issue bonds, revenue anticipation notes, certificates, or other form of indebtedness payable from and secured by a pledge of funds, revenues, and assessments, warrants, notes, or other evidence of indebtedness; and to cooperate or contract with other persons or entities, including other governmental agencies as necessary, convenient, incidental, or proper in connection with furthering any power, duty, or purpose authorized by applicable law and to take any other action not inconsistent with applicable law.

SECTION 6. NOT INCONSISTENT WITH COMPREHENSIVE PLAN AND DISTRICT IS THE BEST ALTERNATIVE. The creation of the District is not inconsistent with the County's Comprehensive Plan and all other applicable growth management rules, regulations, ordinances and law. The District is the most efficient and effective method by which to achieve the purposes set forth above (as opposed to private alternatives such as a homeowner's association, private partnership, neighborhood association, or public alternatives such as MSTU, MSBU, independent special district, etc.).

SECTION 7. APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS. The District will provide at its cost and expense all financial disclosures including audits as required by Florida law relating to dependent special districts, and all financial disclosures relating to bonds, financing, non-ad valorem special assessments, and the like. Any and all meetings of the District Board shall be noticed in accordance with Florida law.

SECTION 8. BUDGET AND APPROVAL THEREOF. The Fiscal Year of the District shall run concurrent with the fiscal year of the County, October 1 to September 30. On or before each June 1, the District Board shall prepare or have prepared under its direction and at its cost and expense a proposed budget for the ensuing fiscal year by June 1. The proposed budget shall include an estimate of all necessary expenditures of the District for the ensuing fiscal year and an estimate of income to be received by the District for such ensuing fiscal year. District shall submit to County on June 1 its annual unit hour utilization of its first response EMS transport for funding by the County's General Fund for the Cost of Readiness as defined by the 70% unit hour readiness rate. This annual Cost of Readiness Rate shall be calculated by the number of hours per year divided by the optimal amount of first response EMS transport availability that is

multiplied by the optimal availability by a fixed rate per hour as provided in Sumter County Code Section 8-3(d) for the stand by rate. No later than each July 15, the District's final proposed budget shall be delivered to the County Administrator of the County. For any fiscal year for which the District does not propose to directly levy an ad valorem tax, the District may include with its proposed budget for that fiscal year a request that the County Commission levy an ad valorem tax which will produce revenues in an amount not to exceed 0.75 mills on the assessed taxable value of real property within the District as certified by the County Property Appraiser. The County Commission shall consider the requested amount in determining, in accordance with Section 200.065, Florida Statutes, its millage for County General Fund or Municipal Service Taxing Unit ad valorem taxes levied with respect to real property within the District, with the intent that the County Commission will transfer the revenues arising from the millage that was imposed at the District's request, if and when collected, to the District. The budget for the District shall be approved or vetoed by the Sumter County Board of County Commissioners no later than the September 15 immediately following delivery of the same to the County Administrator. The District shall operate in accordance with the provisions of its last approved budget until such time as the subsequent budget or amended budget is approved by the Sumter County Board of County Commissioners.

SECTION 9. DEBTS AND OBLIGATIONS OF THE DISTRICT. Any bonds or other debts or other obligations of the District shall not constitute a debt or obligation of the County or the State of Florida, nor shall the County be required to assume the debts of the District in the event of a default or dissolution of the District or otherwise provide financial support to the District. On the date of the delivery of the final proposed budget to the County Administrator as described in Section 8 herein, the District shall also deliver to the County Administrator an

opinion letter executed by an independent auditor compensated by the District which shall list all of the District's current debts and obligations, as well as any proposed debt or obligation reflected in the proposed District budget, and confirm that no item listed therein is a debt or obligation of the County.

SECTION 10. FINANCIAL INDEPENDENCE. The District is a financially independent political subdivision, and the District shall be solely responsible for its own accounting and auditing functions in accordance with Florida law.

SECTION 11. INCORPORATION, CONFLICT, AND SEVERABILITY.

a. It is the intention of the Sumter County Board of County Commissioners and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Sumter County Code, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

b. All Sumter County ordinances, or parts of ordinances, and all Sumter County resolutions, or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

c. If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the ordinance.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect immediately upon its filing with the Department of State (as provided in Section 125.66(2), Florida Statutes), but in any case no later than December 31, 2023.

Passed in open and regular session of the Board of County Commissioners of Sumter County, Florida, this 28th day of November, 2023.



Attest

Jeannette Guay
Clerk of the Board of County Commissioners
Sumter County, Florida

BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY, FLORIDA

By: *Craig A. Estep*
Craig A. Estep, Chairman

Approved as to form and
legal sufficiency:

Joseph C. Rey
County Attorney

Exhibit “A”

[See Attached]