

AN ORDINANCE ADOPTING A CHARTER FOR THE MUNICIPAL SERVICE DISTRICT OF PONTE VEDRA BEACH AS A SPECIAL DISTRICT WITHIN ST. JOHNS COUNTY, FLORIDA; PROVIDING THE POWERS AND DUTIES OF SUCH DISTRICT; PROVIDING FOR THE ABILITY TO LEVY AD VALOREM TAXES AND TO INCUR DEBTS; PROVIDING FOR REFERENDUM ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that:

Section 1. Pursuant to the provisions of Chapter 165 and Chapter 125, Florida Statutes, the Municipal Service District of Ponte Vedra Beach, a Special District, is hereby created in the territory as is hereinafter set forth.

Section 2. The following shall be the charter for the Municipal service District of Ponte Vedra Beach:

CHARTER OF MUNICIPAL SERVICE DISTRICT
OF PONTE VEDRA BEACH

ARTICLE 1.

The Municipal Service District of Ponte Vedra Beach, hereinafter referred to as "The District", is a special district of St. Johns County, Florida, created pursuant to the provisions of Chapter 165 and Chapter 125, Florida Statutes, and shall be a separate public body corporate, with the limited powers expressed herein, and shall include the portion of the unincorporated area of the County more particularly described in Schedule "A" attached hereto and made a part hereof.

ARTICLE 2.

The purpose of The District shall be to provide services to the public of The District whereby the services will be supplemental to those of the County and in cooperation with the function of the County.

ARTICLE 3.

(1) The governing body of The District shall consist of a board of seven (7) District Trustees. The original Board of District Trustees shall consist of seven (7) persons residing within The District who are qualified voters under the Florida Statutes. All members of the original Board of District Trustees shall be appointed by the County Commission of St. Johns County and shall hold office until the next general election and until their successors are elected and qualified.

(2) At the first general election following the appointment of the original Board of District Trustees; seven (7) District Trustees shall be elected by the qualified voters of The District, with three (3) for two (2) year terms and four (4) for four (4) year terms,

and shall serve until their successors are elected and qualified. At each succeeding election, the term of office of the District Trustees elected shall be four (4) years. To be eligible for election, a person must reside in The District and be qualified to vote in The District.

(3) District Trustee candidates seeking election may qualify from noon on the ninetieth (90th) day to noon on the thirty-second (32nd) day prior to the election by filing, without political party affiliation, with the Clerk of the Circuit Court, a petition upon a form approved by the Supervisor of Elections and signed by not less than ten percent (10%) of the eligible voters within The District. The District shall pay all costs of The District elections.

(4) In all elections for District Trustees, which shall be held in conjunction with the second primary and general election, qualified voters shall be persons who reside within The District who are qualified to vote in any general or special election.

(5) Each District Trustee elected pursuant to this Section shall take office at the same time as members of the Board of County Commissioners. Each District Trustee, before entering upon his duties, shall take and subscribe to the oath or affirmation required by the Constitution of the State of Florida.

(6) Any District Trustee may be removed from office by the Board of County Commissioners for misfeasance, malfeasance, or willful neglect of duty. In the event of a vacancy in office due to any cause, the Board of County Commissioners shall appoint a qualified successor District Trustee to hold office until the next ensuing general election.

ARTICLE 4.

(1) The District Trustees from their number shall annually elect a Chairman, Vice Chairman and Treasurer, and shall appoint a Secretary

who shall serve at the pleasure of the District Trustees. The Secretary, who shall not be a District Trustee, shall receive such compensation as may be fixed by the Board of District Trustees, and the Secretary shall be the custodian of all books and records of The District. The first meeting in January of each year shall be the Board of District Trustees' organizational meeting.

(2) The District Trustees shall meet at least once a month at a time, date and place established by the District Trustees. All meetings shall be held at a public place within The District and shall be open to the public.

(3) Four (4) District Trustees shall constitute a quorum at Board of District Trustees' meetings and the affirmative vote of a majority of the District Trustees present shall be necessary for any action taken by the District Trustees, provided, however, no vacancy in the membership of the District Trustees shall impair the right of a quorum to exercise all of the rights and perform all of the duties hereunder.

(4) Each District Trustee shall receive no compensation but shall be paid his necessary expenses incurred while engaged in the performance of his duties and as prescribed by state statutes.

(5) The St. Johns County Tax Collector shall be ex-officio tax collector for The District and the St. Johns County Supervisor of Elections shall be the ex-officio supervisor of elections of The District.

(6) The District Trustees may appoint such other officers of The District as they deem appropriate and necessary.

ARTICLE 5.

The District created hereunder is authorized and empowered:

1. To sue and be sued;
2. To contract;
3. To adopt and use a common seal and alter the same at pleasure;

4. To purchase, hold, lease, sell, or otherwise acquire and convey such real and personal property and interest therein as may be necessary or proper to carry out the purpose of this law;
5. To make rules and regulations for its own government and proceedings;
6. To employ engineers, attorneys, accountants, financial, or other consultants and such other agents and employees as the Board may require or deem necessary to accomplish the purposes of this law, or to contract for any such services;
7. To supplement within The District the performance of the following specialized services and functions of the Board of County Commissioners: the providing of personnel, equipment and facilities for security, law enforcement, fire protection, civil defense, emergency ambulance and rescue service, or funds therefore; street lighting and electric power utilities; parking restrictions and traffic control; refuse collection and disposal; recreational facilities and beautification; and cable television. The approval of the Board of County Commissioners of St. Johns County shall be required on all matters concerning electric power utilities. All rules and regulations of The District dealing with parking restrictions and traffic control shall be adopted in conformity with Chapter 316, Florida Statutes, as amended from time to time.
8. To acquire, construct, operate, maintain, equip, improve, extend, enlarge, or improve capital projects within or without The District for the purposes of enabling The District to perform the specialized public functions or services as herein provided.
9. To issue tax anticipation notes and revenue certificates secured only by the anticipated revenues of The District.
10. To levy and assess ad valorem taxes authorized by law to pay the cost of such specialized public functions or services authorized in this charter and which are municipal services within the meaning of Section 9(b), Article VII, Constitution of Florida; provided, however, that such rate of taxation may not exceed three (3) mills;

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11. To fix and collect rates, fees and other charges for the specialized public functions or services authorized by this ordinance;
 12. To restrain, enjoin, or otherwise prevent the violation of this ordinance or of any resolution, rule or regulation adopted pursuant to the powers granted by this ordinance;
 13. To join with any other district or districts, cities, towns, counties, or other political subdivisions, public agencies, or authorities in the exercise of common powers. To contract with municipalities or other private or public corporations or persons to provide or receive such specialized public functions or services, including by way of nonexclusive franchise;
 14. To enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any state, county, municipality, district, authority, or political subdivision, private corporation, partnership, association, or individual to effect the purposes of this ordinance, and to receive and accept from any federal agency, grants or loans for or in aid of the specialized public functions or services authorized herein.

ARTICLE 6.

The mere creation and existence of The District shall not be construed to have any affect upon the County's obligations and responsibilities as to the area encompassed by The District.

ARTICLE 7.

A referendum within The District shall be required with an affirmative vote of those eligible and voting before the exercise of the power to levy ad valorem taxes within said District by the Board of District Trustees.

ARTICLE 8.

The County does hereby covenant that it shall not dissolve this District without first obtaining by referendum the approval of the eligible voters of The District. This charter may be amended, with the exception of the limitation on the millage level of ad valorem taxation, by joint resolution of the governing bodies of The District and of the County. The millage limitation may be raised only by ordinance approved by a referendum of the eligible voters within The District. Whether prior or subsequent to dissolution, the debts of The District shall not constitute a debt of St. Johns County and shall not be construed to constitute a lien on any real or personal property or income of the County. If such debts are paid they shall be paid by the continued levy of ad valorem taxes in accordance with the terms and limitations of this charter.

ARTICLE 9.

The District shall not have the power to rescind or modify any contracts, franchises, or ordinances of St. Johns County. The County shall not have the power to rescind or modify any validly enacted contracts or franchises or ordinances of The District; however, no act, franchise, or regulation of The District shall be deemed to prevent the County from acting, granting franchises, levying taxes, or regulating similar or the same subject matter within The District.

ARTICLE 10.

Unless specifically reserved in this charter, the County shall have no power of review over the validly enacted fees, charges, rules and regulations of The District that are enacted pursuant to this charter, but to the extent that such fees, charges, rules, or regulations are in conflict with an ordinance, franchise, charge, fee, regulation, or rule of the County, which also affects areas which are not within the boundaries of The District, such fees, charges, rules, or regulations are void.

ARTICLE 11.

Any person who is authorized by The District to write checks or otherwise receive, expend, or handle District funds shall be bonded at The District's expense by a good and sufficient fidelity bond in at least the amount of \$ 300,000.00 (Three Hundred Thousand Dollars).

ARTICLE 12.

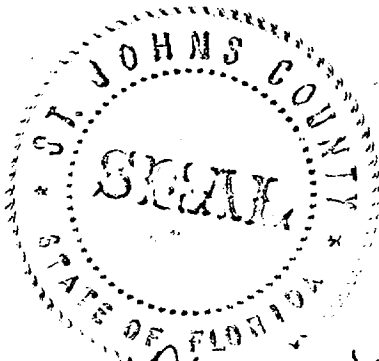
The District shall be audited annually at its expense by such persons and in such manner as the County shall direct.

Section 3. The original District Trustees of the Municipal Service District of Ponte Vedra Beach approved pursuant to the terms of the above charter shall be ~~xxx follows~~ appointed by the Board of County Commissioners of St. Johns County on or before October 28, 1980.

Section 4. Severability: It is declared to be the Board's intent that, if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This ordinance shall take effect on October 13, 1980.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA, this 2nd
day of October, 1980.



BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By Chester Benet
Chairman

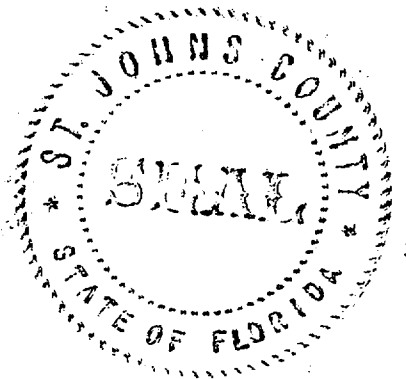
ATTEST: Marcie Hudson
Deputy Clerk for
OLIVER LAWTON, CLERK

Adopted special meeting 10/02/80 Effective October 13, 1980

SCHEDULE "A"

COMMENCE at the intersection of the low water line of the Atlantic Ocean with the North line of Section 15, Township 3 South, Range 29 East, St. Johns County, Florida; said north line of Section 15 being also the Northerly boundary of St. Johns County, for the Point of Beginning;

Thence westerly along the NORTH line of Section 15 to the Northwest corner of Section 15; thence continue Westerly along the North Line of Section 16, Township 3 South, Range 29 East to the East right-of-way of Florida State Road A-1-A; thence continue South along the east right-of-way of Fla. State Road A-1-A to the south line of Govt. Lot 7, Sec. 27, Township 3 South, Range 29 East; thence East along said south line of Govt. Lot 7 to a point on the West Line of Section 43, Township 3 South, Range 29 East; thence Northerly along the West line of said Section 43 to the Northwest corner of Section 43; thence Easterly along the North line of Section 43 to a point on the East edge of existing marsh land, said point being approximately 200 feet West of the West Right-of-Way line of State Road 203 as now located; thence Southerly following the East edge of existing marsh land when said East edge is 150 feet or more West of the center line of State Road 203 as now located and following a line parallel to and 150 feet West of the center line of State Road A-1-A as now located when the East edge of existing marsh land is nearer than 150 feet to the center line of State Road A-1-A as now located, to a point on the South line of Section 36, Township 4 South, Range 29 East, St. Johns County, Florida; thence Easterly along the south line of said Section 36, Township 4 South, Range 29 East to a point on the low water line of the Atlantic Ocean; thence Northerly along the meanders of the low water line of the Atlantic Ocean to a point on the North line of Section 15, Township 3 South, Range 29 East, St. Johns County, Florida, and the Point of Beginning, to be known as MUNICIPAL SERVICE DISTRICT OF PONTE VEDRA BEACH.



The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Robert E. James who on oath says that he is
Advertising Manager of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida;
 that the attached copy of advertisement, being a _____
Board of County Commissioners
 _____ in the matter of _____
Meeting-Ordinance
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
September 3, 1980

Affiant further says that the St. Augustine Record is a newspaper
 published at St. Augustine, in said St. Johns County, Florida, and that the
 said newspaper has heretofore been continuously published in said St.
 Johns County, Florida, each day, except Sundays, and has been entered
 as second class mail matter at the post office in the City of St. Augustine,
 in said St. Johns County, Florida, for a period of one year next preceding
 the first publication of the attached copy of advertisement; and affiant
 further says that he 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 11th day of September _____

A.D. 19 80
Hester R. Lee
 (SEAL) Notary Public

Notary Public, State of Florida at Large
 My Commission Expires Sept. 24, 1983
 Bonded By American Fire & Casualty Company

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT
 THE BOARD OF COUNTY COM-
 MISSIONERS OF ST. JOHNS
 COUNTY, FLORIDA, AT ITS
 SPECIAL MEETING ON OCTOBER
 2, 1980, AT 7:30 O'CLOCK P.M., AT
 THE SURF CLUB OF THE PONTE
 VEDRA INN, 215 PONTE VEDRA
 BOULEVARD, PONTE VEDRA
 BEACH, FLORIDA, WILL HOLD A
 PUBLIC HEARING TO CONSIDER
 THE PASSAGE OF THE
 FOLLOWING ORDINANCE:
 AN ORDINANCE ADOPTING A
 CHARTER FOR THE MUNICIPAL
 SERVICE DISTRICT OF PONTE
 VEDRA BEACH AS A SPECIAL
 DISTRICT WITHIN ST. JOHNS
 COUNTY, FLORIDA; PROVIDING
 THE POWERS AND DUTIES OF
 SUCH DISTRICT; PROVIDING FOR
 THE ABILITY TO LEVY AD
 VALOREM TAXES AND TO INCUR
 DEBTS; PROVIDING FOR
 REFERENDUM ELECTIONS; AND
 PROVIDING AN EFFECTIVE DATE.
 The proposed Ordinance is on file
 in the office of the Clerk of the
 Circuit Court, St. Johns County,
 Florida, St. Johns County Court
 House, and may be examined by
 parties interested prior to said
 public hearing.
 All parties having any interest in
 said Ordinance will be afforded an
 opportunity to be heard at the
 public hearing.
 If a person decides to appeal any
 decision made by the Board of
 County Commissioners with
 respect to any matter considered at
 the meeting or hearing, he will
 need a record of the proceedings,
 and for such purpose he may need
 to ensure that a verbatim record of
 the proceedings is made, which
 record includes the testimony and
 evidence upon which the appeal is
 to be based.
 BOARD OF COUNTY
 COMMISSIONERS OF ST.
 JOHNS COUNTY, FLORIDA
 BY: OLIVER LAWTON
 Its Clerk



GEORGE FIRESTONE
SECRETARY OF STATE

Secretary of State

STATE OF FLORIDA
THE CAPITOL
TALLAHASSEE 32304
(904) 488-3680

October 6, 1980

Honorable Oliver Lawton
Clerk of Circuit Court
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32084

FILED
80 OCT -8 AM 10 48
Clerk Circuit Court

Attention: Marie Hudson, Deputy Clerk

Dear Mr. Lawton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of October 3,
and certified copy/ies of St. Johns
County Ordinance/s No./s 80-49
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered. _____
(b) _____
which we have numbered. _____
3. We have filed this/~~these~~ ordinance/s in this office
October 6, 1980.
4. The original/duplicate copy/ies showing the filing
date is/are being returned for your records.

Cordially,

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/mb