

**RESOLUTION NO. 2008-022**

**A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A GENERAL OPERATING BUDGET, *NUNC PRO TUNC*, MARCH 30, 2007, FOR THAT PORTION OF THE 2006-2007 FISCAL YEAR DURING WHICH THE TOWN WAS OPERATIONAL, IN CONFORMANCE WITH SECTION 166.241, FLORIDA STATUTES; RATIFYING AND CONFIRMING REVENUES AND EXPENDITURES BY THE TOWN DURING THAT PORTION OF THE 2006-2007 FISCAL YEAR WHEN THE TOWN WAS OPERATIONAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the requirements of Chapter 2006-328, Laws of Florida (the “Town Charter”), on October 10, 2006 the voters within the area of incorporated Palm Beach County, known as Loxahatchee Groves voted to incorporate as the Town of Loxahatchee Groves (the “TOWN”); and

**WHEREAS**, as a result of the vote in favor of incorporation, and pursuant to the Town Charter, the Town was established, effective November 1, 2006; and

**WHEREAS**, the first Town Council was elected on March 13, 2007; and

**WHEREAS**, pursuant to Section 10(3) of the Town Charter, the Town, although created and established as of November 1, 2006, was not operational until March 30, 2007; and

**WHEREAS**, commencing March 30, 2007, the Town received certain tax revenue from the State of Florida including local option gas tax revenue, communication service tax revenue, and other State shared revenue; however, the Town did not receive any Ad Valorem Tax revenue for the 2006-2007 fiscal year; and

**WHEREAS**, pursuant to Section 10(11) of the Town Charter, the provisions of Section 218.23(1), Florida Statutes, shall be waived for the purpose of conducting audits and financial reporting through fiscal year 2007-2008; and

**WHEREAS**, due to the timing of the establishment of the Town and the fact that the Town was not receiving any Ad Valorem tax revenue for that portion of the 2006-2007 fiscal year for which the Town was operational, the Town was not required to adopt a formal budget pursuant to Section 166.241 or Chapter 200, Florida Statutes for that portion of the 2006-2007 fiscal year for which the Town was operational; and

**WHEREAS**, in order to ensure compliance with relevant state statutes related to the adoption of a budget for that portion of the 2006-2007 fiscal year for which the Town was operational, the Town Council desires to adopt a budget, *nunc pro tunc*, which is attached hereto as **Exhibit “A”** as the official Town budget for that portion of the 2006-2007 fiscal year for which the Town was operational; and

**WHEREAS**, Section 166.241, Florida Statutes requires that each municipality shall make provisions for establishing a fiscal year beginning October 1<sup>st</sup> of each year and ending September 30 of the following year, and requires that municipality adopt a budget each fiscal year; and

**WHEREAS**, the municipal budget must be adopted by Ordinance for Resolution; and

**WHEREAS**, in order to fully comply with the requirements of State statute, and to ratify that the Town’s expenditures were made in conformance with the state statutes, the Town Council hereby adopts the budget, *nunc pro tunc*, for that portion of the 2006-2007 fiscal year for which the Town was in operation, as provided in **Exhibit “A”**, which is attached hereto and incorporated herein by reference; and

**WHEREAS**, the Town Council finds, ratifies, and affirms that the Town budget, which is attached hereto as **Exhibit “A”**, and incorporated herein by reference includes the revenues and expenditures for the Town commencing on the date of operation, March 30, 2007, until the

end of the 2006-2007 fiscal year, and confirms that all of the revenues received and funds expended were in support of the operation of the Town, and for municipal and public purposes; and

**WHEREAS**, the Town Council finds that the adoption of the budget for that portion of the 2006-2007 fiscal year for which the Town was operational is in the best interest of the health, safety, and welfare of the residents and citizens of the Town of Loxahatchee Groves.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

**Section 1.** Each "WHEREAS" clause set forth above is true and correct and hereby incorporated by this reference.

**Section 2.** The Town of Loxahatchee Groves Town Council hereby ratifies, confirms, and adopts the budget for that portion of the 2006-2007 fiscal year during which the Town was operational, a copy of which is attached hereto as **Exhibit "A"**, *nunc pro tunc*, March 30, 2007, in conformance with Section 166.241, Florida Statutes.

**Section 3.** Pursuant to the Section 10(3) of the Town Charter, which established the operational date of the Town of Loxahatchee Groves as March 30, 2007, the Town Council finds that this budget shall apply for that portion of the fiscal year from March 30, 2007 until September 30, 2007, during which time the Town was operational.

**Section 4.** The Town of Loxahatchee Groves Town Council hereby ratifies, confirms, and finds that those revenues and expenditures included within the Town Budget for that portion of the 2006-2007 fiscal year for which the Town was operational, which is attached hereto as **Exhibit "A"**, and incorporated herein by reference, were in support of the operation of

the Town, and for municipal and public purposes, in conformance with Chapter 166, Florida Statutes.

**Section 5.** The provisions of this Resolution shall not be deemed to be a limitation of the power granted to the Town by the Town Charter, and which relate to the fiscal management of the Town's funds.

**Section 6.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

**Section 7.** Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**Section 8.** Effective Date. This Resolution shall become effective immediately upon its passage *nunc pro tunc* March 30, 2007.

**(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)**

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES,  
FLORIDA, this 5<sup>th</sup> day of August, 2008.

ATTEST:

Matthew Lippman  
TOWN CLERK

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

David Browning  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

[Signature]  
Office of the Town Attorney

Marge Herzog  
Vice Mayor Marge Herzog

[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

DNT:js  
H:\2007\070240.LOX\RESO 2008\Reso 2008-022 (Operating Budget).doc

STATE OF FLORIDA  
COUNTY OF Volusia Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
Resolution 2008-022  
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 5<sup>th</sup> day of August, A.D. 2008

TOWN OF Loxahatchee Groves  
BY: [Signature]

# Town of Loxahatchee Groves

## BUDGET

Fiscal Year 2006-2007

Description

### Revenues and Other Financing Sources

Electric Franchise Fee	\$	48,683
Communications Services Tax	\$	154,857
State Revenue Sharing	\$	37,021
Half Cent Sales Tax	\$	70,887
Judgments and Fines	\$	14
Interest	\$	1,387
<b>Total Revenues and Other Financing Sources</b>	<b>\$</b>	<b>312,849</b>

### Expenditures and Other Financing Uses

Travel and Per Diem	\$	880
Other Operating Expenses	\$	168
Other Contractural	\$	21,000
Communications and Freight	\$	1,653
Legal Advertising	\$	1,694
Rentals and Leases	\$	4,332
Office Supplies	\$	7,561
Books, Publications and Dues	\$	580
Other Operating Expenses	\$	828
Other Contractural	\$	200
Communications and Freight	\$	251
Printing and Binding	\$	1,824
Office Supplies	\$	274
Professional Services	\$	56,160
Insurance	\$	4,556
Contingency	\$	210,887
<b>Total Expenditures and Other Financing Uses</b>	<b>\$</b>	<b>312,849</b>