

## **FACTS ABOUT THE MSTU ORDINANCES**

### **1. What do the MSTU ordinances say?**

Attached is a copy of one of the three ordinances.

### **2. Can they be changed?**

Yes, they can. But that doesn't make the MSTU ordinances unique in any way. There is no law or ordinance that's not subject to review and change through some method or process, and the MSTU ordinances are no exception.

### **3. How can they be changed?**

The millage rate caps could be changed by a majority vote of the board of county commissioners up to the legally allowable maximum of 10 millage points. **However, it is important to note that the commissioners reaffirmed their commitment to those millage rate caps in a recent resolution, which is attached.**

The purpose of the MSTU ordinances could also be changed by the county commissioners. To do so would require public notice and hearings.

Please keep in mind the MSTU revenue stream will be pledged for the repayment of the bond debt required to fund the beach restoration project. Any change in the purpose of the MSTU, etc., could potentially jeopardize the bond terms, which is certainly not a risk the county would take lightly.

### **4. Why wouldn't the commission just change the MSTUs?**

Again, the commission recently reasserted their intentions with regard to the MSTU ordinance caps in their resolution. The reiteration of their position on the MSTU ordinances is not commonplace practice and emphasizes the commission's understanding and appreciation for the commitment the property owners on the Cape have made to the beach restoration project.

Additionally, there are a variety of other fees and taxes levied on the county level that **could** be modified or increased – and the same is true on the state and even national level. Looked at dispassionately, there's no factual basis to assume the MSTU ordinances are any more likely or less likely to be the subject of abuse or misuse than any other tax, fee or assessment.

**5. Will the MSTUs be a permanent tax? Is there any limit on how long they'll be in effect?**

The current MSTU ordinances, as pointed out in the language above, automatically sunset, or terminate, with the repayment of the original beach restoration bond. The SJPBAC anticipates the sunseting of this MSTU seven years from now, or in 2013.