

*File
Westchester*

ORDINANCE # 05- 3

AN ORDINANCE CREATING A DEPENDENT SPECIAL DISTRICT FOR THE PURPOSE OF MAINTAINING AND IMPROVING RIGHTS-OF-WAY, MEDIANS, AND ATTENDANT STORM WATER FACILITIES ALONG COUNTRYWAY BOULEVARD FROM LINEBAUGH AVENUE TO RACETRACK ROAD INCLUDING RIGHTS-OF-WAY, MEDIANS, AND ATTENDANT STORM WATER FACILITIES WITHIN THE BOUNDARIES OF THE DISTRICT LOCATED ON RACETRACK ROAD AND LINEBAUGH AVENUE AS SET FORTH ACCORDING TO THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY; PROVIDING FOR THE ADMINISTRATION OF THE AFFAIRS OF SAID DISTRICT BY A BOARD OF TRUSTEES; PROVIDING FOR ELECTION PROCEDURES FOR THE TRUSTEES; PROVIDING FOR THE LENGTH OF THE TERMS OF OFFICE OF THE TRUSTEES AND PROCEDURES FOR FILLING VACANCIES; PROVIDING FOR THE PROCEDURES FOR THE ASSESSMENT AND COLLECTION OF A SPECIAL DISTRICT ASSESSMENT; PROVIDING THE ASSESSMENT SHALL BECOME A LIEN UPON EACH PARCEL ASSESSED; PROVIDING FOR THE DEPOSIT AND DISBURSEMENT OF FUNDS OF THE DISTRICT; PROVIDING A FISCAL YEAR AND PROCEDURES FOR ANNUAL AUDITED FINANCIAL STATEMENTS AND AN ANNUAL BUDGET; DEFINING THE POWERS AND DUTIES OF THE TRUSTEES; PROVIDING THAT EACH PARCEL ASSESSED IS UNIFORMLY BENEFITED; PROVIDING PROCEDURES FOR THE DISSOLUTION OF THE DISTRICT; RELIEVING INDIVIDUAL TRUSTEES FROM PERSONAL LIABILITY FOR OBLIGATIONS OF THE DISTRICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County finds that the creation of a Special Dependent District in the unincorporated area of Hillsborough County to be known as the WESTCHESTER SPECIAL DEPENDENT DISTRICT for the purpose of

maintaining and improving rights-of-way, medians, and attendant storm water facilities along Countryway Boulevard from Linebaugh Avenue to Racetrack Road including rights-of-way, medians, and attendant storm water facilities within the boundaries of the district located on Racetrack Road and Linebaugh Avenue is the best alternative available for the delivery of such services; and

WHEREAS, the Board of County Commissioners of Hillsborough County has the power, pursuant to its home rule powers and Chapter 189, Florida Statutes, to create a dependent special district by ordinance; and

WHEREAS, the Board of County Commissioners of Hillsborough County, finds that the creation of a dependent special district in the unincorporated area of Hillsborough County to be known as the WESTCHESTER SPECIAL DEPENDENT DISTRICT, promotes the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners of Hillsborough County passed Resolution No. R85-0175 describing the steps to be taken to establish a special dependent district.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 2nd DAY OF March, 2005, AS FOLLOWS:

SECTION 1. There is hereby created a Special Dependent District consisting of all property located within the referenced boundaries described in Exhibit "A" attached hereto and incorporated herein by reference; which District shall be designated as the WESTCHESTER SPECIAL DEPENDENT DISTRICT, hereinafter referred to as the "district."

SECTION 2. The district shall be dependent on the county for purposes of establishing its budget, but is otherwise amenable to separate special district government.

SECTION 3. The business and affairs of the district shall be conducted and administered by a board of seven trustees, hereinafter referred to as the "trustees," who shall be elected in even numbered years for 4-year terms of office. However, seven persons shall be appointed by the Hillsborough County Board of County Commissioners to serve as trustees of the district. Such trustees shall be appointed upon receipt of Justice Department pre-clearance, and shall serve until their successors have been elected and taken office as hereinafter provided: Three of such appointed trustees shall serve until the first regular election in the year 2006 and four of such persons shall serve until the second regular election in the year 2008. After the first and second regular elections, trustees shall serve four year terms as provided herein.

After each election of trustees, the trustees shall organize by electing from their members a president, a vice-president, a recording secretary, a corresponding secretary, and a treasurer. At the same time they shall establish and publish in a newspaper of general circulation, a regular monthly meeting date, time, and place which shall be adhered to. A quorum of the board of trustees for conducting the board's business shall require the presence of at least five (5) trustees. The trustees shall not be entitled to compensation for their services, but shall be entitled to be reimbursed from funds of the district for any authorized disbursements they may properly incur on behalf of the district. The president, the vice-president, and the treasurer shall be the only trustees authorized to execute checks and documents on behalf of the district. Such trustees authorized to sign checks of the district or otherwise designated to handle its funds shall, before they enter upon such duties, execute to the Board of County Commissioners of Hillsborough County for the benefit of the district, a good and sufficient bond approved by the Board of County Commissioners of Hillsborough County in the sum of \$5,000 with a qualified corporate surety conditioned to faithfully perform the duties of such trustees and to account for all funds which may come into their hands as such trustees. All premiums for such surety on all bonds shall be paid from funds of the district.

SECTION 4. Elections shall be held at one or more polling

places designated for the district by the Supervisor of Elections. The election will be held in conjunction with the first primary election as designated in Section 100.061, Florida Statutes or any amended or successor statute. Trustees shall run on a non-partisan basis. At each election, trustees shall be elected for a term of 4 years. The candidates receiving the highest number of votes cast shall be declared elected to fill the number of vacancies to be filled on the board and shall receive a certificate of election from the Supervisor of Elections. If two persons receive an equal and highest number of votes for the last position to be filled, such persons shall draw lots to determine who shall be elected to the office. Each trustee shall serve until his successor is duly elected and qualified. Elections shall be held between the hours of 7 a.m. and 7 p.m. and shall be conducted and supervised by the Supervisor of Elections of Hillsborough County. All matters relating to the calling, conduct, and regulation of elections not provided for in this ordinance shall be governed by the state election code. All qualified electors residing within the district shall be eligible to vote prior to the closing of the registration books for such election. All election ballots shall be prepared by the Supervisor of Elections. The Canvassing Board shall canvass the returns of the election and shall announce the results upon completion of the count. The necessary and proper costs of holding, conducting, and regulating such elections and referendums, including compensation for inspectors, clerks, and other employees

required therefore shall be fixed by the Supervisor of Elections with the approval of the board of trustees and shall be paid by the district.

SECTION 5. Persons desiring to have their names placed on the ballot for election as trustees of the district shall be qualified electors residing within the district who shall present a written petition to the Supervisor of Elections during the time period specified by Section 99.061(2), Florida Statutes. Such petition shall be signed by not less than (7) qualified electors within the district. Candidates shall conduct their campaigns in accordance with the provisions of Chapter 106, Florida Statutes. Notice of the election setting forth the names of the candidates for trustees shall be given by the district, one time, at least 10 days before the date of each election, in a newspaper of general circulation published in the county. The ballot shall be substantially in the following form:

Board of Trustees of the district:

(stating their names).

The Supervisor of Elections shall verify that each candidate is a registered voter and resident of the district.

SECTION 6. Trustees shall hold office for a term of 4 years and may succeed themselves. All vacancies occurring in the board

of trustees from any cause shall be filled for the unexpired term from among the qualified electors of the district by vote of the remaining trustees unless a quorum cannot be obtained. In that case, the vacancy shall be filled for the unexpired term by appointment of the Board of County Commissioners of Hillsborough County. Any trustee failing to discharge the duties of his position may be removed for cause by the board of trustees, after due notice and an opportunity to be heard, upon charges of malfeasance or misfeasance. Any trustee missing three consecutive meetings may be considered for removal by the board.

SECTION 7. The board of trustees shall have the right, power and authority to levy a special assessment against all parcels of property situated within the district for the purpose of providing funds for the operation of the district. The board of trustees shall, annually, by resolution, fix the amount of the assessment for the next ensuing year and shall follow the applicable procedures established in Chapter 197, Florida Statutes. The board of trustees shall direct the Property Appraiser of Hillsborough County to assess and the Tax Collector of Hillsborough County to collect such assessment as is assessed upon each parcel of property within the district. The assessment shall not, except upon approval by referendum of qualified voters of the district, exceed:

Category 1 - Single Family Residential Parcels - The maximum annual assessment is sixty-eight dollars (\$68.00) for each parcel (vacant

or improved) with "01" in the first two digits of the Department of Revenue Code in the Property Appraiser's parcel data base.

Category 2 - Non-single Family Parcels with frontage on Countryway Boulevard within the boundaries of the proposed Westchester Special Dependent District which have any first two digits of the Department of Revenue Code in the Property Appraiser's parcel data base except "01" and "75". The maximum annual assessment is fourteen dollars (\$14.00) per linear foot of frontage on Countryway Boulevard. The number of linear feet for each parcel in this category shall be based on the number of linear feet used to calculate the Hillsborough County non-ad valorem assessment for street lighting district 1003.

Category 3 - Parcels with "75" in the first two digits of the Department of Revenue Code in the Property Appraiser's parcel data base owned by homeowner associations or property owners associations shall not be assessed.

Category 4 - Non-single Family Parcels Embedded within Other Non-single Family Parcels. These parcels are without the Department of Revenue code "01" and are embedded into non-single family parcels (see DOR code references in Category 2). These parcels have access to Countryway Boulevard through rights-of-way, easements, or areas maintained by the district and do not have frontage on Countryway Boulevard. The maximum annual assessment for a parcel in this category is sixty-eight dollars (\$68.00).

The County Property Appraiser shall include on the

Hillsborough County tax roll the special assessment for special district benefits thus made by the board of trustees of the district, and the same shall be collected in the manner and form as provided for collection of county taxes. The Property Appraiser and Tax Collector shall receive commissions as provided by general law for performing duties required of them by this ordinance. The Tax Collector shall deposit the funds into a depository designated by the board of trustees in accordance with Section 10 for the account of the district. For the purpose of determining property subject to the district assessment, a "parcel" shall mean any of the parcels, improved or unimproved, listed in Exhibit A.

If any of the parcels in the district are divided, those parcels created by this division shall be subject to the non-ad valorem assessment consistent with the applicable category for the divided parcel.

SECTION 8. The district may acquire and hold property, lease property as lessor or lessee, sue and be sued, enter into contracts, and perform other functions necessary or desirable to the carrying out of the provisions and intent of this ordinance. No debt shall be created without the approval of the board of trustees, and the Board of County Commissioners of Hillsborough County.

SECTION 9. The district assessment shall be a lien upon each

parcel of land so assessed until paid, and shall be considered a part of the Hillsborough County tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

SECTION 10. The proceeds of the assessment and the funds of the district shall be deposited in the name of the district in a bank or savings and loan association or other financial institution authorized to receive deposits of county funds, which depository shall be designated by resolution of the board of trustees. The depository shall treat the funds in accordance with the legal requirements imposed upon such depositories with respect to public funds. No funds of the district shall be disbursed except by check or draft signed by two of the three authorized trustees.

SECTION 11. (1) The fiscal year of the district shall commence October 1. The trustees shall, on or before November 30 of each year, prepare an annual audited financial statement of revenue and expenditure during the prior fiscal year without regard to the amount of funds held by the district. Such financial statement shall be prepared in accordance with Section 11.45, Florida Statutes. On or before July 1 of each year, the trustees shall prepare and adopt an itemized budget showing the amount of money necessary for the operation of the district for the next fiscal year, and the district assessment to be for the next ensuing

year. Prior to the adoption of the budget the trustees shall hold a public hearing at which time property owners within the district may appear and be heard. Notice of the time and place of the public hearing shall be published once in a newspaper of general circulation within Hillsborough County at least 21 days prior to the public hearing.

(2) The trustees of the district shall submit its proposed budget each year to the Board of County Commissioners of Hillsborough County for approval. The Board of County Commissioners of Hillsborough County may increase or decrease the budget on a line by line basis or in total. The assessment set by the trustees of the district shall not be set at a rate in excess of that required by the budget of the district as approved by the Board of County Commissioners of Hillsborough County.

SECTION 12. The "property" of the district shall consist of all property hereinafter deeded to or purchased by or leased as lessor or lessee by the board of trustees, improvements now or hereafter made or erected, which the board of trustees, in their discretion, determine to be necessary or convenient for the purpose of the district; in addition thereto, the trustees may in their discretion assume the cost of installing and maintaining other facilities and lighting within the district and may acquire and dispose of any other facilities for the general purpose of the district.

SECTION 13. Persons entitled to use the facilities and property of the district shall be limited to property owners within the district, their family members and guests and such other persons and groups as the trustees may authorize from time to time upon such terms and conditions as determined by the board.

SECTION 14. The trustees shall supervise all real and personal property owned or leased as lessor or lessee by the district, and shall have the following powers in addition to those already herein enumerated:

- (1) To negotiate purchases and to purchase and lease as lessor or lessee real and personal property on behalf of the district and to pay for such purchases with cash or revenue certificates;
- (2) To determine and fix the assessment to be assessed annually within the district;
- (3) To enter into contracts on behalf of the district;
- (4) To incur obligations on behalf of the district, including the power to issue notes and other evidence of indebtedness of the district for the purpose of obtaining funds for the operation of the district; provided, however, that the aggregate amount of all obligations of the district payable in any fiscal year shall not exceed the aggregate amount of all revenues received by the district from all sources during such

fiscal year; notes or other certificates of indebtedness issued by the district may be secured by the pledge of tax revenues obtained by the district subject to referendum approval where required by the constitution;

(5) To pledge to the punctual payment of revenue certificates issued pursuant to this ordinance, and interest thereon, an amount of the revenue sufficient to pay said revenue certificates and the interest thereon as it shall become due;

(6) To buy, sell, rent, or lease, as lessor or lessee, real and personal property in the name of the district; to deliver purchase money notes; to receive gifts of personal property;

(7) To promulgate reasonable rules and regulations governing the use of the facilities of the district;

(8) To expend funds to maintain property not owned by the district; and

(9) To employ and pay necessary costs associated with security officers.

SECTION 15. The construction, acquisition, or improvement of personal property of the district, or the refunding of obligations issued for such purposes, is authorized under this ordinance.

SECTION 16. A record shall be kept of all meetings of the board of trustees and in such meetings a concurrence of a majority of a quorum of the trustees shall be necessary to any affirmative

action taken by the board. The board may adopt such rules and regulations, not inconsistent with this ordinance, as it may deem necessary or convenient in and about the transaction of its business.

SECTION 17. For the general purposes of this ordinance, each parcel of property in the district is hereby declared to be uniformly and generally benefited by the provisions hereof.

SECTION 18. The district hereby created may be dissolved by a resolution adopted by the board of trustees, a copy of which shall be filed within thirty (30) days after the effective date of the dissolution with the Special District Information Program and the County, pursuant to Section 189.4043, Florida Statutes.

SECTION 19. Any trustee who is made a party to any action, suit, or proceeding solely by reason of his holding office in the district shall be relieved of any personal liability and shall be indemnified by the district against a judgment and reasonable expenses, including attorney's fees incurred by him in defending such suit, action, or proceeding, unless it is adjudged in such proceedings that the trustee acted outside the scope of his duties, acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

SECTION 20. The word "district" means the special district hereby organized; the word "board," "trustees," and "board of trustees," means the board of trustees of and for the special district hereby created.

SECTION 21. If any section, subsection, sentence, clause, provision, or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 22. This Ordinance shall become effective upon filing with the Department of State.

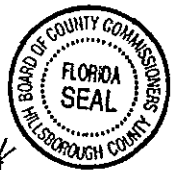
STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, Pat Frank, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its meeting of March 2, 2005, as the same appears of record in Minute Book 346, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 3rd day of March, 2005.

PAT FRANK, CLERK

BY: Juliana Gregory
Deputy Clerk



APPROVED BY COUNTY ATTORNEY
By: [Signature]
Approved as to form and legal sufficiency

EXHIBIT A

Properties Comprising the Westchester Special Dependent District

Reference number refers to location on the map describing the boundaries of the district. Folio # refers to one of two unique property identifying numbers used by the Hillsborough County Property Appraiser's Office.

Properties on this list that are subsequently divided shall be treated as outlined in Section 7 of the ordinance and shall be included in the district.

REFERENCE NUMBER	FOLIO #
1	3532.0052
2	3532.0050
3	3533.1776
4	3533.1634
5	3533.1636
6	3533.1638
7	3533.1640
8	3533.1642
9	3533.1644
10	3533.1646
11	3533.1648
12	3533.1650
13	3533.1652
14	3533.1654
15	3533.1656
16	3533.1658
17	3533.1660
18	3533.1662
19	3533.1664
20	3533.1666
21	3533.1632
22	3533.1778
23	3533.1744
24	3533.1742
25	3533.1740

REFERENCE NUMBER	FOLIO #
26	3533.1738
27	3533.1736
28	3533.1734
29	3533.1732
30	3533.1730
31	3533.1728
32	3533.1726
33	3533.1724
34	3533.1668
35	3533.1630
36	3533.1670
37	3533.1628
38	3533.1626
39	3533.1746
40	3533.1748
41	3533.1750
42	3533.1752
43	3533.1754
44	3533.1756
45	3533.1758
46	3533.1760
47	3533.1762
48	3533.1764
49	3533.1766
50	3533.1768
51	3533.1770
52	3533.1772
53	3533.1672
54	3533.1674
55	3533.1624
56	3533.1622
57	3533.1620
58	3533.1618

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59	3533.1708
60	3533.1706
61	3533.1704
62	3533.1702
63	3533.1700
64	3533.1698
65	3533.1696
66	3533.1694
67	3533.1692
68	3533.1690
69	3533.1688
70	3533.1686
71	3533.1684
72	3533.1682
73	3533.1680
74	3533.1678
75	3533.1676
76	3533.1616
77	3533.1614
78	3533.1712
79	3533.1710
80	3533.1068
81	3533.1070
82	3533.1072
83	3533.1074
84	3533.1076
85	3533.1078
86	3533.1080
87	3533.1082
88	3533.0806
89	3533.0808
90	3533.0810
91	3533.0812

REFERENCE NUMBER	FOLIO #
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93	3533.0816
94	3533.0818
95	3533.0910
96	3533.1612
97	3533.1774
98	3533.1174
99	3533.0906
100	3533.1610
101	3533.1722
102	3533.1108
103	3533.1092
104	3533.1090
105	3533.1088
106	3533.1086
107	3533.1084
108	3533.0868
109	3533.0866
110	3533.0864
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112	3533.0860
113	3533.0858
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115	3533.0754
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117	3533.1720
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123	3533.0884
124	3533.0886

REFERENCE NUMBER	FOLIO #
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128	3533.0894
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130	3533.0898
131	3533.0900
132	3533.0756
133	3533.0758
134	3533.0760
135	3533.1606
136	3533.1718
137	3533.1112
138	3533.1098
139	3533.0878
140	3533.1604
141	3533.1716
142	3533.1114
143	3533.1100
144	3533.0876
145	3533.0920
146	3533.0834
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156	3533.0766
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163	3533.1172
164	3533.1118
165	3533.1104
166	3533.0872
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193	3533.1126
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197	3533.0802
198	3533.0800
199	3533.0798
200	3533.0796
201	3533.0794
202	3533.0792
203	3533.0790
204	3533.0788
205	3533.0786
206	3533.0784
207	3533.0782
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210	3533.0776
211	3533.0774
212	3533.0772
213	3533.0916
214	3532.0000
215	3533.1056
216	3533.1162
217	3533.1128
218	3533.1006
219	3532.0010
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221	3526.0010
222	3526.0000
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233	3533.1134
234	3533.1012
235	3533.1048
236	3533.1154
237	3533.1136
238	3533.1014
239	3533.1046
240	3533.1152
241	3533.1138
242	3533.1016
243	3533.1044
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245	3533.1140
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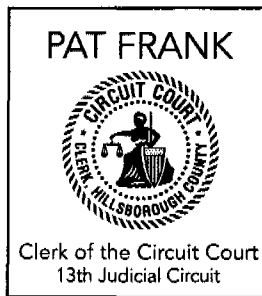
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264	3532.0040
265	3532.0060
266	3533.0676
267	3533.0674
268	3533.0672
269	3533.0670
270	3533.0668
271	3533.0666
272	3533.0664
273	3533.0662
274	3533.0660
275	3533.0658
276	3533.0656
277	3533.0654
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279	3533.0650
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REFERENCE NUMBER	FOLIO #
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REFERENCE NUMBER	FOLIO #
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354	3533.0684
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366	3533.0708
367	3533.0710
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372	3533.1296
373	3533.1298
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375	3533.0714
376	3533.0716
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378	3533.0720
379	3533.0722
380	3533.0724
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382	3533.0728
383	3533.0730
384	3533.0732
385	3533.0734
386	3533.0734
387	3533.0736
388	3533.0738

REFERENCE NUMBER	FOLIO #
389	3533.0740
390	3533.0742
391	3533.0744
392	3533.0746
393	3533.0748
394	3533.0750
395	3533.0902
396	3533.0922
397	3532.0035
398	3526.0018
399	3526.0022
400	3526.0019
401	3526.0021
402	3526.0020
404	3532.0000
405	3530.0040



June 2, 2009

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

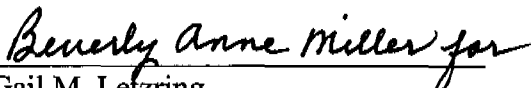
Re: Ordinance #09-39
Amending the Waterford Special Dependent District Ordinance 95-7, as Amended by
Ordinance 98-24

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #09-39 which was adopted by the Board of County Commissioners on May 20, 2009. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of May 26, 2009.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,


Gail M. Letzring,
Manager, BOCC Records

md

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Debra A. Cole, Hillsborough County Sheriff's Office
Librarian, State Attorney's Office
Paul D. Johnston, Senior Assistant County Attorney
Ajay Gajjar, Assistant Director, BOCC Finance
Linda Hoover, BOCC Finance
Mary Mahoney, Management and Budget
Efraim Castano, Tax Collector's Office
Erin Kwiecinski, Tax Collector's Office
Christopher Weiss, Property Appraiser's Office
Tracy Torres, Property Appraiser's Office
Shelia Alfonso, County Attorney's Office
Sandra Davidson, County Attorney's Office

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Agenda Item Cover Sheet

Agenda Item N^o: D-3

Meeting Date May 20, 2009

- Consent Section
 Regular Section
 Public Hearing

Subject:
Amendments to 37 Special Dependent District Ordinances.

Department Name: County Attorney's Office

Contact Person: Paul D. Johnston **Contact Phone:** 272-5670

Sign-Off Approvals:

	Mary Helen Farris
	05/07/2009
<small>Managing County Attorney</small>	<small>Date</small>
Don Odom	05/08/2009
<small>County Attorney</small>	<small>Date</small>
Eric Johnson	05/08/2009
<small>Management and Budget - Approved as to Financial Impact Accuracy</small>	<small>Date</small>
Paul Johnston	05/07/2009
<small>Assistant County Attorney</small>	<small>Date</small>

Staff's Recommended Board Motion:
 Conduct a public hearing to consider the attached amendments of the Hillsborough County Ordinances creating Dependent Taxing Districts *.

*See attached list of Districts and Ordinances to be considered for amendment.

The proposed amendments will not result in any significant impact to the County.

Financial Impact Statement:
 The proposed amendments will not result in any significant impact to the County.

Background:
 Per the direction of the Board of County Commissioners staff has drafted attached amendments to 37 Ordinances creating Special Dependent Taxing Districts. Each amendment deletes the positions of recording secretary and corresponding secretary, combining the positions to one secretary; deleting the requirement of BOCC approval of bonds executed by District Board Officers; providing districts under certain circumstances to forego the requirement of producing an annual audited financial statement; and providing for the advertisement of public hearing of the districts 14 days prior to the hearing.

F/Wh 4 to 0
 Hi/Ha/N out

ORD # 09-39

List Attachments:

List of Districts and Ordinances to be amended; 37 proposed amendments to the Ordinances.

ARLINGTON SPECIAL DEPENDENT ASSESSMENT DISTRICT, ORD. 91-21.
BAY CREST PARK SPECIAL DISTRICT, ORD. 85-37.
BEACON MEADOWS SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-53.
BLOOMINGDALE DEPENDENT SPECIAL TAXING DISTRICT, ORD. 85-38.
BLOOMINGDALE OAKS SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-38.
BOYETTE SPRINGS SPECIAL DEPENDENT DISTRICT, ORD. 93-27.
BRANDON GROVES NORTH SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-39.
BUCKHORN ESTATES SPECIAL DEPENDENT DISTRICT, ORD. 95-21.
BUCKHORN OAKS SPECIAL DEPENDENT DISTRICT, ORD. 97-13.
CARROLLWOOD MEADOWS SPECIAL DISTRICT, ORD. 92-35.
CARROLLWOOD NORTH SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-51.
CARROLLWOOD SOUTH SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-46.
COUNTY LAKES SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-52.
COUNTRY PLACE MAINTENANCE DISTRICT, ORD. 86-38.
COUNTRY RUN MAINTENANCE DISTRICT, ORD. 87-20.
THE COVE AT BAYPORT COLONY SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-45.
HAMMOCK WOODS SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-40.
HICKORY HILL SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-41.
HUNTER'S LAKE SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-49.
INDIAN HILLS – HICKORY RIDGE II SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-47.
LAGO VISTA MAINTENANCE DISTRICT, ORD. 86-39.
LAKE BRANT SPECIAL DEPENDENT DISTRICT, ORD. 93-28.
LAKE HEATHER SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-54.
LAKE MAGDALENE ESTATES WEST SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-42.
LOGO GATE VILLAGE SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-50.
NORTHDALE SPECIAL DISTRICT, ORD. 92-36.
NORTH LAKES MAINTENANCE DISTRICT, ORD. 85-39.
NORTH POINTE SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-43.
PINE HOLLOW SPECIAL DEPENDENT TAX DISTRICT, ORD. 90-39.
PINE MEADOWS SPECIAL DEPENDENT DISTRICT, ORD. 98-55.
SOUTH POINTE SPECIAL DEPENDENT TAX DISTRICT, ORD. 88-44.
SUGARWOOD GROVE SPECIAL DISTRICT, ORD. 92-37.
TARAWOOD SPECIAL DEPENDENT TAX DISTRICT, ORD. 89-40.
VALRICO MANOR SPECIAL DEPENDENT TAX DISTRICT, ORD. 87-48.
VILLAGE ESTATES WEST SPECIAL DEPENDENT TAX DISTRICT, ORD. 89-39.
WATERFORD SPECIAL DEPENDENT DISTRICT, ORD. 95-07.
WESTWOOD SPECIAL DEPENDENT ASSESSMENT DISTRICT, ORD. 91-29.
WINDEMERE SPECIAL DEPENDENT DISTRICT, ORD. 86-37.

ORDINANCE 09-39

AN ORDINANCE RELATING TO WATERFORD SPECIAL DEPENDENT DISTRICT, AMENDING HILLSBOROUGH COUNTY ORDINANCE 95-7, AS AMENDED BY HILLSBOROUGH COUNTY ORDINANCE 98-24; PROVIDING FOR THE DELETION OF THE POSITIONS OF RECORDING SECRETARY AND CORRESPONDING SECRETARY; PROVIDING FOR THE CREATION OF THE POSITION OF SECRETARY; PROVIDING FOR THE DELETION OF APPROVAL BY BOCC OF BONDS EXECUTED BY DISTRICT BOARD OFFICERS; PROVIDING FOR THE ABILITY OF THE DISTRICT TO FOREGO AN ANNUAL AUDITED FINANCIAL STATEMENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR NOTICES OF PUBLIC HEARINGS TO BE ADVERTISED 14 DAYS PRIOR TO THE HEARING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida created the Waterford Special Dependent District, and established by Ordinance the boundaries of the District;

WHEREAS, the Board of County Commissioners desires to amend provisions relating to the secretarial positions of the district board;

WHEREAS, the Board of County Commissioners desires to amend provisions relating to BOCC approval of the bonds required by certain district board officers;

WHEREAS, the Board of County Commissioners desires to amend provisions relating to the requirement of the district board to submit an annual audited financial statement; and

WHEREAS, the Board of County Commissioners desires to amend provisions relating to the time period for advertising notices of public hearings.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 20th DAY OF May, 2009, AS FOLLOWS:

SECTION 1. Section 3 of the Hillsborough County Ordinance 95-7, as amended, is amended to read as follows:

SECTION 3. The business and affairs of the district shall be conducted and administered by a board of seven trustees, hereinafter referred to as the “trustees”, who shall be elected for 4-year terms of office in even numbered years. After each election of trustees, the trustees shall organize by electing from their members a president, a vice-president, a secretary, and a treasurer. At the same time they shall establish and publish in a newspaper of general circulation, a regular monthly meeting date, time, and place which shall be adhered to. Five trustees shall constitute a quorum, and a majority of that quorum shall be required for the passage of any resolution coming under consideration by the board of trustees. No meeting of the district board, nor any discussion of district business among the trustees, shall take place without a quorum present. The trustees shall not be entitled to compensation for their services, but shall be entitled to be reimbursed from the funds of the district for any authorized disbursements they may properly incur on behalf of the district. The president, vice-president, and the treasurer shall be the only trustees authorized to execute checks and documents on behalf of the district. Such trustees authorized to sign checks of the district or otherwise designated to handle its funds shall, before they enter upon such duties, execute to the Board of County Commissioners of Hillsborough County for the benefit of the district, a good and sufficient bond in the sum of \$5,000 with a qualified corporate surety conditioned to

faithfully perform the duties of such trustees and to account for all funds which may come into their hands as such trustees. All premiums for such surety on all bonds shall be paid from funds of the district.

SECTION 2. Section 11 of the Hillsborough County Ordinance 95-7, as amended, is amended to read as follows:

SECTION 11.

(1) The fiscal year of the district shall commence October 1.

(2) Financial Reporting:

(a) The Trustees shall, before November 30 of each year, prepare a financial statement for the prior fiscal year on forms and to standards prescribed by the County. The financial statement shall be submitted to the County's Clerk of the Circuit Court by November 30th.

(b) Beginning in FY 2009, if the district board determines during the process of adopting the budget for the next fiscal year that the total of current fiscal year's actual revenues (not including funds actually carried over from the previous year to the current fiscal year) is \$50,000 or more, it shall submit an audited financial statement to the Clerk of the Circuit Court on which a financial audit has been conducted as specified in subsection (d) of this section.

(c) While the County encourages the district to have its annual financial statement audited, if, during the process described in (b), the amount of current fiscal year's revenues as determined by the district board is less than \$50,000, the district board may vote to prepare an unaudited financial statement for that year on forms and to standards prescribed by the County. In order to prepare and submit an unaudited

financial statement, the district board must (1) send a letter by first class mail to each property owner in the district and to the County informing them that the district board has chosen not to have the financial statement for the current fiscal year audited; (2) the letters must be postmarked no later than September 30th. The County will provide the district with a sample standard letter which the district will use. If the district does not send the standard letter by September 30th, the district will be required to submit to the Clerk of the Circuit Court an audited financial statement by November 30th. (d) The preparation of an audited financial statement shall conform with generally accepted government auditing standards, pursuant to Chapter 10.550, *Rules of the Auditor General* and §11.45, Florida Statutes. The audit must be performed by an independent Certified Public Accountant holding an active license issued by the Florida Board of Accountancy and with current continuing education in government auditing.

(3) Budgets:

(a) On or before July 1 of each year, the district board shall prepare and adopt by resolution an itemized budget on forms and to standards prescribed by the County. The budget will show the amount of revenues, including estimated fund balance and expenditures (including transfers and reserves), necessary for the operation of the district in the next fiscal year and the non-ad valorem assessment rate to be levied on the tax roll to support that budget. Prior to the adoption of the budget, the trustees shall hold a public hearing at which time the public may appear and be heard. Beginning May, 2009, notice of the time and place of the public hearing shall be published once in a newspaper of general circulation within Hillsborough County at least 14 calendar days prior to the public hearing.

(b) Each year, the trustees of the district shall submit the budget it adopted pursuant to paragraph (a) above to the Board of County Commissioners of Hillsborough County for approval. The Board of County Commissioners of Hillsborough County may increase or decrease the budget on a line-by-line basis or in total and adjust the non-ad valorem assessment rate for that fiscal year. The assessment set by the trustees of the district shall not be set at a rate in excess of that required by the budget of the district as approved by the Board of County Commissioners of Hillsborough County.

SECTION 3. SEVERABILITY

If any section, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon filing with the office of the Secretary of State.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Pat Frank, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of the Ordinance adopted by the Board at its meeting of May 20, 2009, as the same appears of record in Minute Book 396, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of May, 2009.

PAT FRANK, CLERK

BY: Trinidad K. Dink
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
As To Form and Legal Sufficiency

BY: [Signature]
Senior Assistant County Attorney

