

ORDINANCE #

91-7

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AN ORDINANCE AMENDING THE LOGAN GATE VILLAGE SPECIAL ASSESSMENT DISTRICT ORDINANCE (ORD. NO. 87-50) TO AMEND WHEREAS CLAUSES TO BE CONSISTENT WITH FLORIDA STATUTES AND BOARD OF COUNTY COMMISSIONERS' RESOLUTIONS; TO AMEND BONDING PROCEDURES RELATING TO THE BOARD OF TRUSTEES; TO AMEND THE ASSESSMENT CAP; TO AMEND THE ASSESSMENT PROCEDURES; TO AMEND THE FINANCIAL STATEMENT REQUIREMENTS; TO AMEND THE PROCEDURES FOR FILLING TRUSTEE VACANCIES; TO AMEND THE DISSOLUTION PROCEDURES TO BE CONSISTENT WITH FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE:

WHEREAS, the Board of County Commissioners of Hillsborough County created by ordinance the Logan Gate Village Special Assessment District (Ordinance No. 87-50); and

WHEREAS, the residents of the Logan Gate Village Assessment District approved by referendum an increase in the assessment cap from \$50.00 to \$100.00 per year; and

WHEREAS, the Board of County Commissioners of Hillsborough County desires to amend Ordinance No. 87-50 to reflect the change in the assessment cap; and

WHEREAS, Florida Statutes have amended the requirements for dissolution of Special Districts; and

WHEREAS, the Board of County Commissioners of Hillsborough County wishes to clarify certain matters within Ordinance No. 87-50 relating to assessment procedures, financial statements, trustee vacancies, and references to Florida Statutes and Board Resolutions; and

WHEREAS, the Board of County Commissioners of Hillsborough County wishes to amend the bonding procedures relating to the board of trustees.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 16th DAY OF May, 1991, AS FOLLOWS:

SECTION 1. The following WHEREAS clause of Hillsborough County Ordinance #87-50 is amended to read as follows:

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

SECTION 2. Add the following WHEREAS clause to Hillsborough County Ordinance #87-50 to read as follows:

WHEREAS, the Board of County Commissioners of Hillsborough County passed Resolution No. R85-0175 outlining procedures establishing special dependent assessment districts.

SECTION 3. Section 3 of Hillsborough County Ordinance No. 87-50 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 2-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 from the effective date of this Ordinance until the election and taking of office of their successors as hereinafter provided: Four of such appointed trustees shall serve until the first regular election and three of such persons shall serve until the second regular election. After each annual 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. 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. 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 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. Section 6 of Hillsborough County Ordinance No. 87-50 is amended to read as follows:

SECTION 6. Trustees shall hold office for a term of 2 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. Vacancies which occur due to lack of candidates qualifying for election shall be filled by appointment of the Board of County Commissioners of Hillsborough County as provided for initial trustees in Section 3 herein. Such appointees shall only serve until the next election for Board of Trustees of the district. 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 5. Section 7 of Hillsborough County Ordinance No. 87-50 is amended to read as follows:

SECTION 7. The board of trustees shall have the right, power and authority to levy a special assessment known as a "special district tax" against all improved residential 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 tax as is assessed upon each improved residential parcel of property within the district. The tax assessed shall not exceed \$100 per annum per residential parcel except upon approval by referendum of qualified voters of the district. 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 tax, an "improved residential parcel" shall be construed to mean a lot or lots on which a home has been erected as of January 1 of the taxable year. The district tax shall not be an ad valorem tax, but rather shall be a unit special assessment

assessed equally against all improved residential parcels.

SECTION 6. Section 11(1) of Hillsborough County Ordinance No. 87-50 is amended to read as follows:

SECTION 11(1). The fiscal year of the district shall commence October 1. The trustees shall, on or before November 15 of each year, prepare an annual financial statement of revenue and expenditures during the prior fiscal year. Such financial statement shall be audited in accordance with Florida Statute §11.45. 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 tax 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.

SECTION 7. Section 18 of Hillsborough County Ordinance No. 87-50 is amended to read as follows:

SECTION 18. The district hereby created may be abolished 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. The district shall not be abolished while it has outstanding indebtedness without first providing that such abolishment will not impair the obligation of the district to the holders of such outstanding indebtedness.

SECTION 8. 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 9. This Ordinance shall become effective upon receipt of official acknowledgment of filing with the Secretary of State.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

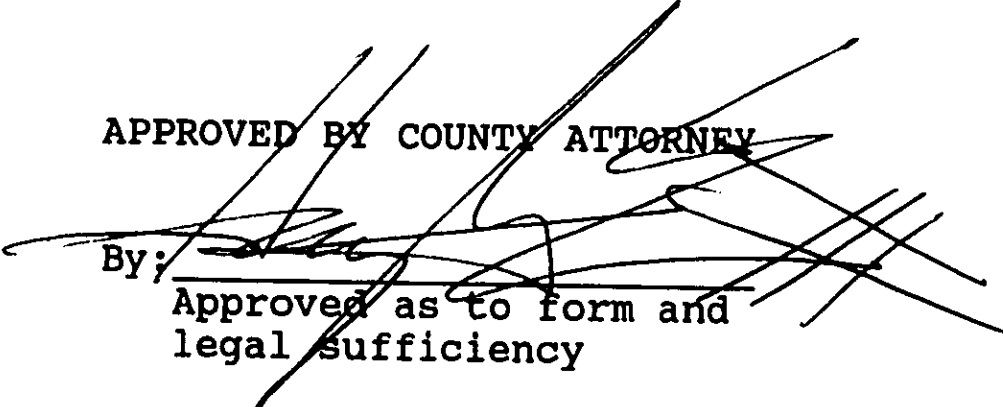
I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its meeting of May 16, 1991, as the same appears of record in Minute Book 180, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of May, 1991.

RICHARD AKE, CLERK

BY: Judith M. Nichols
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: 
Approved as to form and
legal sufficiency