

FINAL  
5/25/95  
HGE

ORDINANCE # 95-7

AN ORDINANCE CREATING A DEPENDENT SPECIAL DISTRICT FOR THE PURPOSE OF CONTINUED ADMINISTRATION AND MAINTENANCE OF PROPERTIES FOR THE UNINCORPORATED AREA COMMONLY KNOWN AS THE WATERFORD SUBDIVISION, LEGALLY KNOWN AS WATERFORD ON THE ALAFIA 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 FOR A FISCAL YEAR AND PROCEDURES FOR ANNUAL 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 ABOLITION 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 dependent special district for the unincorporated area of Hillsborough County to be known as Waterford Special Dependent District, for the purpose of continued improvement, administration and maintenance of properties, is the best alternative available for the delivery of such services; and

**WHEREAS**, the Board of County Commissioners of Hillsborough County desires to apportion the cost of such services equitably among benefited property owners; and

**WHEREAS**, the Board of County Commissioners of Hillsborough County has the power, pursuant to Chapter 189, Florida Statutes, and its home rule powers 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 for the unincorporated area of Hillsborough County to be known as Waterford 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 outlining procedures establishing special dependent districts.

**NOW THEREFORE**, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 25th DAY OF May, 1995, AS FOLLOWS:

**SECTION 1.** There is hereby created a Special Dependent District consisting of all property located within the following described lands:

SEE EXHIBIT "A" ATTACHED HERETO

which District shall be designated as the Waterford Special Dependent District, hereinafter referred to as the "District."

SECTION 2. The Waterford Special Dependent 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 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 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 annually at a designated polling place for the district. The election in even-numbered years will be held in conjunction with the first primary election as designated in Section 100.061, Florida Statutes. The election in odd-numbered years will be held on the first Tuesday after the sixth day of September, or at the discretion of the board, may be held in conjunction with any other election held that month. At each election, either three or four trustees, as the case may be, shall be elected for a term of 2 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. 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. Elected trustees shall take office on October 1 following election. 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 Supervisor of Elections shall canvass the returns of the election and shall announce the results upon completion of the count. 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. The necessary and proper costs of holding, conducting, and regulating such elections and referendums, including compensation for inspectors, clerks, and other employees required therefor 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 in even-numbered years during the time period specified by Section 99.061(2), Florida Statutes, and in odd-numbered years at any time after noon of the 50th day prior to the election, but not later than noon of the 46th day prior to the election. Such petition shall be signed by not less than 15 qualified electors within the district. Candidates who collect or expend campaign contributions shall conduct their campaigns in accordance with the provisions of Chapter 106, Florida Statutes. Written notice of the election setting forth the names of the candidates for trustees shall be given by the district, addressed to each resident within the district, not less than 15 days before the date of each election, and shall also be published by the district one time at least 10 days prior to such election in a newspaper of general circulation published in the county. The ballot shall be substantially in the following form:

Board of Trustees of Waterford Special Dependent  
District:  
(stating their names and residence addresses).

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. 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 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 assessment as is assessed upon each residential parcel of property within the district. The assessment shall not exceed \$1,000.00 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 assessment, a "residential parcel" shall be construed to mean a lot, improved or unimproved, platted within the district. The district assessment shall not be an ad valorem tax, but rather shall be a unit special assessment assessed equally against all residential parcels.

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.

SECTION 9. The district assessment shall be a lien upon each residential parcel of land so assessed until paid, and shall be 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 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 building and loan association 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 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 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

