

FINAL**ORDINANCE # 98-24**

AN ORDINANCE RELATING TO THE WATERFORD SPECIAL DEPENDENT TAX DISTRICT, AMENDING HILLSBOROUGH COUNTY ORDINANCE 95-7; 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 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, and

WHEREAS, the Board of County Commissioners desires to amend provisions relating to election procedures for the Board of Trustees and the length of the terms office.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 26th DAY OF May, 1998, AS FOLLOWS:

SECTION 1. Section 3 of Hillsborough County Ordinance 95-7 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 in ~~even numbered years~~ for ~~2=~~ 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 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 whose terms expire in 1998 shall serve until the first regular election. Trustees whose terms expire in 1999 shall continue to serve as Trustees until the elections held in the year 2000, 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 2. Section 4 of Hillsborough County Ordinance 95-7, is amended to read as follows:

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 3. Section 5 of Hillsborough County Ordinance 95-7, is amended to read as follows:

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 ~~seven (7)~~ 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 Tax ~~the~~ District

(stating their names and residence addresses).

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

SECTION 4. Section 6 of Hillsborough County Ordinance 89-39 is amended to read as

SECTION 4. Elections shall be held annually at a designated one or more polling places designated for the district by the Supervisor of Elections. The election will be held in even-numbered years will be held in conjunction with the first primary election as designated in Section 100.061, Florida Statutes or any amended or successor statute. 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. Trustees shall run on a non-partisan basis. At each election, either three or four trustees, as the case may be, trustees shall be elected for a term of 2 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. Elected trustees shall take office on October 1 following election. 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 The Canvassing Board 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

follows:

SECTION 6. Trustees shall hold office for a term of 2-4 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 can not 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. Vacancies which occur due to a 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 5. 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 6. EFFECTIVE DATE

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

STATE OF FLORIDA)

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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 26, 1998 as the same appears of record in Minute Book 264 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of May, 1998.

RICHARD AKE, CLERK



BY: [Signature]
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: [Signature]
Approved as to form and
legal sufficiency