

1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
2 OF ORLANDO, FLORIDA, AND THE BOARD OF  
3 DIRECTORS OF THE DOWNTOWN SOUTH  
4 NEIGHBORHOOD IMPROVEMENT DISTRICT  
5 ADOPTING THE FISCAL YEAR 2019/2020 BUDGET FOR  
6 THE DOWNTOWN SOUTH NEIGHBORHOOD  
7 IMPROVEMENT DISTRICT; PROVIDING CERTAIN  
8 FINDINGS; PROVIDING CERTAIN BUDGET  
9 ACCOUNTING PROCEDURES; PROVIDING FOR  
10 SEVERABILITY, CORRECTION OF SCRIVENER'S  
11 ERRORS, REPEAL OF CONFLICTING RESOLUTIONS,  
12 AND AN EFFECTIVE DATE.

13  
14 **WHEREAS**, the Downtown South Neighborhood Improvement District (the  
15 "district") was created and chartered on July 25, 2011, by City of Orlando Ordinance  
16 #2011-28; and  
17

18 **WHEREAS**, the district was created and chartered pursuant to the Safe  
19 Neighborhoods Act, codified at Part IV, Chapter 163, Florida Statutes, and the Orlando  
20 Neighborhood Improvement District Code, codified at Chapter 40, Code of the City of  
21 Orlando, Florida (the "Orlando City Code"); and  
22

23 **WHEREAS**, the district is a "local government neighborhood improvement  
24 district" pursuant to and as described at section 163.506, Florida Statutes, and sections  
25 40.4(1)(a) and 40.11, Orlando City Code; and  
26

27 **WHEREAS**, the district is a "dependent special district" within the meaning of the  
28 Uniform Special District Accountability Act, codified at Chapter 189, Florida Statutes, and  
29 for the purposes of preparing and considering tentative and final budgets, and adopting  
30 a final budget, pursuant to Chapter 200, Florida Statutes; and  
31

32 **WHEREAS**, the district is authorized by section 163.506(1)(c), Florida Statutes,  
33 and section 40.14(1), Orlando City Code, to levy an ad valorem tax on real and personal  
34 property of up to 2 mills annually, and by subsection 163.514(5), Florida Statutes, to  
35 have exclusive control of funds legally available to it; and  
36

37 **WHEREAS**, pursuant to subsection 163.5151(1), Florida Statutes, and an  
38 agreement between the City of Orlando, Florida (the "City") and the district, all funds of  
39 the district are received, held, and secured in the same manner as other public funds by  
40 the Chief Financial Officer of the City; and  
41

42 **WHEREAS**, the district's board of directors is the governing board of the district  
43 (the "board of directors") and is comprised of the members of the Orlando City Council;  
44 and  
45

46           **WHEREAS**, the board of directors has, upon recommendation of the Downtown  
47 South Neighborhood Improvement District Advisory Council (the "Advisory Council"),  
48 approved a proposed district budget for fiscal year 2019/2020 ("FY 2019/2020") and the  
49 budget will be included in the City of Orlando's budget document; and

50  
51           **WHEREAS**, the district's fiscal year begins on October 1, and ends on  
52 September 30; and

53  
54           **WHEREAS**, the proposed budget includes the estimated expenditures necessary  
55 to carry out the functions of the district for FY2019/2020; and

56  
57           **WHEREAS**, the City Council of the City of Orlando, Florida, and the board of  
58 directors have examined and carefully considered the proposed budget in duly  
59 assembled, properly noticed, public meetings; and

60  
61           **WHEREAS**, the board of directors and the Orlando City Council hereby certify  
62 compliance with the provisions of Chapter 200, Florida Statutes, and other applicable  
63 laws, rules, and procedures; and

64  
65           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**  
66 **OF ORLANDO, FLORIDA, AND THE BOARD OF DIRECTORS OF THE DOWNTOWN**  
67 **SOUTH NEIGHBORHOOD IMPROVEMENT DISTRICT, AS FOLLOWS:**

68  
69           **SECTION 1. PREAMBLE.** The "whereas clauses" contained hereinabove are  
70 true and correct and are hereby incorporated into this resolution as if fully set forth  
71 hereinafter.

72  
73           **SECTION 2. BUDGET ADOPTED.** The annual budget for the district for the  
74 fiscal year beginning on October 1, 2019, and ending on September 30, 2020, attached  
75 to this resolution as **Schedule "A"** (the "budget"), is hereby confirmed, adopted, and  
76 approved in all respects. The budget is adopted after full, complete, and comprehensive  
77 public hearings. We hereby find that the budget is necessary to provide required funds  
78 for capital outlays, operating expenses, expenditures for materials, labor, equipment,  
79 supplies, and contingent expenses of the district. The budget represents and presents  
80 the judgment and intent of the board of directors as to the needs of the district.

81  
82           **SECTION 3. BUDGET ACCOUNTING.** The budget has been prepared in  
83 accordance with generally accepted accounting principles.

84  
85           **SECTION 4. REVENUES.** The revenues estimated for receipt by the district  
86 during FY2018/2019, from all sources, and any amounts carried over from prior fiscal  
87 years, equals the total of appropriations for expenditures and reserves in the budget.  
88

89           **SECTION 5. EXPENDITURES.** The budget, as such budget may be amended  
90 from time to time, will govern expenditures of the district and no expenditures shall be  
91 made, nor contracts for expenditures be entered into except in pursuance of budget  
92 appropriations.  
93

94           **SECTION 6. SPECIAL DISTRICT BUDGET PROCEDURES.** The budget is  
95 adopted in accordance with section 189.016, Florida Statutes.  
96

97           **SECTION 7. CLOSEOUT OF BOOKS.** To provide an orderly year-end closeout  
98 of all financial books and records of the district, the City's Chief Financial Officer, on  
99 behalf of and subject to the direction of the board of directors, is hereby authorized and  
100 directed, as needed, to increase the corresponding line item appropriations in the budget  
101 to the extent of those purchase orders which shall have been issued prior to September  
102 30, 2019, but which have not been filled prior to that date, and is authorized and directed  
103 to pay all such purchase orders upon receipt of the goods or services therein specified  
104 from the funds so appropriated. The City's Chief Financial Officer is hereby further  
105 authorized and directed to increase the appropriate budget line items to include any  
106 unexpended balances as of the end of business on September 30, 2019, from federal,  
107 state, or other grants that were previously authorized by the district, and to the extent of  
108 any unexpended balances from the prior fiscal year's budget, as amended, whether or  
109 not encumbered, outstanding in projects as of the end of business on September 30,  
110 2019, and all such balances shall be appropriated to the corresponding accounts in the  
111 same funds in which they were outstanding as of September 30, 2019. The City's Chief  
112 Financial Officer is also hereby authorized and directed to expend such appropriations  
113 for the purposes approved by the district in connection with federal, state, or other grants  
114 and projects. Corresponding changes in the anticipated revenue accounts are hereby  
115 authorized.  
116

117           **SECTION 8. CERTAIN LINE ITEM TRANSFERS AUTHORIZED.** The City's  
118 Chief Financial Officer is hereby authorized to transfer appropriations from one line item  
119 to another line item of the budget, upon approval of the chairperson of the board of  
120 directors, or designee, so long as the total appropriations are not increased or  
121 decreased thereby. Transactions affecting total appropriations, other than those  
122 authorized herein shall require the prior approval of the board of directors. Any such  
123 transactions are subject to applicable Florida statutes, regulations, and local laws.  
124

125           **SECTION 9. BUDGET CHANGES.** All changes to the budget made by the City's  
126 Chief Financial Officer, other than correction of errors, shall be reported to the board of  
127 directors on at least a quarterly basis. As required by subsection 189.016(6), Florida  
128 Statutes, the board of directors shall adopt a final adjusted budget, including any  
129 amendments made during the year, within 60 days following the end of the fiscal year.  
130

131           **SECTION 10. SEVERABILITY.** If any provision of this resolution or its  
132 application to any person or circumstance is held invalid, the invalidity does not affect

133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178

other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable.

**SECTION 11. SCRIVENER’S ERROR.** The City Attorney may correct scrivener’s errors found in this resolution by filing a corrected copy of this resolution with the City Clerk.

**SECTION 12. REPEAL.** All resolutions or parts of resolutions previously adopted and in conflict with this resolution are hereby repealed.

**SECTION 13. EFFECTIVE DATE.** This resolution takes effect immediately upon adoption.

**DONE, THE PUBLIC HEARING,** on the proposed budget in accordance with paragraph 200.065(2)(c), Florida Statutes, by the City Council of the City of Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood Improvement District, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, and in accordance with subsection 200.065(3), Florida Statutes, for the City Council of the City of Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood Improvement District, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**DONE, THE PUBLIC HEARING,** to finalize and adopt the budget in accordance with paragraph 200.065(2)(d), Florida Statutes, by the City Council of the City of Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood Improvement District, **AND THEN ADOPTED,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood Improvement District, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**FOR THE CITY OF ORLANDO, FLORIDA:**

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_

179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229

City Clerk

\_\_\_\_\_  
Print Name

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE  
CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Print Name

**FOR THE BOARD OF DIRECTORS OF THE DOWNTOWN SOUTH NEIGHBORHOOD  
IMPROVEMENT DISTRICT:**

BY THE CHAIRMAN OF THE BOARD OF  
DIRECTORS OF THE DOWNTOWN  
SOUTH NEIGHBORHOOD  
IMPROVEMENT DISTRICT:

\_\_\_\_\_  
Chairman

ATTEST, BY THE SECRETARY OF  
THE BOARD OF DIRECTORS OF  
THE DOWNTOWN SOUTH  
NEIGHBORHOOD IMPROVEMENT DISTRICT:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Print Name

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE  
DOWNTOWN SOUTH  
NEIGHBORHOOD IMPROVEMENT DISTRICT:

\_\_\_\_\_  
Board Attorney

\_\_\_\_\_  
Print Name

\*\*[Remainder of page intentionally left blank.]\*\*