

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 2021/2022 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
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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
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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 2021/2022 ("FY 2021/2022") 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 FY2021/2022; and

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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, 2021, and ending on September 30, 2022, 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 FY2021/2022, 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, 2021, 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, 2021, 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 2021, 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, 2021. 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 other provisions or applications of this resolution which can be given effect without the
134 invalid provision or application, and to this end the provisions of this resolution are
135 severable.

136
137 **SECTION 11. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
138 errors found in this resolution by filing a corrected copy of this resolution with the City
139 Clerk.

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142 and in conflict with this resolution are hereby repealed.

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

146
147 **DONE, THE PUBLIC HEARING,** on the proposed budget in accordance with
148 paragraph 200.065(2)(c), Florida Statutes, by the City Council of the City of Orlando,
149 Florida, and the Board of Directors of the Downtown South Neighborhood Improvement
150 District, this _____ day of _____, 2021.

151
152 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
153 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, and in accordance
154 with subsection 200.065(3), Florida Statutes, for the City Council of the City of Orlando,
155 Florida, and the Board of Directors of the Downtown South Neighborhood Improvement
156 District, this _____ day of _____, 2021.

157
158 **DONE, THE PUBLIC HEARING,** to finalize and adopt the budget in accordance
159 with paragraph 200.065(2)(d), Florida Statutes, by the City Council of the City of
160 Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood
161 Improvement District, **AND THEN ADOPTED,** by an affirmative vote of a majority of a
162 quorum present of the City Council of the City of Orlando, Florida, and the Board of
163 Directors of the Downtown South Neighborhood Improvement District, this _____
164 day of _____, 2021.

165
166 **FOR THE CITY OF ORLANDO, FLORIDA:**

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168 BY THE MAYOR OF THE CITY OF
169 ORLANDO, FLORIDA:

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171
172 _____
173 Mayor

174 ATTEST, BY THE CLERK OF THE
175 CITY COUNCIL OF THE CITY OF
176 ORLANDO, FLORIDA:

179 City Clerk

180

181

182 _____
Print Name

183

184 APPROVED AS TO FORM AND LEGALITY

185 FOR THE USE AND RELIANCE OF THE

186 CITY OF ORLANDO, FLORIDA:

187

188

189 _____
City Attorney

190

191

192 _____
Print Name

193

194 **FOR THE BOARD OF DIRECTORS OF THE DOWNTOWN SOUTH NEIGHBORHOOD**

195 **IMPROVEMENT DISTRICT:**

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

Chairman

206 ATTEST, BY THE SECRETARY OF

207 THE BOARD OF DIRECTORS OF

208 THE DOWNTOWN SOUTH

209 NEIGHBORHOOD IMPROVEMENT DISTRICT:

210

211

212 _____
Secretary

213

214

215 _____
Print Name

216

217

218 APPROVED AS TO FORM AND LEGALITY

219 FOR THE USE AND RELIANCE OF THE

220 DOWNTOWN SOUTH

221 NEIGHBORHOOD IMPROVEMENT DISTRICT:

222

223

224 _____
Board Attorney

225

226

227 _____
Print Name

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