

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 2015/2016 BUDGET**
6 **FOR 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.**

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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
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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
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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
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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 2015/2016 ("FY 2015/2016") and the
49 budget will be included in the City of Orlando's budget document; and

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

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54 **WHEREAS**, the proposed budget includes the estimated expenditures necessary
55 to carry out the functions of the district for FY2015/2016; and

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57 **WHEREAS**, the revenues estimated for receipt by the district during
58 FY2015/2016, from all sources, and any amounts carried over from prior fiscal years,
59 has been submitted to the board of directors and is attached to this resolution as **Exhibit**
60 **"A"**; and

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62 **WHEREAS**, the City Council of the City of Orlando, Florida, and the board of
63 directors have examined and carefully considered the proposed budget in duly
64 assembled, properly noticed, public meetings; and

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66 **WHEREAS**, the board of directors and the Orlando City Council hereby certify
67 compliance with the provisions of Chapter 200, Florida Statutes (2014), and other
68 applicable laws, rules, and procedures; and

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70 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
71 **OF ORLANDO, FLORIDA, AND THE BOARD OF DIRECTORS OF THE DOWNTOWN**
72 **SOUTH NEIGHBORHOOD IMPROVEMENT DISTRICT, AS FOLLOWS:**

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74 **SECTION 1. PREAMBLE.** The "whereas clauses" contained hereinabove are
75 true and correct and are hereby incorporated into this resolution as if fully set forth
76 hereinafter.

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78 **SECTION 2. BUDGET ADOPTED.** The annual budget for the district for the
79 fiscal year beginning on October 1, 2015, and ending on September 30, 2016, attached
80 to this resolution as **Exhibit "B"** (the "budget"), is hereby confirmed, adopted, and
81 approved in all respects. The budget is adopted after full, complete, and comprehensive
82 public hearings. We hereby find that the budget is necessary to provide required funds
83 for capital outlays, operating expenses, expenditures for materials, labor, equipment,
84 supplies, and contingent expenses of the district. The budget represents and presents
85 the judgment and intent of the board of directors as to the needs of the district.

86
87 **SECTION 3. BUDGET ACCOUNTING.** The budget has been prepared in
88 accordance with generally accepted accounting principles.

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90 **SECTION 4. REVENUES.** The revenues estimated for receipt by the district
91 during FY2015/2016, from all sources, and any amounts carried over from prior fiscal
92 years, equals the total of appropriations for expenditures and reserves in the budget.
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94 **SECTION 5. EXPENDITURES.** The budget, as such budget may be amended
95 from time to time, will govern expenditures of the district and no expenditures shall be
96 made, nor contracts for expenditures be entered into except in pursuance of budget
97 appropriations.
98

99 **SECTION 6. SPECIAL DISTRICT BUDGET PROCEDURES.** The budget is
100 adopted in accordance with section 189.016, Florida Statutes.
101

102 **SECTION 7. CLOSEOUT OF BOOKS.** To provide an orderly year-end closeout
103 of all financial books and records of the district, the City's Chief Financial Officer, on
104 behalf of and subject to the direction of the board of directors, is hereby authorized and
105 directed, as needed, to increase the corresponding line item appropriations in the budget
106 to the extent of those purchase orders which shall have been issued prior to September
107 30, 2015, but which have not been filled prior to that date, and is authorized and directed
108 to pay all such purchase orders upon receipt of the goods or services therein specified
109 from the funds so appropriated. The City's Chief Financial Officer is hereby further
110 authorized and directed to increase the appropriate budget line items to include any
111 unexpended balances as of the end of business on September 30, 2015, from federal,
112 state, or other grants that were previously authorized by the district, and to the extent of
113 any unexpended balances from the prior fiscal year's budget, as amended, whether or
114 not encumbered, outstanding in projects as of the end of business on September 30,
115 2015, and all such balances shall be appropriated to the corresponding accounts in the
116 same funds in which they were outstanding as of September 30, 2015. The City's Chief
117 Financial Officer is also hereby authorized and directed to expend such appropriations
118 for the purposes approved by the district in connection with federal, state, or other grants
119 and projects. Corresponding changes in the anticipated revenue accounts are hereby
120 authorized.
121

122 **SECTION 8. CERTAIN LINE ITEM TRANSFERS AUTHORIZED.** The City's
123 Chief Financial Officer is hereby authorized to transfer appropriations from one line item
124 to another line item of the budget, upon approval of the chairperson of the board of
125 directors, or designee, so long as the total appropriations are not increased or
126 decreased thereby. Transactions affecting total appropriations, other than those
127 authorized herein shall require the prior approval of the board of directors. Any such
128 transactions are subject to applicable Florida statutes, regulations, and local laws.
129

130 **SECTION 9. BUDGET CHANGES.** All changes to the budget made by the City's
131 Chief Financial Officer, other than correction of errors, shall be reported to the board of
132 directors on at least a quarterly basis. As required by subsection 189.016(6), Florida

133 Statutes, the board of directors shall adopt a final adjusted budget, including any
134 amendments made during the year, within 60 days following the end of the fiscal year.

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136 **SECTION 10. SEVERABILITY.** If any provision of this resolution or its
137 application to any person or circumstance is held invalid, the invalidity does not affect
138 other provisions or applications of this resolution which can be given effect without the
139 invalid provision or application, and to this end the provisions of this resolution are
140 severable.

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

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

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

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152 **DONE, THE PUBLIC HEARING,** on the proposed budget in accordance with
153 paragraph 200.065(2)(c), Florida Statutes, by the City Council of the City of Orlando,
154 Florida, and the Board of Directors of the Downtown South Neighborhood Improvement
155 District, this _____ day of _____, 2015.

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157 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
158 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, and in accordance
159 with subsection 200.065(3), Florida Statutes, for the City Council of the City of Orlando,
160 Florida, and the Board of Directors of the Downtown South Neighborhood Improvement
161 District, this _____ day of _____, 2015.

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163 **DONE, THE PUBLIC HEARING,** to finalize and adopt the budget in accordance
164 with paragraph 200.065(2)(d), Florida Statutes, by the City Council of the City of
165 Orlando, Florida, and the Board of Directors of the Downtown South Neighborhood
166 Improvement District, **AND THEN ADOPTED,** by an affirmative vote of a majority of a
167 quorum present of the City Council of the City of Orlando, Florida, and the Board of
168 Directors of the Downtown South Neighborhood Improvement District, this _____
169 day of _____, 2015.

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

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173 BY THE MAYOR OF THE CITY OF
174 ORLANDO, FLORIDA:

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Mayor

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

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:

229 Board Attorney

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Print Name

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