

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO THE DOWNTOWN SOUTH NEIGHBORHOOD IMPROVEMENT DISTRICT; AMENDING SECTION 40.16, ORLANDO CITY CODE, TO EASE ELIGIBILITY FOR MEMBERSHIP ON THE DISTRICT'S ADVISORY COUNCIL; AMENDING SECTION 40.17, ORLANDO CITY CODE, TO CLARIFY THE DISTRICT'S AUTHORITY TO HIRE CONSULTANTS AND EMPLOYEES; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Article II, Chapter 40, Code of the City of Orlando, Florida (the "Orlando City Code"), establishes the Downtown South Neighborhood Improvement District (the "district"); and

WHEREAS, the district is a dependent special district of the City of Orlando, Florida (the "City"), created to, among other things, help plan, design, finance, and construct strategic public improvements within the 517-acre area of the district; and

WHEREAS, the district is governed by a Board of Directors which is advised and assisted by an Advisory Council comprised of citizens with interests in the area of the district; and

WHEREAS, the City Council of the City of Orlando, Florida, wishes to ease existing limitations on membership on the Advisory Council in order to expand the pool of applicants for membership on the Advisory Council; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. SEC. 40.16, AMENDED. Section 40.16, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 40.16. - Advisory Council.

(1) *Established.* Pursuant to section 163.506(f), Florida Statutes, there is hereby established an advisory council to the board of directors. The advisory council shall be known as the "Downtown South Neighborhood Improvement District Advisory Council."

(2) *Membership.* The advisory council shall consist of five members. Each member must own property in the district, represent a corporate owner of property within the district, or reside in the district. Members must be nominated and appointed to the advisory council pursuant to Article XV, Chapter 2, Orlando City Code. At least one member of the advisory council must be a representative of Orlando Health, at least one other member must be an owner of land within the district that is designated for industrial use on the City's future land use map, and at least one other member must be a board member of the City's SoDo District Main Street program. The board member from the City's SoDo District Main Street program may not serve as chair of the advisory board

unless elected as provided by the by-laws of the district. In the event that a board member of the City's SoDo District Main Street program is not available to serve on the advisory council, then this seat must be filled by an owner of land, or a representative of a corporate owner of land, abutting Orange Avenue that is designated as mixed use corridor or activity center on the City's future land use map and that is utilized for retail or commercial use, both a member and representative of the City's Downtown South Orlando Main Street district and an owner of land abutting Orange Avenue and that is designated as mixed use corridor or activity center on the City's future land use map and utilized for retail or commercial uses. In the event that a member and representative of the City's Downtown South Main Street district and owner of land abutting Orange Avenue that is designated as mixed use corridor or activity center on the City's future land use map is not available to serve on the advisory council, then this seat on the advisory council must be filled by an owner of land abutting Orange Avenue that is designated as mixed use corridor or activity center on the City's future land use map and utilized for retail or commercial uses.

(3) *Meetings.* Regular meetings of the advisory council may be held no more than once per calendar month. The council is responsible for scheduling regular meetings and should issue a schedule of the regular meetings for the forthcoming calendar year by November 1 of each year. Special meetings may be called by the chair of the council.

(4) *Rules of order.* The advisory council shall conduct its business according to the rules of order before boards and commissions as adopted by the Orlando City Council. The advisory council may adopt and use supplemental rules of order that are not inconsistent with the rules of order before boards and commissions as adopted by the Orlando City Council.

(5) *Responsibilities.* The primary responsibility of the advisory council is to assist the board of directors in governing the affairs of the district. Pursuant to section 163.506(2), Florida Statutes, the advisory council shall perform such duties as may be prescribed by the board of directors and shall submit within the time period specified by the board of directors, a report on the district's activities and a proposed budget to accomplish the district's objectives. In formulating a plan for services or improvements the advisory council shall consult in public session with the appropriate staff or consultants of the City and district. The duties assigned to the advisory council shall be set forth in by-laws adopted by the board of directors.

SECTION 2. SEC. 40.17, AMENDED. Section 40.17, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 40.17. - District Staff.

The district may contract with the City for the provision of professional services or may hire its own consultants and employees as it deems necessary and proper. Subject to agreement between the district and the City, the City may provide engineering, planning, legal, procurement, and other professional, managerial, and administrative support. The city clerk or designee shall be the secretary of the board of directors and the city attorney shall be the board's attorney. ~~The district may also hire consultants and employees as it deems necessary and proper.~~

SECTION 3. ADVISORY COUNCIL MEMBERS. As a result of the amendments set forth in this ordinance, the mayor shall submit five nominees to Council for appointment to the Advisory Council within 90 days of the effective date of this ordinance.

SECTION 4. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2016.

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, the _____ day of _____, 2016.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2017.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

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

City Clerk

Print Name

ORDINANCE NO. 2016-98

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

City Attorney

Print Name

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