

**PROPOSED ORDINANCE NO. #18-26**  
**ORDINANCE NO. 2997**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF KISSIMMEE, FLORIDA; TITLE IV COMMUNITY RELATIONS AND RECREATIONAL FACILITIES AND EDUCATIONAL FACILITIES BENEFIT DISTRICT; SECTION 4-3-6 AND 4-3-7 TO EXPAND THE BOARD OF SUPERVISORS OF THE FLORA RIDGE EDUCATIONAL FACILITIES BENEFIT DISTRICT FROM FIVE TO SEVEN MEMBERS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA IN LAWFUL SESSION ASSEMBLED AS FOLLOWS:**

**SECTION 1. FINDINGS.**

**WHEREAS**, by enactment of Ordinance No. 2447 (as amended from time to time and as codified in Chapter 4-3 of the Code of the City, the "District Ordinance"), the City Commission of Kissimmee (the "City") created the Flora Ridge Educational Facilities Benefit District (the "District") to provide for the timely construction and maintenance of school facilities; and

**WHEREAS**, the City and the School Board of Osceola County (the "School Board") entered into an interlocal agreement on December 17, 2002, pursuant to sections Section 163.01, Florida Statutes, and Section 1013.355, Florida Statutes, in order to agree upon and describe the powers, purpose and boundaries of the District (the "Interlocal Agreement"); and

**WHEREAS**, the District Ordinance and the Interlocal Agreement currently provide that the District shall be governed by a Board of Supervisors comprised of five members; and

**WHEREAS**, this amendment to the District Ordinance is enacted to expand the Board of Supervisors of the District from five to seven members.

**SECTION 2. AMENDMENT OF ORDINANCE.**

(A) Section 4-3-6 of the City Code of Ordinances is hereby amended as follows.

**§ 4-3-6 GOVERNING BOARD OF THE BENEFIT DISTRICT; INITIAL MEMBERSHIP; COMPENSATION; ADMINISTRATION DUTIES.**

(A) The Benefit District shall be governed by a Board of Supervisors (Board) and shall be initially comprised of five members that serve four-year terms. The city shall appoint one supervisor, the School Board shall appoint one

supervisor, and the landowner shall appoint three supervisors. The term of office shall expire on May 30 of the end of their term.

(B) The initial city and School Board appointees shall serve four-year terms. One landowner appointee shall serve a four-year term and two landowner appointees shall serve two-year terms, as designated by the landowner.

(C) All its initial meeting, the Board shall appoint a Chair, Vice Chair, Treasurer and Secretary. The Treasurer and the Secretary may be the same person. The term of the Chair, Vice Chair and Secretary/Treasurer shall be one year and no member shall hold the same office for more than two consecutive terms.

(D) Following initial board appointments, landowner representatives on the Board shall be elected on a one-acre/one-vote basis with each acre or fraction thereof, which is subject to Benefit District assessments representing one vote. Each landowner or their representative as evidenced by a written proxy approved by the Board of Supervisors shall be entitled to vote their acreage. Election procedures shall be established by the Board and shall provide a date of the election in the same month every election year.

(E) Effective March 1, 2019, the Board shall be comprised of seven members that serve four-year terms. Two supervisors shall be appointed by the city, two supervisors shall be appointed by the School Board, and three supervisors shall be landowner representatives elected as provided herein.

(F) The members of the Board shall serve without pay.

(G) Four of the supervisors shall constitute a quorum, one of which shall either be a city or School Board appointee; and a majority of those supervisors present is necessary for the transaction of any business of the Benefit District; except a majority of the entire Board shall be necessary to authorize the issuance of bonds.

(B) Section 4-3-7 of the City Code of Ordinances is hereby amended as follows, with additional text bolded and underlined and deleted text indicated by strikethrough.

#### **§ 4-3-7 REMOVAL OF SUPERVISORS AND FILLING OF VACANCIES.**

(A) The then-existing Board shall fill vacant supervisor seats for the landowner, the city shall fill the vacancy for the city's appointees, and the School Board shall fill the vacancy for the School Board's appointees. Appointees shall serve until the expiration of the term for which they are appointed.

(B) The city's appointees may be removed by the Board, but only for grounds constituting misfeasance, neglect of duty, incompetence, permanent

inability to perform his or her official duties, or commission of a felony. The city may remove its appointees at will. The School Board's appointees may be removed by the School Board, but only for grounds constituting misfeasance, neglect of duty, incompetence, permanent inability to perform his or her official duties, or commission of a felony. Any elected supervisor may be removed by the Governor but only for grounds constituting misfeasance, neglect of duty, incompetence, permanent inability to perform his or her official duties, or commission of a felony.

(C) The Mayor is hereby authorized and directed to execute, and the Clerk is authorized to attest, an amendment to the Interlocal Agreement providing for expansion of the Board of Supervisors from five to seven members, consistent with the provisions of this Ordinance.

**SECTION 3.** All Ordinances in conflict herewith are hereby repealed.

**SECTION 4.** This Ordinance shall take effect immediately upon its passage.

Commissioner Fisher moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner Eady and upon roll call on the motion the vote was as follows:

**AYES:**

Commissioner Eady AYE  
Commissioner Fisher AYE  
Commissioner Gonzalez AYE  
Commissioner Ortiz AYE  
Mayor Alvarez AYE

**NAYS:**

Said motion having been duly carried, thereupon, Mayor Alvarez, declared said Ordinance duly passed and adopted this 15th day of January 2019.

ATTEST:

Ronda Stansell  
City Clerk

[Signature]  
Mayor



PROOF OF PUBLICATION  
From

In THE MATTER OF:  
NOTICE OF PUBLIC HEARING AND  
SECOND READING  
Ordinance 18-26

FIRST PUBLICATION: December 15, 2018  
LAST PUBLICATION: December 15, 2018

# OSCEOLA NEWS-GAZETTE

## NOTICE OF PUBLIC HEARING AND SECOND READING

STATE OF FLORIDA  
COUNTY OF OSCEOLA

The City Commission of the City of Kissimmee, Florida will meet on **Tuesday, December 18, 2018 at 6:00 p.m.** in the City Commission Chambers, Municipal Administration Building, 101 Church Street, Kissimmee, Florida, to hear the **FIRST READING** and will meet on **Tuesday, January 15, 2019 at 6:00 p.m.** to hear the **SECOND AND FINAL READING** and consider the passage of the proposed ordinance as set forth below. The proposed Ordinance may be inspected in the Office of the City Clerk at the Municipal Administration Building, 101 Church Street, Kissimmee, Florida. All interested parties may appear and be heard on the above dates.

Before me, the undersigned authority, personally appeared Keith Vorse, who on oath says that he is the Legal Clerk of the Osceola News-Gazette, a twice-weekly newspaper published at Kissimmee, in Osceola County, Florida; that the attached copy of the advertisement was published in the regular and entire edition of said newspaper in the following issues:

### PROPOSED ORDINANCE #18-26

December 15, 2018,...

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF KISSIMMEE, FLORIDA; TITLE IV COMMUNITY RELATIONS AND RECREATIONAL FACILITIES AND EDUCATIONAL FACILITIES BENEFIT DISTRICT; SECTION 4-3-6 AND 4-3-7 TO EXPAND THE BOARD OF SUPERVISORS OF THE FLORA RIDGE EDUCATIONAL FACILITIES BENEFIT DISTRICT FROM FIVE TO SEVEN MEMBERS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.**

CITY COMMISSION  
KISSIMMEE, FLORIDA

Affiant further says that the Osceola News-Gazette is a newspaper published in Kissimmee, in said Osceola County, Florida, and that the said newspaper has heretofore been continuously published in said Osceola County, Florida, each week and has been entered as periodicals postage matter at the post office in Kissimmee, in said Osceola County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

IN ACCORDANCE WITH FLORIDA STATUTE 286.0105: ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

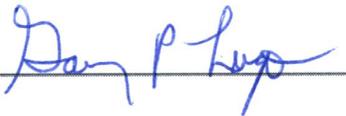
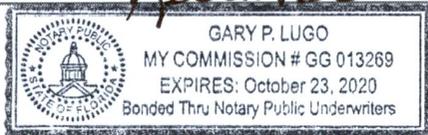
IN ACCORDANCE WITH FLORIDA STATUTE 286.26, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK 407-518-2308 AT 101 CHURCH STREET, KISSIMMEE, FL 34741, PRIOR TO THE MEETING (FS 286.26).  
December 15, 2018

Sworn and subscribed before

me by Keith Vorse, who is

personally known to me, this

December 17, 2018



Make remittance to: Osceola News-Gazette,  
108 Church Street,  
Kissimmee, FL 34741  
Phone: (407) 846-7600 Fax: (321) 402-2946  
Email: legalads@osceolanewsgazette.com  
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