

ORDINANCE NO. 12-5010

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING ORDINANCE NO. 02-4382 WHICH CREATED THE ST. ARMANDS SPECIAL BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY PROVIDING FURTHER CLARIFICATIONS WITH REGARD TO THE NECESSARY QUALIFICATIONS FOR MEMBERS OF THE BOARD OF DIRECTORS AND BY PROVIDING FOR EARMARKING OF REMAINING FUNDS IN THE EVENT THE DISTRICT IS NOT EXTENDED BEYOND ITS TERMINATION DATE; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 5, 2002 the City Commission passed on second reading and finally adopted Ordinance No. 02-4382 which created the St. Armands Special Business Neighborhood Improvement District, hereinafter the District; and

WHEREAS, the City Commission of the City of Sarasota, Florida desires to provide further clarification with regard to the eligibility qualifications for members of the Board of Directors of the District and to provide for earmarking of any remaining District funds if the District is not extended beyond its termination date; and

WHEREAS, the City Commission, after conducting a duly noticed legislative public hearing on June 18, 2012, hereby finds that it is in furtherance of the public health, safety and welfare to amend Ordinance No. 02-4382 as set forth herein.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

1. Section 2, Appointment of Board of Directors, of Ordinance No. 02-4382 is hereby amended so as to provide further clarification with regard to the necessary qualifications for members of the Board of Directors of the District. As amended, said Section 2 shall provide as follows:

Section 2. Appointment of Board of Directors. The business and affairs of the District shall be conducted and administered by a Board of three Directors who are subject to ad valorem taxation within the District either personally or through a beneficial ownership in an entity which is subject to ad valorem taxation in the District. So as to assure that the

business and affairs of the District are consistent with the goals and objectives of the property owners within the District, each Director shall be a property owner (i.e. a freeholder) within the District. No two Directors shall simultaneously serve on the Board of the District if they share an ownership interest in one or more parcels of real property located within the District. At no time may more than one Director be an active merchant within the District (while also being a property owner within the District). The Directors shall not receive any compensation for their services nor may they be employed by the District. The current Board of Directors of the District shall remain in office for the remainder of their terms as previously appointed by the City Commission. Successor Directors and re-appointments shall be for three year terms. Each Director shall hold office until his or her successor is appointed and qualified unless the Director ceases to be qualified to act as a Director or is removed from office. Vacancies on the Board of Directors of the District shall be filled for the unexpired portion of a term by appointment made by a majority of the City Commissioners. Reappointment of Directors shall be accomplished by a vote of a majority of the City Commissioners to be conducted at least two months prior to the reappointment date. The Directors shall be subject to the Code of Ethics for Public Officers and Employees as set forth in Part III of Chapter 112, Florida Statutes, as amended from time to time and the requirements of the Public Records Law and Public Meetings Law in Chapters 119 and 286, Florida Statutes, as amended from time to time, respectively. The City Commission may remove a Director for inefficiency, neglect of duty or misconduct in office only after a hearing and only if the Director has been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

2. Section 9, Term or Renewal, of Ordinance No. 02-4382 is hereby amended so as to clarify the termination date for the District and so as to provide for earmarking of any remaining funds for future capital improvements within the District. As amended, said Section 9 shall provide as follows:

Section 9. Termination or Renewal. The District shall cease to exist at the end of the tenth fiscal year of operation, i.e. on September 30, 2013. The District may continue in operation for unlimited subsequent ten year periods if the continuation of the District is approved at a referendum conducted pursuant to Section 163.511, Florida Statutes, as amended and in effect at that time. Said referendum shall be held upon the submission of a Petition to the City Commission requesting same in compliance with the terms and conditions of Section 163.511, Florida Statutes, as it may exist at that time. The District shall terminate if the Freeholders fail to petition for a

referendum seeking renewal and continuation of the District or, in the event of a referendum which fails to achieve positive votes for extension of the District from freeholders owning in excess of 50% of the assessed value of the real property with the District. Should the District cease to exist, all real property owned by the District, if any, shall become property of the City of Sarasota, Florida. In the event the District is dissolved, the property owners within the District shall make alternative arrangements acceptable to the debt holders and the City of Sarasota pertaining to the payment of any debts of the District. In the event the District terminates, the City of Sarasota will hold in escrow any District funds which remain on the date of termination so as to use said funds for future capital improvement projects within the District.

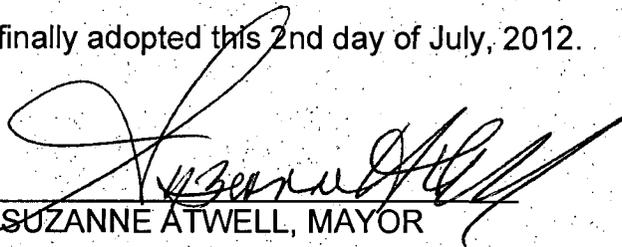
3. Except as expressly set forth herein as amendments, all of the terms, covenants and conditions set forth within Ordinance No. 02-4382 are hereby ratified and confirmed by the City Commission and all of said terms shall remain in full force and effect.

4. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

5. This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 18th day of June, 2012.

PASSED on second reading and finally adopted this 2nd day of July, 2012.


SUZANNE ATWELL, MAYOR

ATTEST


CITY AUDITOR AND CLERK

Yes Mayor Suzanne Atwell
Yes Vice Mayor Willie Charles Shaw
Yes Commissioner Paul Caragiulo
Yes Commissioner Shannon Snyder
Yes Commissioner Terry Turner

Tammy's files/ordinances/2012/12-5010starmands-7/2/12