

ORDINANCE NO. 73-8

An Ordinance to create the Spring Hill Lighting District; establishing boundaries for said district; providing for a governing board; to provide for the appointment of the members of said Board; providing for dismissal of members of said Board; prescribing the jurisdiction, powers and duties, defining the powers and duties of said Board; providing for the preparation of an annual budget, fiscal year, and audit of records of said Board; providing for installation, operation, and maintenance of a street lighting system within the boundaries of said district; providing the Board power and authority to contract with public power companies to provide for street lighting services; requiring a referendum to be held within the boundaries of the district to determine if the district shall be created and to determine if the district shall have the power to levy advalorem taxation not to exceed  $\frac{1}{2}$  mill; providing a severance provision; providing for an effective date.

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1: The Hernando County Board of County Commission is hereby authorized to create and there is hereby created a special taxing district to be known as the Spring Hill Lighting District. The district shall consist of all property within the following described area:

Units 1R1/1-1 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Units 8-13 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Units 1R4/1-1 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Units 1R5/1-1 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Units 1R6/1-1 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Units 14-18 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Units 2R1/1-1 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Units 19-26 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

JUL 19 11 48 AM '73  
RICHARD (CICK) STONE  
SECRETARY OF STATE

FILED

Units 1R22/1-1 of Spring Hill as per plat thereof recorded in public records of Hernando County, Florida.

Section 2: The Spring Hill Lighting District shall be governed by a Board of District Commissioners (hereinafter called the "Board") which will consist of 5 members who shall be qualified electors within the District, and who shall serve for two-year terms. Appointments to the Board shall be made by the Hernando County Board of County Commission, and the members terms shall run from January 1 to December 31st.

Should there at any time be a vacancy in the Board of the District, the Hernando County Board of County Commission shall appoint a member to fill the balance of the term of office of such member. The Hernando County Board of County Commission shall have the power to remove a member for nonfeasance, misfeasance or malfeasance, and change of residence from within the district. Members shall post bond as required and set by the Hernando County Board of County Commissioners.

Section 3: Duties of the Board of District Commissioners: The Board shall perform all duties necessary for the establishment, operation, maintenance, and control of a street lighting system within the district.

Section 4: The Board of Said District is Authorized and Empowered:

(a) To make rules and regulations for its own government and proceedings and to adopt and official seal for the District.

(b) To employ engineers, attorneys, accountants, financial and other experts and such other agents and employees as said Board may require or deem necessary to effectuate the purposes of this ordinance or to contract for any such services authorized by this ordinance.

(c) To acquire in the name of the District by purchase, lease, gift or the exercise of the right of eminent domain such lands and rights and interest therein, as it may deem necessary in connection with the furnishing of services authorized by this ordinance and to hold and dispose of all real and personal property under its control; provided, however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits of the District.

(d) To designate the official address of the District and where the records and seal shall be kept.

(e) To designate the bank or proper institution for the deposit, and care of any funds and negotiable documents of the District not required to be deposited with the County Treasurer.

(f) To sue and be sued in its own name, plead and be impleaded;

(g) To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate the street lighting system within the jurisdiction of the District.

(h) To determine the rate of tax, fees, and other charges for operation of the system and/or for the use of the lighting services.

(i) To acquire in the name of the District by gift or purchase of any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction reconstruction, improvement, extension, enlargement or operation of a street lighting system within the district and to hold and dispose of all real and personal property under its control;

(j) To accept grants of money or materials or property of any kind for the District from any Federal or State agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed;

(k) To do all acts and things necessary or convenient to carry out the powers and duties granted by this ordinance.

(l) To determine which areas shall receive the benefits of the street lighting hereby authorized.

(m) To determine and to advise and assist the County Tax Assessor as to which properties within the district are to be subject to the advalorem tax authorized and imposed by this ordinance.

Section 5: The Board shall prepare an annual budget for the cost and expenses of operations each year, same to be submitted to the County Commissioners of the County, at the same time and in the same manner as other County officers' budgets are submitted, and the County Commissioners shall have the same authority over such budgets as over the budgets of County officers. The fiscal year of the District shall commence October 1st, and end September 30, in each year. The budget shall include the statutory fees of the County Tax Assessor assessing and collecting the advalorem tax herein authorized.

Section 6: Meetings: The Board of the District shall hold meetings monthly which shall be open to the public.

Section 7: Salary of the Board: The members of the Board shall receive no salary for service of said Board.

Section 8: Street Lighting: It shall be the Boards duty to determine areas to receive street lighting, type of lighting, quantity, quality, etc.

In areas where less than one-half of the lots along any block are improved with homes or structures, the installation of street lighting shall not be authorized,

unless:

a. Located upon a street or public area where the Board determines the public safety and convenience warrants such lighting.

b. Located upon a residential neighborhood street where residents arrange with the Board to pay appropriately higher amounts, until the construction density exceeds the 50% standards.

Section 9: The Board is vested with the power to contract with Withlacoochee River Rural Electric Associates (or other power company) for the providing of the equipment, materials and services for the lighting district.

Section 10: The Hernando County Board of County Commissioners, upon annual request of the District Board and upon submittal for approval of the Districts budget, is hereby authorized and empowered to make an annual appropriation of moneys for the operation of the Spring Hill Lighting District and to levy a tax up to  $\frac{1}{2}$  mill upon each dollar of valuation of taxable property in the District for such purposes. It is the intent of this ordinance that only the properties receiving the benefits from the street lighting herein authorized shall be subject to the levy of the advalorem tax herein authorized. Accordingly, the property within the district which shall be subject to the levy of the advalorem tax as herein authorized are those lots, parcels, or tracts of land which border upon and are adjacent to road, street, boulevard, highway, avenue, or other paved way for vehicular traffic. The assessment for the advalorem tax herein authorized; shall be made as of the 1st of January of each year.

Section 11: It is the intent of this legislation, that should any portion of this act be held invalid, the remainder here of shall not be affective.

Section 12: The Board of County Commissioners of Hernando County is authorized and directed to provide for and hold a referendum election of such District on or before the 1st day of September, 1973. Only those persons who are qualified electors and residents in said district on the day of such election, and who were so qualified in 1973, shall be qualified to vote in such election. The election will be held to determine if, such a district, as herein authorized, shall be created and whether there will be authorized the levy of advalorem tax up to  $\frac{1}{2}$  mill upon each dollar of valuation of taxable property in the district for street lighting purposes. If a majority of those voting in said election vote against the creation of the lighting district and upon certification of such results, then this act shall be void.

If the majority of the electors voting at such election vote for the creation of a lighting district and upon certification of such results by the County Canvassing Board, this act shall immediately become a law.


The question or matter to be determined by said electors at such election shall be stated on the ballot used in said election as follows:

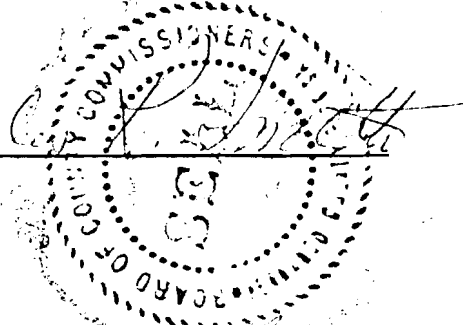
A. For creation of a lighting district with power of taxation up to  $\frac{1}{2}$  mill.

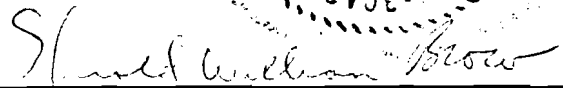
B. Against creation of a lighting district with power of taxation up to  $\frac{1}{2}$  mill.

Section 13: Subject to the referendum herein required, this Ordinance shall become effective as provided by law.

Duly adopted this 10<sup>th</sup> day of July,  
A.D. 1973.

  
CHAIRMAN

The seal is circular with a dotted border. The text "BOARD OF COMMISSIONERS" is written around the inner edge. In the center, there is a smaller circle containing the number "5".

ATTEST:   
CLERK