

B.O.C.C. 08/02/2018

Ordinance No. 18-29
Establishment of
University Park Recreation District

Request

Adoption of Ordinance No. 18-29

ORDINANCE NO. 18-29

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING RECREATION; PROVIDING FINDINGS; ESTABLISHING ARTICLE III OF CHAPTER 2-8 OF THE MANATEE COUNTY CODE OF ORDINANCES; ESTABLISHING THE CHARTER FOR AND CREATING THE UNIVERSITY PARK RECREATION DISTRICT UNDER SECTIONS 418.20-418.26, FLORIDA STATUTES; PROVIDING DEFINITIONS; PROVIDING FOR ELECTIONS AND A BOARD OF SUPERVISORS; PROVIDING POWERS; PROVIDING FOR USE OF FACILITIES; PROVIDING FOR SHORT-TERM BORROWING; PROVIDING FOR BONDS; PROVIDING FOR TRUST AGREEMENTS; PROVIDING FOR TAXES AND ENFORCEMENT OF TAXES; PROVIDING FOR NON-AD VALOREM ASSESSMENTS AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS; PROVIDING FOR BUDGETS AND FINANCIAL REPORTING; PROVIDING FOR STATUTORY COMPLIANCE; PROVIDING FOR COMPETITIVE SOLICITATION; PROVIDING FOR RECOVERY OF DELINQUENT CHARGES; PROVIDING FOR LIMITATIONS OF LIABILITY IN SUITS; PROVIDING FOR EXEMPTION OF PROPERTY FROM EXECUTION; PROVIDING FOR CONTRACTION, EXPANSION AND DISSOLUTION; MAKING OTHER CHANGES TO CODE CHAPTER 2-8 FOR CLARITY AND CONSISTENCY; PROVIDING FOR FILING, EFFECTIVENESS AND RECORDING OF A NOTICE OF ESTABLISHMENT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR SEVERABILITY.

Recommended Motion

Based on the record of the public hearing, and having evaluated the

criteria for the establishment of a recreation district in Chapter 418, Florida Statutes, I move to grant the petition establishing the University Park Recreation District and to enact Ordinance No. 18-29.

Establishment of University Park Recreation District

Staff Review Report

1. Request

As permitted by Section 418.20, Florida Statute, on April 30, 2018 electors residing in the proposed district petitioned Manatee County to create the University Park Recreation District (the “UPRD”). As certified by Michel Bennett, Supervisor of Elections in and for Manatee County, Florida, 1,238 petitions (1,180 accepted as valid, 58 rejected as invalid) were submitted in favor of the establishment of the UPRD.

The decision whether or not to grant the petition and enact the ordinance is legislative.

2. Background

The location of the proposed UPRD is located entirely within the University Park Development of Regional Impact.

The proposed UPRD includes a 27-hole golf course and practice facilities, a pro shop, a clubhouse with kitchen, administrative and community facilities, tennis courts, a croquet court, a fitness center, a golf cart storage facility, and associated facilities, as well as certain other facilities and parcels of land that are within the area to be covered by the UPRD (the “University Park Country Club”).

Florida law (Section 418.20, *Florida Statutes*) authorizes the establishment of the district by the Manatee County Board of County Commissioners. The electors residing in a proposed district may petition the governing body of the county to create a recreation district. If a majority of electors has signed the petition, no referendum shall be required to create the district. As of March 11, 2018, the proposed district has 1,554 registered voters, with 1,180 petitions accepted as valid and in favor of the district, no referendum shall be required to create the district.

The governing body for the district shall be determined by ordinance. The UPRD shall be governed by a five-member Board of Supervisors elected by the Owners and Residents as permitted by Section 418.21, *Florida Statutes*. The members of the board of supervisors shall serve without compensation.

Some of the powers of a recreation district include the ability to acquire, purchase, construct, improve, and equip recreational facilities of all types, including real and personal property, within the boundaries of the district; such acquisition may be by purchase, lease, gift or exercise of the powers of eminent domain. To operate and maintain recreational facilities or to enter into arrangements with others for such operation and maintenance pursuant to contract, lease or otherwise. For a complete list of powers of a recreation district see Section 418.22, *Florida Statutes*.

3. Review Factors

According to Florida law (Section 418, Florida Statutes), the creation of a recreation district shall be established by ordinance approved by Manatee County Board of County Commissioners. The charter of a recreation district may contain findings by the governing body of county as described by Section 418.24, Florida Statutes:

- That the creation of such district is the best alternative available for delivering recreational service.
- That such district is amenable to separate special district government.
- That all of the territory in the district will be benefited by proposed improvements to be made by said district.

As described in Section 1 of the proposed ordinance the creation of the UPRD is the best available alternative for delivering the above described recreational services and facilities because it provides flexible funding mechanisms to assure the long-term availability of recreational facilities and services for the residents of the UPRD.

4. Recommendation

Staff acknowledges that the attached Ordinance No. 18-29 establishing the University Park Recreation District complies with the requirements of Florida Statutes.

Attachments:

- Map of District depicting location and boundary
- Ordinance No.18-29
- Notice of Public Hearing published in newspaper
- Certificate of Supervisor of Election
- List of Petitioners
- Signed Petitions
- Citizen Comments