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## Public Hearing

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### MEMORANDUM

**TO:** Mayor Jerry L. Demings  
and  
County Commissioners

**FROM:** Jeffrey J. Newton, County Attorney  
Lila I. McHenry, Senior Assistant County Attorney  
Contact: (407) 836-7320

**DATE:** May 10, 2019

**RE:** **Public Hearing for Board Meeting on May 21, 2019**  
An Ordinance of the Board of County Commissioners of Orange County, Florida, Pertaining to the Orange County Educational Facilities Authority Repealing Orange County Ordinance No. 96-7, as Amended and Codified in Chapter 2 Article V, Division 7 of the Orange County Code

### **I. EXPLANATION & SUMMARY:**

The Orange County Educational Facilities Authority (the "Authority") was established by the Board of County Commissioners (the "Board") in 1996 pursuant to the Higher Educational Facilities Authorities Law, Chapter 243, Florida Statutes, and Ordinance No. 96-7. The Authority is a dependent special district which was created for the purpose of financing capital projects for institutions of higher education.

The Authority has been inactive for more than two years, has no assets or liabilities, has no outstanding bond issues and has no reasonable prospects for becoming active in the future. The two remaining members of the Authority requested that the Membership, Mission and Review Board ("MMRB") recommend that the Board pass an ordinance dissolving the Authority. On April 19, 2019, the MMRB unanimously voted to recommend dissolution of the Authority.

May 10, 2019

Re: Public Hearing (May 21, 2019)

Ordinance Pertaining to Orange County's Educational Facilities Authority

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## **II. ACTION REQUESTED:**

**Approval of an Ordinance pertaining to the Orange County Educational Facilities Authority; Repealing Orange County Ordinance No. 96-7, as amended by Ordinance Nos. 2007-15 and 2013-10 and codified in Chapter 2, Article V, Division 7 of the Orange County Code; Providing for an effective date and filing with the State of Florida Special District Accountability Program.**

Attachment

- c: Byron W. Brooks, AICP, County Administrator  
Michael A. Ryan, Esquire, Lowndes Drosdick Doster Kantor & Reed, P.A.  
Fred Winterkamp, Manager, Fiscal and Business Services Division

ORDINANCE NO. 2019- \_\_\_\_\_

AN ORDINANCE PERTAINING TO THE ORANGE COUNTY EDUCATIONAL FACILITIES AUTHORITY; REPEALING ORANGE COUNTY ORDINANCE NO. 96-7, AS AMENDED BY ORDINANCE NOS. 2007-15 AND 2013-10 AND CODIFIED IN CHAPTER 2, ARTICLE V, DIVISION 7 OF THE ORANGE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE AND FILING WITH THE STATE OF FLORIDA SPECIAL DISTRICT ACCOUNTABILITY PROGRAM.

WHEREAS, on April 2, 1996, the Board of County Commissioners of Orange County, Florida (the "Board") enacted Ordinance 96-7 establishing the Orange County Educational Facilities Authority (the "Authority"), which Ordinance was amended by Ordinance No. 2007-15 on December 18, 2007, and Ordinance No. 2013-10 on April 23, 2013, and is currently codified in Chapter 2, Article V, Division 7 of the Orange County Code; and

WHEREAS, the Authority is a dependent special district pursuant to Section 189.012 Florida Statutes; and

WHEREAS, pursuant to Section 189.071, Florida Statutes, the Board, as the governing body which created the Authority, has the power to dissolve the Authority by repealing the above enabling laws of the Authority; and

WHEREAS, the Authority has been inactive for more than two years, and has no reasonable prospects for becoming active in the future; and

WHEREAS, the sole remaining members of the Authority, by letter addressed to the Board dated April 5, 2019, requested that the Board dissolve the Authority on the basis that the Authority has no assets or liabilities, no outstanding bonded indebtedness, has been inactive for more than two years, and has no reasonable prospects for becoming active in the future; and

WHEREAS, the Board now desires to dissolve the Authority.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1: County Ordinance No. 96-7, as amended, by Ordinance Nos. 2007-15 and 2013-10 currently codified as Division 7 of Chapter 2, Article V of the Orange County is hereby repealed in its entirety. The Orange County Educational Facilities Authority is therefore dissolved.

**Section 2:** This ordinance shall take effect pursuant to general law. A copy of this ordinance shall be filed with the State of Florida Special District Accountability Program within 30 days of taking effect.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By: \_\_\_\_\_  
Jerry L. Demings, Orange County Mayor

**ATTEST:** Phil Diamond, CPA, County  
Comptroller As Clerk of the Board of County  
Commissioners

By: \_\_\_\_\_  
Deputy Clerk