

ORDINANCE NO. 95-21

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF PUBLIC CONVENTION CENTER FACILITIES WITHIN THE COUNTY; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY THE COUNTY TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM ANY LEGALLY AVAILABLE MONEYS OF THE COUNTY DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION DESIGNATED BY THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Definitions. As used in this ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

"Board" shall mean the Board of County Commissioners of the County.

"Bonds" shall mean the obligations issued by the County pursuant to this Ordinance to finance or refinance the Cost of any Project and payable from any of the revenues authorized by this Ordinance to be pledged to the payment of Bonds.

"Convention Center" shall mean property and facilities owned or to be owned by the County located within the County which may be used by the public in connection with conventions and trade shows, including special purpose buildings and structures such as meeting halls and display areas, which are used and generally available to the public to house conventions or trade shows, whether separate from, connected with or a part of other facilities used for other purposes.

"Cost" shall mean, when used in connection with a Project, all costs of acquiring, constructing, renovating, improving, furnishing and/or equipping such Project and shall include, without limiting the generality of the foregoing: (i) the County's cost of physical construction; (ii) costs of acquisition by or for the County of such Project; (iii) costs of land and interests therein and the cost of the County incidental to such acquisition; (iv) the cost of any indemnity and surety bonds and premiums for insurance during construction; (v) all interest due to be paid on any Bonds and other obligations relating to such Project during the construction period of such Project and/or a reasonable period subsequent to completion of construction; (vi) engineering, legal and other consultant fees and expenses; (vii) costs and expenses incidental to

the issuance of the Bonds, including bond insurance premiums, rating agency fees and the fees and expenses of any auditors, paying agents, registrars, credit banks or depositories; (viii) payments, when due (whether at the maturity of principal or the due date of interest or upon redemption), on any indebtedness of the County (other than the Bonds) incurred for such Project; (ix) costs of fixtures, furnishings, machinery or equipment required by the County for such Project; and (x) any other costs properly attributable to the issuance of the Bonds, and such acquisition, construction, renovation, improving, furnishing or equipping, as determined by generally-accepted accounting principles applicable to such Project, and may include reimbursement to the County for any such items of Cost paid by the County prior to the issuance of the Bonds or other obligations issued to finance such Project.

"County" shall mean St. Johns County, a political subdivision of the State of Florida.

"Non-ad Valorem Funds" shall mean any revenues which shall be derived by the County from one, several or all sources, designated and defined by the Board, other than ad valorem taxation, and which shall be legally available for application by the County in accordance with the provisions hereof and may include, without limiting the generality of the foregoing, any non-ad valorem taxation revenues derived by the County directly or indirectly from any Project, any non-ad valorem taxation amounts paid to the County in connection with any Project and any moneys available to the County and generally described in a covenant by the County to budget and appropriate non-ad valorem taxation funds to pay debt service on Bonds.

"Pledged Funds" shall mean any Non-ad Valorem Funds or any combination thereof as designated by the Board for payment of the principal of, premium, if any, and interest on Bonds.

"Project" shall mean any capital project constituting a Convention Center, including, without limiting the generality of the foregoing, the site or sites thereof and other rights in land therefor whether improved or unimproved, one or more buildings, parts of buildings or other structures whether or not on the same site or sites, other facilities for or used in connection therewith, fixtures, furnishings, machinery and equipment therefor, all appurtenances and facilities incidental thereto and all other improvements necessary or convenient therefor.

The words "herein," "hereunder," "hereby," "hereto," "hereof," and any similar terms shall refer to this Ordinance.

Words importing the singular number include the plural number and vice versa.

SECTION 2. Findings. It is hereby found, determined and declared that:

(a) Pursuant to Article VIII, Section 1 of the Constitution of the State of Florida and Sections 125.01 and 125.66, Florida Statutes, as amended, the County, acting by and through the Board, has all powers of local self-government to perform county functions and to render public services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of county ordinances.

(b) It is necessary and desirable for the economy and general welfare of the County and its citizens and of the businesses and industries which operate within the County that provisions be made in the County for the acquisition, construction, renovation, improvement, operation, furnishing and equipping of Projects and for the financing and refinancing thereof.

(c) Provision for financing and refinancing the Cost of such Projects with the proceeds of Bonds in the manner provided herein is in the best interest of the County and its citizens and of the businesses and industries which operate within the County and is necessary for the economy and general welfare of the County.

SECTION 3. Powers of County. The County shall have the authority and power to, and all authority and power necessary and incidental to, accomplish the purposes of this Ordinance, including, without limiting the generality of the foregoing, the authority and power to:

(a) Receive, administer and comply with the conditions and requirements respecting any gift, grant or donation of any property or money from any source, whether federal, state or private, received in connection with any Project;

(b) Make and execute financing agreements, contracts, deeds, installment sale contracts, operating agreements and other instruments necessary or convenient in the exercise of the powers and functions of the County under this Ordinance, including contracts with persons, firms, corporations, federal and state agencies and other agencies to facilitate the financing, acquisition, construction, operation or sale of any Project;

(c) Acquire by purchase, lease, gift, eminent domain or otherwise, or to obtain options for the acquisition of, any property, real or personal, improved or unimproved, subject to such conditions as the County may deem appropriate, for the acquisition, construction, operation or maintenance of any Project;

(d) Sell, lease, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any real or personal property or interest therein in connection with any Project;

(e) Pledge or assign any Non-ad Valorem Funds in connection with any Project, including, without limiting the generality of the foregoing, any money, rents, charges, fees or other revenues and any proceeds derived from sales of property, insurance or condemnation awards or otherwise received under financing agreements relating to such Project;

(f) Issue revenue bonds or revenue refunding bonds of the County for the purpose of providing funds to finance or refinance all or any part of the Costs of any Project in the manner described in Section 6 hereof;

(g) Construct, acquire, own, operate, repair, maintain, extend, improve, rehabilitate, renovate, furnish and equip any Project and to pay all or any part of the Costs thereof from the proceeds of Bonds of the County or from any contribution, gift, donation or other funds made available to the County for such purpose;

(h) Fix, charge and collect rents, fees and charges for the use of any Project; and

(i) Employ consulting engineers, architects, attorneys, appraisers and such other consultants and employees as may be required in the judgment of the Board in connection with any Project and fix and pay their compensation from the funds available to the County therefor.

SECTION 4. Operation of Projects. Any Project financed under the provisions of this Ordinance may be operated by the County or, pursuant to operating agreements, by one or more persons, firms or private corporations, in such a manner as will, in the opinion of the Board, effectuate the purposes of this Ordinance. Such operating agreements may contain such provisions as the County determines are necessary, desirable, appropriate or convenient to effectuate the purposes of this Ordinance.

SECTION 5. Contracts. Any contracts for the acquisition, construction and/or operation of any Project, or any part thereof, may be entered into by the County in any manner not prohibited by applicable law, including awarding any such contracts on a competitive or negotiated basis, as the County determines is necessary, desirable, appropriate or convenient to effectuate the purposes of this Ordinance. Any such contract may provide that the County may, out of proceeds of Bonds or otherwise, make advances to or reimburse another party to such contract, for any of such party's costs incurred in the performance of such contract, and shall set forth the supporting documents required to be submitted to the County and the reviews, examinations and audits as shall be required in connection therewith to assure compliance with the provisions of this Ordinance and the contract.

SECTION 6. Issuance of Revenue Bonds.

(a) The Board shall have the power and it is hereby authorized to provide by resolution for the issuance of, at one time or from time to time in series, tax-exempt or taxable Bonds of the County, or notes in anticipation thereof, for one or both of the following purposes: (1) paying all or a part of the Cost of any one or more Projects or (2) refunding any Bonds of the County issued pursuant to this Section 6(a) or other indebtedness of the County issued for one or both of such purposes. The principal of, premium, if any, and interest on each series of Bonds shall be payable solely from the Pledged Funds, all as determined pursuant to the resolution authorizing the issuance of such series of Bonds. The County may grant a lien upon and pledge the Pledged Funds in favor of the holders of each series of Bonds in the manner and

to the extent provided in the resolution authorizing the issuance thereof. The Pledged Funds shall immediately be subject to such lien without any physical delivery thereof and such lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County.

The Bonds of each series shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the Board, and may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of such Bonds. The Board shall determine the form of the Bonds, the manner of executing such Bonds, and shall fix the denomination or denominations of such Bonds and the place or places of payment of principal, premium, if any, and interest, which may be at any bank or trust company within or without the State of Florida. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. The Board may sell such Bonds in such manner and for such price as it may determine to be for the best interests of the County.

Prior to the preparation of definitive Bonds of any series, the Board may, under like restrictions, issue interim receipts, interim certificates, or temporary Bonds, exchangeable for definitive Bonds when such Bonds have been executed and are available for delivery. The Board may also provide for the replacement of any Bonds which shall become mutilated, or be destroyed or lost. Bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Ordinance or by applicable law.

(b) The proceeds of any series of Bonds shall be used solely for the payment of the Cost of one or more Projects or for refunding purposes as set forth in Section 6(a) above, and shall be disbursed in such manner and under such restrictions, if any, as the Board may provide.

(c) The resolution providing for the issuance of any series of Bonds may also contain such limitations upon the issuance of additional Bonds as the Board may deem proper, and such additional Bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution.

#### SECTION 7. Taxing Power Not Pledged.

(a) Bonds issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation debt of the County or a pledge of the faith and credit of the County, but such Bonds shall be payable solely from the sources set forth in Section 6(a) hereof and in the resolution of the County providing for the issuance of such Bonds. All Bonds shall contain a statement on their face to the effect that the County is not obligated to pay the same

or the interest thereon except from the sources set forth in Section 6(a) hereof and in the resolution of the County providing for the issuance of such Bonds, and that the faith and credit of the County are not pledged to the payment of the principal of, premium, if any, or interest on such Bonds.

(b) The issuance of Bonds under the provisions of this Ordinance shall not directly or indirectly or contingently obligate the County to levy or to pledge any form of ad valorem taxation whatever therefor. No holder of any such Bonds or any bond insurance provider, letter of credit provider or reserve account insurance provider shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the County to pay any such Bonds or the interest thereon or to enforce payment of such Bonds or the interest thereon against any property of the County, nor shall such Bonds constitute a charge, lien or encumbrance, legal or equitable, upon any property of the County, except the aggregate revenues described in Section 6(a) hereof and in the resolution authorizing the issuance of such Bonds.

SECTION 8. Trust Funds. All moneys received pursuant to the authority of this Ordinance, whether as proceeds from the sale of Bonds or the revenues described in Section 6(a) hereof and in the resolution authorizing the issuance of such Bonds, shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the resolution authorizing issuance of the Bonds. The Board shall, in the resolution authorizing the issuance of any series of Bonds, provide for the payment of the proceeds of the sale of such Bonds and the revenues to be received to any officer who, or to any agency, bank or trust company which, shall act as custodian of such funds, and hold and apply the same to the purposes hereof, subject to applicable Florida law and such regulations as this Ordinance and such resolution may provide.

SECTION 9. Remedies of Bondholders. Any holder of Bonds, except to the extent the rights herein given may be restricted by the resolution authorizing issuance of such Bonds, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Florida or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this Ordinance or by such resolution to be performed by the County or the Board or by any officer thereof.

SECTION 10. Alternative Method. This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the economy and general welfare of the County and its citizens and of the businesses and industries which operate within the County, shall be liberally construed to effect the purposes hereof.

SECTION 11. Severability of Invalid Provisions. If any one or more of the covenants, agreements or provisions of this Ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Ordinance.

SECTION 12. Enactment and Effective Date. This Ordinance is enacted at a regular meeting of the Board, notice of intent to consider the same having been given by the Clerk of the Board by publication in a newspaper of general circulation within the County fifteen (15) days prior to such meeting, excluding Sundays and legal holidays. A copy of this Ordinance has been kept in the office of the Clerk of the Board available to the public for inspection during regular business hours. A certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board within ten (10) days after enactment by the Board, and this Ordinance shall take effect when official acknowledgement has been received from that office that the same has been filed.

DULY PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 23 day of May, 1995.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

(SEAL)

By *Dorinda Ward*  
Its Chair

ATTEST:

*Paul B. Markel*  
Its Clerk

Enacted regular meeting May 23, 1995  
Effective: June 1, 1995

COPY OF ADVERTISEMENT

# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_

Barbara Dresslar \_\_\_\_\_ who on oath says that she is

Accounting Clerk \_\_\_\_\_ of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a \_\_\_\_\_

Notice of Intent to Adopt Ordinance \_\_\_\_\_

in the matter of Public Convention Center \_\_\_\_\_

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of May 4, 1995 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 4th day of May, 1995,

by Barbara Dresslar \_\_\_\_\_ who is personally

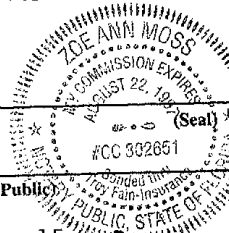
known to me or who has produced \_\_\_\_\_ as

(Type of Identification)

identification.

*Zoe Ann Moss*  
(Signature of Notary Public)

Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



NOTICE OF INTENT TO CONSIDER ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, May 23, 1995, at 1:30 p.m. in the County Auditorium, at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida, will hold a public hearing to consider the passage of the following ordinance:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF PUBLIC CONVENTION CENTER FACILITIES WITHIN THE COUNTY; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS BY THE COUNTY TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM ANY LEGALLY AVAILABLE MONIES OF THE COUNTY DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION DESIGNATED BY COUNTY AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Complex, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbal record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact, ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 7 days prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK  
By Yvonne Carter, Deputy Clerk  
LSTB May 4, 1995





FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham  
Secretary of State

DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
401 South Monroe Street  
Tallahassee, Florida 32399-0250  
(904) 488-8427

May 30, 1995

Honorable Carl Markel  
Clerk to Board of County Commissioners  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated May 25, 1995 and certified copy of St. Johns County Ordinance No. 95-21, which was filed in this office on May 30, 1995.

Sincerely,

*Liz Cloud*

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

*Carl Markel*  
CLERK, COUNTY COMMISSIONERS

95 JUN -1 P2:15

RECEIVED  
ST. JOHNS COUNTY CLERK