

ORDINANCE NO. 16-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 2 - ADMINISTRATION OF THE CODE OF ORDINANCES IN ORDER TO CREATE A NEW ARTICLE VII - TITLED "COMMUNITY REDEVELOPMENT AGENCY"; BY CREATING A NEW SECTION 2-301 IN ORDER TO CREATE A COMMUNITY REDEVELOPMENT AGENCY TO BE KNOWN AS THE "LAKE CLARKE SHORES COMMUNITY REDEVELOPMENT AGENCY"; BY CREATING A NEW SECTION 2-302 IN ORDER TO ESTABLISH THE COMMUNITY REDEVELOPMENT AREA; BY CREATING A NEW SECTION 2-303 IN ORDER TO PROVIDE POWERS FOR THE COMMUNITY REDEVELOPMENT AGENCY; BY CREATING A NEW SECTION 2-304 IN ORDER TO PROVIDE THAT MEMBERS OF THE TOWN COUNCIL SHALL SERVE AS THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY; BY CREATING A NEW SECTION 2-305 IN ORDER TO PROVIDE QUORUM AND VOTING REQUIREMENTS; BY CREATING A NEW SECTION 2-306 IN ORDER TO PROVIDE FOR ASSISTANCE BY TOWN PERSONNEL AND THE APPOINTMENT OF THE TOWN MANAGER AS EXECUTIVE DIRECTOR, THE TOWN CLERK AS THE CLERK, AND THE TOWN ATTORNEY AS LEGAL COUNSEL OF THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND OTHER PURPOSES.

WHEREAS, on or about December 8, 2015, the Town Council of the Town of Lake Clarke Shores duly adopted Resolution No. 15-30, containing findings of necessity for the formation of a community redevelopment agency, approving a Finding of Necessity Report dated November 2015 and requesting Palm Beach County to delegate the exercise of all powers and responsibilities conferred on the County by Section 163.410 Florida Statutes to the Town for the purposes of establishing a Community Redevelopment Agency and the preparation of a Redevelopment Plan; and

WHEREAS, on or about July 12, 2016, the Board of County Commissioners of Palm Beach County adopted Resolution No. 2016-0945 delegating to the Town Council of the Town of Lake Clarke Shores the authority to create a Community Redevelopment Agency and to exercise all powers and responsibilities of a Community Redevelopment Agency in accordance with Florida law; and

WHEREAS, the Town Council of the Town of Lake Clarke Shores has determined that there is a need for a Community Redevelopment Agency within the Town; and

WHEREAS, Town Council has determined in Resolution No. 15-30 that the Community Redevelopment Area for the Town shall be the area as depicted in the Finding of Necessity Report as attached hereto; and

WHEREAS, the Town Council has commenced the preparation of a Redevelopment Plan for the Community Redevelopment Area; and

WHEREAS, pursuant to Section 163.346, *Florida Statutes*, the Town has provided public notice of its intent to consider the adoption of an ordinance creating a Community Redevelopment Agency at least fifteen (15) days before such proposed action by registered mailed notice to each taxing authority which levies ad valorem taxes on real property within the geographic boundaries of the proposed Community Redevelopment Area and in compliance with the notice requirements of Section 166.041(3)(a), *Florida Statutes*.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, as follows:

SECTION 1. The foregoing findings are hereby confirmed and incorporated herein by reference.

SECTION 2. Chapter 2 – ADMINISTRATION of the Code of Ordinances of the Town of Lake Clarke Shores, Florida is hereby amended by creating a new ARTICLE VII – COMMUNITY REDEVELOPMENT AGENCY which shall read as follows:

ARTICLE VII – COMMUNITY REDEVELOPMENT AGENCY

Section 2-301. Community Redevelopment Agency Established.

A Community Redevelopment Agency for the Town of Lake Clarke Shores is hereby established. The Community Redevelopment Agency shall be a separate, distinct and independent legal entity and shall be known as the “Lake Clarke Shores Community Redevelopment Agency.”

Section 2-302. Establishment of Community Redevelopment Area.

For purposes of this Ordinance, the Community Redevelopment Area shall be that area as set forth in and described in the Finding of Necessity Report dated November 2015 as attached to Resolution 15-30 adopted by the Town Council on December 8, 2015. The Community Redevelopment Area is graphically depicted on Exhibit “A”, attached hereto and adopted herein by reference.

Section 2-303. Powers.

- (a) The Town Council of the Town of Lake Clarke Shores does hereby expressly authorize the Lake Clarke Shores Community Redevelopment Agency to exercise all powers necessary or convenient to carry out and effectuate the purposes of community redevelopment within the boundaries of the

Community Redevelopment Area as conferred by Part III of Chapter 163, Florida Statutes, as may be amended from time to time.

- (b) Notwithstanding the above, the Lake Clarke Shores Community Redevelopment Agency shall not exceed the delegation of powers made by the Board of Commissioners of Palm Beach County as set forth in Resolution No. 2016-0945 adopted on July 12, 2016.

Section 2-304. Members of Town Council to serve as Governing Body of Community Redevelopment Agency

The members of the Town Council of the Town of Lake Clarke Shores shall serve as the governing body of the Lake Clarke Shores Community Redevelopment Agency and shall exercise all rights, powers, duties, privileges and immunities invested in a Community Redevelopment Agency pursuant to Chapter 163, Part III, Florida Statutes, as may be amended from time to time.

Section 2-305. Quorum; Voting.

The powers of the Community Redevelopment Agency Board shall be exercised by the members thereof. A majority of the members shall constitute a quorum for the purpose of conducting business and exercising the powers of the Agency and for other purposes. Any action may be taken by the Agency upon the vote of the majority of the Board members present.

Section 2-306. Assistance by Town Personnel.

- (a) The Town shall make available to the Community Redevelopment Agency Town staff personnel deemed necessary by the Town in order to administer the duties of the Agency.
- (b) The Town Manager shall serve as the Executive Director of the Community Redevelopment Agency.
- (c) The Town Clerk shall serve as the Clerk of the Community Redevelopment Agency.
- (d) The Town Attorney shall serve as legal counsel of the Community Redevelopment Agency.

SECTION 3. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 4. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

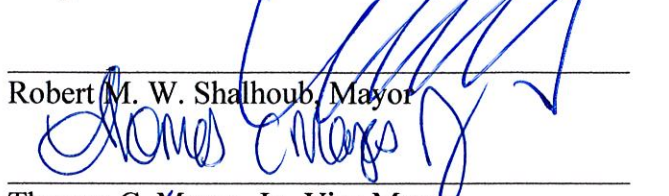
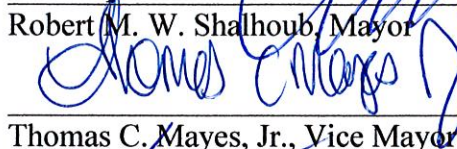
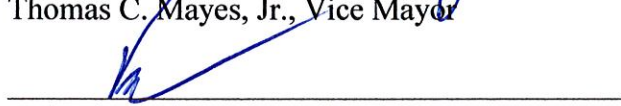
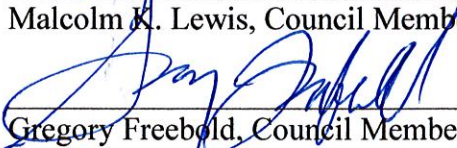
SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This ordinance will take effect on July 12, 2016.

PASSED AND ADOPTED the 14th day of June, 2016, on first reading.

PUBLISHED the 23rd day of June, 2016, in the Lake Worth Herald/Coastal Observer.

PASSED AND ADOPTED this 12th day of July, 2016, on second and final reading.

By:	FOR	AGAINST
<u>Robert M. W. Shalhoub, Mayor</u> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Thomas C. Mayes, Jr., Vice Mayor</u> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Valentin Rodriguez, Jr., President Pro Tem</u> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>absent</u> <u>Malcolm K. Lewis, Council Member</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Gregory Freebold, Council Member</u> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTESTED:
Mary Pinkerman
Mary Pinkerman, Town Clerk

EXHIBIT A

LAKE CLARKE SHORES COMMUNITY REDEVELOPMENT AREA

