

ORDINANCE NO. 2015 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING ARTICLE XIX CHAPTER 2 OF THE VILLAGE CODE OF ORDINANCES AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO PURCHASE AGREEMENTS FOR THE ACQUISITION OF REAL PROPERTY SUBJECT TO VILLAGE COUNCIL APPROVAL; AUTHORIZING THE LAND ACQUISITION COMMITTEE TO ~~DIRECTRECOMMEND~~ **THAT** THE VILLAGE MANAGER ~~TO~~ NEGOTIATE AND ENTER INTO PURCHASE AGREEMENTS FOR THE ACQUISITION OF INTERESTS IN REAL PROPERTY CONDITIONED ON VILLAGE COUNCIL APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council wishes to provide for ~~ana more~~ expeditious and efficient method and process for effectuating the acquisition of land for park, recreation and open space purposes; and

WHEREAS, the Village Council desires to ~~authorize~~ expressly expand the Land Acquisition ~~Committee's (the "Committee (the "Village LAC"))~~ Committee's (the "Village LAC") authority to ~~directrecommend~~ to the Village Manger ~~to that the Manager~~ enter into conditional purchase agreements for the acquisition of real property interests ~~and similarly vest the Village Manager with the authority to enter into such agreements; and for park, recreation and open space purposes.~~

~~WHEREAS, the Village Council finds that the most effieient process for such acquisition is by granting the Village LAC and the Village Manager with the respective authority to bind the Village to conditional agreements subject to Village Council approval and ratification.~~

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, AS FOLLOWS:<sup>1</sup>

**Section 1.** **Recitals.** That the above recitals are true and correct and incorporated herein by this reference.

**Section 2.** **Village Code Amended.** That Article XIX of Chapter 2 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

**Sec. 2-253. - Advisory Capacity; Standards of Conduct.**

The powers and duties of the Committee shall be solely of an advisory nature to the Village Council and Village Manager ~~except as provided in this Article.~~ Accordingly, Committee members shall comply with the applicable requirements of the Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112, F.S. and any other standards of conduct set by federal, state, county, Village or other applicable law.

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**Sec. 2-255. - Jurisdiction.**

- (a) The jurisdiction of the Committee shall be solely advisory. Final advisory action of the Committee shall be in the appropriate form, and written recommendations shall be provided to the Village Council.
- (b) The jurisdiction of the Committee shall be ~~limited to~~ include studying, evaluating, and making recommendations to the Village Manager and Village Council regarding the acquisition of land primarily for park and recreational purposes. In preparing its recommendation, the Committee shall consider the following matters:
  - (i) Review of the Village's previous efforts towards land acquisition including, but not limited to, the 2020 Vision Plan and 2007 Evaluation and Appraisal Report;
  - (ii) Examination of short and long term financing options, including the potential impact on the Village's debt cap;

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<sup>1</sup> Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text. Changes between first and second reading are indicated with highlight.

(iii) Review of all available land acquisition options including the purchase or long term lease of small or large parcels as well as potential Interlocal agreements with other governmental agencies; and

(iv) Identification of potential current as well as future properties for acquisition.

~~(e) The jurisdiction of the Committee shall also include the power and authority to direct, by a 5/7<sup>th</sup> vote, the Village Manager to enter into purchase agreements (under terms previously approved by the Committee) for the Village to acquire real property, including any interests therein for park, recreation and/or open space purposes. All such purchase agreements shall be conditioned upon approval of the Village Council, which may grant or deny such approval in its sole and absolute discretion.~~

**Sec. 2-256. – Village Manager Authority**

~~The Village Manager shall, pursuant to Section 2-555(a), shall be vested with the authority to enter into purchase agreements for the acquisition of interests in real property which (for park, recreation and open space purposes) where the acquisition is recommended by the Committee. Such agreements shall be conditioned on Village Council approval and ratification.~~

**Section 3. Effective Date.** That this ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this 28<sup>th</sup> day of April, 2015.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of May, 2015.

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MAYOR MAYRA PEÑA LINDSAY

ATTEST:

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CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY