ORDINANCE NO. 2010-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING A LAND ACQUISITION COMMITTEE; ESTABLISHING A NEW COMMITTEE AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2-10 of the Village Code, the Village Council desires to create a Land Acquisition Committee to provide recommendations to the Village Council and Village Manager regarding the acquisition of land for park and recreational purposes; and

WHEREAS, the Village Council finds that the creation of a Land Acquisition Committee is in the best interest of the Village and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS: [1]

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

Section 2. **Creation of Committee.** The Village Council hereby creates the Land Acquisition Committee as follows:

1. **Creation, composition, and qualifications.**

(a) In accordance with Section 2-10 of the Village Code, there is hereby created and established the Village of Key Biscayne Land Acquisition Committee (the "Committee"). The Committee shall be composed of five (5) members appointed by the Mayor, with the approval of the Council. A Village Councilmember may serve on the Committee as an ex officio, non-voting member.

[1] Underlined words are additions

(b) All Committee members shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.

(c) Except for the initial Committee, each member of the Committee shall be appointed to a term of two (2) years. For the initial Committee, three (3) members shall be appointed for a term of two (2) years and two (2) members shall be appointed for a term of one (1) year, as determined by the Mayor with the approval of the Village Council.

(d) Members of the Committee shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

(e) Members of the Committee are not required to be residents of the Village.

(f) In the event of the resignation or removal of any member of the Committee, the Mayor shall appoint a person to fill the vacancy on the Committee for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

2. Term of office.

Except for the initial Committee, members shall be appointed for a term of two years. Members may be reappointed.

3. 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. 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.

4. Rules of procedure, Other Requirements.

(a) The Committee may adopt rules of procedure as authorized by Village Code Section 2-10 (k). In the absence of the adoption of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply, subject to the provisions of Village Code Section 2-10.

[1] Underlined words are additions

(b) During the first meeting of the Committee, the members shall elect one of their members to act as chairman, vice–chairman and a secretary.

(c) The Committee shall be subject to and shall comply with the applicable provisions of Village Code Section 2-10.

5. 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 studying, evaluating, and making recommendations to the 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;

(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.

6. Dissolution of Committee.

The Committee shall be dissolved upon:

(a) Completion of the work of the Committee as reflected by the presentation to the Council of a final report from the Committee or report from the Village Manager indicating that the work of the Committee is complete; or

[1] Underlined words are additions

(b) Notification from the Village Council that the Committee shall take no further action.

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Effective Date.** That this ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this 23rd day of February, 2010.

PASSED AND ADOPTED on second reading this 16th day of March, 2010.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

[1] Underlined words are additions