

ORDINANCE NO. 2010-2

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 nine (9) 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, five (5) members shall be appointed for a term of two (2) years and four (4) 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

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

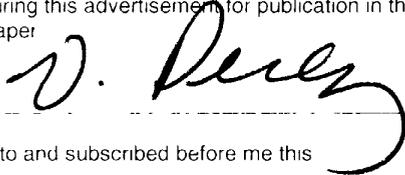
Before the undersigned authority personally appeared V PEREZ, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f.k/a Miami Review a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida, that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAIYNE - PUBLIC NOTICE
ORDINANCE - MARCH 16, 2010

in the XXXX Court,
was published in said newspaper in the issues of

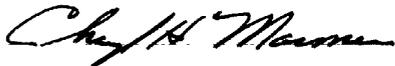
03/01 2010

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper



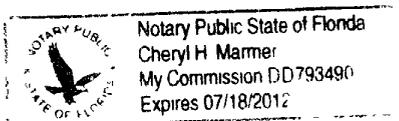
Sworn to and subscribed before me this

01 day of MARCH A D 2010



(SEAL)

V PEREZ personally known to me



VILLAGE OF KEY BISCAIYNE

OFFICE OF THE VILLAGE CLERK

PUBLIC NOTICE

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, March 16, 2010 at 7:00 p.m., in the Council Chamber located at 500 Crandon Boulevard, Key Biscayne, Florida.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, CREATING A LAND ACQUISITION COMMITTEE, ESTABLISHING A NEW COMMITTEE AND PROVIDING FOR MEMBERSHIP AND JURISDICTION OF THE COMMITTEE PROVIDING FOR SEVERAL OTHER PURPOSES FOR AN EFFECTIVE DATE

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the Village Council on any item at the Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in the proceeding because of that disability should contact the Office of the Village Clerk, 88 West Plantway Street, Suite 220, Key Biscayne, Florida 33149 telephone number (305) 342-3306, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to this Ordinance be considered at this meeting, that person shall insure that a transcript of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Conchita H. Alvarez, MMC
Village Clerk

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10-4-328/1419364M