

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE XIX “LAND ACQUISITION COMMITTEE,” TO RENAME THE BOARD THE “PARKS AND OPEN SPACE ADVISORY BOARD” AND UPDATE THE BOARD’S JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 16, 2010, the Village Council of the Village of Key Biscayne (the “Village”) adopted Ordinance No. 2010-02, which created the Land Acquisition Committee (the “Board”); and

WHEREAS, on June 9, 2015, the Village Council adopted Ordinance No. 2015-03, authorizing the Board to recommend and negotiate land acquisition opportunities for park, recreation and open space purposes; and

WHEREAS, the Village Council desires to rename the Board and update the Board’s jurisdiction; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

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

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

Section 2. Amending the Village Code. That Chapter 2, Article XIX “Land Acquisition Committee” of the Code of Key Biscayne, Florida is hereby amended as follows:

ARTICLE XIX. - ~~LAND ACQUISITION BOARD~~ PARKS AND OPEN SPACE ADVISORY BOARD

Sec. 2-251. - 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~~ Parks and Open Space Advisory Board (the “Board”). The Board shall be composed of ~~nine~~ no more than seven members appointed by the Mayor, with the approval of the Council. A Village Councilmember may serve on the Board as an ex officio, non-voting member.

* * *

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

Sec. 2-255. - Jurisdiction.

- (a) The jurisdiction of the Board shall be solely advisory. Final advisory action of the Board shall be in the appropriate form, and written recommendations shall be provided to the Village Manager and the Village Council.
- (b) The jurisdiction of the Board shall include studying, evaluating, and making recommendations to the Village Manager and the Village Council regarding the acquisition of land primarily for park and recreational purposes. The Board shall have no authority to negotiate or in any way commit the Village to any potential property acquisition and/or its owner. In preparing its recommendations, the Board shall consider the following matters:
- ~~(1) Review of the Village's previous efforts towards plans and reports relating to land acquisition including, but not limited to, the 2020 Vision Plan and 2007 Evaluation and Appraisal Report;~~
 - ~~(2) Examination of short and long term financing options, including the potential impact on the Village's debt cap;~~
 - ~~(3) 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~~
 - ~~(4) Identification of potential current as well as future properties for acquisition.~~

* * *

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. Codification. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2019.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2019.

MICHAEL W. DAVEY
MAYOR

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY