

**ORDINANCE NO. 2019-8**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, 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 BISCAIYNE, FLORIDA, AS FOLLOWS:**<sup>1</sup>

**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.

\* \* \*

---

<sup>1</sup> 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.

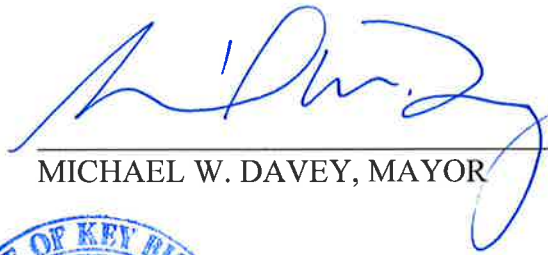
**Section 4. Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such 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 21<sup>st</sup> day of May, 2019.

**PASSED AND ADOPTED** on second reading on the 11<sup>th</sup> day of June, 2019.

  
MICHAEL W. DAVEY, MAYOR

ATTEST:

  
JENNIFER MEDINA, CMC  
VILLAGE CLERK



APPROVED AS TO FORM AND LEGALITY:

  
VILLAGE ATTORNEY

# 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 GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, 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 BISCAYNE - ORDINANCE AMENDING  
CHAPTER 2, ARTICLE XIX "LAND ACQUISITION COMMITTEE" -  
JUN. 11, 2019

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

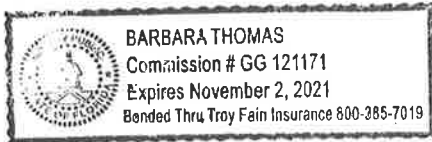
05/31/2019

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, read and subscribed before me this  
31 day of MAY, A.D. 2019

(SEAL)

GUILLERMO GARCIA personally known to me



## VILLAGE OF KEY BISCAYNE 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, June 11, 2019 at 6:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

**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.**

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 Ordinances. Any person wishing to address the Village Council on any item at this 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 this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, 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 any matter to be considered at this meeting, that person shall insure that a verbatim record 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.

Jennifer Medina, CMC  
Village Clerk  
19-108/0000403689M

5/31