

TAB 5

POINT PAPER

ORDINANCE 09-985 ESTABLISHING CITY COMMISSION AS COMMUNITY REDEVELOPMENT AGENCY AND CREATING A COMMUNITY REDEVELOPMENT ADVISORY BOARD

01/27/09

ISSUE: On January 26, 2009, the City Commission enacted Resolution 09-09, instructing City staff and the City Attorney to draft an ordinance to amend the City's Code in order to (1) establish the City Commission as the governing body of the CRA, and (2) create an advisory board to the CRA to be known as the Community Redevelopment Advisory Board.

BACKGROUND: Consistent with the current structure and practices of the City Commission, the ordinance as drafted would have the Mayor act as the non-voting presiding officer of the CRA, and the City Clerk would act as secretary to the CRA. The jurisdiction of the CRA would remain the same as it is currently (Section 11-44), as would the designated fiscal year (11-45). The powers of the CRA would include all powers granted to community redevelopment agencies generally under Chapter 163, Florida Statutes (Section 11-45). These powers are essentially the same powers that the CRA previously had, without the budget oversight that was reserved to the City Commission.

It should be noted that Section 163.357, Florida Statutes, does provide that when a five-member governing body is acting as a CRA, it may appoint two additional persons to the CRA board. If the City Commission wishes to consider this option, additional language could be added to the ordinance.

The ordinance also creates the Community Redevelopment Advisory Board to serve in an advisory capacity to the CRA. Consistent with the default provisions of the City Charter, the ordinance, as drafted, provides that the Mayor will appoint the Advisory Board members, subject to approval by the City Commission. However, the Charter does provide that the appointment mechanism may be amended by ordinance of the City Commission. Thus, if the City Commission wishes to appoint the Advisory Board members, such language could be added to the ordinance.

The Advisory Board would be charged with making recommendations on all matters to be considered by the CRA, to the extent possible and desired by the CRA. The Advisory Board would also be charged with preparing a draft budget for consideration by the CRA board.

RECOMMENDATION: Adopt Ordinance 09- 985.

BUDGET IMPACT: None

**CITY OF PALMETTO
ORDINANCE NO. 09-985**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO DECLARE AND ESTABLISH THE CITY COMMISSION AS THE COMMUNITY REDEVELOPMENT AGENCY; AMENDING THE CODE OF ORDINANCES TO CREATE AN ADVISORY BOARD TO BE KNOWN AS THE PALMETTO COMMUNITY REDEVELOPMENT ADVISORY BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, Section 163.357, Florida Statutes, authorizes the governing body of the City to, at any time, declare itself to be the Community Redevelopment Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1. Amendment of Chapter 11, Article II, Division 2, of the City of Palmetto Code of Ordinances. Chapter 11, Article II, Division 2, of the City of Palmetto Code of Ordinances, is hereby amended to read in its entirety as follows:

DIVISION 2. COMMUNITY REDEVELOPMENT AGENCY

Sec. 11-41. Created.

Pursuant to §163.356, Florida Statutes, there is hereby created a public body corporate and politic to be known as the Community Redevelopment Agency.

Sec. 11-42. City Commission as governing body of the Community Redevelopment Agency.

Pursuant to §163.357, Florida Statutes, and Resolution 09-__, the City Commission shall serve as the governing body of the Community Redevelopment Agency. The Mayor shall not be a voting member of the Community Redevelopment Agency but shall preside over the meetings.

Sec. 11-43. Governance.

The Community Redevelopment Agency shall be governed by and shall act in conformity with the provisions of general law and this division, as either shall be amended from time to time. The Community Redevelopment Agency may adopt rules and procedures as it may deem appropriate from time to time. The Executive Director of the Community Redevelopment Agency shall coordinate with the Mayor regarding the agenda for meetings of the Community Redevelopment Agency. The City Clerk shall serve as secretary to the Community Redevelopment Agency and shall be responsible for keeping the records of the board's actions, providing necessary background material, keeping a record of attendance, keeping a record of all official actions of the board, including the vote of the members on each question requiring a vote, or if absent or abstaining from voting, indicating such fact.

Sec. 11-44. Jurisdiction.

The area of operation of the Community Redevelopment Agency shall be the redevelopment area as described in Exhibit A and the shaded portion of the map depicted on Exhibit B both of which are on file in the City Clerk's office.

Sec. 11-45. Powers of community redevelopment agency.

The Community Redevelopment Agency shall have all of the powers enumerated to community redevelopment agencies under general law.

Sec. 11-46. Fiscal year.

The fiscal year for the Community Redevelopment Agency shall be from the first day of October through the last day of September, each year.

Sec. 11-47. Adoption of budget.

On or before October 1, the Community Redevelopment Agency shall adopt a line-item budget for the upcoming fiscal year.

Sec. 11-48. Revision of budget.

The annual budget may be amended at any time by resolution of the Community Redevelopment Agency board.

Section 2. Creation of Chapter 11, Article II, Division IV, of the City of Palmetto

Code of Ordinances. Chapter II, Article II, Division IV, of the City of Palmetto Code of Ordinances, is hereby created to read as follows:

DIVISION 4. COMMUNITY REDEVELOPMENT ADVISORY BOARD

Section 11-81. Establishment and composition.

The Community Redevelopment Advisory Board is hereby established and shall consist of five (5) members to be appointed by the Mayor and approved by a majority vote of the City Commission. The terms of the office shall be for four (4) years, except that the terms of one (1) member shall be one (1) year; one (1) member shall be two (2) years; and one (1) member shall be three (3) years, respectively, from the date of their appointments, and all other members of the board shall serve a term of four (4) years from the date of their appointments. Any vacancy occurring during the term of any member of the board shall be filled for the unexpired portion of the term.

Section 11-82. Vacancies and removal of members.

In case of vacancies occurring in membership, the City Commission shall fill such vacancies within sixty (60) days. Any person appointed by the City Commission to fill a vacancy shall serve for the unexpired term of the original appointment. Members of the Community Redevelopment Advisory Board may be removed by majority vote of the City Commission, in the event that the City Commission determines that such action is in the best interest of the City.

Section 11-83. Officers; rules of procedure; meetings; compensation.

(a) *Officers.* The Community Redevelopment Advisory Board shall elect a chair and a vice-chair from among its members. They shall serve for one-year terms.

(b) *Rules of procedure.* The Community Redevelopment Advisory Board shall adopt such additional rules as are necessary to conduct its affairs and in keeping with the provisions of this Article. The Community Redevelopment Agency Executive Director shall be the secretary to the Community Redevelopment Advisory Board and shall be responsible for keeping the records of the board's actions, providing necessary background material, keeping a record of attendance, keeping a record of all official actions of the board, including the vote of the members on each question requiring a vote, or if absent or abstaining from voting, indicating such fact.

(c) *Meetings.* The Community Redevelopment Advisory Board shall meet on an as-needed basis. The board shall not transact any business at any meeting unless a quorum of three (3) members is present and every official action taken and every decision rendered by the board shall be approved by a majority of the board members present. If necessary, the board may continue any matter before it.

(d) *Compensation.* Members of the Community Redevelopment Advisory Board shall receive no compensation.

Section 11-84. Powers and duties.

The Community Redevelopment Advisory Board shall serve in an advisory capacity to the Community Redevelopment Agency with respect to matters to be considered by the Community Redevelopment Agency. The Community Redevelopment Agency may take action on an item without the recommendation from the Community Redevelopment Advisory Board, if the Community Redevelopment Agency determines that such action is in the best interests of the City; provided, however, to the extent possible, the Community Redevelopment Advisory Board shall review and provide a recommendation on all matters to be considered by the Community Redevelopment Agency. In furtherance of its advisory function, the Community Redevelopment Advisory Board shall make recommendations to the Community Redevelopment Agency with respect to the powers of the Community Redevelopment Agency.

The Community Redevelopment Advisory Board shall also recommend to the Community Redevelopment Agency at least one month before the new fiscal year, as defined in Section 11-46, a draft line item budget for the Community Redevelopment Agency, which budget shall specify the proposed individual allocations for projects to be undertaken by the Community Redevelopment Agency within that next fiscal year.

Section 3. Repeal of Ordinance. This Ordinance hereby repeals any and all provisions of ordinances in conflict herewith to the extent of such conflict.

Section 4. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes of the City Commission.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 2nd day of February, 2009.

First Reading: February 2, 2009
Publication: February 6, 2009
Second Reading and
Public Hearing: February 23, 2009

CITY OF PALMETTO, FLORIDA,
BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk.