

ORDINANCE 2010-27

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REPEALING ORDINANCE 2009-17 WHICH ADDED TWO PERSONS TO ACT AS MEMBERS OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF COMMISSIONERS; PROVIDING THAT THE CITY COMMISSION SHALL CONTINUE TO BE THE AGENCY WHICH CONSTITUTES THE GOVERNING BOARD OF THE LAKE WALES COMMUNITY REDEVELOPMENT AGENCY; REVISING TERMS OF MEMBERS FIRST APPOINTED TO CRA CITIZEN ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; REVISING AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales previously created the Lake Wales Community Redevelopment Agency; and

WHEREAS, the City Commission by Ordinance 99-06 provided that the City Commission would serve in the capacity of the governing board of the Lake Wales Community Redevelopment Agency (the "CRA Board") in accordance with the provisions of §163.357(1)(a), Florida Statutes; and

WHEREAS, the intent of the City Commission was to provide that elected officials would be the persons which constituted the membership of the CRA Board; and

WHEREAS, the City Commission by Ordinance 2009-17 provided, in accordance with the provisions of §163.357(1)(c), Florida Statutes, that two (2) additional persons would be appointed to serve as members of the CRA Board bringing the Board's membership to seven (7); and

WHEREAS, it appears that the provisions of Ordinance 2009-17 serve to thwart the original intent of the City Commission that elected officials of the City serve as members of the CRA Board.

NOW THEREFORE, the City of Lake Wales, by and through its City Commission, does hereby repeal Ordinance 2009-17 and reinstates the provisions of Ordinance 99-06 as codified in Sec. 2-72 of the Lake Wales Code of Ordinances to provide as follows:

1. **DIVISION 4. COMMUNITY REDEVELOPMENT AGENCY BOARD**

SEC. 2-72 Governing body as the community redevelopment agency board of commissioners.

(a) The City Commission shall serve as the CRA Board and shall exercise all rights, powers, duties, privileges, and immunities vested in a community redevelopment agency by Chapter 163, Part III, Florida Statutes, as it may be amended from time to time.

(b) In its capacity as CRA Board, the commission constitutes the head of a legal entity that is separate, distinct and independent from the city commission as governing body of the City of Lake Wales.

(c) The CRA Board shall annually designate a chairperson and vice-chairperson from among its members.

(d) The CRA Board shall meet as necessary to conduct the business and exercise the powers of the agency.

(e) A majority of the members of the CRA Board shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the CRA Board upon the vote of a majority of the members present.

SEC. 2-73. - CRA citizen advisory committee.

(a) *Committee established.* A citizen advisory committee is hereby established to assist the CRA board in implementing redevelopment activities within the redevelopment area and to make recommendations to the CRA board on redevelopment matters as necessary.

(b) *Members.* The CRA citizen advisory committee will consist of five (5) members appointed by the city commission. One (1) member will be nominated by each city commissioner in accordance with paragraph (c) of this section.

(c) *Nomination and appointment.* Each commissioner shall nominate a person who resides, owns property or operates a business within the voting district represented by the commissioner provided that the property, residence or business of the nominee is within the boundaries of the CRA, except

that the two citizen members appointed in accordance with Ordinance 2009-17 shall be afforded the opportunity to serve as appointees from their respective districts. The commissioner holding seat 3, at-large, shall nominate a person who resides, owns property or operates a business anywhere within the boundaries of the CRA. The nomination shall be confirmed by majority vote of the city commission.

(d) *Term.* Members shall serve a two (2) year term beginning on the first day of July of the applicable year. The terms of members appointed to the first CRA citizen advisory committee formed after the adoption of this ordinance shall begin on the first day of the month following adoption and shall expire as follows:

Seat 1 (Precinct 19)	2004 <u>2012</u>
Seat 2 (Precinct 122)	2004 <u>2012</u>
Seat 3 (at-large Precinct <u>27S</u>)	2002 <u>2013</u>
Seat 4 (Precinct <u>27N</u>)	2000 <u>2011</u>
Seat 5 (Precinct 28)	2000 <u>2011</u>

(e) *Chairperson.* The CRA citizen advisory committee shall annually elect a chairperson at its first meeting in July to preside at meetings.

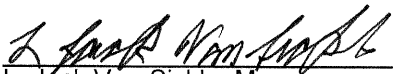
(f) *Meetings.* The CRA citizen advisory committee shall meet at the call of the chairman of the CRA board or upon the request of city staff but shall meet no less than once each year.

(g) *Duties.* The CRA citizen advisory committee shall provide advice and recommendations as needed to implement the CRA plan adopted by the city commission.

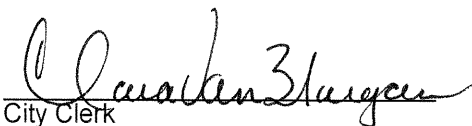
(h) *Applicability of legal requirements.* Members of the CRA citizen advisory committee are subject to section 2-26 of this Code which regulates city boards and committees, the Florida Sunshine Law, the Public Records Law, financial disclosure requirements and all other laws which govern members of public agencies.

2. The provisions of this Ordinance are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.
3. This Ordinance shall become effective immediately upon adoption.

CERTIFIED AS TO PASSAGE this 16th day of November, 2010.


 L. Jack Van Sickle, Mayor
 City of Lake Wales, Polk County, Florida

Attest:


 City Clerk

CRA TAX INCREMENT REVENUE HISTORY

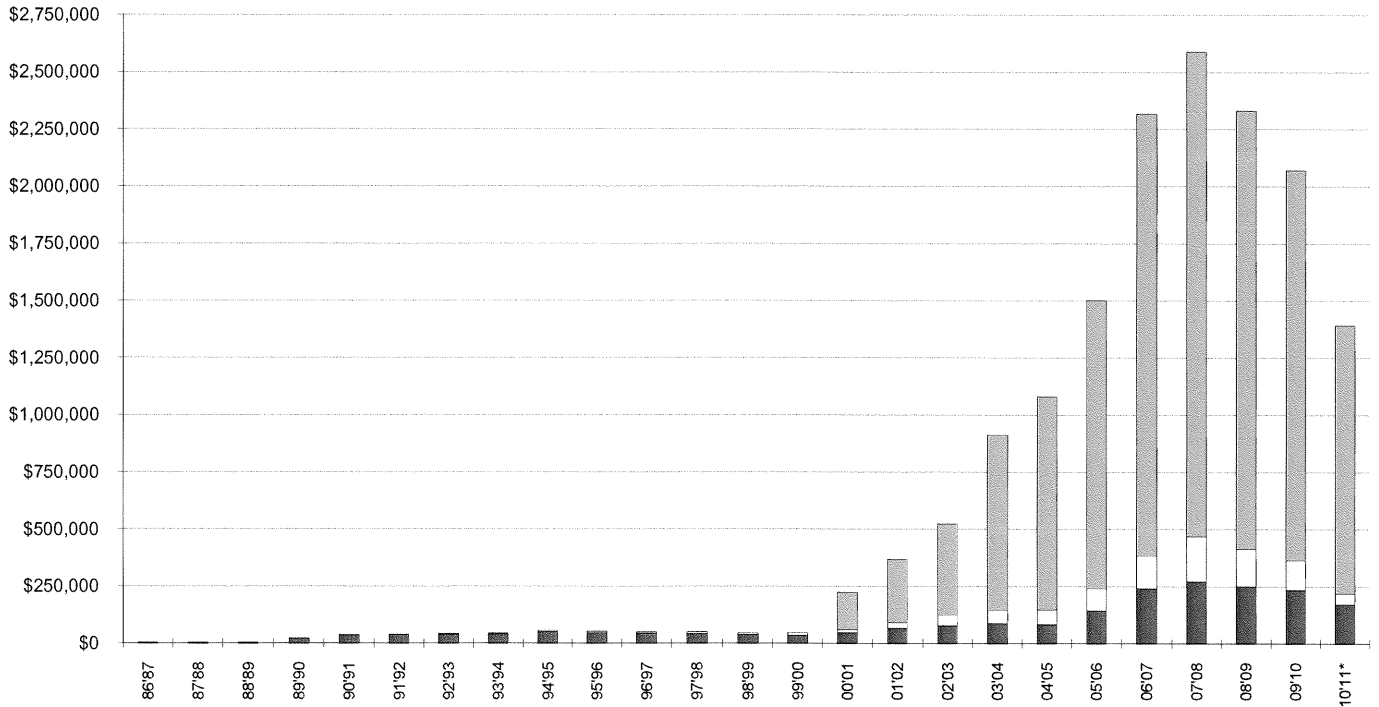
Fiscal Year	Downtown CRA Area 1	Lincoln & NW Area CRA Area 3	CRA Expandsion Area	Total
86'87	\$4,824			\$4,824
87'88	\$4,883			\$4,883
88'89	\$5,072			\$5,072
89'90	\$22,357			\$22,357
90'91	\$36,628	\$182		\$36,810
91'92	\$39,736	\$0		\$39,736
92'93	\$40,119	\$3,391		\$43,510
93'94	\$41,664	\$2,770		\$44,434
94'95	\$51,168	\$4,786		\$55,954
95'96	\$46,000	\$6,555		\$52,555
96'97	\$44,330	\$6,400		\$50,730
97'98	\$42,464	\$7,636		\$50,100
98'99	\$39,955	\$6,800		\$46,755
99'00	\$34,885	\$11,378		\$46,263
00'01	\$47,707	\$14,583	\$161,458	\$223,748
01'02	\$66,680	\$26,874	\$275,263	\$368,817
02'03	\$78,029	\$47,898	\$397,877	\$523,804
03'04	\$88,057	\$56,584	\$768,498	\$913,139
04'05	\$84,156	\$64,708	\$930,400	\$1,079,264
05'06	\$144,317	\$98,326	\$1,260,416	\$1,503,059
06'07	\$240,473	\$144,459	\$1,933,151	\$2,318,083
07'08	\$271,917	\$198,104	\$2,120,143	\$2,590,164
08'09	\$251,017	\$163,591	\$1,917,721	\$2,332,329
09'10	\$236,005	\$131,084	\$1,704,242	\$2,071,331
10'11*	\$172,937	\$46,517	\$1,173,264	\$1,392,718

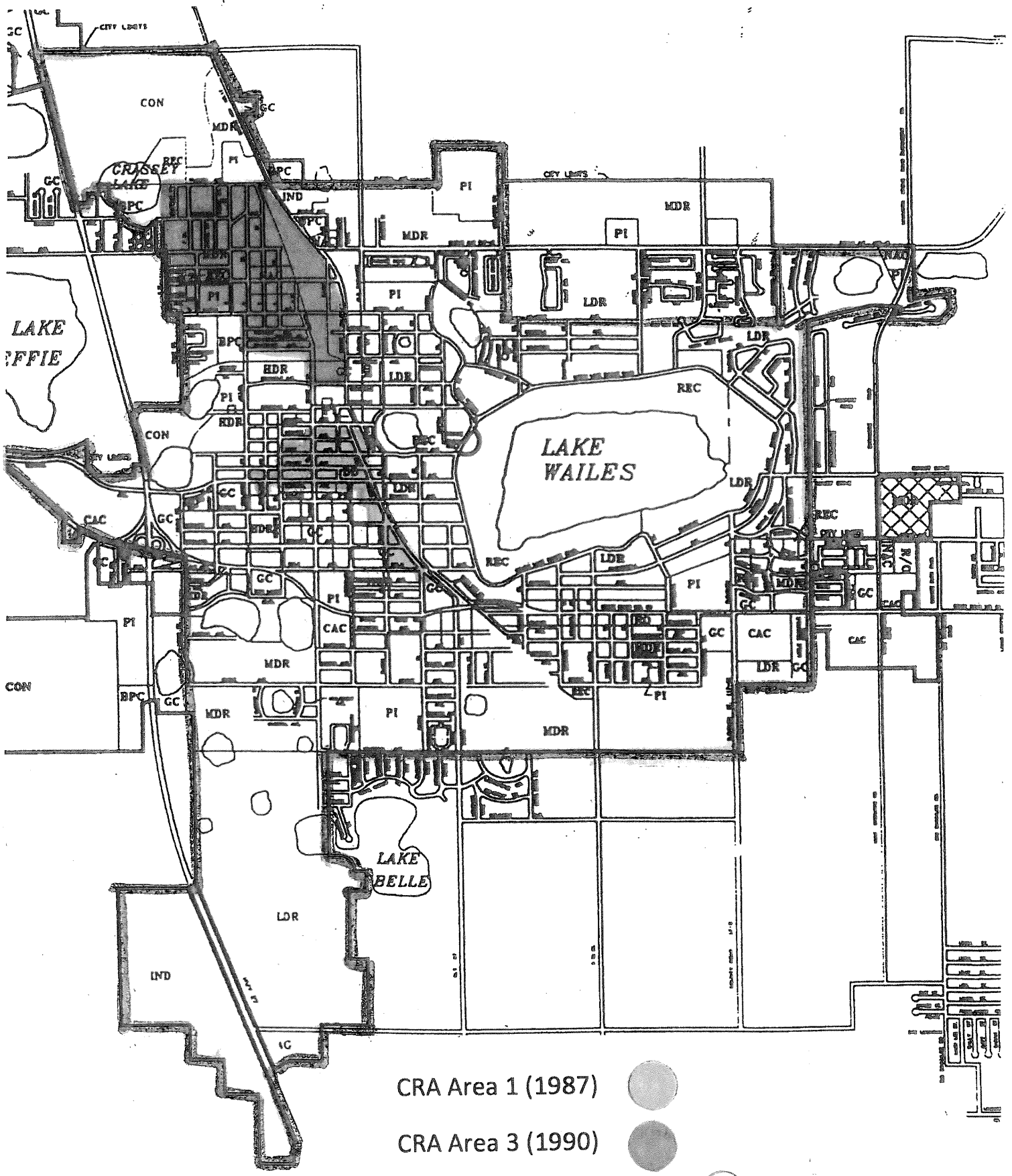
FY 10'11 Revenue	% of Total
Area 1	\$172,937 12.4%
Area 3	\$46,517 3.3%
Expansion	\$1,173,264 84.2%
Total	\$1,392,718 100.0%

* 10'11 = Budgeted based on preliminary property values

CRA Tax Increment Revenue History

■ Area 1 □ Area 3 ▨ Expansion Area





- CRA Area 1 (1987)
- CRA Area 3 (1990)
- CRA 1999 Expansion Area

Lake Wales, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE II. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 4. - COMMUNITY REDEVELOPMENT AGENCY BOARD >>

DIVISION 4. - COMMUNITY REDEVELOPMENT AGENCY BOARD

[6]

Sec. 2-71. - Community redevelopment agency board of commissioners established.

Sec. 2-72. - Governing body as the community redevelopment agency board of commissioners.

Sec. 2-73. - CRA citizen advisory committee.

Sec. 2-74. - Reserved.

Secs. 2-75—2-85. - Reserved.

Sec. 2-71. - Community redevelopment agency board of commissioners established.

There is hereby created in accordance with F.S. ch. 163, part III, a community redevelopment agency board of commissioners hereinafter referred to as the CRA board. Said CRA board is hereby created to implement the community redevelopment plan for the expanded community redevelopment area approved by Resolution 99-6 of the city commission.

(Code 1962, § 2-40; Ord. No. 99-06, § 1, 8-17-99)

Sec. 2-72. - Governing body as the community redevelopment agency board of commissioners.

- (a) The city commission shall serve as the CRA board and shall exercise all rights, powers, duties, privileges, and immunities vested in a community redevelopment agency by F.S. ch. 163, part III, as it may be amended from time to time.
- (b) In accordance with F.S. § 163.357(1)(c), the city commission shall appoint two (2) additional persons to act as members of the community redevelopment agency.
 - (1) The terms of office of the additional members shall be for four (4) years, except that the first person appointed shall initially serve a term of two (2) years.
 - (2) Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the city and is otherwise eligible for appointment under section 2-26 of the Lake Wales Code of Ordinances.
 - (3) The city commission shall consider nominations for the two (2) additional appointments from the Lake Wales Area Chamber of Commerce.
- (c) In its capacity as CRA board, the commission constitutes the head of a legal entity that is separate, distinct and independent from the city commission as governing body of the City of Lake Wales.
- (d) The CRA board shall annually designate a chairperson and vice-chairperson from among its members.
- (e) The CRA board shall meet as necessary to conduct the business and exercise the powers of the agency.
- (f) A majority of the members of the CRA board shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the CRA board upon a vote of a majority of the members present.

(Code 1962, § 2-41; Ord. No. 90-10, § 1, 7-17-90; Ord. No. 99-06, § 1, 8-17-99; Ord. No. 2009-17, § 1, 7-7-09)

State law reference— Downtown development boards may be designated the community redevelopment agency, F.S. § 163.357(2).

Sec. 2-73. - CRA citizen advisory committee.

- (a) *Committee established.* A citizen advisory committee is hereby established to assist the CRA board in implementing redevelopment activities within the redevelopment area and to make recommendations to the CRA board on redevelopment matters as necessary.
- (b) *Members.* The CRA citizen advisory committee will consist of five (5) members appointed by the city commission. One (1) member will be nominated by each city commissioner in accordance with paragraph (c) of this section.
- (c) *Nomination and appointment.* Each commissioner shall nominate a person who resides, owns property or operates a business within the voting district represented by the commissioner provided that the property, residence or business of the nominee is within the boundaries of the CRA. The commissioner holding seat 3, at-large, shall nominate a person who resides, owns property or operates a business anywhere within the boundaries of the CRA. The nomination shall be confirmed by majority vote of the city commission.
- (d) *Term.* Members shall serve a two (2) year term beginning on the first day of July of the applicable year. The terms of members appointed to the first CRA citizen advisory committee formed after the adoption of this ordinance shall expire as follows:

Seat 1 (Precinct 19)	2001
Seat 2 (Precinct 122)	2001
Seat 3 (at-large)	2002
Seat 4 (Precinct 27)	2000
Seat 5 (Precinct 28)	2000

- (e) *Chairperson.* The CRA citizen advisory committee shall annually elect a chairperson at its first meeting in July to preside at meetings.
- (f) *Meetings.* The CRA citizen advisory committee shall meet at the call of the chairman of the CRA board or upon the request of city staff but shall meet no less than once each year.
- (g) *Duties.* The CRA citizen advisory committee shall provide advice and recommendations as needed to implement the CRA plan adopted by the city commission.
- (h) *Applicability of legal requirements.* Members of the CRA citizen advisory committee are subject to section 2-26 of this Code which regulates city boards and committees, the Florida Sunshine Law, the Public Records Law, financial disclosure requirements and all other laws which govern members of public agencies.

(Code 1962, § 2-42; Ord. No. 90-03, § 1, 5-15-90; Ord. No. 99-06, § 1, 8-17-99)

Sec. 2-74. - Reserved.

Editor's note— Ord. No. 99-06, § 1, adopted Aug. 17, 1999, repealed section 2-74 in its entirety. Former section 2-74, pertained to advisory committees and derived from Ord. No. 90-10, § 1, adopted July 17, 1990; and Ord. No. 91-07, § 1, adopted Aug. 20, 1991.

Secs. 2-75—2-85. - Reserved.

FOOTNOTE(S):

⁽⁶⁾ **State Law reference—** Community redevelopment agency, F.S. § 163.356. [\(Back\)](#)