

## **MEMORANDUM**

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April 7, 2014

**TO:** Honorable Mayor and City Commissioners

**VIA:** Kenneth Fields, City Manager

**FROM:** Clara VanBlargan, City Clerk, MMC

**SUBJECT:** Ordinance 2014-04, Dissolving Depot Advisory Commission – 2<sup>nd</sup> Reading & Public Hearing

**SYNOPSIS:** The City Commission will consider dissolving the Depot Advisory Commission through the adoption of Ordinance 2014-04.

### **RECOMMENDATION**

The recommendation is for the City Commission to adopt Ordinance 2014-04 after second reading and public hearing.

The City Commission approved first reading of Ordinance 2014-04 on April 1, 2014. Public Notice for second reading and public hearing was advertised on Saturday, April 5, 2014 in the Ledger/News Chief.

### **BACKGROUND**

The Depot Advisory Commission consists of ten voting members and the Historic Lake Wales Society Executive Director, Mimi Reid Hardman, currently serving as a non-voting ex officio member and as chairperson.

On January 2, 1980, the City Commission adopted Ordinance 79-22 establishing the Depot Advisory Commission and the position of Depot Executive Director. In accordance with this ordinance, the Depot Executive Director was appointed by the City Commission, served as a non-voting ex officio member, and performed the duties under the supervision of the City Manager.

At its meeting on January 18, 2005, the City Commission adopted Ordinance 2005-03 transferring responsibility for appointment of the Depot Executive Director from the City Commission to the City Manager.

On September 19, 2008, the City Commission approved a Lease Agreement between the City and the Historic Lake Wales Society for the operation of the Depot Museum Complex. The Lease agreement made it necessary for the City Commission to adopt Ordinance 2008-37 on October 21, 2008 because the position and duties of Depot Executive Director, and the need for

city employees to operate the museum and serve as museum staff were no longer necessary. Following adoption, Tom Baynes of the Historic Lake Wales Society requested that the City Commission amend the ordinance to allow the director or the president of the Historic Lake Wales Society serve as an ex officio member to the Depot Advisory Commission so issues could be resolved without the Society having to come back to the City Commission. Therefore, the City Commission adopted Ordinance 2008-41 on November 18, 2008 allowing the President of the Historic Lake Wales Society to serve as a non-voting ex officio member to the Depot Advisory Commission, and to require that the Board advise the City Commission as to the long range planning and coordination of the Lake Wales Depot Museum Complex.

On September 21, 2010, the City Commission adopted Resolution 2010-21 conveying the Depot Museum Complex to the Historic Lake Wales Society. The conveyance of the Depot Museum Complex eliminated the need for Lease Agreement.

Because the existing sewer system at the Depot Museum was inadequate and continued to be a problem, the President of the Historic Lake Wales Society, Mimi Reid Hardman, requested that the Community Redevelopment Agency (CRA) approve the necessary funds to repair the sewer system because Society lacked the funds to do so. On August 21, 2012, the CRA agreed to provide the funds to connect to the City's sewer system instead on the condition that the Depot Museum property is deeded back to the City.

On January 15, 2013, the City Commission adopted Resolution 2013-03 authorizing the conditional transfer of all the Depot Museum properties back to the City that were conveyed to the Historic Lake Wales Society on September 21, 2010. Resolution 2013-03 also authorized a management agreement between the City and the Historic Lake Wales Society for the operation of the Depot Museum.

At the February 18, 2014 City Commission meeting, the chairperson and President of the Historic Lake Wales Society, Mimi Reid Hardman, presented an annual report on behalf of the Depot Advisory Commission. After a discussion about the dual role of the Depot Advisory Commission and the Historic Lake Wales Society Board, City Manager Kenneth Fields confirmed that the City Commission could sunset the Depot Advisory Commission, and that an ordinance could be drafted for that purpose.

Ordinance 2014-04 is prepared for consideration by the City Commission to dissolve the Depot Advisory Commission since there is no sunset provision to keep its existence.

## **FISCAL IMPACT**

Dissolving the Depot Advisory Commission will eliminate the need for staff time to attend meetings, prepare agendas, and minutes.

## **ATTACHMENTS**

Ordinance 2014-04

**ORDINANCE 2014-04**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMITTEES, AND COMMISSIONS, THROUGH DELETION OF DIVISION 5, DEPOT ADVISORY COMMISSION, BY REPEALING ORDINANCE 79-22 CREATING THE DEPOT ADVISORY COMMISSION AND REPEALING ORDINANCES 2005-03, 2008-37; AND 2008-41 WHICH SERVED TO AMEND ORDINANCE 79-22; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida,

**SECTION 1.** Division 5 of Chapter 2, Article II, of the Lake Wales Code of Ordinances is hereby deleted from the said Code of Ordinances by repeal of Ordinances 79-22, 2005-03, 2008-37 and 2008-41.

**SECTION 2.** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 3.** This ordinance shall become effective immediately upon its passage by the city commission.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_ day of \_\_\_\_\_ 2014

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Mayor/Deputy Mayor  
City of Lake Wales, Polk County

ATTEST:

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City Clerk