

RESOLUTION NO. 47-89 OF THE CITY OF LAKE WORTH, FLORIDA, DECLARING THE CITY COMMISSION TO BE A COMMUNITY REDEVELOPMENT AGENCY; REQUIRING THE CITY COMMISSION TO APPOINT TWO ADDITIONAL PERSONS TO THE CRA; PROVIDING FOR LENGTH OF TERMS OF OFFICE OF TWO ADDITIONAL MEMBERS; INCORPORATING BY REFERENCE COMMUNITY REDEVELOPMENT ACT OF 1969, AS AMENDED; CONFLICTING RESOLUTIONS REPEALED; SEVERABILITY CLAUSE; EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The City Commission of the City of Lake Worth, Florida, hereby declares itself to be a community redevelopment agency under the Community Redevelopment Act of 1969, as amended.

Section 2. The City Commission shall appoint two additional persons to act as members of the Community Redevelopment Agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years.

Section 3. The Community Redevelopment Agency shall be organized and exercise its authority in accord with the Community Redevelopment Act of 1969, as amended, which is fully incorporated herein by reference.

Section 4. All resolutions in conflict herewith are hereby repealed.

Section 5. If any provision of this resolution, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. This Resolution shall take effect immediately upon passage.

The passage of this Resolution was moved by Commissioner Coonerty, seconded by Commissioner Wright, and upon being put to a vote, the vote was as follows:

Mayor Ronald E. Exline	<u>AYE</u>
Vice Mayor Jim Jones	<u>ABSENT</u>
Commissioner Michael Coonerty	<u>AYE</u>
Commissioner Charles Wright	<u>AYE</u>
Commissioner Roy D. Strohacker	<u>AYE</u>

The Mayor thereupon declared this Resolution duly passed and adopted this 3rd day of July, 1989.

LAKE WORTH CITY COMMISSION

By: Ronald E. Exline
Mayor

ATTEST:

Barbara A. Joseph
City Clerk

Submitted: 7/3/89

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ORDINANCE NO. 93-2 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, OF THE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING FOR A SEVEN-PERSON BOARD OF COMMISSIONERS OF THE CRA, APPOINTED BY THE CITY COMMISSION; SEVERABILITY CLAUSE; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. Chapter 2, Article V, of the Code of Ordinances is amended in its entirety to read:

Chapter 2

ADMINISTRATION

ARTICLE V. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-59. Organization.

The board of commissioners of the Lake Worth Community Redevelopment Agency, which was previously created by resolution of the city commission and consisted of the five members of the city commission plus two additional persons, shall hereafter consist of seven commissioners appointed by the city commission. Said board shall be organized and shall operate as provided in section 163.356, Florida Statutes (1991), as amended from time to time.

Sec. 2-60 -- 2-62. Reserved.

Section 2. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 3. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. Section 1 of this Ordinance shall be codified.

Section 5. This Ordinance shall become effective ten (10) days after passage.

ORIGINAL DOCUMENT

The passage of this Ordinance on first reading was moved by Commissioner Shepherd, seconded by Commissioner Clager, and upon being put to a vote, the vote was as follows:

Mayor David Hinsa	AYE
Commissioner C. L. Clarke	AYE
Commissioner Dennis F. Dorsey	NAY
Commissioner Daniel T. Shepherd	AYE
Commissioner Lloyd A. Clager	AYE

The Mayor thereupon declared this Ordinance duly passed on first reading on the 20th day of January, 1993.

The passage of this Ordinance on second reading was moved by Commissioner Shepherd, seconded by Commissioner Clarke, and upon being put to a vote, the vote was as follows:

Mayor David Hinsa	AYE
Commissioner C. L. Clarke	AYE
Commissioner Dennis F. Dorsey	ABSENT
Commissioner Daniel T. Shepherd	AYE
Commissioner Lloyd A. Clager	AYE

The Mayor thereupon declared this Ordinance duly passed and enacted on the 3rd day of February, 1993.

Signed this 11th day of February, 1993.

By: [Signature]
David Hinsa, Mayor

ATTEST:

[Signature]
Barbara O'Polyn, Deputy City Clerk

Submitted: January 20, 1993



ORIGINAL DOCUMENT

ORDINANCE NO. 95-18 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTERS 2, 9, 13, AND 23 OF THE CODE OF ORDINANCES REGARDING ATTENDANCE REQUIREMENTS FOR MEMBERS OF CITY BOARDS, PROVIDING FOR VACANCIES ON BOARDS FOR NON-ATTENDANCE; SEVERABILITY CLAUSE; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. Chapter 2 of the Code of Ordinances is amended by adding the words and figures shown in underlined type and by deleting the words and figures shown in struck-through type as follows:

Chapter 2

ADMINISTRATION

* * *

ARTICLE IV. UTILITIES ADVISORY BOARD

Sec. 2-48. Created; organization.

(a) *Creation.* There is hereby created a seven-member Lake Worth Utilities Advisory Board to be appointed by the city commission. Six (6) members shall be residents of the city. One (1) member shall not be a resident of the city but shall be a resident of the geographic area served by the city's electric utility.

(b) *Initial appointments; vacancies.* The initial appointments to the board shall be as follows:

- (1) Two (2) members appointed for a term of one (1) year each.
- (2) Three (3) members appointed for a term of two (2) years each.
- (3) Two (2) members appointed for a term of three (3) years each.

Thereafter, any appointment shall be made for a term of three (3) years. An appointment to fill a vacancy on the board shall be for the remainder of the unexpired term. If any member of the board shall fail fails to be present at attend three (3) consecutive regularly scheduled meetings or at twenty-five percent (25%) of the meetings of the board held within any twelve (12) month period, a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records without board approval; then the board shall declare a vacancy at the conclusion of the third meeting and the city commission shall promptly fill the vacancy.

(c) *Chairman and vice-chairman.* The members of the board shall elect a chairman and vice-chairman, who shall be voting members, from among its members. The initial election shall take place at the initial meeting of the board. Thereafter, the election shall take place at the first meeting of each calendar year.

* * *

ARTICLE V. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-59. Organization.

ORIGINAL DOCUMENT

The board of commissioners of the Lake Worth Community Redevelopment Agency, which was previously created by resolution of the city commission and consisted of five (5) members of the city commission plus two (2) additional persons, shall hereafter consist of seven commissioners appointed by the city commission. The board shall be organized and shall operate as provided in section 163.356, Florida Statutes (1991), as amended from time to time.

Sec. 2-59.1 Forfeiture of membership on board for absenteeism.

The city commission hereby declares that if any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty-five percent (25%) of the meetings of the Board held within any twelve (12) month period, a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records.

Secs. 2-60 -- 2-62. Reserved.

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ARTICLE VI. CODE ENFORCEMENT BOARDS

* * *

Sec. 2-64. Created; organization.

(a) *Creation; terms; appointments.* There are hereby created two (2) seven-member Lake Worth Code Enforcement Boards to be appointed by the city commission. The city commission shall also appoint legal counsel for the boards. Members shall be residents of the city. Appointments shall be made on the basis of experience or interest in the fields of zoning and building control. Membership shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor.

(b) *Initial appointments; vacancies.* The initial appointments to the boards shall be as follows:

- (1) Two (2) members appointed for a term of one (1) year each.
- (2) Three (3) members appointed for a term of two (2) years each.
- (3) Three (3) members appointed for a term of three (3) years each.

Thereafter, any appointment shall be made for a term of three (3) years. A member may be reappointed for successive terms without limitation upon approval of the city commission. An appointment to fill any vacancy on either board shall be for the remainder of the unexpired term of office. If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty-five percent (25%) of the meetings of the board held within any twelve (12) month period, a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records. ~~If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy.~~

(c) *Organization; quorum; compensation.* The members of each board shall elect a chairman, who shall be a voting member, from among the members of the board. The presence of four (4) or more members shall constitute a quorum of each board. Members shall serve without compensation but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the city commission or otherwise provided by law.

ORIGINAL DOCUMENT

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ARTICLE IX. CITY TREE BOARD

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Sec. 2-83.1 Forfeiture of membership on board for absenteeism.

If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty five percent (25%) of the meetings of the Board held within any twelve (12) month period. a vacancy in the board shall occur, unless the absences shall be excused by the City Commission and the reason therefore entered into the City's records

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Section 2. Chapter 9 of the Code of Ordinances is amended by adding the words and figures shown in underlined type as follows:

Chapter 9

BUILDINGS AND STRUCTURAL REGULATIONS

* * *

ARTICLE I. IN GENERAL

* * *

Sec. 9-2.3. Amendments to the 1988 Palm Beach County Amendments to the Standard Building Code, 1988 edition.

* * *

Section 105. Construction board of adjustments and appeals.

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Subsection 105.2.2. Terms. Delete existing paragraph and substitute the following:

Of the members appointed, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, one (1) for a term of three (3) years, and thereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty five percent (25%) of the meetings of the board held within any twelve (12) month period. a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records. Continued absence of any member from regular meetings of the board shall, at the discretion of the chief

* * *

Sec. 9-2.4. Amendments to Standard Unsafe Building Abatement Code, 1985 edition, fifth printing.

* * *

ORIGINAL DOCUMENT

Section 105. Delete existing subsection 105.2 and substitute the following:

* * *

Subsection 105.2. *Term of office.*

Of the members appointed, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, one (1) for a term of three (3) years, and thereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty five percent (25%) of the meetings of the board held within any twelve (12) month period, a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records. ~~Continued absence of any member from regular meetings of the board shall, at the discretion of the chief appointing authority render any such member liable to immediate removal from office:~~

* * *

Section 3. Chapter 13 of the Code of Ordinances is amended by adding the words and figures shown in underlined type as follows:

Chapter 13

LIBRARY

* * *

Sec. 13-2. Board membership.

The library board shall consist of five (5) members appointed by the city commission who shall serve without compensation. As presently constituted, the library board terms are staggered terms, each term being a duration of five (5) years. With the expiration of each term, the city commission shall continue to appoint for new terms, and for interim vacancies created by resignation or by the city commission. If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty five percent (25%) of the meetings of the board held within any twelve (12) month period, a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records.

* * *

Section 4. Chapter 23 of the Code of Ordinances is amended by adding the words and figures shown in underlined type and by deleting the words and figures shown in struck-through type as follows:

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Chapter 23

ZONING

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ORIGINAL DOCUMENT

ARTICLE XXIII. ADMINISTRATION

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ORIGINAL DOCUMENT

23.23.01.00. City planning board.

23.23.01.01. *Created; members; terms; vacancies.* Pursuant to paragraph 23 of section 4 of the city Charter authorizing the establishment of a city planning board, and pursuant to Chapter 163.180, Florida Statutes, there is hereby created a city planning board, which shall consist of five (5) members. The five (5) members shall be appointed by the city commission. The first five (5) members shall be appointed for the following terms: one (1) for a term of one (1) year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Thereafter, all succeeding members of said board shall be appointed for a term of three (3) years. In addition to the regular board members, the city commission shall appoint two (2) additional members to be designated as alternate number 1 and alternate number 2, to serve in that order in place of absent or disabled regular members. Effective June 28, 1990, the alternate members shall become regular voting members, with terms expiring on December 31, 1990, and the board shall consist of seven (7) regular members and no alternate members. If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty-five percent (25%) of the meetings of the board held within any twelve (12) month period, a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records. Vacancies in the board membership by resignation, illness or other causes shall be filled by the city commission for the unexpired term of the member involved. Members of the city planning board may be removed from office by the city commission upon written charges and after public hearing. The board shall select its own chairman and vice-chairman annually at the first meeting in January. The director of planning and engineering shall serve as secretary and advisor to the board.

* * *

Sec. 23.23.02.00. Zoning board of appeals.

* * *

23.23.02.02. *Personnel and organization.* The zoning board of appeals shall consist of five (5) regular members appointed by the city commission and who shall serve without compensation. The first five (5) members shall be appointed for the following terms: one (1) for a term of one (1) year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Thereafter, all succeeding members of said board shall be appointed for a term of three (3) years

In addition to the regular board members, the city commission shall appoint two (2) additional members, to be designated as alternate number 1 and alternate number 2, to serve in that order at meetings of the board whenever one (1) or more regular members are absent or excused or otherwise unable to participate. Four (4) voting members on said board shall be deemed a quorum. Alternate members shall serve for two (2) years, but of the first appointed alternate members, one (1) shall serve for one (1) year and one (1) shall serve for two (2) years. Thereafter, alternate members shall be appointed for two-year terms. If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty-five percent (25%) of the meetings of the board held within any twelve (12) month period, a vacancy in the board shall occur, unless the absences shall be excused by the city commission and the reason therefore entered into the city's records. Vacancies in the board membership by resignation, illness or other causes shall be filled by the city commission for the unexpired term of the member involved. Members of the zoning board of appeals may be removed from office by the city commission upon written charges and after public hearing. The board shall select its own chairman and vice-chairman annually at the

first meeting in January. The building and zoning director or his designated representative shall serve as secretary and advisor to the board.

* * *

Section 5. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Sections 1, 2, 3 and 4 of this Ordinance shall be codified.

Section 8. This Ordinance shall become effective ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner Dovey, seconded by Commissioner Ramiccio, and upon being put to a vote, the vote was as follows:

Mayor Rodney G. Romano	AYE
Commissioner Retha Lowe	AYE
Commissioner Robert E. Dovey, Jr.	AYE
Commissioner Tom Ramiccio	AYE
Commissioner Lloyd A. Clager	AYE

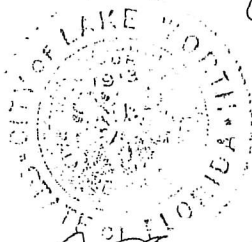
The Mayor thereupon declared this Ordinance duly passed on first reading on the 5th day of July, 1995.

The passage of this Ordinance on second reading was moved by Commissioner Dovey, seconded by Commissioner Ramiccio, and upon being put to a vote, the vote was as follows:

Mayor Rodney G. Romano	AYE
Commissioner Retha Lowe	AYE
Commissioner Robert E. Dovey, Jr.	AYE
Commissioner Tom Ramiccio	AYE
Commissioner Lloyd A. Clager	AYE

The Mayor thereupon declared this Ordinance duly passed and enacted on second reading on the 18th day of July, 1995.

Signed this 25th day of July, 1995.



LAKE WORTH CITY COMMISSION

By: [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

Submitted: July 5, 1995

ORIGINAL DOCUMENT

ORDINANCE NO. 97-18 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, OF THE CODE OF ORDINANCES; REGARDING COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE CITY COMMISSION TO BE A COMMUNITY REDEVELOPMENT AGENCY; SEVERABILITY CLAUSE; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; EFFECTIVE DATE.

WHEREAS, on February 3, 1993, the City of Lake Worth passed Ordinance No. 93-2 declaring the Community Redevelopment Agency members to be appointed according to section 163.356, Florida Statutes; and

WHEREAS, the city commission at this time has determined that the city will be better served by the appointment of the governing body of the city as the Community Redevelopment Agency pursuant to section 163.357, Florida Statutes; and

WHEREAS, the Community Redevelopment Agency previously organized under section 163.356, Florida Statutes, is being amended to be organized under section 163.357, Florida Statutes, naming the city commission as the Community Redevelopment Agency

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. Chapter 2, Article V, of the Code of Ordinances is amended by adding the words and figures shown in underlined type and deleting the words and figures shown in struck-through type as follows:

Chapter 2

ADMINISTRATION

ARTICLE V. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-59. Organization.

The city commission of the City of Lake Worth, Florida hereby declares itself to serve as the Community Redevelopment Agency. The city commission shall appoint two (2) additional members to act as members of the Community Redevelopment Agency. The term 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. The board of commissioners of the Lake Worth Community Redevelopment Agency, which was previously created by resolution of the city commission and consisted of the five (5) members of the city commission plus two (2) additional members, shall hereafter consist of seven commissioners appointed by the city commission. The board shall be organized and shall operate as provided in section 163.357 163.356, Florida Statutes (1991), as amended from time to time.

Sec. 2-59.1. Forfeiture of membership on board for absenteeism.

The city commission hereby declares that if any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty-five (25) percent of the meetings of the board held within any twelve-month period, without cause and without prior approval of the chairman and the reason therefor entered into the board's minutes, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy.

Secs. 2-60--2-62. Reserved.

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ORDINANCE NO. 97-18 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, OF THE CODE OF ORDINANCES; REGARDING COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE CITY COMMISSION TO BE A COMMUNITY REDEVELOPMENT AGENCY; SEVERABILITY CLAUSE; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; EFFECTIVE DATE.

Section 2. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Section 1 of this Ordinance shall be codified.

Section 5. This Ordinance shall become effective ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner Clager, seconded by Commissioner Lowe, and upon being put to a vote, the vote was as follows:

Mayor Tom Ramiccio	AYE
Commissioner Retha Lowe	AYE
Commissioner Jose M. Sosa	Not present
Commissioner Gary Bo Allen	AYE
Commissioner Lloyd A. Clager	AYE

The Mayor thereupon declared this Ordinance duly passed on first reading on the 15th day of July, 1997.

The passage of this Ordinance on second reading was moved by Commissioner Lowe, seconded by Commissioner Allen, and upon being put to a vote, the vote was as follows:

Mayor Tom Ramiccio	AYE
Commissioner Retha Lowe	AYE
Commissioner Jose M. Sosa	AYE
Commissioner Gary Bo Allen	AYE
Commissioner Lloyd A. Clager	AYE

The Mayor thereupon declared this Ordinance duly passed and enacted on second reading on the 5th day of August, 1997.

Signed this 13th day of August, 1997.



LAKE WORTH CITY COMMISSION

By: Tom Ramiccio
Mayor

ATTEST:

Barbara A. Graybe
City Clerk

Submitted: July 15, 1997

ORIGINAL DOCUMENT

ORDINANCE NO. 2001-19 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING SECTION 2-59 OF THE CODE OF ORDINANCES; REGARDING COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR A SEVEN MEMBER BOARD APPOINTED BY THE CITY COMMISSION TO BE A COMMUNITY REDEVELOPMENT AGENCY; APPOINTING FIVE ADDITIONAL MEMBERS TO THE BOARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 3, 1993, the City of Lake Worth passed Ordinance No. 93-2 declaring the Community Redevelopment Agency members to be appointed according to section 163.356, Florida Statutes; and

WHEREAS, on August 13, 1997, the City of Lake Worth passed Ordinance No 97-18 declaring that the City Commission and two additional appointed members would act as members of the Community Redevelopment Agency; and

WHEREAS, the City Commission at this time has determined that the City will be better served by the appointment of seven commissioners as the Community Redevelopment Agency pursuant to section 163.356, Florida Statutes; and

WHEREAS, the Community Redevelopment Agency previously organized under section 163.357, Florida Statutes, is being amended to be organized under section 163.356, Florida Statutes, naming the five additional commissioners to serve with the two present commissioners as the Community Redevelopment Agency;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. Section 2-59 of the City of Lake Worth Code of Ordinances is amended to read as follows:

Chapter 2

ADMINISTRATION

ARTICLE V. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-59. Organization.

~~The city commission of the City of Lake Worth, Florida hereby declares itself to serve as the Community Redevelopment Agency. The city commission shall appoint two (2) additional members to act as members of the Community Redevelopment Agency. The term 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. The board of commissioners of the Lake Worth Community Redevelopment Agency, which was previously created by resolution of the city commission and consisted of the five (5) members of the city commission plus two (2) additional members, shall hereafter consist of seven commissioners appointed by the city commission. The board shall be organized and shall operate as provided in section 163.357 163.356, Florida Statutes (1994), as amended from time to time.~~

Section 2. The additional five commissioners who shall serve along with the present two commissioners, are: Elizabeth Arevalo; Luke Mittner; Laurel Robinson; Tom Shea; and Bruce Webber; The Chair of this Agency is Laurel Robinson. The Vice-Chair of this Agency is Christopher F. Fleming.

Section 3. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

ORIGINAL DOCUMENT

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Section 1 of this Ordinance shall be codified.

Section 5. This Ordinance shall become effective ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner McKinnon, seconded by Commissioner Egly, and upon being put to a vote, the vote was as follows:

Mayor Rodney G. Romano	AYE
Commissioner Scott Maxwell	NAY
Commissioner Colburn H. McKinnon	AYE
Commissioner Gary Bo Allen	ABSENT
Commissioner Joe Egly	AYE

The Mayor thereupon declared this Ordinance duly passed on first reading on the 7th day of August, 2001.

The passage of this Ordinance on second reading was moved by Commissioner Maxwell, seconded by Commissioner Egly, and upon being put to a vote, the vote was as follows:

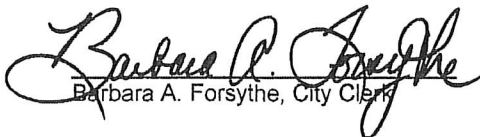
Mayor Rodney G. Romano	AYE
Commissioner Scott Maxwell	AYE
Commissioner Colburn H. McKinnon	ABSENT
Commissioner Gary Bo Allen	AYE
Commissioner Joe Egly	AYE

The Mayor thereupon declared this Ordinance duly passed and enacted on second reading on the 21st day of August, 2001.

LAKE WORTH CITY COMMISSION

By: 
Rodney G. Romano, Mayor

ATTEST:


Barbara A. Forsythe, City Clerk

Submitted: August 7, 2001



ORIGINAL DOCUMENT

RESOLUTION NO. 44-97 OF THE CITY OF LAKE WORTH, FLORIDA, DECLARING THE CITY COMMISSION TO BE A COMMUNITY REDEVELOPMENT AGENCY; REQUIRING THE CITY COMMISSION TO APPOINT TWO ADDITIONAL PERSONS TO THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR LENGTH OF TERMS OF OFFICE OF TWO ADDITIONAL MEMBERS; INCORPORATING BY REFERENCE COMMUNITY REDEVELOPMENT ACT OF 1969, AS AMENDED; CONFLICTING RESOLUTIONS REPEALED; SEVERABILITY CLAUSE; EFFECTIVE DATE.

WHEREAS, on February 3, 1993, the City of Lake Worth passed Ordinance No. 93-2 declaring the Community Redevelopment Agency members to be appointed according to section 163.356, Florida Statutes; and

WHEREAS, the City Commission at this time has determined that the City will be better served by the appointment of the governing body of the City as the Community Redevelopment Agency pursuant to section 163.357, Florida Statutes; and

WHEREAS, the Community Redevelopment Agency previously organized according to section 163.356, Florida Statutes, is being amended to be organized under section 163.357, Florida Statutes, naming the City Commission as the Community Redevelopment Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

ORIGINAL DOCUMENT

Section 1. The City Commission of the City of Lake Worth, Florida, pursuant to section 163.357, Florida Statutes, hereby declares itself to be the Community Redevelopment Agency for the City of Lake Worth under the Community Redevelopment Act of 1969, as amended.

Section 2. The City Commission shall appoint two additional persons to act as members of the Community Redevelopment Agency. 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.

Section 3. The Community Redevelopment Agency shall be organized and exercise its authority in accord with the Community Redevelopment Act of 1969, as amended, which is fully incorporated herein by reference.

Section 4. All resolutions in conflict herewith are hereby repealed.

Section 5. If any provision of this resolution, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. This Resolution shall take effect immediately upon its passage.

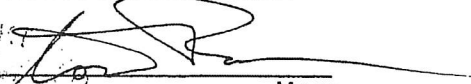
The passage of this Resolution was moved by Commissioner Clager, seconded by Commissioner Lowe, and upon being put to a vote, the vote was as follows:

Mayor Thomas M. Ramiccio	AYE
Commissioner Retha Lowe	AYE
Commissioner Jose M. Sosa	Not present
Commissioner Gary Bo Allen	AYE
Commissioner Lloyd A. Clager	AYE

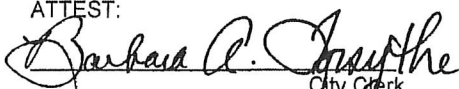
The Mayor, thereupon declared this Resolution duly passed and adopted on the 15th day of July, 1997.

Signed this 17th day of July, 1997.

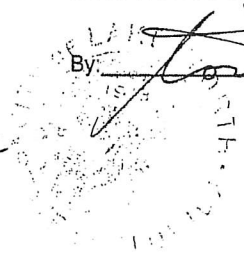
LAKE WORTH CITY COMMISSION

By:  Mayor

ATTEST:


Barbara A. Joseph
City Clerk

Submitted: July 15, 1997



RESOLUTION NO. 54-2001 OF THE CITY OF LAKE WORTH, FLORIDA, DECLARING A SEVEN MEMBER BOARD APPOINTED BY THE CITY COMMISSION TO BE THE COMMUNITY REDEVELOPMENT AGENCY; REQUIRING THE CITY COMMISSION TO APPOINT FIVE ADDITIONAL PERSONS TO THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR LENGTH OF TERMS OF OFFICE OF FIVE ADDITIONAL MEMBERS; DECLARING A CHAIR AND VICE-CHAIR OF THE AGENCY; INCORPORATING BY REFERENCE COMMUNITY REDEVELOPMENT ACT OF 1969, AS AMENDED; CONFLICTING RESOLUTIONS REPEALED; SEVERABILITY CLAUSE; EFFECTIVE DATE.

WHEREAS, on February 3, 1993, the City of Lake Worth passed Ordinance No. 93-2 declaring the Community Redevelopment Agency members to be appointed according to section 163.356, Florida Statutes; and

WHEREAS, on August 13, 1997, the City of Lake Worth passed Ordinance No. 97-18 declaring that the City Commission and two additional appointed members would act as members of the Community Redevelopment Agency; and

WHEREAS, the City Commission at this time has determined that the City will be better served by the appointment of seven commissioners as the Community Redevelopment Agency pursuant to section 163.356, Florida Statutes; and

WHEREAS, the Community Redevelopment Agency previously organized according to section 163.357, Florida Statutes, is being amended to be organized under section 163.356, Florida Statutes, providing for the City Commission to appoint five additional members, along with the present two members as the Community Redevelopment Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The City Commission of the City of Lake Worth, Florida, pursuant to section 163.356, Florida Statutes, hereby declares that seven commissioners appointed by the City Commission shall be the Community Redevelopment Agency for the City of Lake Worth under the Community Redevelopment Act of 1969, as amended.

Section 2. The City Commission shall appoint five additional persons to act as members of the Community Redevelopment Agency. The terms of office of the additional members shall be for four (4) years; The Chair of this Agency is Laurel Robinson. The Vice-Chair of this Agency is Christopher F. Fleming.

Section 3. The Community Redevelopment Agency shall be organized and exercise its authority in accord with the Community Redevelopment Act of 1969, as amended, which is fully incorporated herein by reference.

Section 4. All resolutions in conflict herewith are hereby repealed.

Section 5. If any provision of this resolution, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. This Resolution shall take effect immediately upon its passage.

The passage of this Resolution was moved by Commissioner Maxwell, seconded by Commissioner Egly, and upon being put to a vote, the vote was as follows:


Mayor Rodney G. Romano	AYE
Commissioner Scott Maxwell	AYE
Commissioner Colburn H. McKinnon	ABSENT
Commissioner Gary Bo Allen	AYE
Commissioner Joe Egly	AYE

ORIGINAL DOCUMENT

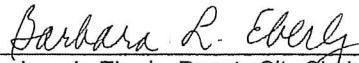
The Mayor, thereupon declared this Resolution duly passed and adopted on the 21st day of August, 2001.

Signed this 28th day of August, 2001.

LAKE WORTH CITY COMMISSION

By: 
Rodney G. Romano, Mayor

ATTEST:


Barbara L. Eberly, Deputy City Clerk

Submitted: August 21, 2001



ORIGINAL DOCUMENT

The 2022 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

[View Entire
Chapter](#)

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. [163.355](#), and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a “community redevelopment agency.” A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Community redevelopment agencies of a county have the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority’s governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(3)(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes 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 agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. 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 county or municipality, and is otherwise eligible for such appointment under this part.

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff.



(d) An agency authorized to transact business and exercise powers under this part shall file with the governing body the report required pursuant to s. 163.371(2).

(e) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

History.—s. 2, ch. 77-391; s. 1, ch. 83-231; s. 6, ch. 84-356; s. 903, ch. 95-147; s. 4, ch. 98-314; s. 41, ch. 2001-266; s. 4, ch. 2002-294; s. 2, ch. 2006-307; s. 2, ch. 2019-163; s. 28, ch. 2020-2.

The 2022 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

View Entire
Chapter

163.357 Governing body as the community redevelopment agency.—

(1)(a) As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. [163.355](#), or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(b) The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

(c) A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section are subject to all provisions of this part relating to appointed members of a community redevelopment agency.

(d) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(2) Nothing in this part prevents the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency is subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History.—s. 2, ch. 77-391; s. 75, ch. 79-400; s. 2, ch. 83-231; s. 5, ch. 84-356; s. 3, ch. 2006-307.



Florida Attorney General Advisory Legal Opinion

Number: AGO 2019-12

Date: November 1, 2019

Subject: Community redevelopment agency -- transfer of authority

Mr. Gerald T. Buhr
City Attorney, City of Avon Park
7747 US Open Look
Lakewood Ranch, FL 34202

Dear Mr. Buhr:

On behalf of the City of Avon Park, you have requested an opinion on the following question:

Whether the city council, presently sitting as the governing board of the city community redevelopment agency, can transfer its authority to an independent board?

In sum:

Chapter 163, Florida Statutes, does not authorize the city council to transfer its existing authority as the city community redevelopment agency to an independent board.

The Community Redevelopment Act of 1969, codified in chapter 163, Florida Statutes, permits county and municipal governments to create community redevelopment agencies to redevelop and revitalize slum and blighted areas. A community redevelopment agency may only be created after the local government adopts a resolution making a finding of need.^[1] Once created, a community redevelopment agency is a separate “public body corporate and politic”^[2] from the local government. Generally, the Act provides that such a separate public agency when formed may be governed in two ways. First, the local government may, by ordinance, appoint a board of commissioners which may be comprised of members distinct from the members of the board of the local government.^[3] Second, the local government’s “governing body” may instead designate itself as the community redevelopment agency board.^[4]

Consistent with chapter 163, Florida Statutes,^[5] and its own Code of Ordinances



city council of the City of Avon Park, in creating a city community redevelopment agency, chose the latter structure and declared its members, by resolution, to be the commissioners of the community redevelopment agency. The city council now asks whether it can designate, as the community development agency acting in its stead, a public agency configured as set forth in section 163.356, Florida Statutes.

Section 163.356(2), Florida Statutes, requires that a board of commissioners distinct from the city council be appointed “[w]hen the governing body adopts a resolution declaring the need for a community redevelopment agency.” The statute is clear that the board of commissioners be established when the community redevelopment agency is established. There is no provision for transfer of governance of an established community redevelopment agency to a later constituted board of commissioners. Notably, the converse is not true. Section 163.357(1)(a), Florida Statutes, provides that, “[a]s an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, *at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution*, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.”^[7] (Emphasis added.)

Therefore, I am of the opinion that the city council lacks statutory authority to transfer its authority as the community redevelopment agency of an existing agency to an independent board.

Sincerely,

Ashley Moody
Attorney General

AM/tlm

[1] § 163.355, Fla. Stat. (2019).

[2] § 163.356(1), Fla. Stat.

[3] § 166.356(2), Fla. Stat.

[4] § 163.357(1)(a), Fla. Stat.; see also § 163.40(3), Fla. Stat. (defining “governing body” as “the council, commission, or other legislative body charged with governing the county or municipality”).

[5] See § 163.357(1)(a), Fla. Stat. (2019).

[6] See Avon Park, Fla., Code of Ordinances Ch. 74, § 74-76 (“The city council shall, by resolution, declare themselves to be the commissioners of the community redevelopment agency.”).

[7] The reference in section 163.357(1)(a) to “not fewer than five or more than seven members of the agency” appears to be a cross-reference to section 163.356(2), which now provides for a board composition of “not fewer than five or more than nine commissioners.” This language was added to section 163.357(1)(a) at the same time that identical language concerning the number of board members was added to section 163.356(2). See Ch. 83-231, § 1-2, Laws of Fla.