

ORDINANCE NO. 06-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS, AND COMMISSIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY ADOPTING SECTION 32.02, "THE COMMUNITY REDEVELOPMENT AGENCY" DECLARING AND ESTABLISHING THE CITY COMMISSION OF THE CITY OF DELRAY BEACH AS THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the Delray Beach did, pursuant to Ordinance 46-85, create the Delray Beach Community Redevelopment Agency ("Agency") pursuant to the Section 163.386, *Fla. Stat.*

WHEREAS, the City Commission did, pursuant to Ordinance 62-86, create the Redevelopment Trust Fund ("Redevelopment Fund") pursuant to Section 163.387, *Fla. Stat.*

WHEREAS, pursuant to Resolution 57-18, the City Commission declared itself to be the Community Redevelopment Agency for the City of Delray Beach pursuant to the provisions of Section 163.357, *Fla. Stat.*

WHEREAS, pursuant to Ordinance 05-18, the City Commission did repeal City Land Development Regulations Section 8.1 "The Community Redevelopment Agency" in order to adopt a new section entitled "The Community Redevelopment Agency" in the Code of Ordinances, which codifies the provisions of Resolution 57-18 and restates the existence of the Redevelopment Trust Fund as created in Ordinance 62-86.

WHEREAS, the City Commission has determined that the adoption of this ordinance in the best interests of the health, safety, and welfare of the citizens and the public at-large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, that:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Chapter 32, "Departments, Boards, and Commissions", Section 32.02, "The Community Redevelopment Agency", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby adopted to read as follows:

Sec. 32.02 – The Community Redevelopment Agency (CRA)

(A) The City Commission of the City of Delray Beach shall constitute the Community Redevelopment Agency (“CRA” or “Agency”). Members of the CRA shall be referred to as the CRA Board of Commissioners.

(B) *Powers.* The Community Redevelopment Agency shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of F.S. Ch. 163, Part III including all powers listed in F.S. Section 163.370(1).

(C) The CRA Board of Commissioners shall adopt by-laws and/or rules of procedure to advise and govern the conduct of Agency meetings and business. The CRA Board of Commissioners may adopt the Local Rules of Procedure of the City Commission of Delray Beach in order to satisfy this requirement.

(D) *Redevelopment Trust Fund.*

- (1) There has been established and created, and shall be hereafter maintained, a Redevelopment Trust Fund in accordance with the provisions of F.S. Section 163.387.
- (2) The Agency shall utilize the funds and revenues paid into and earned by the Redevelopment Trust Fund for all and every community redevelopment purpose as contained in the plan for redevelopment and as provided by law.
- (3) The Agency is hereby directed to maintain the Trust Fund and to develop and promulgate rules, regulations, and criteria whereby the Trust Fund may be promptly and effectively administered, including the establishment and the maintenance of books and records and the adoption of procedures whereby the Agency may expeditiously utilize the funds for their allocated statutory purpose.

Section 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2018.

ATTEST:

Shelly Petrolia, MAYOR

City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney