

ORDINANCE NO. 08-2019

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN A REFERENDUM QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT AN EXEMPTION TO THE PAYMENT OF AD VALOREM PROPERTY TAXES THAT A NEW BUSINESSES OR AN EXISTING BUSINESSES IN THE TOWN THAT IS PROPOSING TO EXPAND PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 17, 2020 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to §166.021, Fla. Stat. (2018), the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to §196.1955, Fla. Stat. (2018), the Town Commission is authorized to submit to a referendum of the Town's registered electors the question of whether or not the Commission may grant property tax exemptions to qualified new or existing businesses which propose to expand as authorized by Section 3 of Article VII of the Florida Constitution; and

WHEREAS, pursuant to §196.1995, Fla. Stat. (2018) any exemption authorized as a result of the referendum may remain in effect for up to 10 years with respect to any particular facility, regardless of any change in the authority of the Town Commission which has granted an exemption; and

WHEREAS, the years of exemption and those businesses eligible for an exemption shall be based upon the criteria set forth by Florida Statutes and by such criteria as the Commission in its sole discretion may establish, on a case by case basis; and

WHEREAS, §100.342, Fla. Stat. (2018), requires that the Town publish two (2) notices in a newspaper of general circulation in the Town, evidencing the Town’s intention to hold a referendum to determine whether a majority of the qualified electors of the Town, approve of the Town Commission granting an exemption from the payment of the Town’s ad valorem property taxes to new or expanding businesses in the town; and

WHEREAS, pursuant to §100.342, Fla. Stat. (2018), the first notice shall be published in the fifth week prior to the week the referendum is to be held, and the second notice shall be published in the third week prior to the week the referendum is to be held.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. Referendum declared. A Referendum of the registered electors of the Town is hereby called for and shall be held in the Town of Lake Park, Florida on the 17th day of March 2020, to determine whether or not a majority of the electors voting in the Referendum, will authorized the Commission to grant to new or expanding businesses in the town an exemption from the payment of the ad valorem property taxes levied by the Town.

Section 2. Ballot title. The ballot title which is the subject of this Referendum, and by which to be commonly referred to or spoken of, shall be captioned as “Town of Lake Park, Florida, Authorization to grant an exemption to the ad valorem property taxes levied by the Town to new businesses or for the expansion of an existing business in the Town.”

Section 3. Conduct of Referendum. The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places. All qualified electors of the Town of Lake Park, Florida who vote in the Referendum shall vote at those polling places so designated by the Supervisor of Elections. The polls shall be opened on the date of the Referendum from 7:00 a.m.

until 7:00 p.m.. Only the duly qualified electors of the Town of Lake Park, Florida are permitted to vote on this Referendum question. In the event a majority of the qualified electors, voting in the Referendum vote affirmatively, then the Town shall be considered to have satisfied the requirements of Section 196.1955, Fla. Stat. (2018) and the Town Commission shall have been authorized to grant property tax exemptions to new businesses which propose to locate in the town, or to existing businesses which propose to expand within the town.

Section 4. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Referendum by causing appropriate notices to be published in accordance with the provisions of §100.342, Fla. Stat. (2018), at least once each week during the third and fifth weeks preceding the week in which the Referendum is to be held. The publications of notice shall be placed in the *Palm Beach Post* a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

Section 5. Ballot summary. The ballot summary concerning the Referendum question shall be:

SHALL THE TOWN COMMISSION BE AUTHORIZED PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION TO GRANT AN AD VALOREM PROPERTY TAX EXEMPTION OF THE TAXES TO BE PAID TO THE TOWN FOR QUALIFIED NEW BUSINESSES PROPOSING TO LOCATE IN THE TOWN, OR FOR THE EXPANSION OF AN EXISTING QUALIFIED BUSINESSES IN THE TOWN?

YES FOR AUTHORITY TO GRANT TOWN TAX EXEMPTIONS

NO AGAINST AUTHORITY TO GRANT TOWN TAX EXEMPTIONS

Section 6. **Canvassing.** The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the Referendum shall be recorded in the minutes of the Town Commission in the manner prescribed by law.

Section 11, Effective date. This Ordinance shall take effect immediately upon execution.

Upon First Reading this 18 day of September, 2019, the foregoing Ordinance was offered by Commissioner Linden, who moved its approval. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>Absent</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>Absent</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 23 DAY OF September, 2019

Upon Second Reading this 2 day of October, 2019, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro who moved its adoption. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 08-2019 duly passed and adopted this 2 day of October, 2019.

TOWN OF LAKE PARK, FLORIDA

BY: K. Glas-Castro
Mayor, Michael O'Rourke

ATTEST:

[Signature]
Town Clerk, Vivian Mendez
SEAL
(Town Seal)

FLORIDA

Approved as to form and legal sufficiency:

[Signature]
Town Attorney, Thomas J. Baird