

ORDINANCE NO. 21-2008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 10, 2009 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. (2007), the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to §196.1955, Fla. Stat. (2007), the Town Commission has been 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 businesses or existing businesses which propose to expand pursuant to Section 3 of Article VII of the State Constitution; and

WHEREAS, pursuant to §196.1995, Fla. Stat. (2007) any exemption granted 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. (2007), 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 Town property taxes to new or expanding businesses in the town; and

WHEREAS, pursuant to §100.342, Fla. Stat. (2007), 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 is hereby called for and shall be held in the Town of Lake Park, Florida on the 10th day of March 2009, to determine whether or not a majority of the electors voting in the Referendum, support the Commission's proposal to be authorized to grant to new or expanding businesses in the town an exemption from the payment of 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 property tax exemptions to new businesses and expansions of existing businesses."

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

a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Lake Park, Florida shall be permitted to vote on this Referendum question. In the event a majority of electors, voting in the Referendum vote affirmatively then the Town shall have satisfied the requirements of Section 196.1955, Fla. Stat. (2007) and the Town Commission shall have been authorized to grant property tax exemptions to new businesses and expansions of existing businesses. .

Section 4. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Referendum by causing appropriate notice to be published in accordance with the provisions of §100.342, Fla. Stat. (2007), at least once each week during the third and fifth weeks preceding the week in which the Referendum is to be held. The publications 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 TO GRANT PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION, PROPERTY TAX EXEMPTIONS TO QUALIFIED NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES?

YES FOR AUTHORITY TO GRANT EXEMPTIONS

NO AGAINST AUTHORITY TO GRANT 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 adoption.

Upon First Reading this 3 day of December, 2008, the foregoing Ordinance, was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Osterman, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF December, 2008

Upon Second Reading this 17 day of December, 2008, the foregoing Ordinance, was offered by Commissioner Carey who moved its adoption. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 21-2008** duly passed and adopted this 17 day of December, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

Vivian M. Lemley
Town Clerk, Vivian Mendez Lemley

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

