

**ORDINANCE NO. 06- 072**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, AMENDING POLK COUNTY ORDINANCE 98-50 CREATING THE ELOISE COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION FOUR OF THE ORDINANCE TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA SHALL SERVE AS THE ELOISE COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION FIVE OF THE ORDINANCE TO PROVIDE FOR THE PROCESS OF REMOVAL OF AN AGENCY MEMBER; AMENDING SECTION SIX OF THE ORDINANCE TO PROVIDE FOR THE TERMS OF THE AGENCY'S MEMBERS; AMENDING SECTION SEVEN OF THE ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF A CHAIRPERSON AND A VICE-CHAIRPERSON; PROVIDING FOR TERMINATION OF PREVIOUS APPOINTMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners, Polk County, Florida (also referred to as "the County Commission") created the Eloise Community Redevelopment Agency, a Community Redevelopment Agency ("the Agency"); and

**WHEREAS**, the Agency is currently the only Community Redevelopment Agency created by the County Commission within unincorporated Polk County, which does not have the County Commission serving as the governing body of the Community Redevelopment Agency; and

**WHEREAS**, the County Commission is authorized to appoint the five members of the County Commission to serve as the members of the Agency; and

**WHEREAS**, it is more efficient and it is in the best interest of the citizens of Polk County and the Eloise area for the County Commission serve as the members of the Agency.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners, Polk County, Florida that:

**SECTION ONE. Authority:**

This ordinance is adopted in compliance with and pursuant to Chapter 163, Part III, Florida Statutes (2006), the Community Redevelopment Act of 1969 ("the Act").

**SECTION TWO. Composition of the Agency:**

Section Four of Polk County Ordinance 98-50, is amended to replace the current text of that section, in its entirety, with the following:

**SECTION FOUR. Appointment of Board of Commissioners:** Pursuant to §163.357, Florida Statutes and Resolution No. 06-177, the board of commissioners of the Eloise Community Redevelopment Agency ("Agency members") shall consist of the five members of the Board of County Commissioners, Polk County, Florida.

**SECTION THREE. Removal of an Agency Member:**

Section Five of Polk County Ordinance 98-50, is amended to replace the current text of that section, in its entirety, with the following:

**SECTION FIVE. Removal of an Agency Member:** Agency members may be removed for cause after a public hearing, pursuant to §163.356(4), Florida Statutes.

**SECTION FOUR. Terms of the Agency Members:**

Section Six of Polk County Ordinance 98-50, is amended to replace the current text of that section, in its entirety, with the following:

**SECTION SIX. Terms of the Agency Members:** The members of the board of commissioners of the Eloise Community Redevelopment Agency shall serve as long as they are members of the Board of County Commissioners, Polk County, Florida, provided that they have not been removed pursuant to Section 5 herein.

**SECTION FIVE. Appointment of a Chairperson and Vice-Chairperson:**

Section Seven of Polk County Ordinance 98-50, is amended to replace the current text of that section, in its entirety, with the following:

**SECTION SEVEN. Appointment of a Chairperson and Vice-Chairperson:** The Board of County Commissioners, Polk County, Florida shall designate a chairperson and a vice-chairperson of the board of commissioners of the Eloise Community Redevelopment Agency.

**SECTION SIX. Termination of Previous Appointments:**

The County Commission's previous member appointments to the Agency which were made prior to this ordinance becoming effective shall terminate immediately upon this ordinance becoming effective.

**SECTION SEVEN. Severability:**

If any provision of this ordinance is held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining section or portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or

circumstance, such holding shall not affect its applicability to any other person, property or circumstance.

**SECTION EIGHT. Filing with the Department of State:**

Pursuant to § 125.66(2)(b), Florida Statutes (2006), the Clerk of the Board of County Commissioners, Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners, Polk County, Florida.

**SECTION NINE. Effective Date:**

This ordinance shall become effective immediately upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY,  
FLORIDA this 8<sup>th</sup> day of November 2006.

STATE OF FLORIDA, )

COUNTY OF POLK )

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida hereby certify that the foregoing is a true and correct copy of Ordinance No. 06-072, "Amendment to Ordinance No. 98-50 Eloise Community Redevelopment Agency" which was adopted by the Board on November 8, 2006.

WITNESS my hand and official seal of said Board this 14<sup>th</sup> day of  
November 2006.

Richard M. Weiss  
Clerk to the Board



By Kathryn Courtney  
Kathryn Courtney  
Deputy Clerk



**STATE OF FLORIDA  
DEPARTMENT OF STATE**  
STATE LIBRARY AND ARCHIVES OF FLORIDA

**JEB BUSH**  
*Governor*

**SUE M. COBB**  
*Secretary of State*

November 22, 2006

Kathryn Courtney, Deputy Clerk  
Clerk to the Board  
Polk County  
Post Office Box 988  
Bartow, Florida 33831-0988

Dear Ms. Courtney:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 13, 2006 and certified copies of Polk County Ordinance Nos. 06-072 through 06-082, which were filed in this office on November 17, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/bpn

**RECEIVED**

11-27-06

**Clerk Of The Board**

**DIRECTOR'S OFFICE**

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

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ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282

## **NOTICE OF INTENTION TO ADOPT ORDINANCE AND RESOLUTION**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners, Polk County, Florida (Board), on November 8, 2006 at 1:30 p.m., or as soon thereafter as the matters may be heard, in the Boardroom of the Neil Combee Administration Building, located at 330 W. Church Street, Bartow, Florida, 33880 will hold public hearings to consider adopting an ordinance and adopting a resolution the titles and substance of said proposed ordinance and resolution being:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, AMENDING POLK COUNTY ORDINANCE 98-50 CREATING THE ELOISE COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION FOUR OF THE ORDINANCE TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA SHALL SERVE AS THE ELOISE COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION FIVE OF THE ORDINANCE TO PROVIDE FOR THE PROCESS OF REMOVAL OF AN AGENCY MEMBER; AMENDING SECTION SIX OF THE ORDINANCE TO PROVIDE FOR THE TERMS OF THE AGENCY'S MEMBERS; AMENDING SECTION SEVEN OF THE ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF A CHAIRPERSON AND A VICE-CHAIRPERSON; PROVIDING FOR TERMINATION OF PREVIOUS APPOINTMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE.**

and

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, DECLARING ITSELF TO BE THE ELOISE COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO §163.357, FLORIDA STATUTES; PROVIDING FOR TERMINATION OF PREVIOUS APPOINTMENTS; PROVIDING FOR THE TERMS OF THE AGENCY'S MEMBERS; PROVIDING AN EFFECTIVE DATE.**

The proposed ordinance and resolution may be inspected by the public at the Office of the Clerk and Auditor to the Board, located in the Neil Combee Administration Building on the 3<sup>rd</sup> Floor, during normal business hours. All persons or entities wishing to speak upon the adoption of this ordinance and resolution are invited to attend the public hearings and they shall be heard.

Should any person, party or entity decide to appeal any decisions made at the public hearings, such person, party or entity will need a record of the proceedings and may need to ensure that a verbatim record of these proceedings is made, including the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodations or an interpreter to participate in the public hearings should contact the Board's Public Information Office, located in the County Administration Building, 1<sup>st</sup> Floor at (863) 534-6090, not later than four days prior to the public hearings. If hearing impaired call: (TDD) (863) 534-7777 or 1-800-955-8771, or Voice impaired call: 1-800-

955-8770, via Florida Relay Service. The public hearings may be continued to a time and date certain by announcement at the scheduled public hearings without any further published notice.

**DATED THIS 25<sup>th</sup> day of October 2006**

ATTEST:  
RICHARD M. WEISS, Clerk  
By: /s/ Deputy Clerk

BOARD OF COUNTY COMMISSIONERS,  
POLK COUNTY, FLORIDA  
By: /s/ Jack R. Myers, Chairman

**Needs to be published in the Ledger by no later than Saturday October 28, 2006.**