CITY OF PARKER
AGENDA ITEM SUMMARY

1. *DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:*	2. *MEETING DATE:*
Council / Sloan	February 21, 2023

Vote for 2nd reading and possible adoption of Ordinance 2023-412

4. *IS THIS ITEM BUDGETED (IF APPLICABLE)*

YES ☐ **NO** ☐ **N/A X**

ORDINANCE 2023-412

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE CITY OF PARKER CHARTER RELATING TO AD VALOREM TAXES; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance was read on February 7, 2023, at the council meeting and advertised in News Herald on February 17, 2023. This is a request for 2nd reading and possible adoption.

AGENDA ITEM # 4

ORDINANCE NO. 2023-412

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE CITY OF PARKER CHARTER RELATING TO AD VALOREM TAXES; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter for the City of Parker, Chapter 671687, Laws of Florida, was filed with the Office of the Secretary of State on July 7, 1967 ("Charter");

WHEREAS, pursuant to Chapter 166, Florida Statutes ("Act"), certain provisions of the Charter may be modified or repealed by ordinance but other provisions such as the manner of elections of elected officers must be modified or repealed by referendum;

WHEREAS, Article VII, Section 9 of the Florida Constitution authorize municipalities in Florida to levy ad valorem taxes; and

WHEREAS, the Charter contains provisions that were nullified and repealed, one of which was a limitation on any ad valorem taxing power of the City;

WHEREAS, in addition to the nullification or repeal of various powers of the City including the power to levy an ad valorem tax and except for certain specified topics identified in Section 166.021(4), F.S. that does not include the levy of ad valorem taxes, then pursuant to Section 166.041(5), F.S., all other provision of the Charter became an ordinance on the effective date of the Act, subject to modification or repeal as other ordinances; and

WHEREAS, the City Council desires to update, correct and amend its

Charter to delete any references to the nullified limitations on levying ad valorem taxes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 1 of the Charter is hereby amended as follows:

Section 1. Boundaries.

The inhabitants of the lands within the boundaries hereinafter designated shall constitute a body, politic and corporate under the name of city of Parker, and as such shall have perpetual succession, may use a common seal, may contract and be contracted with, may sue and be sued and do all acts allowed by the laws of the state to conduct itself as a municipal corporation~~, except it shall not levy ad valorem taxes~~. The territorial boundaries and limits of the city of Parker, in Bay county, are and shall be as follows:

> Beginning at a point 33 feet South of the Northwest Corner of Section 13, Township 4 South, Range 14 West; thence East along the South Right-of-way line of Cherry Street to a point 33 feet South and 1,910 feet West of the Northeast Corner of the Northwest Quarter of Section 13, Township 4 South, Range 14 West; thence run South 297 feet; thence run East 1,690 feet; thence run North 297 feet; thence run East to a point 33 feet South of the Northeast Corner of Section 13, Township 4 South, Range 14 West, said point being on the East line of Section 13, Township 4 South, Range 14 West, and said line being the West city limit line of the City of Callaway; thence run South along East boundary line of Sections 13 and 24, and 25, Township 4 South, Range 14 West to the Channel of the Inter-Coastal Waterway; thence run westerly and Northerly along the Channel of Inter-Coastal Waterway to its intersection with the North/South center section line of Section 23, Township 4 South, Range 14 West; thence run North along the center section line of Sections 23 and 14 to a point 330 feet North of the NW corner of the SW 1/4 of the SE 1/4 of Section 14, Township 4 South, Range 14 West; thence run East to the East section line of said Section 14; thence run North to point of beginning.

The territorial limits of said municipality shall also include any and all areas which shall be annexed thereto in the manner provided under the general laws of Florida.

Section 2. Section 11 of the Charter is hereby amended as follows:

Section 11. Enumerated powers not exclusive.

The enumeration of particular powers in this charter shall not be termed or held to be exclusive, but in addition to the powers enumerated herein, implied hereby or applicable to the exercise thereof which are now or may hereafter be possessed or enjoyed by towns under the constitution and the general laws of this state, ~~except the power to levy ad valorem taxes,~~ and such powers shall be cumulative and alternative powers to those herein granted, and all the powers of the city either expressed or implied shall be exercised and embraced in the manner prescribed by this charter or, when not so prescribed, then in such manner as prescribed by ordinance or resolution of the council.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Scrivener's Errors.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 5. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 6. Repeal of Conflicting Ordinances and Resolutions. The Charter and Ordinance No. 2012-358 and all amendments thereto are hereby superseded and all other charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Parker in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at a meeting of the City Council of the City of Parker, Florida on the _____ day of February, 2023.

CITY OF PARKER

_____
ANDREW KELLY, Mayor

ATTEST:

_____
JAMI HINRICHS, City Clerk

Examined and approved by me, this _____ day of February, 2023.

_____
ANDREW KELLY, MAYOR

*In this Ordinance, language added to an existing section is printed in underscored type, and language deleted is printed in ~~struck through type~~.