

AGENDA



SPECIAL COUNCIL MEETING

Thursday, November 2, 2023

5:00 p.m.

Indian Creek Village Hall

9080 Bay Drive

Indian Creek, FL 33154

SPECIAL COUNCIL MEETING

THURSDAY, NOVEMBER 2, 2023

5:00 P.M.

AT VILLAGE HALL

9080 BAY DRIVE, INDIAN CREEK, FL 33154

<https://us02web.zoom.us/j/86889866227>

Meeting ID: 868 8986 6227

1. CALL TO ORDER / ROLL CALL OF MEMBERS

2. ORDINANCE – First Reading **TAB 1**

A. AN ORDINANCE OF THE VILLAGE COUNCIL OF INDIAN CREEK, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO. 52, TO PROVIDE FOR A MODIFIED QUALIFYING REGISTRATION PERIOD FOR THE FEBRUARY 2024 COUNCIL ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (Ordinance # 236)

PUBLIC COMMENTS on ORDINANCE # 236: *Any person wishing to address the Council should state their name, and address, for the record, prior to making the statement.*

3. ADJOURNMENT

ORDINANCE NO. 2023-236

AN ORDINANCE OF THE VILLAGE COUNCIL OF INDIAN CREEK, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO. 52, TO PROVIDE FOR A MODIFIED QUALIFYING REGISTRATION PERIOD FOR THE FEBRUARY 2024 COUNCIL ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Indian Creek, Florida (“Village Council”) finds it necessary to amend Ordinance No. 52 in order to provide a modified qualifying registration period; and

WHEREAS, said amendment is intended to insure that the maximum number of resident electors have the opportunity to qualify for the February 2024 Council election; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the Village, notifying the public of this proposed ordinance and of the public hearings; and

WHEREAS, two (2) public hearings before the Village Council were held pursuant to the published notice described above.

NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF INDIAN CREEK, FLORIDA, HEREBY ORDAINS AS FOLLOWS:¹

Section 1. **Recitals Adopted.** Each of the above recitals is hereby confirmed and adopted.

¹ Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strike through~~. Changes between first and second reading are indicated with **highlight**.

Section 2. **Amending Ordinance No. 52.** Ordinance No. 52, Section 5 is hereby amended to read as follows:

* * *

Section 5. Candidates for the office of Councilmembers shall be qualified in the manner set forth in the Charter of Indian Creek Village and by state law.

Candidates for the office of Councilmember of the Village shall file their sworn statement along with the filing fee of \$2.00 with the Village Clerk anytime after Noon on the first filing day, which shall be not more than 48 days prior to the election but no later than Noon on the 34th day prior to the election. All candidates for councilmember of the Village shall be required to file, as a condition of their candidacy, statements of financial disclosure as required by Florida Statutes.

For the February 16, 2024 election only, the filing period for qualification shall commence on December 1, 2023, and close on December 30, 2023.

* * *

Section 1. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 2. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Council Member _____, who moved its adoption on first reading. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Mayor Bernard Klepach _____
Vice Mayor Javier Holtz _____
Council Member Irma Braman _____
Council Member Robert Diener _____
Council Member Irwin E. Tauber _____

PASSED AND ADOPTED on first reading this 2nd day of November, 2023.

PASSED AND ADOPTED on second reading this ____ day of November, 2023.

BERNARD KLEPACH, MAYOR

ATTEST

ROSEANN PRADO, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY