

AGENDA



SPECIAL COUNCIL MEETING

Monday, November 20, 2023

5:00 p.m.

Indian Creek Village Hall

9080 Bay Drive

Indian Creek, FL 33154

SPECIAL COUNCIL MEETING

MONDAY, NOVEMBER 20, 2023

5:00 P.M.

AT VILLAGE HALL

9080 BAY DRIVE, INDIAN CREEK, FL 33154

<https://us02web.zoom.us/j/82848412690>

Meeting ID: 828 4841 2690

1. CALL TO ORDER / ROLL CALL OF MEMBERS

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA **TAB 1**

A. Minutes – Second Budget Hearing Meeting – 09/27/2023

B. Minutes – Special Council Meeting – 11/02/2023

4. ORDINANCE – Second Reading **TAB 2**

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.*

5. ADJOURNMENT

TAB 1-A

**MINUTES OF
SECOND BUDGET HEARING FY2024
Wednesday, September 27, 2023, at 5:01 p.m.**

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The Vice-Mayor Holtz opened the meeting at 5:04 p.m. The roll call was conducted as follows:

Mayor, Bernard Klepach	Absent
Vice Mayor, Javier Holtz	Present
Council Member, Irma Braman	Absent
Council Member, Robert Diener	Present
Council Member, Irwin Tauber	Present

VILLAGE STAFF

Village Manager, Guillermo Olmedillo
Village Attorney, Stephen Helfman
Village Clerk, Roseann Prado
Deputy Clerk, Lorelei Rivera

AUDIENCE PRESENT:

Clarece Depkin, ICCG General Manager
Gail Icahn, House # 24

2. PUBLIC COMMENTS:

No comments from the public.

3. CONSENT AGENDA

- A. Minutes – September 05, 2023 – First Budget Hearing FY2024
- B. Minutes - September 11, 2023 - First Budget Hearing FY2024 – CONTINUANCE
- C. Minutes – September 11, 2023 – Regular Council Meeting

4. BUDGET ITEMS

TAB 1

ANNOUNCEMENT:

- 5. The FY2024 operating millage rate is 6.3000 mills, which is greater than the rolled-back rate of 5.8988 mills by 6.80%.**

A. A RESOLUTION OF INDIAN CREEK VILLAGE, FLORIDA, ADOPTING THE PROPOSED MILLAGE RATE OF THE VILLAGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2024, PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE. (Resolution # 853)

Council Member Diener motioned to approve Resolution # 853 reducing the millage rate to 5.9 mills which is 0.02 greater than the rolled-back rate. Council Member Tauber seconded.

The motion passed 3 – 0.

B. ORDINANCE – Second Reading

TAB 2

AN ORDINANCE OF THE VILLAGE OF INDIAN CREEK, FLORIDA, ADOPTING THE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2024, PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE. (Ordinance # 235)

Council Member Diener motioned to approve Ordinance # 235 on the second reading. Council Member Tauber seconded.

The roll call for Ordinance # 235 was as follows:

Vice-Mayor Holtz Yes

Council Member Diener Yes

Council Member Tauber Yes

The motion passed 3 – 0.

6. ADJOURNMENT

Council Member Diener moved to adjourn the meeting. Council Member Tauber seconded. The meeting was adjourned at 5:22 p.m.

Submitted by:

Roseann Prado, Village Clerk

Approved at Council Meeting of November 20, 2023.

TAB 1-B

**MINUTES OF
SPECIAL COUNCIL MEETING
Thursday, November 2, 2023, at 5:00 p.m.**

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The Mayor Klepach opened the meeting at 5:05 p.m. The roll call was conducted as follows:

Mayor, Bernard Klepach	Present
Vice Mayor, Javier Holtz	Present
Council Member, Irma Braman	Present
Council Member, Robert Diener	Present
Council Member, Irwin Tauber	Present

VILLAGE STAFF

Acting Manager, John Bernardo, Chief of Police
Village Attorney, Stephen Helfman
Village Clerk, Roseann Prado
Deputy Clerk, Lorelei Rivera

AUDIENCE PRESENT:

Clarece Depkin, ICCC General Manager

2. PUBLIC COMMENTS:

No comments from the public.

3. ORDINANCE – First Reading

TAB 2

A. AN ORDINANCE OF THE VILLAGE 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 SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (Ordinance # 236)

Vice-Mayor Holtz moved to approve Ordinance # 236 on the first reading. Mayor Klepach seconded.

The roll call for Ordinance # 236 was as follows:

<i>Mayor Klepach</i>	<i>Yes</i>
<i>Vice-Mayor Holtz</i>	<i>Yes</i>
<i>Council Member Braman</i>	<i>Yes</i>
<i>Council Member Diener</i>	<i>Yes</i>
<i>Council Member Tauber</i>	<i>Yes</i>

The motion passed unanimously 5 – 0.

4. PROPOSED ENGAGEMENT LETTER FOR LOBBYING SERVICES WITH RUBIN – TURNBULL & ASSOCIATES

Mayor Klepach recused himself from voting.

Council Member Tauber motioned to approve the engagement letter. Council Member Braman seconded. The motion passed unanimously 5 – 0.

5. ADJOURNMENT

Mayor Klepach moved to adjourn the meeting. Council Member Tauber seconded. The meeting was adjourned at 5:14 p.m.

Submitted by:

Roseann Prado, Village Clerk

Approved at Council Meeting of November 20, 2023.

TAB 2-A

Ordinance # 236

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 ~~strikethrough~~. 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.

The foregoing Ordinance was offered by Council Member _____, who moved its adoption on second 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 second reading this 20th 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

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

INDIAN CREEK VILLAGE - SECOND PUBLIC HEARING - NOV. 20, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

11/09/2023

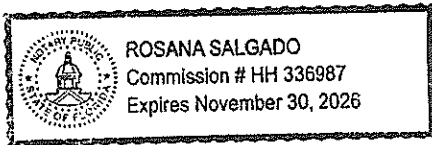
Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.



Sworn to and subscribed before me this
9 day of NOVEMBER, A.D. 2023



(SEAL)
GUILLERMO GARCIA personally known to me



INDIAN CREEK VILLAGE

PLEASE BE ADVISED that the Indian Creek Village will hold the second public hearing to consider the adoption of Ordinance # 2023-236 described below on Monday, November 20, 2023, at 5:00 p.m. at Indian Creek Village Hall, 9080 Bay Drive, Florida, FL 33154.

You may attend the meeting via Zoom, calling 1-305-224-1968, enter the Meeting ID: 828 4841 2690. Alternatively, you may use the following link: <https://us02web.zoom.us/j/82848412690>

"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 2023-236)

The proposed ordinance may be inspected by the public at the Office of the Village Clerk, 9080 Bay Drive, Indian Creek, FL 33154. Interested parties are invited to attend the public hearing or provide written comments to the Village Council.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodation to participate in this proceeding because of that disability should contact the Office of the Village Clerk. If you need assistance to attend this meeting and participate, please call Village Hall at 305-865- 4121 at least 24 hours prior to the meeting.

If a person decides to appeal any decision made by the Village Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).
Roseann Prado, Village Clerk
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