

ORDINANCE ---

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING ORDINANCE 2018-31, AS AMENDED, WHICH ADOPTED IN PART TABLES 1 AND 2 WHICH COMPRISE PART OF THE DATA AND ANALYSIS SUPPORTING THE FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS IN THE CAPITAL IMPROVEMENT ELEMENT OF THE CLAY COUNTY 2040 COMPREHENSIVE PLAN ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, AS AMENDED; PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the "Board"), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan, as amended (the "Plan"); and

WHEREAS, Policy 1.1.2 of the Capital Improvements Element (CIE) of the Plan directs the County to monitor capital facilities to identify deficiencies, to evaluate whether improvements have met demands, and to identify needed maintenance; and

WHEREAS, certain tables are included in the CIE and contain both CIE improvements and Non-CIE improvements, as well as revenue sources for each, and together they make up the County's Capital Improvements Program; and

WHEREAS, the table attached and incorporated herein as Exhibit A entitled "Clay County Capital Improvements" (Table 1), contains CIE improvements in Section I and Non-CIE improvements in Section II thereof; and

WHEREAS, the table attached and incorporated herein as Exhibit B entitled "Clay County Capital Program Revenue Sources" (Table 2), specifies revenue sources for both CIE improvements and Non-CIE improvements; and

WHEREAS, amendments to the list of CIE improvements in Section I of Table 1 and related changes to the revenue sources in Table 2 must be accomplished by ordinance.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1.

Section I of Table 1 is amended as set forth in Exhibit B in order to make necessary changes as directed by the Board.

Section 2.

Table 2 is amended as set forth in Exhibit A in order to make it consistent with Section I of Table 1.

Section 3.

With respect to the Tables referenced in Section 1 and Section 2 above, the legal effect of this Ordinance is that upon its effective date:

- (A) Funds for capital projects identified in the Tables shall only be expended consistent therewith; and,
- (B) To the extent that corrections, updates, and modifications concerning costs, revenue sources, and acceptance of facilities pursuant to dedications which are inconsistent with the Tables, or a change in the date of construction of the capital projects identified in the Tables are proposed, such may only be implemented by amendment hereto; and
- (C) Nothing in this Ordinance shall have any effect on the improvements listed in Section II of Table 1. This ordinance shall be construed only to amend Section 1 of Table 1 and the related revenue sources in Section 2.

Section 4.

Should any word, phrase, sentence, or subsection or section of this ordinance or of the code section amended hereunder be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, subsection, or section so held shall be severed from this ordinance or the code section, as applicable, and all other words, phrases, sentences, subsections or sections shall remain in full force and effect.

Section 5.

This ordinance shall take effect as provided for by Florida law.

DULY ADOPTED by the Board of County Commissioners, Clay County, Florida, on this 14th day of July, 2020.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Gayward F. Hendry, Its Chairman

ATTEST:

Howard Wanamaker, County Manager and
Clerk of the Board of County Commissioners