

ORDINANCE _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING TABLES 1 AND 2 OF THE CLAY COUNTY FIVE YEAR CAPITAL IMPROVEMENT PLAN; PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, the County's Capital Improvement Plan contains both CIE improvements and Non-CIE improvements, as well as revenue sources for each; and

WHEREAS, the County's Capital Improvement Plan (Plan) is comprised of five categories, with the five Plan Categories attached hereto and incorporated herein as Exhibits A-E; and

WHEREAS, within each Plan Category Table 1 specifies revenue sources for both CIE improvements and Non-CIE improvements; and

WHEREAS, within each Plan Category Table 2 contains CIE improvements in Section I and Non-CIE improvements in Section II thereof; and

WHEREAS, Section 129.06(2) of the Florida Statutes stipulates that the Board may at any time within a fiscal year amend a budget for the year as provided therein; and

WHEREAS, Section 163.3177 3(b) of the Florida Statutes stipulates that modifications to update the CIE improvements may be accomplished by ordinance; and

WHEREAS, amendments to the CIE improvements in the Capital Improvement Plan, specifically in Section I of Table 2 and related changes to the revenue sources in Table 1 of each Plan Category may be made by ordinance of the Board to provide for appropriation and expenditure as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Clay County, Florida, as follows:

Section 1.

Section I of Table 2 within each of the Capital Improvement Plan Categories, Exhibits A-E hereto, is amended as set forth therein in order to make necessary changes as directed by the Board.

Section 2.

Table 1 within each of the Capital Improvement Plan Categories, Exhibits A-E hereto, is amended as set forth therein in order to make it consistent with Section I of Table 2 of each Plan Category.

Section 3.

With respect to the amendments 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 Exhibits 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 Exhibits, or a change in the date of construction of the capital projects identified in the Exhibits 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 2 within any of Exhibits A-E. This Ordinance shall be construed only to amend Section I of Table 2 within Exhibits A-E and the related revenue sources in Table 1 thereto.

Section 4.

Should any word, phrase, sentence, or subsection or section of this Ordinance 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 and all other words, phrases, sentences, subsections or sections shall remain in full force and effect.

Section 5.

This Ordinance shall take effect immediately upon its adoption as provided for by Florida law.

DULY ADOPTED by the Board of County Commissioners, Clay County, Florida, on this 23rd day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Betsy Condon, Chairman

ATTEST:

Tara S. Green
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board