

ORDINANCE NO. 2019 - 06

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA
AMENDING THE CITY OF MOUNT DORA CODE OF
ORDINANCES; PROVIDING LEGISLATIVE FINDINGS;
PROVIDING AN AMENDMENT TO CHAPTER 2 –
ADMINISTRATION; PROVIDING FOR THE IMPLEMENTATION
OF ADMINISTRATIVE ACTIONS; PROVIDING FOR
CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A
SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, The City of Mount Dora owns, operates and maintains electric, water, wastewater and stormwater utilities (Collectively referred to as "City Utilities" and individually referred to as "City Utility") for the benefit of the citizens and business owners in the City of Mount Dora; and

WHEREAS, Chapter 2 – Administration, of the City of Mount Dora Code of Ordinances, provides, among other things, for the handling of the City's property; and

WHEREAS, the City of Mount Dora hereby finds that amending Chapter 2 of the City of Mount Dora Code of Ordinances to include provisions related to the disposal of City Utilities will advance a legitimate public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:

SECTION 1. **LEGISLATIVE FINDINGS.** The City of Mount Dora has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

SECTION 2. **AMENDMENT TO CHAPTER 2, CODE OF ORDINANCES.** City of Mount Dora Code of Ordinances, Chapter 2 – Administration, is hereby revised and amended to include the following:

Note: Underlined words constitute additions.

CHAPTER 2 - ADMINISTRATION, Subpart 4 – City Utilities.

Section 2.110. Disposal of City Utilities.

- (a) Electric, water, wastewater and stormwater utilities which are owned, operated and maintained by the City shall be referred to individually herein as "City Utility".

- (b) The City may only sell, lease or contract for the management of a City Utility, or a substantial portion thereof, after having conducted no less than two public hearings, held after publication of notice, in a newspaper having general circulation in the City, of not less than one week, nor more than two weeks, prior to each public hearing. Thereafter, the City must adopt a Resolution which sets forth all of the terms of the sale, including the sale price which shall in no event be less than the average of at least two independent, qualified appraisals, of the subject City Utility, which are supported by the appropriate expert consultants.
- (c) After the City has adopted the Resolution as set forth herein, the sale, lease or contract for management of a City Utility, or a substantial portion thereof, may only be effectuated by referendum which sets forth all of the terms of the sale and is approved by at least 60% of the duly qualified and eligible electors at a general election of the City.
- (d) The proceeds from the sale, lease or contract for management of a City Utility, or a substantial portion thereof, after payment of any existing or future financial obligations made by the City in connection with the City Utility, shall be deposited into the general fund and may be used by the City in the same manner as any other miscellaneous revenues.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.

The City Manager is hereby authorized and directed to take such actions as are deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

SECTION 4. CODIFICATION; SCRIVENER'S ERRORS.

(a) Section 2.110. Disposal of City Utilities., shall be codified into the City of Mount Dora Code of Ordinances.

(b) The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Code of Ordinances.

(c) Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 5. SAVINGS CLAUSE. All prior actions of the City pertaining to the adoption of this Ordinance, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 6. **CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed; however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 7. **SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 8. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment by the City of Mount Dora and recordation in the official records of Lake County, Florida.

FIRST READING: **February 19, 2019**

SECOND READING: **March 5, 2019**

PASSED AND ADOPTED this 5th **day of** March **, 2019.**



NICK GIRONE

**MAYOR of the City of Mount Dora,
Florida**

ATTEST:



GWEN KEOUGH-JOHNS, MMC
CITY CLERK

For the use and reliance of the city of Mount Dora only.
Approved as to form and legality.



Sherry G. Sutphen, City Attorney