

**VILLAGE OF EL PORTAL, FLORIDA**

**ORDINANCE NO. 2019 -06**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA, AMENDING ARTICLE VIII, PUBLIC BENEFITS PROGRAM, TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC BENEFITS TRUST FUND; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and Village Council seeks to encourage reinvestment in infrastructure and seeks other creative solutions to create parks, opens space, and civil support uses to allow for and facilitate new residential uses; and

**WHEREAS**, the Mayor and Village Council authorizes an amendment to Article VIII of the Code of the Village of El Portal, Florida, as amended, establishing a Public Benefits Trust Fund, as set forth and more particularly described below; and

**WHEREAS**, words with single underline shall constitute additions to the original text and ~~strike through~~ text shall constitute deletions to the original text. Asterisks indicated omitted an unchanged material.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

**Section 1.** That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2.** **PURPOSE. AMENDEMENT OF SECTION ARTICLE VIII, PUBLIC BENEFITS PROGRAM, SECTION 24-B.21.**

**Sec. 24-B.21.5. – PUBLIC BENEFITS TRUST FUND**

**(a) Public Benefits Trust Fund; intent.**

- (1) It is intended that the “Village of El Portal Public Benefits Trust Fund” be established in order to collect cash contributions made according as established in Appendix B: - Form-Based Code Article VIII. Public Benefits Program, Sec. 24-B.21. – Public Benefits Program, as amended, the zoning ordinance of the Village, to support the acquisition of land for parks and open space, reinvestment in capital improvements to existing parks and open space, tree planting, and capital expenditures for landscaping within the Village boundaries.

**(b) Public Benefits Trust Fund; established.**

- (1) There is hereby established a trust fund to be entitled the “Village of El Portal Public Benefits Trust Fund,” into which funds shall be deposited pursuant to this Article.
- (2) Upon receipt of funds for any project within Zone 5-Urban Center of the Village of El Portal, the Village of El Portal Finance Department shall deposit such funds into the Village of El Portal Public Benefits Trust Fund.
- (3) Administration of and a financial report on trust fund receipts and expenditures shall be prepared annually at the close of the fiscal year by the Village Manager for review and approval by the Mayor and Village Council prior to filing with the Village Clerk.

**Section 3.** All Ordinances inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

**Section 4.** It is the intention of the Mayor and Village Council that the provisions of this Ordinance shall become and be made a part of the “Code of Ordinances” of the Village of El Portal, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

**Section 5.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 6.** This Ordinance shall become effective upon its passage and adoption by the Mayor and Village Council.

**PASSED, FIRST READING** this 17 day of December, 2019.

**PASSED, SECOND READING** this 28 day of April, 2020.

\_\_\_\_\_  
Claudia V. Cubillos, Mayor

ATTEST:   
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:  
Interim Village Attorney

Law Office of Norman C. Powell

By: \_\_\_\_\_  
Norman C. Powell, Esq.

RECORD OF MAYOR and VILLAGE COUNCIL VOTE: 1<sup>st</sup> Reading  
Motion : Vice Mayor Nickerson                      2<sup>nd</sup> : Councilperson Urbom


Councilperson Urbom:      (Yes) \_\_\_ (No)  
Councilperson Mathis:     \_\_\_ (Yes) \_\_\_ (No)  
Councilperson Roman:      (Yes) \_\_\_ (No)  
Vice Mayor Nickerson:      (Yes) \_\_\_ (No)  
Mayor Cubillos:              (Yes) \_\_\_ (No)

RECORD OF MAYOR and VILLAGE COUNCIL VOTE: 2<sup>nd</sup> Reading

motion Councilperson Urbom                      2<sup>nd</sup>: Councilperson Roman  
Councilperson Pirela:      (Yes) \_\_\_ (No)  
Councilperson Urbom:      (Yes) \_\_\_ (No)  
Councilperson Roman:      (Yes) \_\_\_ (No)  
Vice Mayor Nickerson:      (Yes) \_\_\_ (No)  
Mayor Cubillos:              (Yes) \_\_\_ (No)



I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Ordinance No.: 2019-06 adopted on April 28, 2020, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 28 day of April, 2020.

  
Yenise Jacobi  
Village Clerk