

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2023 - 07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSENTING TO THE EXERCISE BY THE BOARD OF SUPERVISORS OF HABITAT COMMUNITY DEVELOPMENT DISTRICT OF CERTAIN ADDITIONAL POWERS RELATING TO SECURITY; PROVIDING FOR CONFLICT AND SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on April 8, 2003, the Board of County Commissioners of Lee County adopted Ordinance No. 03-10, establishing the Habitat Community Development District (“District”) as a community development district within the authority of Chapter 190 Florida Statutes; and

WHEREAS, subsequent to the establishment of the District by Lee County, the Village of Estero (“Village”) was established; and

WHEREAS, the District is now located wholly within the boundaries of the Village; and

WHEREAS, Pursuant to Section 190.012 Florida Statutes, community development districts have special powers relating to security, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included within the district; and

WHEREAS, the Board of Supervisors of the District adopted a resolution requesting that the Village consent to the exercise by the District of certain special powers specified in Section 190.012(2)(d), Florida Statutes, in order to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District’s boundaries; and

WHEREAS, the Village Council acknowledges the District’s desire to exercise the special powers set forth in Section 190.012(2)(d), Florida Statutes, and that these improvements and additions will be funded solely from the District’s budget.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA:

Section 1. Consent

The Council hereby consents to the exercise by the Board of Supervisors of the District of the special powers set forth in Section 190.012(2)(d), Florida Statutes in order to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such services within the District's boundaries.

Section 2. Conflict and Severability

In the event this Ordinance conflicts with any other Village of Estero ordinance or other applicable law, the more restrictive will apply. If any portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portion.

Section 3. Effective Date

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 4th day of October, 2023.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 18th day of October, 2023.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Carol Sacco
Carol Sacco, Village Clerk

By: Jon McLain
Jon McLain, Mayor

Reviewed for legal sufficiency:

By: Nancy Stroud
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY	
Mayor McLain	<u>X</u>	___	
Vice Mayor Ribble	<u>X</u>	___	
Councilmember Fayhee	<u>X</u>	___	
Councilmember Fiesel	___	___	Absent
Councilmember Lopez	___	___	Absent
Councilmember Ward	<u>X</u>	___	
Councilmember Zalucki	<u>X</u>	___	