

RESOLUTION NO. 2011-21

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, RECEIVING AND ACCEPTING TOWN OF BRINY BREEZES, FLORIDA, ORDINANCE NO. 2-2011 APPROVING THE CORRECTION OF A SCRIVENER'S ERROR IN THE INTERLOCAL AGREEMENT WITH THE TOWN OF OCEAN RIDGE, FLORIDA, FOR THE PROVISION OF LAW ENFORCEMENT SERVICES TO THE TOWN OF BRINY BREEZES; CORRECTING THE SCRIVENER'S ERROR IN THE INTERLOCAL AGREEMENT BY RESTATING THE STATUTORY AUTHORITY THEREFORE AS SECTIONS 163.01 AND 166.0495, FLORIDA STATUTES; PROVIDING FOR THE CORRECTIONS AND RESTATEMENTS TO BE ENTERED ON THE FACE OF THE INTERLOCAL AGREEMENT AND THE CORRECTIONS INITIALED BY THE MAYORS OF BOTH MUNICIPALITIES; APPROVING AND PROVIDING FOR THE FILING WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY THIS RESOLUTION NO. 2011-____, TOWN OF BRINY BREEZES ORDINANCE NO. 2-2011 AND THE INTERLOCAL AGREEMENT, AS CORRECTED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Briny Breezes and the Town of Ocean Ridge entered into that certain Interlocal Agreement for law enforcement services to be provided by the Town of Ocean Ridge to the Town of Briny Breezes, said Interlocal Agreement attached hereto as Exhibit "A"; and

WHEREAS, the Interlocal Agreement had within it a scrivener's error identifying the authorizing statutory provision as Section 163.0495, Florida Statutes, rather than the appropriate provisions of the Florida Statutes being Sections 163.01 and 166.0495, Florida Statutes; and

WHEREAS, the Town of Briny Breezes has passed Ordinance No. 2-2011 identifying the corrections to be made in the Interlocal Agreement to reflect the proper statutory provisions, said Ordinance being attached hereto as Exhibit "B"; and

WHEREAS, the Town Commission of the Town of Ocean Ridge, Florida, hereby finds that it is in the interests of the Town of Ocean Ridge and its citizens and residents to correct the scrivener's error contained in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, THAT:

Section 1. The recitals contained in the Whereas clauses above are true and correct and are hereby incorporated herein by reference as findings of fact.

Section 2. The Town approves, accepts and adopts Town of Briny Breezes Ordinance No. 2-2011 and the findings and provisions contained therein.

Section 3. The erroneous recitations set forth in the Interlocal Agreement were the result of scrivener's errors which may be corrected in the Interlocal Agreement and initialed by the Mayors of each municipality.

Section 4. The Interlocal Agreement, as corrected pursuant to Town of Briny Breezes Ordinance No. 2-2011 and this Resolution No. 2011-21, has been and will remain in full force and effect since the original effective date set forth therein. If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This Resolution shall take effect immediately upon adoption.

Commissioner Alison offered the foregoing Resolution and moved its adoption. The motion was seconded by Commissioner Pugh and duly passed by the Commission.

The Mayor thereupon declared this Resolution approved and adopted effective December 5, 2011.

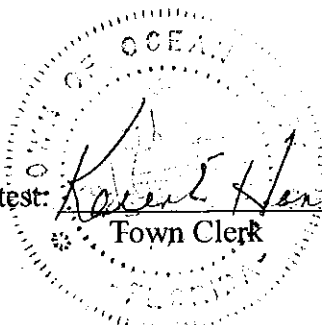
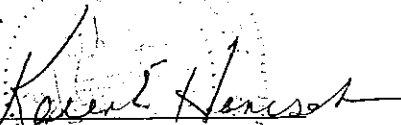
TOWN OF OCEAN RIDGE, FLORIDA

By:



Kenneth M. Kaleel, Mayor

Attest:



Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.



Town Attorney

ORDINANCE NO. 2 - 2011

AN ORDINANCE OF THE TOWN OF BRINY BREEZES, FLORIDA, AMENDING ORDINANCE NO. 2-2010 AND THE INTERLOCAL AGREEMENT ACCEPTED AND APPROVED THEREBY FOR THE TOWN'S LAW ENFORCEMENT SERVICES TO BE PROVIDED BY THE TOWN OF OCEAN RIDGE, FLORIDA, TO CORRECT A SCRIVNER'S ERROR BY RESTATING THE STATUTORY AUTHORITY THEREFOR AS SECTIONS 163.01 AND 166.0495, FLORIDA STATUTES; PROVIDING FOR THE CORRECTIONS AND RESTATEMENTS TO BE ENTERED ON THE FACE OF ORDINANCE NO. 2-2010 AND SAID INTERLOCAL AGREEMENT AND THE CHANGES INITIALED BY THE MAYORS OF BOTH MUNICIPALITIES; PROVIDING THAT THIS ORDINANCE AND ORDINANCE NO. 2-2010 AND SAID INTERLOCAL AGREEMENT, AS CORRECTED, BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Briny Breezes deems it necessary and advisable to amend Ordinance No. 2-2010 and the Interlocal Agreement accepted and approved thereunder as Exhibit "A" thereof, for the Town's law enforcement services to be provided by the Town of Ocean Ridge, to correct and restate the references to the statutory authority therefor and to ratify and confirm Ordinance No. 2-2010 and the aforesaid Interlocal Agreement as amended by the Town of Briny Breezes and the Town of Ocean Ridge.

NOW THEREFORE,

**BE IT ORDAINED BY THE MAYOR AND ALDERMEN
OF THE TOWN OF BRINY BREEZES, FLORIDA:**

SECTION 1. The Town of Briny Breezes hereby finds that the recitations contained in the Preamble hereof are true and correct and the same are incorporated herein by reference as legislative findings of fact.

SECTION 2. That the title of Ordinance No. 2-2010 is hereby amended to read as follows:

An ordinance of the Town of Briny Breezes, Florida, accepting and approving an Interlocal Agreement with the Town of Ocean Ridge, Florida, pursuant to sections

163.01 and 166.0495, Florida Statutes, for the Town of Ocean Ridge police department to provide law enforcement services for the Town of Briny Breezes within its territorial boundaries; authorizing the delegation of the law enforcement powers of the Town of Briny Breezes to the police chief and sworn law enforcement officers of the Town of Ocean Ridge police department; Appointing the Town of Ocean Ridge Chief of Police, Christopher T. Yannuzzi, as the Town Marshal of the Town of Briny Breezes; Appointing all other sworn law enforcement officers of the Town of Ocean Ridge police department as Deputy Town Marshals of the Town of Briny Breezes; Directing the Town Clerk to administer the oath of office to the chief of police of the Town of Ocean Ridge; Authorizing the Chief Of Police of Ocean Ridge to administer the oath of office to all sworn law enforcement officers of the Town of Ocean Ridge police department; Providing for the filing of this ordinance and the aforesaid Interlocal Agreement between the municipalities with the Clerk of the Circuit Court of Palm Beach County; Providing for severability; Providing for codification; Providing for a penalty; Providing for repeal; and Providing for an effective date.

SECTION 3. That the first "Whereas" clause of Ordinance No. 2-2010 is hereby amended to read as follows:

WHEREAS, The Town of Briny Breezes deems it necessary and advisable to enter into an Interlocal Agreement with the adjoining Town of Ocean Ridge pursuant to Sections 163.01 and 166.0495, Florida Statutes, whereby the Town of Briny Breezes will receive law enforcement services from the Town of Ocean Ridge and the Town of Ocean Ridge will provide law enforcement services through its police department within the territorial boundaries of the Town of Briny Breezes; and,

SECTION 4. That Section 2 of Ordinance No. 2-2010 is hereby amended to read as follows:

Section 2. The Town of Briny Breezes hereby accepts and approves an Interlocal Agreement with the adjoining Town of Ocean Ridge pursuant to Sections 163.01 and 166.0495 of the Florida Statutes whereby the Town of Briny Breezes will receive law enforcement services from the Town of Ocean Ridge and the Town of Ocean Ridge will provide law enforcement services through the Town of Ocean Ridge Police Department within the territorial boundaries of the Town of Briny Breezes. A copy of said Interlocal Agreement is attached hereto marked Exhibit "A", and made a part hereof.

SECTION 5. That the first "Whereas clause" of the Interlocal Agreement attached to Ordinance No. 2-2010 as Exhibit "A" and made a part thereof that was accepted and approved by said Ordinance No. for the Town's law enforcement services to be provided by the Town of Ocean Ridge, is hereby amended to read as follows:

WHEREAS, ~~Section 163.0495~~, Sections 163.01 and 166.0495 of the Florida Statutes, authorizes a municipality to enter into an interlocal agreement with an adjoining municipality in the same county to provide law enforcement services, conduct law enforcement activities, and provide

police protection services, hereinafter called "Professional Law Enforcement Services", within the territorial boundaries of the other adjoining municipality; and

SECTION 6. That the third "Whereas clause" of the Interlocal Agreement attached to Ordinance No. 2-2010 as Exhibit "A" and made a part thereof that was accepted and approved by said Ordinance No. for the Town's law enforcement services to be provided by the Town of Ocean Ridge, is hereby amended to read as follows:

WHEREAS, Briny Breezes has requested an Interlocal Agreement be entered between it and Ocean Ridge pursuant to ~~Section 163.0495~~, Sections 163.01 and 166.0495 of the Florida Statutes by which Ocean Ridge shall and will provide it with the professional law enforcement services that Briny Breezes requires within its territorial boundaries by and through the Ocean Ridge Police Department; and,

SECTION 7. That the Mayors of the Towns of Briny Breezes and Ocean Ridge are authorized to enter the aforesaid corrections and restatements of statutory authority at the appropriate places on Ordinance No. 2-2010 and the aforesaid Interlocal Agreement accepted and approved thereby for the Town's law enforcement services to be provided by the Town of Ocean Ridge, and to affix their initials thereto as proof and confirmation by both municipalities of the correction of the scrivener's error.

SECTION 8. That upon execution of the aforesaid corrections by the Mayors of both municipalities, the same shall be and become the amended Interlocal Agreement between the parties for the purposes provided therein.

SECTION 9. The Town Clerk is hereby directed to file this Ordinance and Ordinance No. 2-2010 and the Interlocal Agreement which is a part thereof, as corrected and restated as hereinabove provided, with the Clerk of the Circuit Court of Palm Beach County and to provide certified copies thereof to the Town of Ocean Ridge..

SECTION 10 Severability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reasons held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and in independent provision and such holding shall not affect the validity of the remaining portion thereof, respectively.

SECTION 11. Codification. Permission to codify this Ordinance is hereby granted and the codifier may make formal, nonsubstantive changes in the body hereof insofar as it is necessary to do to embody same into a unified code.

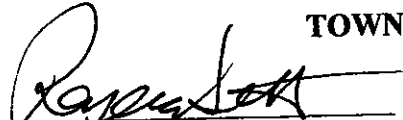
SECTION 12. Penalty. Any person violating any of the provisions of this Ordinance upon conviction thereof, may be sentenced to pay a fine, not to exceed One Hundred (\$100.00) Dollars, and may be sentenced to a definite term of imprisonment, not to exceed thirty (30) days, in a detention facility as authorized by law, or may be both so fined and imprisoned within the discretion of the Court. Any act, which is a violation of this ordinance and which by its nature, is continuous, shall be deemed a separate violation for each day such violation exists.

SECTION 13. Repeal. All prior Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

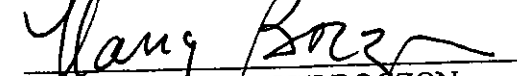
SECTION 14. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Briny Breezes, Florida, in regular session on first reading on September 9, 2011, and in regular session on second reading on October 25, 2011.

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES


MAYOR, ROGER BENNETT


PRESIDENT, SHARON KENDRIGAN


ALDERMAN, NANCY BOOZON

Absent
ALDERMAN, KATHLEEN BRAY


ALDERMAN, PETE RINGERHUT

Absent
ALDERMAN, LOWEN POOCK


ATTEST:

NANCY BOOZON, Town Clerk, Pro Tem

By: 
SHARI L. CANADA, Deputy Town Clerk

(TOWN SEAL)

APPROVED AS TO FORM AND CORRECTNESS:


JEROME F. SKRANDEL, ATTORNEY
FOR TOWN OF BRINY BREEZES