

## **Board of County Commissioners Agenda Request**

**Date of Meeting:** December 20, 2016

**Date Submitted:** November 29, 2016, 2016

**To:** Honorable Chairperson and Members of the Board

**From:** Robert M. Presnell, County Administrator  
David Weiss, County Attorney  
Ulysses Jenkins, Special Projects Coordinator

**Subject:** **Public Hearing:** Adoption of Ordinance No. 2016-022, An Ordinance of the Board of County Commissioners of Gadsden County, Florida, creating the Gadsden County Parks and Recreation Advisory Board; providing for repeal, severability, inclusion in the Gadsden County Code of Ordinances, modifications that may arise from consideration at public hearing, and correction of scrivener's errors; and providing for an effective date; and adoption of Bylaws for the Gadsden County Parks and Recreation Advisory Board.

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### **Statement of Issue:**

This agenda item seeks adoption of an ordinance creating the Gadsden County Parks and Recreation Advisory Board (the "Board"); and the adoption of Bylaws for the Board.

### **Background:**

The Gadsden County Board of County Commissioners ("GCBOCC") instructed staff to take necessary action to create a Parks and Recreation Advisory Board.

### **Analysis:**

Attached is proposed Ordinance No. 2016-022 for the Board's consideration. If adopted by the Board, it will create the Gadsden County Parks and Recreation Advisory Board and establish provisions related to membership, duties, authority, meetings and records.

Also attached are proposed Bylaws for the Gadsden County Parks and Recreation Advisory Board, which include more detail regarding membership, operation, duties, meetings and records.

**Fiscal Impact:**

Any additional costs associated with the creation and operation of the Parks and Recreation Advisory Board should be minimal.

**Options:**

1. Approve and adopt the attached Ordinance No. 2016-022; and the attached Bylaws for the Gadsden County Parks and Recreation Advisory Board.
2. Propose changes to the attached Ordinance No. 2016-022; and/or the attached Bylaws for the Gadsden County Parks and Recreation Advisory Board, and adopt with changes.
3. Board direction.

**County Administrator's Recommendation:**

Option 3

**Attachment:**

1. Draft Ordinance No. 2016-022.
2. Draft Bylaws for the Gadsden County Parks and Recreation Advisory Board.
3. Notice of Intent.

**ORDINANCE NO. 2016-022**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, ADOPTING CHAPTER 2, ARTICLE V, DIVISION 5 OF THE GADSDEN COUNTY CODE OF ORDINANCES, CREATING A PARKS AND RECREATION ADVISORY BOARD; ADOPTING PROVISIONS RELATED TO MEMBERSHIP, DUTIES, AUTHORITY, MEETINGS AND RECORDS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gadsden County, Florida has all of the powers of self-government as provided by general or special law; and

**WHEREAS**, the Gadsden County Board of County Commissioners ("GCBOCC") has the home rule authority to enact ordinances not inconsistent with general or special law; and

**WHEREAS**, Section 125.01(f), Florida Statutes, gives the GCBOCC the specific power and authority to provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities programs; and

**WHEREAS**, the GCBOCC has determined that the creation of a Parks and Recreation Advisory Board to advise the GCBOCC on the provision of parks, playgrounds, and recreation areas will protect the public health, safety, and welfare of the citizens of Gadsden County and is a proper public and county purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, that:**

**Section 1. Incorporation of Recitals.**

The foregoing recitals are hereby incorporated by reference into the body of this Ordinance, and are adopted as findings of fact.

**Section 2. Authority and Purpose.**

This Ordinance is adopted pursuant to the County's sovereign home rule authority and Section 125.01(f), Florida Statutes, for the purpose of enhancing the parks, playgrounds, and recreation areas in Gadsden County.

**Section 3. Approval and Adoption of the Ordinance.**

The Gadsden County Parks and Recreation Advisory Board Ordinance as attached hereto as Exhibit A is hereby approved and adopted.

**Section 4. Repealer.**

All prior policies, resolutions and ordinances, or portions thereof, which are in conflict with the Gadsden County Parks and Recreation Advisory Board Ordinance are hereby repealed and superseded to the extent of such conflict.

**Section 5. Severability.**

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, phrase, or provision, and shall not be affected by such holding.

**Section 6. Inclusion into the Code of Ordinances.**

This Ordinance shall be codified in the Gadsden County Code of Ordinances as set forth in Exhibit A.

**Section 7. Modification.**

It is the intent of the GCBOCC that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearing. Such modifications shall be incorporated into the final version of the Ordinance adopted by the GCBOCC and filed by the Clerk.

**Section 8. Scrivener's Errors.**

The County Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

**Section 9. Effective Date.**

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten (10) days of adoption and this Ordinance shall be effective upon filing.

**DULY READ, PASSED AND ADOPTED** by the Board of County Commissioners of Gadsden County, Florida after proper notice and public hearing, this 20th day of December, 2016.

BOARD OF COUNTY COMMISSIONERS  
GADSDEN COUNTY, FLORIDA

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SHERRIE D. TAYLOR, Chairperson

ATTEST:

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NICHOLAS THOMAS,  
Clerk of the Circuit Court

APPROVED AS TO FORM FOR THE  
RELIANCE OF GADSDEN COUNTY,  
FLORIDA ONLY

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DAVID J. WEISS, County Attorney

## Exhibit A

### CHAPTER 2 – Administration

#### Article V. Boards, Commissions, and Authorities

#### Division 5 – Parks and Recreation Advisory Board

##### Section 2-240. – Declaration; creation

- (a) Declaration of Public Purpose. The Gadsden County Board of County Commissioners has determined that the creation of a Parks and Recreation Advisory Board will promote and protect the public health, safety, and welfare of the citizens of Gadsden County and is a proper public and county purpose.
- (b) Creation. The Gadsden County Parks and Recreation Advisory Board is hereby created.

##### Section 2-241 – Membership; term; vacancies

- (a) Membership. The Board shall be comprised of seven (7) members, as follows: the Gadsden County Parks and Recreation Director; one (1) member selected by majority vote of the GCBOCC; and five (5) members appointed by the individual County Commissioners. All members, except the Parks and Recreation Director, must be Gadsden County residents. Each County Commissioner shall appoint one (1) member, who shall serve at the pleasure of the appointing Commissioner. In order to provide equal representation of the five districts, the appointing Commissioner shall attempt to appoint a person who resides in that Commissioner's district. At least one (1) member shall be a professional in a field complimentary to the Board's duties.
- (b) Term; vacancies. Each member appointed by an individual Commissioner shall be appointed at the first meeting in January following the Commissioner's election and shall serve at the pleasure of that Commissioner during that Commissioner's term in office, unless the member's position becomes vacant. The Parks and Recreation Director shall serve while he or she holds the position. The member selected by majority vote of the GCBOCC shall serve for (4) years from the date of appointment, unless the member's position becomes vacant, and may be selected for additional terms. Members shall continue to serve until replaced. Vacancies shall be filled expeditiously.

##### Section 2-242 – Duties; authority

- (a) Duties. The Parks and Recreation Advisory Board shall act in an advisory capacity to the GCBOCC in the study and planning for the operation of the parks and recreation program and the creation and operation of County parks, playgrounds, and recreation areas.
- (b) Authority. The Parks and Recreation Advisory Board shall have no power or authority to commit the County government to any policies or to incur any financial obligation or to create any liability on the part of the County. No actions or recommendations of the Parks and Recreation Advisory Board shall be binding upon the County until approved or adopted by the Board of County Commissioners. The Parks and Recreation Advisory Board shall not infringe upon any of the powers granted by law to any other duly constituted board or officer relating to matters involving county park facilities and services.

- (c) Bylaws. The function, organization, and rules of the Parks and Recreation Advisory Board are set forth in its Bylaws, which were initially adopted by the BOCC, and may be amended from time to time by the BOCC upon the recommendation of the Parks and Recreation Advisory Board.

Section 2-243 – Meetings and Records. The Parks and Recreation Advisory Board shall meet at least quarterly. All meetings shall be open to the public and all meeting agendas, minutes, and other materials utilized by the Board shall be available to the public in accordance with State Sunshine and Public Records laws.

## **BY-LAWS OF THE GADSDEN COUNTY PARKS AND RECREATION ADVISORY BOARD**

### **ARTICLE I - NAME AND AUTHORIZATION**

#### **A. NAME**

The name of the Board, as provided by Ordinance 2016-022 of Gadsden County, Florida, shall be known as the Gadsden County Parks and Recreation Advisory Board, herein after referred to as the "Board".

#### **B. AUTHORIZATION**

The Board exists by the authority of the Gadsden County Board of County Commissioners and may be modified or abolished by action of the Gadsden County Board of County Commissioners.

### **ARTICLE II - PURPOSE AND FUNCTION**

#### **A PURPOSE**

The Board shall advise the Gadsden County Board of County Commissioners and the Parks and Recreation Department on issues presented to the Board related to the study and planning for the operation of the parks and recreation program and the creation and operation of County parks, playgrounds, and recreation areas.

#### **B FUNCTION**

The functions of the Board shall be:

1. to encourage citizen participation;
2. to present or discuss policies and programs affecting parks and recreation; to study issues;
3. to provide input on the values, goals, and objectives of a program; to develop program plans; and
4. to contribute to continuous feedback; and make recommendations to the County Commission for overall quality program/service deliveries.

### **ARTICLE III – MEMBERSHIP**

#### **A MEMBERSHIP; TERM**

The Parks and Recreation Advisory Board shall be comprised of seven (7) members, as follows:

the Gadsden County Parks and Recreation Director; one (1) member selected by majority vote of the GCBOCC; and five (5) members appointed by the individual County Commissioners. All members, except the Parks and Recreation Director, must be Gadsden County residents. Each County Commissioner shall appoint one (1) member, who shall serve at the pleasure of the appointing commissioner. In order to provide equal representation of the five districts, the appointing commissioner shall attempt to appoint a person who resides in that commissioner's district. At least one (1) member shall be a professional in a field complimentary to the Board's duties.

Each member appointed by an individual Commissioner shall be appointed at the first meeting in January following the Commissioner's election and shall serve at the pleasure of that Commissioner during that Commissioner's term in office, unless the member's position becomes vacant. The Parks and Recreation Director shall serve while he or she holds the position. The member selected by majority vote of the BOCC shall serve for (4) years from the date of appointment, unless the member's position becomes vacant, and may be selected for additional terms. Members shall continue to serve until replaced. Vacancies shall be filled expeditiously.

**B VACANCIES**

1. The position of the member selected by majority vote of the BOCC shall become vacant when:

- a. he or she is absent from 33% of the regularly scheduled meetings in a given calendar year, regardless if such absence is excused or unexcused. All absences will be duly recorded in the meeting minutes. Absences from emergency or special called meetings will not be recorded against a member in calculating the percent of absences. Special exceptions on the removal of members for absences may be made by the Chairperson of the Board when the absences are due to health or time-limited extenuating circumstances and the absences do not affect the ability of the Board to maintain a quorum, or
- b. he or she no longer meets the membership requirements, or
- c. his or her term expires, or
- d. he or she resigns.

2. The position of a member appointed by an individual Commissioner shall become vacant when:

- a. he or she is removed by the appointing Commissioner, or
- b. he or she no longer meets the membership requirements, or
- c. he or she resigns.

3. The Chair shall immediately, upon receipt of a resignation or when advised of a vacancy,

notify the County Administrator.

4. Should a resignation be submitted to staff, they will immediately notify the Chair and the County Administrator.

## **ARTICLE IV - ORGANIZATION**

### **A OFFICERS**

1. The Board shall elect from its members a Chair, Vice-Chair and (at the discretion of the Board) a Secretary.

2. Officers shall be elected for a term of one (1) year at the January meeting and shall assume office beginning immediately following the January meeting.

3. The officers shall perform the duties as prescribed by the parliamentary authority adopted by the Board.

### **B QUORUM**

A majority of the Board shall constitute a quorum to hold a meeting or take any action. As technology permits, members may attend, fully participate and vote at meetings by telephone or video conference, but there must be a majority of members physically present in order to have a quorum.

### **C VOTING RIGHTS**

Each member shall be entitled to one (1) vote and shall cast that vote on each item submitted. Proxy votes and absentee ballots shall not be permitted. Members shall only abstain from a vote when there is a valid conflict of interest addressed to the Board.

## **ARTICLE V - OFFICERS AND DUTIES**

### **A CHAIR**

1. The Chair shall appoint chairs of all committees, standing and special.

2. It is the Chair's responsibility to ensure compliance with the Ordinance and Bylaws. The Chair will notify members of removal from the committee for noncompliance. Specific questions of conflict of interest will be addressed by the County Attorney or designee.

3. The Chair shall immediately, upon receipt of a resignation or when advised of a vacancy, notify the County Administrator.

4. The Chair may approve special exceptions on the removal of members for absences at regularly scheduled meetings when the absences are due to health or time-limited extenuating

circumstances and the absences do not affect the ability of the committee to maintain a quorum.

**B VICE-CHAIR**

The Vice-Chair shall perform the duties in the absence of the chair.

**C REMOVAL**

When an officer has been absent or has not performed the duties of that office for three consecutive meetings, that officer may be removed from office by the Board with a majority vote at a regularly scheduled meeting.

**ARTICLE VI - BOARD OPERATIONS**

A. The Board shall have no authority other than as set forth in the Ordinance and Bylaws and approved by the County Commission.

B. The Board will hold regular meetings at least quarterly based upon an adopted meeting schedule. All members shall be notified of regular meetings by mail or electronic mail at least two weeks prior to the meeting. Special meetings may be called by the Chair or by a majority of the board members with the purpose of the meeting stated. Except in the case of emergency, all members shall be notified of special meetings at least five days prior to the meeting.

C. All meetings will be open to the public and all meeting agendas, minutes, and other materials utilized by the Board shall be available to the public in accordance with State Sunshine and Public Records laws. For advertising purposes, the Board will provide to the Clerk's Office a schedule of meetings.

D. All meetings shall be conducted in accordance with Robert's Rules of Order.

**ARTICLE VII - STAFF SERVICES**

A. The Parks and Recreation Department shall act as the liaison for the Board with the County Commission and the appropriate appointed official. The Parks and Recreation Department will provide staff services to the committee. Staff services will include:

1. providing a schedule of meetings to the Clerk's Office and committee members, arranging meeting locations; preparing and distributing appropriate information related to the meeting agenda.
2. informing the Board of events, activities, policies, programs, etc. occurring within the scope of the Board's function and informing the Board of all County Commission or department requests for information or assistance.
3. ensuring the County Administrator is informed of all vacancies, expired terms, changes in officers, or any other changes to the Board and that all requests for review of

applications by the Board and any subsequent recommendations by the Board or staff are returned in a timely manner to the County Administrator to facilitate the appointment process.

4. the responsibility for the continuous flow of information to the appropriate appointed official including providing reports, actions, and recommendations of the Board and notification of noncompliance by the Board or chair with the Bylaws or statutes.

5. the responsibility for ensuring information provided by the Board for County Commission review is appropriately agendaed for the County Commission meetings.

B. A formal, standard orientation program will be provided by staff to all new members. The program will address, but not be limited to, the Ordinance and Bylaws, conflicts of interest, the Florida Sunshine and Public Records laws, ethics violations, and shall stress the legal obligations and responsibilities. Staff will ensure responses are provided to any concerns the new members may have regarding the duties and responsibilities of the Board and the members.

#### **ARTICLE VIII - SUNSET PROVISION**

The County Commission will review the activities and accomplishments of the Board every four years based on a formal review by the County Administrator to determine if the Board has completed its original objectives and to determine if the Board should continue its activities.

#### **ARTICLE IX - BYLAWS AND EFFECTIVE DATE**

A. The initial Bylaws are adopted by the County Commission contemporaneously with the Ordinance creating the Board. The Bylaws may be amended by the County Commission upon the recommendation of the Board. Any amendments shall be filed with the Parks and Recreation Department and the County Clerk.

#### **ARTICLE X – LIMITATION OF POWERS**

The Parks and Recreation Advisory Board shall have no power or authority to commit the county government to any policies or to incur any financial obligation or to create any liability on the part of the County. No actions or recommendations of this Parks and Recreation Advisory Board shall be binding upon the county until approved or adopted by the Board of County Commissioners. This Parks and Recreation Advisory Board shall not infringe upon any of the powers granted by law to any other duly constituted board relating to matters involving county park facilities and services.

#### **ARTICLE XI - IMPLEMENTATION OF PARK AND RECREATION POLICIES, PROCEDURES AND REGULATIONS**

The Board of County Commissioners of Gadsden County, Florida may establish policies, procedures, and regulations for the government of the park and recreation service not inconsistent with law. In addition to the powers granted herein to the Board of County

Commissioners, the Board may approve procedures and policies enacted by the County Recreation Director and the Parks and Recreation Advisory Board for the protection of the health, safety, and welfare of the citizens of Gadsden County. The Recreation Director and the Parks and Recreation Advisory Board, with approval of the board, can establish and implement policies to manage appropriate public conduct within county parks, to include a Gadsden County Parks and Recreation Department Code of Conduct.

## **NOTICE OF INTENT: PUBLIC HEARING**

NOTICE IS HEREBY GIVEN to all concerned that the Board of County Commissioners of Gadsden County, Florida, intends, at a regular meeting, at the Gadsden County Governmental Complex, 9-B East Jefferson Street, Quincy, Florida, at 6:00 p.m. on the 20th day of December, 2016, to consider adoption of an ordinance entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, ADOPTING CHAPTER 2, ARTICLE V, DIVISION 5 OF THE GADSDEN COUNTY CODE OF ORDINANCES, CREATING A PARKS AND RECREATION ADVISORY BOARD; ADOPTING PROVISIONS RELATED TO MEMBERSHIP, DUTIES, AUTHORITY, MEETINGS AND RECORDS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

INTERESTED PARTIES MAY APPEAR AT THE MEETING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THIS MATTER, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MUST ASSURE THAT A VERBATIM RECORDING OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

The proposed ordinance is available for public inspection at the Office of the Clerk, Gadsden County Courthouse, 10 E. Jefferson St., Quincy, Florida, and on the County website at [gadsdencountyfl.gov](http://gadsdencountyfl.gov).

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons needing assistance in obtaining any information from the County on attending the public hearing must contact the Gadsden County Administrator's Office, 1B E. Jefferson Street, Quincy, Florida, (850) 875-8650, at least 48 hours prior to the hearing; if you are hearing or voice impaired, call 711.**

BOARD OF COUNTY COMMISSIONERS OF  
GADSDEN COUNTY, FLORIDA

By: \_\_\_\_\_  
Nicholas Thomas, Clerk

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