

**ORDINANCE NO. 2018-08**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE XV "YOUTH ATHLETICS ADVISORY BOARD," TO REDEFINE THE JURISDICTION OF THE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on January 15, 2008, the Village Council of the Village of Key Biscayne (the "Village") adopted Ordinance No. 2008-01, which created the Youth Athletics Advisory Board (the "Board"); and

**WHEREAS**, on May 27, 2008, the Village Council adopted Ordinance No. 2008-04, refining the membership of the Board, by removing the Village Council member and Village manager as ex-officio appointees; and

**WHEREAS**, the Board currently provides recommendations to the Village Council and Village Manger regarding the Village's youth athletics programs; and

**WHEREAS**, the Village Council desires for the Board to additionally provide recommendations regarding the Village's adult athletics programs; and

**WHEREAS**, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1.    Recitals.** That the above recitals are true and correct and incorporated herein by this reference.

**Section 2.    Amending Village Code.** The Village Council hereby amends Chapter 2, Article XV "Youth Athletics Advisory Board" as follows:<sup>1</sup>

**Article XV. ~~Youth~~ Village Athletics Advisory Board**

**Sec. 2-220. - Creation, composition, and qualifications.**

(a) In accordance with Section 2-10 of the Village Code, there is hereby created and established the Village of Key Biscayne ~~Youth~~-Athletics Advisory Board (the "Board").

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<sup>1</sup> Coding: ~~Strikethrough~~-words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlight.

The Board shall be composed of seven members appointed by the Mayor, with the approval of the Council, as provided by Village Charter Section 2.02.

~~(b) Four members of the Board shall be appointed from a list of seven nominees which are recommended by the Key Biscayne Athletic Club, Inc. Three m~~Members of the Board shall consist of ~~other~~ qualified persons who express an interest in serving on the Board and have experience in youth and or adult sports programs. ~~In the event that the Key Biscayne Athletic Club Inc. fails to provide nominations within 90 days of a written request from the Village for such nominations, all seven members shall be selected based upon an interest in serving the Board and experience in youth sports programs.~~

(c) All Board members shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.

~~(d) Except for the initial Board, each member of the Board shall be appointed to a term of two years. For the initial Board, four members shall be appointed for a term of two years and three members shall be appointed for a term of one year, as determined by the Mayor with the approval of the Village Council.~~

~~(e)~~(d) Members of the Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

~~(f)~~(e) Each member of the Board shall be a full time resident of the Village who has continuously resided within the Village for the 12-month period immediately prior to the appointment, and shall not be an employee of the Village. Any member who ceases to reside within the Village Limits during his or her term of office shall be deemed to have resigned as of the date of his or her change of residence from the Village. Any member who becomes employed by the Village during his or her term of office shall be deemed to have resigned as of the start date of his or her employment with the Village.

~~(g)~~(f) In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on the Board for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

~~(h)~~(g) In appointing members of the Board, the following additional membership qualification guidelines shall be considered:

- (1) Demonstrated interest in youth and adult athletics;
- (2) Evidence of a commitment to serve and act in the best interests of the citizens of the Village.

**Sec. 2-221. - Term of office.**

~~Except for the initial Board, m~~Members shall be appointed in accordance with Section 2.02(a) of the Village Charter for a term of two years. Members may be reappointed.

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**Sec. 2-224. - Jurisdiction.**

(a) The jurisdiction of the Board shall be solely advisory. Final advisory action of the Board shall be in the appropriate form, and written recommendations shall be provided to the Village Council and Village Manager Parks Director. The following matters shall be within the advisory jurisdiction of the Board:

- (1) Provide a forum for Village residents to discuss how the youth and adult athletic program of the Village may best meet the needs and desires of Village residents.
- (2) Provide recommendations regarding ~~specific types of programs for inclusion in the Village's youth and adult athletics program~~ the following youth sports programs: volleyball, track and field, lacrosse, field hockey, soccer, baseball, softball, rugby and basketball. specific types of programs for inclusion in the Village's youth or adult athletics program.
- ~~(3) Provide recommendations regarding the following adult sports programs: soccer and softball.~~
- (3) ~~(4)~~ (3) Any other matters assigned to the Board by the Village Council or Village Manager relating to the matter of youth and adult athletics.

(b) The Board shall not have jurisdiction over or related to any matter concerning the duties, employment or performance of Village employees.

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining

sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.** **Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 5.** **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 6.** **Effective Date.** That this Ordinance shall become effective immediately upon adoption at second reading.

PASSED on first reading this 10<sup>th</sup> day of April, 2018.

PASSED AND ADOPTED on second reading this 30<sup>th</sup> day of October, 2018.

  
MAYOR MAYRA PEÑA LINDSAY



ATTEST:

  
JENNIFER MEDINA, CMC  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
VILLAGE ATTORNEY

**MIAMI DAILY BUSINESS REVIEW**

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:**

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

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in the XXXX Court,  
was published in said newspaper in the issues of

08/16/2018

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

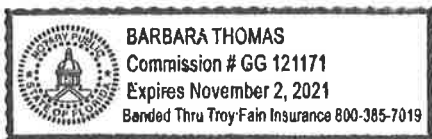
*Guillermo Garcia*

Sworn to and subscribed before me this  
16 day of AUGUST, A.D. 2018

*Barbara Thomas*

(SEAL)

GUILLERMO GARCIA personally known to me



**VILLAGE OF KEY BISCAYNE  
OFFICE OF THE VILLAGE CLERK  
PUBLIC NOTICE**

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, August 28, 2018 at 6:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE XV "YOUTH ATHLETICS ADVISORY BOARD," TO REDEFINE THE JURISDICTION OF THE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinances. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Jennifer Medina, CMC  
Village Clerk  
18-55/0000339880M

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