



VILLAGE OF KEY BISCAYNE

Office of the Village Manager

MEMORANDUM

Village Council
Mayra P. Lindsay, *Mayor*
Franklin H. Caplan, *Vice Mayor*
Luis F. de la Cruz
Gary R. Gross
Allison McCormick
Brett G. Moss
Katie Petros

DATE: June 5, 2018
TO: Honorable Mayor and Members of the Village Council
FROM: John C. Gilbert, Village Manager

Village Manager
John C. Gilbert

RE: An Ordinance Amending the Jurisdiction of the Youth Athletics Advisory Board to Include Adult Athletics and Changing the Boards Name to the Village Athletics Advisory Board.

RECOMMENDATION

It is recommended that the Village Council approve the attached ordinance amending the jurisdiction of the Youth Athletics Advisory Board to include adult athletics and changing the Boards name to the Village Athletics Advisory Board on first reading. The second reading of this ordinance is scheduled for August 28, 2018.

BACKGROUND

On March 6, 2018 Glen Waldman, Chair of the Youth Athletics Advisory Board, made a presentation before the Village Council. The presentation included a request to change the name of the Board to the Village Athletic Advisory Board and increase the scope to include adult athletic programs. The memo provided to the Village Council regarding this request is attached as Exhibit "A".

Reviewed by Ms. Ashley Daniels from Weiss Serota Helfman Cole & Bierman as to form and legal sufficiency.

ORDINANCE NO. 2018-_____

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:¹

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").

¹ 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 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 ~~L~~imits 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 for a term of two years. Members may be reappointed.

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. 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.
- (3) Provide recommendations regarding the following adult sports programs: soccer and softball.
- ~~(3)~~ (4) 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 _____ day of _____ 2018.

PASSED AND ADOPTED on second reading this ____ day of _____, 2018.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

VILLAGE ATTORNEY



**VILLAGE OF KEY BISCAIYNE
YOUTH ATHLETICS ADVISORY BOARD**

Glen Waldman, Chair

Victor Balestra
Gonzalo Cortabarría
Kenneth Coto

Cesar Elizondo
Florencia Manero
Paul Zuccarini

February 12, 2018

Dear Mayor Lindsay and Council Members:

I write to you in my capacity as the Chairman of the Youth Athletic Advisory Board, which was formed in January 2008 pursuant to Ordinance 2008-1. I will be coming before you on behalf of the YAAB to discuss certain important matters on February 27th and thought it would be prudent to first give you a heads up to the issues we will be discussing and the action we will be asking you to take. There are three items that we will be discussing and each is summarized below:

1. Addition of Roof Enclosure over Basketball Court and Redo of Surface at KBCS:

We all are cognizant of the shortage of facilities and the ever-increasing demand. We identified what we strongly believe to be a rarity, a very underutilized facility which we would like to convert into something much more than it is. The basketball court behind the KBCS which abuts the baseball diamond/field is not currently utilized by any of our sports and frankly, is not suited for our sports in its current condition. We have been working for over a year to come up with a proposal for your consideration, which will radically reverse that fact. Attached is a rendering of the proposed roof structure, which will have interior lights and will protect and cover a completely redone and relined facility for basketball and volleyball usage. We have also enclosed the most affordable estimate to perform the work. If we proceed with this project, we will be able to further expand our girls' volleyball program and co-ed basketball programs. The girls' volleyball program, which can currently only be run in the recreational center during the months of September, October and November, due to Basketball starting near the end of November, and is also constrained as to the number of girls who can participate. Every year we have a waiting list of Key Biscayne girls, which we must turn away. Increasing the number of girls in our programs remains a

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priority and the additional space will help us accomplish this. The basketball recreational program is run from late November to the end of February and is also constrained by numbers and time frames due to other events and programs needing the recreational floor. Moreover, with the addition of the above facility, we will be able to expand both programs and allow them to be played beyond their short indoor regular seasons in the community center and allow us to move to the next level for those who are interested (and there are many) to provide travel programs and off-season training. This facility could, of course, have many other uses, but at a minimum, it would substantially enhance these current programs and help to satisfy the demand that we have not been able to meet.

2. Position Concerning Taxing Current Sports:

The YAAB was instructed to consider and determine whether there was a methodology to raise additional money for the Village coffers from the current athletic programs. We were also told that the target was to raise revenue of \$100,000 per year from our sports. We looked at from the perspective of field usage and tried to come up with a fair way to assess essentially a tax on programs. The more we looked at and dug into it, the more we became convinced that if we followed through with this concept and tried to get near the target number, we would essentially force the programs to pass the "tax" through to the participants, which would have the effect of raising prices for each participant in each of our affected sports. This is contrary to one of the fundamental tenets, which we have subscribed to, provide excellent programs at a reasonable cost. Imposing this tax would force residents in some instances to pay more for intramural sports than off island, which is anathema to our charge. Accordingly, it is the unanimous position of the Board that a tax to add revenue is not the way to go and we are averse to any such formulation, which would impact the cost to those Key residents who participate in our excellent programs. That said, and understanding that this may be something important to the Council, the YAAB has come up with a proposal, which we believe accomplishes to a reasonable extent two of the goals, raising revenue for the Village, but not harming resident prices for sports participation. As set forth on the attached spreadsheet, we have come up with a methodology that will raise revenue for the Village and not impact our residents. As such, we propose to add a usage fee for all non-Key Biscayne residents who participate in Key Biscayne sports and have the benefit of our programs, fields and gym space. Not only do we propose that this fee be instituted for youth sports, but also for adult sports, essentially adult



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soccer for off island participants. In this vein, we believe initially we can raise \$25,000 in year one and gradually over time increase this, if need be. We are also confident that we will not lose many off island participants, at least in the youth context, and, if we do, so be it. Additionally, the sports that find off-island participants important to their success will be motivated to come up with creative ways to defray these costs (scholarships, fundraisers) with the onus on them. Based on conversations with those sports leaders, we are confident that they will make it work, if it is important to them.

3. Revision of Ordinance 2008:

As we have been working through item 2 above and, based on the issues we deal with on an annual basis, concerning scheduling, field usage, expansion of sports and the like, it has become clear that the advisory board is more than a "youth" athletic advisory board, but really a Village athletic advisory board. Specifically, it became logical and necessary for us to dig into the adult soccer program to insure the off-island participants did not receive a free pass and we are frequently addressing issues regarding these non-youth sports in trying to fairly carry out our tasks. In order to make the above work and to continue to make our sports programs, field allocations and other issues as seamless as possible, the reality is that the YAAB is overseeing all village sports and frankly should be. As such, we are asking that the Council amend Ordinance No 2008-1 in the following respects:

- a. Change the name of the Board to the Village Athletic Advisory Board;
- b. Change the charge of the Board from that of "providing recommendations to the Council regarding the Village's youth athletic program" to "providing recommendations to the Council regarding the Village athletic programs" and amend throughout the Ordinance, as necessary, to signify this change.

Thank you very much for your consideration of the above. I look forward to discussing this further with you at the Village Council meeting on February 27th. Should any of you wish to further discuss these issues prior to that time, the members of the Board are available at your convenience to do so. Finally, please understand that the above does not reflect my personal views, although I agree with all the positions presented, but the collective position of our Board that continues to donate their time



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and serve at the pleasure of the Council to do our part for our unique and special Village.

Very truly yours,



Glen H. Waldman

Enclosures

cc: YAAB Board Members
Todd Hofferberth