

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 10th day of April, 2018.

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

MAYRA PEÑA LINDSAY, MAYOR

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY