



BOARD OF COUNTY COMMISSIONERS

DATE: September 17, 2013
AGENDA ITEM NO. 1

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Approval of Revisions to Section 114-213(1) of the Pinellas County Code Related to the Palm Harbor Community Services Agency, Inc.

Department:

Office of the County Administrator

Staff Member Responsible:

Mark S. Woodard, Assistant County Administrator

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) HEAR PUBLIC INPUT AND CONSIDER ADOPTING AN ORDINANCE MODIFYING THE GOVERNANCE STRUCTURE OF THE PALM HARBOR COMMUNITY SERVICES AGENCY, INC. (PHCSA) TO INCORPORATE REPRESENTATION FROM THE EAST LAKE COMMUNITY LIBRARY (ELCL) AND INCREASE REPRESENTATION FROM THE BOARD OF COUNTY COMMISSIONERS EFFECTIVE NOVEMBER 1, 2013.

Summary Explanation/Background:

This is an opportune time to restructure the PHCSA Board of Directors due to the establishment of the East Lake Library Municipal Services Taxing Unit, adoption of a new Library Cooperative Interlocal Agreement that provides greater independence to the ELCL and the approval of an operating agreement between PHCSA and the County on behalf of the ELCL. The current and proposed structure is as follows:

Current Appointees

2 Friends of the Palm Harbor Library
2 Palm Harbor Recreation League
2 Palm Harbor Chamber of Commerce
1 BCC Appointee
7

Proposed Appointees

1 Friends of the Palm Harbor Library
1 Palm Harbor Recreation League
0 Palm Harbor Chamber of Commerce
4 BCC Appointees
1 East Lake Library Advisory Board
7

The amendments mimic the same voting restrictions, residency requirements and term limits contained in the existing Code with the exception of the appointee of the East Lake Library Advisory Board (who must reside within the East Lake Library MSTU boundaries). However, the Chair of PHCSA and the ELCL Advisory Board, Inc. support the BCC appointees be residents of either Palm Harbor or the East Lake Fire Districts to recognize the broad base of volunteers that reside within both communities. Additionally, the Chair of the PHCSA has asked that the Board consider eliminating the existing term limit language.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Redline Version of Ordinance
Ordinance

ORDINANCE NO. 13-

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO THE PALM HARBOR COMMUNITY SERVICES DISTRICT; AMENDING SECTION 114-213 OF THE PINELLAS COUNTY CODE RELATING TO THE GOVERNING BODY AND PROGRAM MANAGEMENT; PROVIDING FOR A TRANSITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR FILING; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY in a meeting duly assembled this _____ day of _____ 2013, that:

Section 1. Section 114-213 of the Pinellas County Code is hereby amended to read as follows:

Sec. 114-213. - Governing body; program management.

The board of county commissioners shall be the governing body of the district. The board of county commissioners shall contract with a nonprofit corporation created for the purposes set forth in this article for the administration and operation of the business and affairs of the district within a reasonable time after the effective date of sections 114-216 or 114-217 of this article. The articles~~charter~~ of the nonprofit corporation referenced above shall provide:

(1) For a board of directors, to be comprised of the following:

- a. ~~Two~~One directors who ~~are~~is an officers or directors of, and appointed by, the Palm Harbor Friends of the Library, Inc., ~~only if section 114-216 becomes effective~~;
- b. ~~Two~~One directors who ~~are~~is an officers or directors of, and appointed by, the Palm Harbor Recreation League, Inc., only if section 114-217 becomes effective;
- c. ~~Two~~One directors who ~~are~~is an officers or directors of, and appointed by, the East Lake Community Library Advisory Board, Inc.~~Greater Palm Harbor Chamber of Commerce~~; and
- d. ~~One~~Four directors appointed by the board of county commissioners. Each county commissioner representing the three at-large districts shall nominate one director each and the county commissioner representing District 4 shall nominate one director.

(2) The terms of office of the board of directors shall be for two years each from the date of their appointment. A director may serve no more than two successive terms. Each director shall be a qualified Pinellas County elector, ~~of~~ and shall reside within the district except for the director appointed by the East Lake Community Library Advisory Board, Inc., who shall reside in the East Lake Library Services District established pursuant to Section 114-330 of this code. If any director ceases to reside anywhere within the required district, resigns from office, or is removed for cause from office, his/her office shall be declared vacant, he/she shall be disqualified from further service, and a new director shall be appointed as provided in subsection (1) of this section to fill the unexpired term of office. Each director shall hold office until his/her successor is appointed and qualified. Any resignation by a director shall be accepted.

- (3) A record shall be kept of all meetings of such corporation, and in such meetings the concurrence of a majority of such directors shall be necessary to any affirmative action by such corporation; provided however, the ~~two directors from~~ appointed by the Palm Harbor Friends of the Library, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to recreation programs or the East Lake Library~~the provisions of section 114-217~~; and the ~~two directors from~~ appointed by the Palm Harbor Recreation League, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to the Palm Harbor Library or East Lake Library programs, and the director appointed by the East Lake Community Library Advisory Board, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to recreation programs or the Palm Harbor Library pursuant to the provisions of section 114-216. The board of directors may adopt such rules and regulations as it may deem necessary regarding the transaction of its business and in carrying out the provisions of this article, subject to approval by the board of county commissioners.
- (4) The board of directors shall, within 30 days of their qualification and appointment, and annually thereafter, elect from their number a chair~~man~~, a vice-chair~~man~~, and a secretary-treasurer.
- (5) That ~~D~~directors shall receive no compensation for their services, but shall be entitled to reasonable per diem and travel expenses incurred in furtherance of authorized business of the district subject to the limitations provided in F.S. §112.061, and subject to approval by the board of directors.

Section 2. Transition.

The County has previously entered into an agreement with the Palm Harbor Community Services Agency, Inc., a Florida nonprofit corporation, to manage the business and affairs of the district, as authorized by and pursuant to, Section 114-213 of the article. This corporation shall revise its articles, by-laws, and other corporate documents as necessary to comply with this Ordinance within thirty (30) days of its effective date, and shall reorganize its board of directors with the new appointees of the board of county commissioners at the next directors' meeting after notification of the appointments. The new appointees of the board of county commissioners shall initially serve the unexpired terms of the directors they replace.

Section 3. 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, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 4. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

Section 5. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall take effect on November 1, 2013.

ORDINANCE No. 13-

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO THE PALM HARBOR COMMUNITY SERVICES DISTRICT; AMENDING SECTION 114-213 OF THE PINELLAS COUNTY CODE RELATING TO THE GOVERNING BODY AND PROGRAM MANAGEMENT; PROVIDING FOR A TRANSITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR FILING; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY
in a meeting duly assembled this _____ day of _____ 2013, that:

Section 1. Section 114-213 of the Pinellas County Code is hereby amended to read as follows:

Sec. 114-213. - Governing body; program management.

The board of county commissioners shall be the governing body of the district. The board of county commissioners shall contract with a nonprofit corporation created for the purposes set forth in this article for the administration and operation of the business and affairs of the district within a reasonable time after the effective date of sections 114-216 or 114-217 of this article. The articles of the nonprofit corporation referenced above shall provide:

- (1) For a board of directors, to be comprised of the following:
 - a. One director who is an officer or director of, and appointed by, the Palm Harbor Friends of the Library, Inc.;
 - b. One director who is an officer or director of, and appointed by, the Palm Harbor Recreation League, Inc., only if section 114-217 becomes effective;
 - c. One director who is an officer or director of, and appointed by, the East Lake Community Library Advisory Board, Inc.; and
 - d. Four directors appointed by the board of county commissioners. Each county commissioner representing the three at-large districts shall nominate one director each and the county commissioner representing District 4 shall nominate one director.
- (2) The terms of office of the board of directors shall be for two years each from the date of their appointment. A director may serve no more than two successive terms. Each director shall be a qualified Pinellas County elector, and shall reside within the district except for the director appointed by the East Lake Community Library Advisory Board, Inc., who shall reside in the East Lake Library Services District established pursuant to Section 114-330 of this code. If any director ceases to reside anywhere within the required district, resigns from office, or is removed for cause from office, his/her office shall be declared vacant, he/she shall be disqualified from further service, and a new director shall be appointed as provided in subsection (1) of this section to fill the unexpired term of office. Each director shall hold office until his/her successor is appointed and qualified. Any resignation by a director shall be accepted.

- (3) A record shall be kept of all meetings of such corporation, and in such meetings the concurrence of a majority of such directors shall be necessary to any affirmative action by such corporation; provided however, the director appointed by the Palm Harbor Friends of the Library, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to recreation programs or the East Lake Library; and the director appointed by the Palm Harbor Recreation League, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to the Palm Harbor Library or East Lake Library programs, and the director appointed by the East Lake Community Library Advisory Board, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to recreation programs or the Palm Harbor Library. The board of directors may adopt such rules and regulations as it may deem necessary regarding the transaction of its business and in carrying out the provisions of this article, subject to approval by the board of county commissioners.
- (4) The board of directors shall, within 30 days of their qualification and appointment, and annually thereafter, elect from their number a chair, a vice-chair, and a secretary-treasurer.
- (5) That directors shall receive no compensation for their services, but shall be entitled to reasonable per diem and travel expenses incurred in furtherance of authorized business of the district subject to the limitations provided in F.S. §112.061, and subject to approval by the board of directors.

Section 2. Transition.

The County has previously entered into an agreement with the Palm Harbor Community Services Agency, Inc., a Florida nonprofit corporation, to manage the business and affairs of the district, as authorized by and pursuant to, Section 114-213 of the article. This corporation shall revise its articles, by-laws, and other corporate documents as necessary to comply with this Ordinance within thirty (30) days of its effective date, and shall reorganize its board of directors with the new appointees of the board of county commissioners at the next directors' meeting after notification of the appointments. The new appointees of the board of county commissioners shall initially serve the unexpired terms of the directors they replace.

Section 3. 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, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

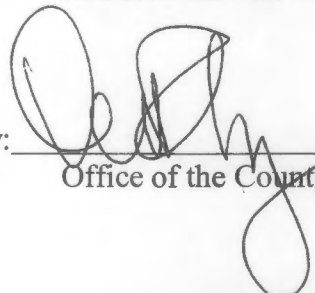
Section 4. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

Section 5. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall take effect on November 1, 2013.

APPROVED AS TO FORM

By: 
Office of the County Attorney