



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** September 11, 2014

**AGENDA ITEM NO.** 30

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

*[Signature]*  
**County Administrator's Signature:**

**Subject:**

Public Hearing for Approval of Revisions to Section 114-213 of the Pinellas County Code Relating to the Palm Harbor Community Services District.

**Department:**

Office of the County Administrator

**Staff Member Responsible:**

Joe Lauro, Interim Assistant County Administrator

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) HEAR PUBLIC INPUT AND ADOPT AN ORDINANCE MODIFYING THE GOVERNANCE STRUCTURE OF THE PALM HARBOR COMMUNITY SERVICES DISTRICT TO INCORPORATE REPRESENTATION FROM THE EAST LAKE YOUTH SPORTS ASSOCIATION, INC.(ELYSA).

**Summary Explanation/Background:**

The establishment of the East Lake Recreation Services District Municipal Services Taxing Unit (MSTU) required restructuring the Palm Harbor Community Services Agency, Inc. (PHCSA) Board of Directors to include an ELYSA member. The amendment provides for the same voting restrictions, residency requirements and term limits as provided to all organizations operating under the PHCSA governance structure (East Lake Library, Palm Harbor Library, Palm Harbor Recreation and East Lake Recreation).

**Fiscal Impact/Cost/Revenue Summary:**

None

**Exhibits/Attachments Attached:**

Redlined Version of Ordinance  
Ordinance

**ORDINANCE NO. ~~1314~~**

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 \_\_\_\_\_ 20132014, 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.;

c. One director who is an officer or director of, and appointed by, the East Lake Community Library Advisory Board, Inc.; and

d. One director who is an officer or director of, and appointed by, the East Lake Youth Sports Association, Inc.; and  
~~e.~~

~~d.e.~~ 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. The directors appointed by the Palm Harbor Friends of the Library, Inc. and the Palm Harbor Recreation League, Inc. shall

reside in the district; the director appointed by the East Lake Community Library Advisory Board, Inc. shall reside in the East Lake Library Services District; the director appointed by the East Lake Youth Sports Association, Inc. shall reside in the East Lake Recreation Services District; and the directors appointed by the Board of County Commissioners shall reside either in the district, ~~or the East Lake Library Services District, or the East Lake Recreation Services District.~~ If any director ceases to reside within the required municipal services taxing unit, 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;~~ and the director appointed by the East Lake Youth Sports Association, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to library services or the Palm Harbor Recreation programs. 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 East Lake Youth Sports Association, Inc. ~~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-October~~ 1, ~~2013~~2014.

AS TO FORM

APPROVED

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
By: \_\_\_\_\_

Office of the

**ORDINANCE NO. 14-\_\_\_\_\_**

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COUNTY in a meeting duly assembled this \_\_\_\_\_ day of \_\_\_\_\_ 2014, that:

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- (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.;
  - c. One director who is an officer or director of, and appointed by, the East Lake Community Library Advisory Board, Inc.;
  - d. One director who is an officer or director of, and appointed by, the East Lake Youth Sports Association, Inc.; and
  - e. 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. The directors appointed by the Palm Harbor Friends of the Library, Inc. and the Palm Harbor Recreation League, Inc. shall reside in the district; the director appointed by the East Lake Community Library Advisory Board, Inc. shall reside in the East Lake Library Services District; the director appointed by the East Lake Youth Sports Association, Inc. shall reside in the East Lake Recreation Services District; and the directors appointed by the Board of County Commissioners shall reside either in the district, the East Lake Library Services District,



or the East Lake Recreation Services District. If any director ceases to reside within the required municipal services taxing unit, 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.

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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 October 1, 2014.

APPROVED AS TO FORM



By: \_\_\_\_\_  
Office of the County Attorney