

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008 - KW Division County Attorney

Bulk Item: Yes  No  Staff Contact Person: Suzanne Hutton #3473

**AGENDA ITEM WORDING:**

A Public Hearing to consider approval of an ordinance amending Section 2-299, Monroe County, regarding the appointment process for members of the Tourist Development Council (TDC) and District Advisory Councils (DACs). The proposed ordinance would amend the Monroe County Code to clarify that the six members who sit on the TDC by virtue of involvement with the tourist industry are representing a tourism tax collection district in which the member's business is located. The proposed amendment would also clarify the absenteeism policy of the TDC, by stating that the absence of an elected official who is absent because of his/her official business shall be considered an excused absence and shall not be counted toward the three maximum allowable absences.

**ITEM BACKGROUND:**

The TDC was originally created by the BOCC as an advisory council on June 16, 1982 via Resolution No. 198-1981. The rules for appointment of members to th TDC and DACs were then set forth in Ordinances 015-1988, 045-1995 and 050-1996.

**PREVIOUS RELEVANT BOCC ACTION:**

The BOCC discussed the issue of appointment of members to the TDC at its September 19, 2007 meeting. The TDC will be discussing the proposed ordinance at its December 11, 2007 meeting. 12/19/2007 BOCC approved advertisement/holding Public Hearing 1/16/2008 @ 3:00 p.m.

**CONTRACT/AGREEMENT CHANGES: N/A**

**STAFF RECOMMENDATIONS:** Approval.

**TOTAL COST:** N/A **BUDGETED:** Yes N/A No

**COST TO COUNTY:** N/A **SOURCE OF FUNDS:**

**REVENUE PRODUCING:** Yes  No  **AMOUNT PER MONTH** unknown **YEAR** unknown

**APPROVED BY:** County Atty  OMB/Purchasing  Risk Management

**DOCUMENTATION:** Included  Not Required

**DISPOSITION:**  **AGENDA ITEM #**

ORDINANCE NO.           -2008

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 2-299, MONROE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 16, 1981, the Board of County Commissioners of Monroe County, Florida, created an advisory council known as the Monroe County Tourist Development Council ("TDC") by passage of Resolution No. 198-1981; and

**WHEREAS**, on February 16, 1988, the Board of County Commissioners of Monroe County, Florida, passed Ordinance 015-1988, which established Section 2-297 of the Monroe County Code and, in pertinent part, delineated rules for appointment of representatives to the TDC and District Advisory Councils; and

**WHEREAS**, on October 18, 1995, the Board of County Commissioners of Monroe County, Florida, passed Ordinance 045-1995, which amended Section 2-297(F) of the Monroe County Code and provided additional rules for appointment of members to District Advisory Councils; and

**WHEREAS**, on September 19, 1996, the Board of County Commissioners of Monroe County, Florida, passed Ordinance 050-1996, which further delineated the qualifications necessary to serve as a representative to the TDC; and

**WHEREAS**, it is the desire and intent of the Board of County Commissioners, after recommendation from the TDC, to clarify that the intent of the tourism-related and lodging industry appointments to the TDC and the District Advisory Councils was that these positions should be filled with people who are willing and able to serve as representatives of the geographic areas in which their businesses are located, and also to clarify the absenteeism policy.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:**

**[PROPOSED TEXT CHANGES are presented in ~~strikethrough~~ to indicate deletions and underline to indicate additions.]**

Section 1.     Section 2-299(B)(1), Monroe County Code, is hereby amended as follows:

- (1)     The Monroe County Tourist Development Council, following the expiration of terms of its members heretofore established and appointed, shall be composed of nine (9) members. Eight (8) members of the board shall be appointed by the governing board of Monroe County based on a percentage of the funds

collected throughout the five (5) tax collection districts, as set forth in subsection (G) of this section. Each tax collection district shall have no less than one (1) representative, ~~who is a resident of the district,~~ on the council. The ninth member of the council shall be the chairman of the governing board of Monroe County or any other member of the governing board as designated by the chairman. Two (2) members of the council shall be elected municipal officials, at least one (1) of whom shall be from the most populous municipality in the county. Six (6) members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three (3) nor more than four (4) shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county or subject to the tax. Each of the six members of the council who are involved in the tourist industry shall represent a tax collection district in which is located the business or businesses that qualify the individual as a lodging or tourist-related industry representative. All members of the council shall be electors of the county. The governing board of the county shall allow the council to elect a chairman. The chairman shall be elected annually and may be reelected.

Section 2. Section 2-299(B)(3) is amended to read as follows:

- (3) All district vacancies occurring on the tourist development council shall be filled by a ~~district resident~~ person who is also qualified under the terms of Florida Statutes, section 125.0104(4)(e). In addition to the vacancies described in subsection (B)(4) of this section, a seat shall also be considered vacant when a member ~~moves out of~~ is no longer an owner, operator, partner, employee or director of a lodging or tourist-related business in that district.

Section 3. Section 2-299(B)(4) is amended to read as follows:

- (4) Any member of the tourist development council ~~other than the chairman~~ who absents himself from any three (3) consecutive regular meetings of said tourist development council, unless excused from such attendance by consent of the council, expressed by action of record in its official minutes, or who is absent from a total of four (4) regular meetings of said council in any fiscal year without having been excused from such attendance by consent of the council expressed by action of record in its official minutes, shall thereby automatically forfeit his position and office as a member of the tourist development council; and the name of such person shall be automatically removed from the

membership of said council immediately after the adjournment of any such third consecutive meeting or any such fourth meeting in any fiscal year, as the case may be, at which such member has not appeared. The council shall thereupon promptly notify the member so removed, and the governing board of Monroe County shall thereupon appoint a new member to serve the remainder of the unexpired term of the member so removed. However, the absence of an elected official because of business or travel specifically related to his/her elected position, who is a member of the TDC by virtue that elected position, shall be considered an excused absence and shall be so noted in the minutes of that meeting.

Section 4. Section 2-299(F)(2), Monroe County Code, is hereby amended as follows:

- (2) The advisory committees shall be comprised of nine (9) members, whose qualifications shall be three (3) from the lodging industry, three (3) from tourist-related businesses, and three (3) from the general public. Each of the six members from the lodging industry or tourist-related businesses must have their primary place of business in that tax collection district. A seat of one of these members will be consider vacant when the member no longer has his primary place of business in that tax collection district. The members of the advisory committee from the general public will be individuals who either live or work within the tax collection district. A seat of one of these members will be considered vacant when the member neither resides nor has his primary place of business in that tax collection district.

Section 5. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected such invalidity.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 7. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances in the County of Monroe, Florida, as additions or amendments thereto, and the Monroe County Code shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 8. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the \_\_\_ day of January, 2008.

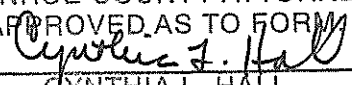
Mayor Charles McCoy \_\_\_\_\_  
Mayor Pro Tem Mario Di Gennaro \_\_\_\_\_  
Commissioner Dixie Spehar \_\_\_\_\_  
Commissioner Sylvia Murphy \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_

(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY  
COMMISSIONERS OF MONROE  
COUNTY, FLORIDA

\_\_\_\_\_  
By: Deputy Clerk

\_\_\_\_\_  
By: Mayor/Chairperson

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
  
\_\_\_\_\_  
CYNTHIA L. HALL  
ASSISTANT COUNTY ATTORNEY  
Date 12-3-2007