

**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

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**AGENDA ITEM WORDING:**

A Public Hearing to consider approval of an ordinance to clarify appointment authority of the Shared Asset Forfeiture Fund Advisory Board and specify length of terms of members.

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**ITEM BACKGROUND:**

During the course of review of the ordinance with the Sheriff's counsel, it was noted that the appointment process is not consistent with the principle that the County Commission may not delegate its discretionary authority, and that there was no provision for the terms of the members.

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**PREVIOUS RELEVANT BOCC ACTION:**

12/19/07 BOCC granted approval to advertise/hold Public Hearing 1/16/08  
Ordinance No. 30-2000 establishing the advisory board and its functions

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

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**STAFF RECOMMENDATIONS:** Approval.

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

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

**REVENUE PRODUCING:** Yes  No  **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

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

**DOCUMENTATION:** Included  Not Required

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

ORDINANCE NO. - 2008

AN ORDINANCE CLARIFYING THE AUTHORITY FOR THE APPOINTMENT OF MEMBERS TO THE MONROE COUNTY SHARED ASSET FORFEITURE FUND ADVISORY BOARD; PROVIDING FOR TERMS OF MEMBERS; 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, the Monroe County Board of County Commissioners, in Ordinance No. 30-2000, established the Monroe County Shared Asset Forfeiture Fund Advisory Board (board) for the purpose of conducting public hearings and making recommendations to the board of county commissioners regarding the expenditure of funds in the sheriff's shared asset forfeiture fund (SAFF) account, as codified in Monroe County Code Section 2-601, et. seq.; and

WHEREAS, the ordinance provided for two members of the advisory board to be appointed by the Sheriff; and

WHEREAS, the Board of County Commissioners may not delegate their discretion to make appointments to advisory boards without setting up an appointment process with such detailed criteria as to remove discretion from the process; and

WHEREAS, it is deemed in the best interests of the public to clarify the authority for appointment of members to the advisory board, and their terms of appointment; now therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

**Section 1.** Sec. 6-201(b), Monroe County Code is hereby amended to read as follows:

(b) The board consists of seven (7) members appointed by the Board of County Commissioners upon the following nominations: One (1) appointed nominated by each county commissioner and two (2) appointed nominated by the sheriff. A vacancy shall be filled by nomination by the commissioner for the district, or the sheriff, who made the previous appointment for the vacant seat. Each member shall serve a two year term and may be reappointed without limitation on the number of consecutive terms served. The sheriff's general counsel is the counsel to the board. The sheriff shall furnish a secretary to board to keep the minutes and records of the board. The sheriff is the custodian of the board's records. The board must annually elect a chairman and vice chairman. The board may adopt such rules of procedure as it deems necessary and may amend such rules from time to time. The board members are not entitled to any compensation for their service on the board but are entitled to reimbursement for expenses pursuant to F.S. § 112.061.

**Section 2.** This Ordinance shall take effect on \_\_\_\_\_, provided that this Ordinance shall be filed with the Department of State as provided in section 125.66(2), Florida Statutes.

