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To: Honorable Mayor and Village Council

Date: February 1, 2016

From: John DuBois, Vice Mayor

Re: Amendment to PBP Master Plan  
Exclusivity for Girls Softball Use

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**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PALMETTO BAY PARK; RELATING TO THE PARKS MASTER PLAN; AMENDING THE ESTABLISHED PREFERENCE OF USE FOR THE FIELDS AT PALMETTO BAY PARK FROM PRIORITY USE WITH RIGHT OF FIRST REFUSAL TO EXCLUSIVITY FOR GIRLS' SOFTBALL USE; AND PROVIDING FOR AN EFFECTIVE DATE.** (Sponsored by Vice Mayor John DuBois and Councilwoman Katyn Cunningham)

**BACKGROUND AND ANALYSIS:**

Pursuant to Resolution No. 2009-10, adopted January 12, 2009, primary use of the Palmetto Bay Park ballfields were designated for girls softball programming and activities, granting all girls softball 'priority use with the right of first refusal'. Over the years, the demands for field availability to accommodate girl softball leagues have steadily increased. The need exists to safeguard and/or enhance operational guidelines in an effort to avoid denial of the fields to the girls' softball teams when fields are unavailable.

To effectuate such safeguards, it is recommended that the existing Park Master Plan be amended accordingly; thereby establishing preference of use for the fields at Palmetto Bay Park from priority use with the right of first refusal, to exclusivity for girls softball use.

**FISCAL/BUDGETARY IMPACT:**

It is anticipated that no fiscal and/or budgetary impact will result upon adoption of this Resolution.

**RECOMMENDATION:**

Approval is recommended.

1 RESOLUTION NO. \_\_\_\_\_  
2

3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF  
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO  
5 PALMETTO BAY PARK; RELATING TO THE PARKS MASTER  
6 PLAN; AMENDING THE ESTABLISHED PREFERENCE OF USE  
7 FOR THE FIELDS AT PALMETTO BAY PARK FROM PRIORITY  
8 USE WITH RIGHT OF FIRST REFUSAL TO EXCLUSIVITY FOR  
9 GIRLS' SOFTBALL USE; AND PROVIDING FOR AN EFFECTIVE  
10 DATE. (Sponsored by Vice Mayor John DuBois and Councilwoman Karyn  
11 Cunningham)  
12

13 WHEREAS, the Village of Palmetto Bay holds the fee simple title to park land known as  
14 Palmetto Bay Park; and,

15 WHEREAS, the Village of Palmetto Bay in compliance with its Parks Master Plan, built  
16 its first softball fields in support of girls softball; and,

17 WHEREAS, Resolution No. 2009-10, adopted January 12, 2009, granted primary use of  
18 the Palmetto Bay Park fields for girls' softball, including the right of first refusal for all girls  
19 programming and activities at the park; thereby amending the Parks Master Plan; and further  
20 requiring a four-fifth (4/5) vote of the Village Council to modify or remove the preference from  
21 the Park Master Plan; and,

22 WHEREAS, as the demand and/or need exist to further safeguard field availability for  
23 girls softball; and,

24 WHEREAS, the demand creates an action to amend the Parks Master Plan in an effort  
25 to establish Palmetto Bay Park as the South Florida hub for girls softball activity; and,

26 WHEREAS, the Village Council desires to effectuate appropriate action to establish  
27 exclusivity for girls softball use; thereby modifying the existing primary use designation from the  
28 right of first refusal to exclusivity for girls softball use; and with fairness in mind, offset the  
29 current dominance of use of facilities by boys; and,

30 WHEREAS, the Mayor and Village Council desire to specifically affirm its Park Master  
31 Plan to have exclusivity for girls softball use at Palmetto Bay Park and further maintaining the  
32 requirement for this use to be amended only by a four-fifth (4/5) vote of the Village Council.  
33

34 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
35 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
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37 Section 1. The above Whereas clauses are incorporated by reference into this  
38 resolution.  
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To: Honorable Mayor and Village Council

Date: January 25, 2016

From: Dexter Lehtinen, Village Attorney

Re: Council Member Liaison to  
Advisory Committees and Boards

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**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY COMMITTEES AND BOARDS; PROVIDING THAT MEMBERS OF THE VILLAGE COUNCIL WHO SERVE AS LIAISON TO ANY VILLAGE ADVISORY COMMITTEE OR BOARD ARE NOT MEMBERS OF SUCH ADVISORY COMMITTEE OR BOARD AND THE LIAISON SHALL NOT BE INCLUDED IN THE RECORDED ROLL CALL OF THE ADVISORY COMMITTEE OR BOARD; PROVIDING THAT PARTICIPATION IN ADVISORY COMMITTEE OR BOARD MEETINGS BY A MEMBER OF THE VILLAGE COUNCIL SERVING AS LIAISON SHALL BE GOVERNED BY THE SAME PRINCIPLES AND PROCEDURES WHICH OTHERWISE GOVERN PARTICIPATION BY MEMBERS OF THE PUBLIC; PROVIDING AN EFFECTIVE DATE (Sponsored by Village Attorney Lehtinen).**

**BACKGROUND AND ANALYSIS:**

Regular members and *ex officio* members of any Advisory Committee and Boards are covered by the Florida Sunshine Law (both public meetings law and public records law). If Members of the Village Council who serve as liaison to Village Advisory Committees and Boards are considered members (either or regular members or non-voting *ex officio* members), then the Council Member serving the liaison function will be covered by the Sunshine Laws with respect to such Committee or Board.

However, if the Council clearly establishes that a Council Member serving as liaison is not to be considered a member of the Advisory Committee or Board, then the Council Member serving as liaison would not be covered by the Sunshine Law with respect to that Committee or Board.

This proposed Resolution establishes that Members of the Council serving as liaison are not clothed with any of the attributes of Committee or Board membership (e.g., not counted in attendance roll and participates under procedures applicable to the public at large). Therefore, Council Members serving as liaison will not be covered by the Sunshine Law and thus will be free to speak to Committee and Board members outside of public meetings.

**RECOMMENDATION:** Approval is recommended.

1 RESOLUTION NO. \_\_\_\_\_  
2

3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE  
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY  
5 COMMITTEES AND BOARDS; PROVIDING THAT MEMBERS OF THE  
6 VILLAGE COUNCIL WHO SERVE AS LIAISON TO ANY VILLAGE ADVISORY  
7 COMMITTEE OR BOARD ARE NOT MEMBERS OF SUCH ADVISORY  
8 COMMITTEE OR BOARD AND THE LIAISON SHALL NOT BE INCLUDED  
9 IN THE RECORDED ROLL CALL OF THE ADVISORY COMMITTEE OR  
10 BOARD; PROVIDING THAT PARTICIPATION IN ADVISORY COMMITTEE  
11 OR BOARD MEETINGS BY A MEMBER OF THE VILLAGE COUNCIL  
12 SERVING AS LIAISON SHALL BE GOVERNED BY THE SAME PRINCIPLES  
13 AND PROCEDURES WHICH OTHERWISE GOVERN PARTICIPATION BY  
14 MEMBERS OF THE PUBLIC; PROVIDING AN EFFECTIVE DATE (Sponsored  
15 by Village Attorney Lehtinen).  
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17 WHEREAS, administrative procedures may be established by Resolution of the Mayor and  
18 Village Council; and  
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20 WHEREAS, the Village Council seeks to clearly establish that Members of the Village  
21 Council who serve as liaison to Village Advisory Committees and Boards are not members of such  
22 Advisory Committee or Board (neither regular nor *ex officio* members), and to establish the principles  
23 and procedures for the participation of Council Members who serve as liaisons;  
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25 NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND VILLAGE  
26 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
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28 Section 1. Members of the Village Council who serve as liaison to any Village Advisory  
29 Committee or Board are not members of such Advisory Committee or Board (neither regular  
30 members nor *ex officio* members).  
31

32 Section 2. Minutes of an Advisory Committee or Board meeting shall not include in the  
33 attendance roll call and attendance record the presence or absence of the Member of the Village  
34 Council who serves as liaison to the Advisory Committee or Board.  
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36 Section 3. Participation in Advisory Committee or Board meetings by a Member of the  
37 Village Council serving as liaison to such Advisory Committee or Board shall be governed by the  
38 same principles and procedures which otherwise govern participation by members of the public.  
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40 Section 4. This Resolution shall be effective on the date of adoption.  
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42 PASSED AND ADOPTED this \_\_\_\_ day of February, 2016.  
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44  
45 Attest: \_\_\_\_\_  
46 Meighan Alexander  
47 Village Clerk  
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Eugene Flinn  
Mayor

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

\_\_\_\_\_  
Dexter W. Lehtinen  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham \_\_\_\_\_  
Council Member Tim Schaffer \_\_\_\_\_  
Council Member Larissa Siegel Lara \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Eugene Flinn \_\_\_\_\_