

**ORDINANCE 17- \_\_\_\_**

**AN ORDINANCE OF WASHINGTON COUNTY, FLORIDA, ESTABLISHING A MSBU ADVISORY COMMITTEE FOR THE PURPOSE OF ASSISTING THE BOARD OF COUNTY COMMISSIONERS IN DETERMINING BENEFIT UNIT NEEDS AND EXPENDING BENEFIT UNIT FUNDS; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR OPERATION OF THE ADVISORY COMMITTEE; PROVIDING FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01(1)(q) of the Florida Statutes grants the Board of County Commissioners of a non-chartered County the power to establish a municipal services benefit unit for any part, or all of the unincorporated areas of the County within which may be provided certain community services from assessments on the real property within such unit; and

**WHEREAS**, the Board of County Commissioners created in Ordinance 2001-04, the Sunny Hills/Oak Hill Municipal Services Benefit Unit (the "Benefit Unit"), as amended in County Ordinance 2007-02 and 2009-02; and

**WHEREAS**, the Benefit Unit was created for the purpose of providing community services; including, but not limited to, emergency services, road improvements, street and security lighting, improvements to common areas, and beatification services; and

**WHEREAS**, the Board of County Commissioners desires to receive more input and advisement regarding the qualifying services which will best impact the Benefit Unit; and

**WHEREAS**, the Board of County Commissioners desires to create an advisory committee for the purpose of providing such input and advisement regarding the needs and desires of the Benefit Unit.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, FLORIDA:**

**SECTION 1: Sunny Hills/Oak Hill Services Benefit Unit Governing Body**

The Board of County Commissioners of Washington County, Florida (the "Board"), has been, and shall remain, in accordance with Florida Statutes, the governing body of the Benefit Unit. The Board shall be the final authority with

respect to all aspects of the Community Services to be provided within the Benefit Unit and shall have the power to review any actions undertaken by the Committee on behalf of the Benefit Unit. Nothing in this Ordinance shall limit or restrict the Board of County Commissioners' powers pursuant to Florida Statute 125.01, regarding the Benefit Unit, which powers include, but are not limited to: the power to establish, merge, amend or abolish the Benefit Unit or the Committee created herein, and to levy, collect and expend monies collected from the Benefit Unit. The Committee created herein shall be strictly advisory in nature and the rules governing the Committee may be amended at the pleasure of the Board of County Commissioners. Further, the Committee may be dissolved at the pleasure of the Board of County Commissioners.

**SECTION 2: Sunny Hills/Oak Hill Municipal Services Benefit Unit Advisory Committee**

A. Creation: A five (5) member Advisory Committee, to be known as The Sunny Hills/Oak Hill Municipal Services Benefit Unit Advisory Committee (the "Advisory Committee") is hereby created.

B. Membership: The Advisory Committee shall consist of five (5) members (collectively "Members") appointed by the Board of County Commissioners, with each County Commissioner nominating one member to the Advisory Committee. All members shall be residents and owners of real property within the Benefit Unit. The Board of County Commissioners, collectively or individually, may, but are not required to, solicit applications for volunteers to serve on the Advisory Committee.

For purposes of continuity of membership, the following initial terms of office shall apply:

Commissioner District 1: One year term from May 1, 2017- April 30, 2018

Commissioner District 2: One year term from May 1, 2017- April 30, 2018

Commissioner District 3: Two year term from May 1, 2017- April 30, 2019

Commissioner District 4: Two year term from May 1, 2017- April 30, 2019

Commissioner District 5: Two year term from May 1, 2017- April 30, 2019

After the initial term, as set forth above, Members shall serve a term of two (2) years and all Members shall be eligible for reappointment to the Advisory Committee.

C. Duties/Responsibilities: The Advisory Committee shall make recommendations to the Board of County Commissioners and to the County

Administrator, as requested. Said recommendations shall be limited to the scope and purpose of the Benefit Unit, which includes, but is not limited to, the following:

- i. To make recommendations to the County for expenditure of the funds within the budget in accordance with Florida Law and any applicable Board of County Commissioners' purchasing and procurement policies; and
- ii. To make recommendations to the County regarding the annual proposed budget for the Benefit Unit.

D. Officers: At the Advisory Committee organization meeting, which shall be held within sixty (60) days following the passing of this Ordinance and the approval of Advisory Committee Members, the Members shall elect a Chairperson and a Vice-Chairperson, from its Members. Said Chairman and Vice-Chairman shall serve until the following May (initially being May of 2018), at which time the Members shall again elect a Chairman and Vice-Chairman. If an officer vacancy occurs then the election to fulfill said position shall be held by the Members at the next regularly scheduled meeting.

The Chairman shall be responsible for the following:

- i. Presiding over the advisory board meetings.
- ii. Facilitating discussion among the Advisory Committee Members providing each Member an opportunity to express ideas and/or concerns related to the issue being considered by the Advisory Committee.
- iii. Insuring that Roberts Rules of Order, or another form of parliamentary procedure, be followed.
- iv. Insuring that Florida's Sunshine Law and Public Records Law are followed in accordance with such laws and this Ordinance.
- v. Articulating a position for the Advisory Committee before the County Commission, so long as the Advisory Committee has approved that such a position be taken and presented before the County.
- vi. Serving as a primary contact with a County Administrator, or his designee regarding the Benefit Unit.

Note: The Chairman shall be eligible to vote on all motions.

The Vice-Chairman shall, in the absence of a Chairman, assume all duties of the Chairman.

The Advisory Committee shall have a Recording Secretary, who shall be a member of the Washington County staff and who is approved for such position by the County Administrator. The Secretary shall post notice of the Advisory Committee meeting in accordance with the Florida Sunshine Laws, shall cause minutes to be produced for approval at the next regularly scheduled Advisory Committee meeting, and shall ensure adopted minutes from each Advisory Committee meeting are filed and properly retained with the County.

E. Meetings/Quorum: Regular Advisory Committee meetings shall be held every three (3) months on a regular basis (quarterly). Special meetings of the Advisory Committee may be called on an “as-needed” basis as requested by vote of the Advisory Committee or by a request of the Chairman. Request for special meetings are subject to approval by the County Administrator. All Advisory Committee meetings shall be open to the public and shall be held within a Washington County public facility, or other facility as may be approved by the County Administrator. Regular Advisory Committee meetings shall be held at 6:00 P.M. (CST). A quorum shall be met when a majority of the Advisory Committee Members are present; being no less than three (3) Members. To take action on an item or pass a motion, a majority of the Members present and voting shall be required. If less than a quorum is present, the Members must adjourn without discussing any actions that may come before the Advisory Committee for a future vote, with the exception of setting the next meeting date.

F. Procedures: The Advisory Committee may request technical, administrative, and legal support through the County Administrator. Should such services be extensive in nature, the determination of which shall lie solely with the County, the Board of County Commissioners may charge for the provision of such services to the MSBU.

G. Removal: All Advisory Committee Members serve at the pleasure of the Board of County Commissioners who may remove any member by majority vote, with or without cause, at any time and for any reason. Members who fail to attend two (2) or more regularly scheduled meetings in a rolling twelve (12) month period shall automatically forfeit their appointment and the Board of County Commissioners shall promptly fill each vacancy as is set forth for an open seat.

H. Sunshine Laws and Public Records Laws: All Advisory Committee Members and all Advisory Committee meetings shall be governed by the Florida Sunshine Laws, as outlined in Florida Statutes Chapter 286, and the Advisory Committee shall be subject to Florida's Public Records Law, as outlines in Florida Statutes Chapter 119.

I. Vacancy: In the event that an Advisory Committee Member position becomes vacant, the Board shall appoint another individual to serve the remainder of the vacant term. The Advisory Committee shall immediately inform the Board of any vacancy on the Advisory Committee. In no event shall the Board permit a condition of lack of full Advisory Committee membership for more than ninety (90) days from the last vacancy of membership.

J. Compensation of Members: Members of the Advisory Committee shall serve without compensation, except for reimbursement of travel or incidental expenses approved in advance in accordance with normal Washington County policy.

K. Reporting: The general intent of the Board is for the Advisory Committee to recommend funding for projects that will enhance real property values and which will best provide a benefit for all property owners of the Benefit Unit.

- (1) The Advisory Committee shall call for submission of funding requests from organizations that may have projects that would qualify for funding with assessment monies to be submitted by March 1<sup>st</sup> annually. The Advisory Committee shall verify that assessment funds can be legally allocated to the project prior to including the project in its budget recommendations.
- (2) The Chairman of the Advisory Committee shall bring the Advisory Committee's proposed use(s) of the annual funding amount to the Board, or the Board's designee, for consideration on, or before August 1<sup>st</sup> annually. Funding for Advisory Committee proposed expenditures shall be provided from assessment monies and shall not exceed one percent (1%) of the actual assessments collected in the prior fiscal year. The Board of County Commissioners shall consider the Advisory Committee's recommendations for spending when creating the Benefit Unit's annual budget, which runs from October 1 thru September 30.

L. Additional Policies: The Advisory Committee may establish additional operating policies and procedures for the benefit of the Advisory Committee. Said policies and procedures are subject to Board of County Commissioners' approval. Upon approval of this Ordinance, the Advisory Committee shall submit to the Board a comprehensive update of the policies and procedures within ninety (90) days of adoption of this Ordinance.

**SECTION 3: Severability**

If, for any reason, any section, phrase, sentence, clause, part or provision of this Ordinance is found to be invalid or unconstitutional by a Court of competent jurisdiction, the same shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of this Ordinance as a whole, or any portion thereof, other than the portion declared to be invalid.

**SECTION 4: Effective Date**

This Ordinance shall take effect immediately upon its adoption.

ENACTED and ORDAINED in REGULAR SESSION this \_\_\_ day of May, 2017.

Board of County Commissioners  
of Washington County, Florida

By: \_\_\_\_\_  
Charles Kent, Chairman

Attest:

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Clerk of the Circuit Court  
Lora C. Bell