

**CITY OF SANIBEL
ORDINANCE 23-009**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO ESTABLISH A PARKS AND RECREATION ADVISORY COMMITTEE TO ADVISE THE CITY COUNCIL IN THE AREAS OF PARKS, OPEN SPACE, AND RECREATION, BY AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, BOARDS, COMMITTEES, COMMISSIONS; ADDING DIVISION 4, PARKS AND RECREATION ADVISORY COMMITTEE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sanibel Plan calls for the City of Sanibel to provide strategically located special use facilities and neighborhood parks, and for such facilities and parks to be sensitively woven into the City's existing environmental fabric to meet residents' recreation and social needs; and

WHEREAS, there are a variety of open spaces and recreation sites and facilities owned and operated by the City, including the Recreation Center, the shared use path system, Community Park, and several beach parks and other parks that meet the requirements of the Sanibel Plan; and

WHEREAS, the Sanibel Recreation Department is charged with developing and administering safe, well-rounded community programs and facilities that meet the multigenerational recreational needs of Sanibel residents and visitors; and

WHEREAS, in 2022, the City Council contracted the firm Berry Dunn McNeil & Parker, LLC (Berry Dunn) to provide professional services to complete a Recreation Comprehensive Assessment; and

WHEREAS, the Berry Dunn project managers presented their draft final report to the City Council on February 7, 2023, during a public meeting where public comment was received; and

WHEREAS, the Berry Dunn draft final report, titled "City of Sanibel Recreation Department Comprehensive Assessment, Analysis, and Evaluation Report" (Report) recommends that the City of Sanibel create a Parks and Recreation Advisory Committee to guide the implementation of the Report's recommendations; and

WHEREAS, the City Council approved Resolution 23-023 on April 12, 2023, accepting the Report and directing the City Manager to implement the Report's recommendations; and

WHEREAS, the City Council believes it is in the best interest of the community to create a Parks and Recreation Advisory Committee to advise the City Council and the City Manager on issues related to parks, open space, recreation, and the shared use path system; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. The Sanibel Code of Ordinances, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 2 – ADMINISTRATION

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ARTICLE III. – BOARDS, COMMITTEES, COMMISSIONS

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DIVISION 4. – PARKS AND RECREATION ADVISORY COMMITTEE

Sec. 2-163. Created.

There is hereby created a parks and recreation advisory committee.

Sec. 2-164. Composition; appointment, and quorum.

- (a) The parks and recreation advisory committee shall be composed of seven individuals who shall be appointed by the city council and who are residents of Sanibel.
- (b) A chair and vice chair shall be elected by the members from among the committee members, at an annual organizational meeting to occur at the first meeting following city council's annual appointments.
- (c) A simple majority of the members shall constitute a quorum.

Sec. 2-165. Terms; vacancies.

- (a) The term of office of a member of the parks and recreation advisory committee shall be for three years, with staggered terms. No member shall serve more than two consecutive terms.
- (b) Terms for initial appointees shall be staggered as follows:
 - (1) Terms of three members shall expire at the end of the first year;
 - (2) Terms of two members shall expire at the end of the second year; and
 - (3) Terms of two members shall expire at the end of the third year.
- (c) Subsequent terms shall commence at the end of the respective terms described in subsection (b) above and shall expire every three years thereafter.
- (d) Vacancies on the parks and recreation advisory committee shall be filled by the city council for the remainder of the term created by the vacancy.

Sec. 2-166. Attendance.

A parks and recreation advisory committee member shall be removed automatically from the committee if the member is absent from three regularly scheduled parks and recreation advisory committee meetings in any 12-month period. A member who has been automatically removed from the committee due to absence may re-apply for appointment to the committee. An excused absence shall be considered as an absence.

Sec. 2-167. Removal.

The city council shall have the authority to remove any member of the committee board for misconduct or neglect of duty as solely determined by the city council.

Sec. 2-168. Functions and duties.

The parks and recreation advisory committee shall make recommendations to the city council and city manager with respect to the following areas:

- (a) The use, maintenance, and development of parks, beach access areas, recreation facilities, the shared use path, and open spaces;
- (b) Review options for conservation, and parks and recreation-related land acquisitions as directed by the city council;
- (c) Evaluate surveys, input, planning documents, and recreational trends that are necessary to interpret the parks and recreational needs and desires of the community on both a short- and long-term basis;
- (d) Review and make recommendations to the planning commission and the city council and the city manager concerning any updates to the Recreation and Open Space Goals, Objectives and Policies of the Sanibel Plan;
- (e) Advise the city manager and city council on the adoption or revision of rules and regulations pertaining to the use of parks, and recreation and open space facilities for which the recreation department is responsible;
- (f) Advise the city manager and city council on the proper care and management of parks and recreation facilities for which the recreation department is responsible;
- (g) Annually, advise the city council and the city manager on any changes recommended to facility use and membership fees;
- (h) Such other responsibilities and duties assigned by the city manager or the city council; and
- (i) All of the foregoing shall be consistent with the Sanibel Plan.

The parks and recreation advisory committee shall provide an annual report to the city council to summarize accomplishments for the completed year and proposed work plan for the upcoming year.

Secs. 2-170 – 2-175. Reserved.

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

FIRST READING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 6TH DAY OF JUNE 2023.

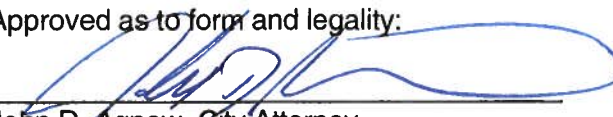
APPROVED AT SECOND READING AND PUBLIC HEARING THIS 18TH DAY OF JULY 2023.

Attest:


Scotty Lynn Kelly, City Clerk


Richard Johnson, Mayor

Approved as to form and legality:


John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Johnson	<u>Aye</u>
Miller	<u>Aye</u>
Crater	<u>Aye</u>
Henshaw	<u>Aye</u>
Smith	<u>Aye</u>

First Reading: June 6, 2023

Publication Date: July 6, 2023

Second Reading: July 18, 2023