

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20050597**

**1. ACTION REQUESTED/PURPOSE:** Request authorization to advertise for and direct to public hearing the proposed Multi Cultural Affairs Advisory Board Ordinance, on Tuesday, June 14, 2005, at 5:00 p.m. in Chambers.

**2. WHAT ACTION ACCOMPLISHES:** Allows the Board of County Commissioners to consider adoption of the proposed Multi Cultural Affairs Advisory Board Ordinance and receive input from the public on the proposed Ordinance.

**3. MANAGEMENT RECOMMENDATION:** Approve

<b>4. Departmental Category:</b> <u>C12A</u>		<b>5. Meeting Date:</b> <u>05-10-2005</u>
<b>6. Agenda:</b>	<b>7. Requirement/Purpose: (specify)</b>	<b>8. Request Initiated:</b>
<input checked="" type="checkbox"/> <b>Consent</b>	<input type="checkbox"/> <b>Statute</b>	<b>Commissioner</b> _____
<input type="checkbox"/> <b>Administrative</b>	<input type="checkbox"/> <b>Ordinance</b>	<b>Department</b> <u>County Attorney</u>
<input type="checkbox"/> <b>Appeals</b>	<input type="checkbox"/> <b>Admin. Code</b>	<b>Division</b> <u>General Services</u>
<input type="checkbox"/> <b>Public</b>	<input type="checkbox"/> <b>Other</b>	<b>By:</b> _____
<input type="checkbox"/> <b>Walk-On</b>		<u>Andrea R. Fraser, Acting Chief Assistant County Attorney</u>

**9. Background:** On Nov. 8, 2004 and Jan. 31, 2005, members of the community met to discuss the possibility of creating a minority affairs board. About 30 people attended each meeting with significant representation from former and current Black Affairs and Hispanic Affairs advisory board members, as well as the NAACP, Asian-American community, Haitian community, and Caucasians.

There was general interest in creating a new board that is more inclusive of races, cultures and geographic representation (both countywide and from the municipalities). Trying to avoid labels, the group discussed calling it a Citizens Advisory Board or Multicultural Advisory Board. The issue was discussed at the Feb. 7, 2005 Management & Planning meeting. The purpose of the proposed Multicultural Affairs Advisory Board would be:

1. To help raise awareness about community priorities for all racial groups, including, but not limited to, housing, employment, health care, and quality of life.
2. To identify and evaluate issues on a county-wide and community-wide basis by representing the interests of both unincorporated areas and incorporated areas (municipalities).
3. To coordinate with other county advisory committees on issues of interest to ensure minority group views are represented.
4. To serve as an "umbrella board" for the Black Affairs Advisory Board (BAAB), and Hispanic Affairs Advisory Board (HAAB). Issues of interest should be filtered up to the "Board" from the BAAB and HAAB, before presentation to the Board of County Commissioners (BOCC).

**ATTACHMENT:** Proposed Multi Cultural Affairs Advisory Board Ordinance

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>RK 4/28</i>	<i>4/28/05</i>	<i>4/28/05</i>	<i>4/28/05</i>	<i>4-28-05</i>

**11. Commission Action:**

- Approved**
- Deferred**
- Denied**
- Other**

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
4/28/05 LIS

RECEIVED BY COUNTY ADMIN: <i>RF</i>
<u>4/28/05</u>
<i>[Signature]</i>
COUNTY ADMIN FORWARDED TO: <i>PP</i>
<u>4/28/05</u>
<i>[Signature]</i>

LEE COUNTY ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CREATING A MULTI CULTURAL AFFAIRS ADVISORY BOARD; PROVIDING FOR PURPOSE; PROVIDING FOR APPOINTMENT AND COMPOSITION; SETTING FORTH THE TERMS OF OFFICE; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS, QUORUM, RULES OF PROCEDURE, LAWS; PROVIDING FOR REIMBURSEMENT OF EXPENSES; SETTING FORTH THE FUNCTIONS, POWERS AND DUTIES OF THE BOARD; PROVIDING FOR REVIEW PROCESS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR SUNSET PROVISION; PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the County has the authority to create county citizen advisory boards;  
and

**WHEREAS**, the Board of County Commissioners of Lee County, Florida desires to create a Multi Cultural Affairs Advisory Board; and

**WHEREAS**, Lee County is a diverse community of citizens; and

**WHEREAS**, the Board of County Commissioners desires the input of such diverse citizens in order to enhance the quality of life for all citizens in Lee County.

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

**SECTION ONE: ESTABLISHMENT OF THE MULTI CULTURAL AFFAIRS ADVISORY BOARD**

The Multi Cultural Affairs Advisory Board, hereinafter referred to as the "Board", is hereby created.

**SECTION TWO: PURPOSE OF THE "BOARD"**

1. To help raise awareness about community priorities for all racial groups, including, but not limited to, housing, employment, health care, and quality of life.
2. To identify and evaluate issues on a county-wide and community-wide basis by representing the interests of both unincorporated areas and incorporated areas (municipalities).
3. To coordinate with other county advisory committees on issues of interest to ensure minority group views are represented.
4. To serve as an "umbrella board" for the Black Affairs Advisory Board (BAAB), and Hispanic Affairs Advisory Board (HAAB). Issues of interest should be filtered up to the "Board" from the BAAB and HAAB, before presentation to the Board of County Commissioners (BOCC).

**SECTION THREE: APPOINTMENT AND COMPOSITION**

A. Composition

1. The "Board" will be composed of twelve (12) members to be appointed by the Board of County Commissioners. Each Commissioner will appoint two (2) members.

2. Make-up of "Board" shall consist of the following:
  - Chair or designee of (BAAB)
  - Chair or designee of (HAAB)
  - Two (2) members of African American descent
  - Two (2) members of Hispanic descent
  - One (1) member of Asian American descent
  - One (1) member of Haitian American descent
  - Four (4) at-large members
3. Every attempt should be made to have representation from the five cities.

B. Appointment

1. Members of the "Board" will be appointed by and serve at the pleasure of the Board of County Commissioners. Members must be permanent residents of Lee County.
2. Appointment of members to the "Board" shall be by resolution of the Board of County Commissioners, which resolution shall set forth the date of appointment and the term of office.
3. Members of the "Board" will be representative of the interests and needs of persons in Lee County who are of a racial minority origin, including but not limited to, such areas as education, social services, commerce, agriculture, and general culture and the arts.

**SECTION FOUR: TERMS OF OFFICE**

The initial terms of the office of the "Board" members shall be as follows:

- A. Four (4) members shall serve for one (1) year.
- B. Four (4) members shall serve for two (2) years.
- C. Four (4) members shall serve for three (3) years.

Thereafter, each appointment or re-appointment shall be for a term of one (1) year. However, other qualified applicants may be considered for a vacancy. Appointments to fill any vacancies on the "Board" shall be for the remainder of the unexpired term of office.

**SECTION FIVE: OFFICERS; QUORUM; RULES OF PROCEDURE; LAWS**

A. Officers

- 1. Annually the membership of the "Board" shall elect a Chair and Vice-Chair from among the members.
- 2. Officer's terms will be for one (1) year.

B. Quorum

- 1. The presence of seven (7) or more members shall constitute a quorum of the "Board" necessary to take action and transact business.
- 2. In addition, an affirmative vote of seven (7) or more members shall be necessary in order to take official action, regardless of whether seven (7) or more members of the "Board" are present at the meeting.

C. Rules of Procedure

1. The "Board" shall, by majority vote of the entire membership, adopt Rules of Procedure for the transaction of business and shall keep a written record of meetings, resolutions, findings, and determinations.
2. Copies of all "Board" minutes, resolutions, reports, and exhibits shall be submitted to the Department of Public Resources.

D. Laws

1. All "Board" meetings and members are subject to The Florida Government in the Sunshine, Public Records, and Public Officers Laws.

**SECTION SIX: REMOVAL FROM OFFICE; FAILURE TO ATTEND MEETINGS**

- A. Any member of the "Board" may be removed from office, with or without cause, by a majority vote of the Board of County Commissioners.
- B. Failure of any member of the "Board" to attend three (3) consecutive "Board" meetings without a satisfactory excuse or if a member is absent from more than one-half of the "Board's" meetings in a given calendar year, the Chair or Vice-Chair will declare the member's seat to be vacant and the vacancy shall be filled by appointment of the Board of County Commissioners.

**SECTION SEVEN: COMPENSATION**

Members of the "Board" will serve without compensation.

**SECTION EIGHT: FUNCTIONS, POWERS AND DUTIES OF THE “BOARD”**

The functions, powers and duties of the “Board” shall be to:

1. Identify and evaluate issues common to the minority communities.
2. Review and recommend alternatives to ensure open communication between the Board of County Commissioners and the minority communities for the promoting and fostering better understanding by the County of problems facing the minority populations.
3. Annually, develop a set of goals and objectives.
4. Annually, the “Board” shall provide a report directly to the Chair of the Board of County Commissioners on the above tasks.

**SECTION NINE: CONFLICTS**

Any requirements or provisions of this Ordinance that are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements will apply.

**SECTION TEN: SEVERABILITY**

The provisions of this Ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this Ordinance would have

been adopted had such unconstitutional provision not been included therein.

**SECTION ELEVEN:        SUNSET PROVISION**

This Ordinance and the provisions as provided herein shall be deemed repealed and of no further force and effect as of October 1, 2010.

**SECTION TWELVE:        CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Lee County Code; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

**SECTION THIRTEEN:        EFFECTIVE DATE**

This Ordinance shall become effective immediately upon receipt of official acknowledgment from the Office of the Secretary of State that the Ordinance has been filed.



The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to vote, the vote was as follows:

BOB JANES \_\_\_\_\_  
DOUGLAS ST. CERNY \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
TAMMY HALL \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney