

**RESOLUTION R - 04-210**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RE-ESTABLISHING A SCENIC HIGHWAY CORRIDOR ADVISORY COMMITTEE; ESTABLISHING THE ROLE, RESPONSIBILITIES AND FUNCTIONS OF THE COMMITTEE; ESTABLISHING AREAS WHERE THE COMMITTEE MAY PROVIDE ADVICE; PROVIDING FOR MEMBERSHIP REQUIREMENTS AND PERIOD OF SERVICE IN OFFICE; REQUIRING SUPPORT FROM THE COUNTY'S ADMINISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT WITH OTHER RESOLUTIONS; MAKING RELATED FINDINGS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Manatee County has previously joined with other local government jurisdictions within Sarasota County and Manatee County to apply to the Florida DOT for a designation of SR 45/US 41/Tamiami Trail in those Counties as a Florida Scenic Highway; and

**WHEREAS**, the Florida DOT granted this designation in December of 2003, subject to the creation of a Corridor Management Entity (CME), which has been accomplished, and the creation of an advisory committee within each local jurisdiction to perform functions similar to the CME within these jurisdictions; and

**WHEREAS**, Manatee County must therefore establish an advisory committee for those portions of the designated road lying within unincorporated Manatee County; and

**WHEREAS**, the Board of County Commissioners finds that it is in the County's best interest to establish an advisory committee to provide analysis and advice on issues surrounding the County's designated Scenic Highways.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Manatee County, Florida, that:

1. There shall be established a Manatee County Scenic Highway Corridor Advisory Committee (Committee). This Committee shall be an advisory body reporting directly to the Manatee County Board of County Commissioners.

2. The role, responsibilities and functions of the Advisory Committee are as follows:
  - To provide advice and information to the Board of County Commissioners regarding Manatee County originated projects and proposals for the improvement and enhancement of the sections of the Scenic Highway Corridor lying within unincorporated Manatee County.
  - Receive and rank proposals, including grant proposals, submitted by other public or private entities for the improvement and enhancement of the sections of the Scenic Highway Corridor lying within unincorporated Manatee County.
  - Promote participation by private businesses, civic groups, charitable groups and others in the improvement of the Corridor and in raising funds and other support for projects to enhance the Corridor.
  - Raise public awareness about the existence of the Corridor and about completed improvement projects within the Corridor.
  - Meet, as may be needed from time to time, with the Advisory Committees of the other local jurisdictions to discuss coordinated efforts or possible joint projects.
  - Present, through its Chairman, an annual report of Committee activities to the Board of County Commissioners, and perform such other tasks as the Board may, from time to time, require it to perform.
3. The membership of the Committee shall consist of the Chairmen of the 14<sup>th</sup> Street Community Redevelopment Agency (CRA) Advisory Board, the South County CRA Advisory Board, the Palmetto CRA, the Downtown Development Authority Advisory Board, and the Manatee County Bicycle and Pedestrian Advisory Board. The members of the Committee shall not be subject to a term of office but shall instead serve continually during their terms as Chairman of the above-named entities. In the event that a Chairman of one of the above-named entities declines or is unable to serve, then the entity in question shall appoint some other member of the entity to serve.
4. The Committee shall meet at least once per year, and shall, in consultation with the County Administration establish dates and times for meeting so that same may be published in accordance with the Florida Sunshine Act. All such meetings will be open to the public at all times and be held at locations accessible to persons with disabilities.

5. The Committee shall annually elect a Chairman and a Vice Chairman. The Chairman shall present the annual report required herein, preside at meetings, call the agenda, maintain parliamentary order, and serve ex officio as Manatee County's representative to the MPO Corridor Management Entity. The Committee may, to the extent not prohibited by law or ordinance, adopt such other procedural and organizational rules as it may deem necessary to its operation and to facilitate its mission. In the absence of any applicable rules or laws on a question, Robert's Rules, most current edition, shall control.
6. The Manatee County Administrator shall provide such staff support as may be requested by the Committee. Such support may include, for example, the attendance at Committee meetings by appropriate Department Directors or staff, the making of presentations to the Committee, and facilitation of communication between the Committee and other community groups and the public. While staff may not hold membership on the Committee, Administration may help facilitate discussion within the Committee, and may inform the Committee of current Board or Administration policies or positions regarding the matters which the Committee is considering. The Manatee County Attorney, in coordination with the County Administrator, is directed to ensure members of the Committee are informed of any duties and obligations attaching to public officials, including ethics provisions and open meeting laws.
7. It is the intent of the County Commission that ordinary business dealings with Manatee County not prevent otherwise qualified and experienced citizens from serving on the Committee. Therefore, any member of the Committee who may be doing business with the County or have a potentially conflicting employment or contractual relationship with the County as set forth in the Florida Ethics Code may bring same to the attention of the County Attorney who shall evaluate the matter and, if appropriate, draft a resolution for the Board's consideration waiving the conflict as permitted by Florida Statutes § 112.313(12). Further, notwithstanding any other provision of this Resolution, the Committee is purely advisory in nature, does not possess authority to exercise any sovereign power, and is not charged with advising the Commission on land planning or zoning matters, and shall therefore not be subject to the financial disclosure requirements of Florida Statute § 112.3145.

**BE IT FURTHER RESOLVED** that if any section, subsection, sentence, clause, or provision of this Resolution is determined to be unconstitutional, invalid, inoperative, void, or otherwise unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Resolution so long as the remaining portions can be given legal effect absent the invalid portions.

**BE IT FURTHER RESOLVED** that if any provision of this Resolution is in direct and irreconcilable conflict with any prior resolution of the Board, the provisions of this Resolution, being the current sentiment of the Board, shall control.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its adoption.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, this 5<sup>th</sup> day of October, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

R.B. SHORE  
CLERK OF THE CIRCUIT COURT

By: *Susan G. Lomine* *RL*

By: *Jane von Hahmann*  
Jane von Hahmann-Chairman

