

Resolution 16-88

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DISCONTINUING STIPEND FOR VOLUNTEER PLANNING COMMISSIONERS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 1975 the Legislature adopted The Local Government Comprehensive Planning Act of 1975; and

WHEREAS, Florida Statutes § 163.3174, entitled *Local planning agency*, provides in part that the governing body of each local government shall designate and by ordinance establish a “local planning agency” which may be a local planning commission; and

WHEREAS, Florida Statutes § 163.3174(4) provides for a Planning Commission’s duties; and

WHEREAS, pursuant to this statutory scheme, the Manatee County Commission adopted Land Development Code § 301.1 creating a Manatee County Planning Commission and setting forth its authority and duties; and

WHEREAS, Land Development Code § 301.2 provides in part that Planning Commissioners as volunteers may not be employed by the County; and

WHEREAS, 125.9504 authorizes County volunteers, including volunteer board members, to be reimbursed for actual expenses of travel associated with the performance of their volunteer work; and

WHEREAS, in Resolution 00-96, the County Commission made findings that while the Planning Commissioners have historically expended travel time and expense driving to conduct individual site visits and to the County building for meetings and that in spite of that they had not received reimbursement; and

WHEREAS, the Commission therefore approved a stipend of \$60 per meeting to help offset Planning Commissioner travel expenses; and

WHEREAS, the Resolution does not characterize this payment as a salary, and clearly finds that Planning Commissioners are “volunteers”; and

WHEREAS, in April of 2016, auditors for the Florida Retirement System (FRS) issued a letter to the County associated with an audit of payments and asserted its position that Planning Commissioner payments can constitute a payment triggering reporting and FRS enrollment of Planning Commissioners; and

WHEREAS, it was not and is not the intention of the Manatee County Commission to have the members of any of its volunteer boards and commissions receive compensation for their services such that they would fall within the FRS program; and

WHEREAS, it is the intention that the citizens of Manatee County who give of their time as volunteers to serve the County on its various boards or commissions receive recognition, thanks and appreciation for, and where needed reimbursement of actual expenses associated with, their service; and

WHEREAS, the County Administrator and County Attorney have recommended that the \$60 stipend be discontinued so as to reflect the actual volunteer nature of service on volunteer boards and commissions and to remove any question that such volunteers are covered by FRS regulations.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

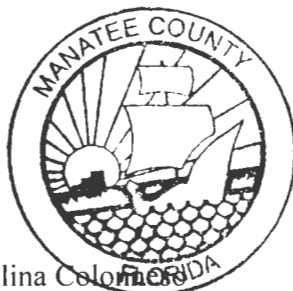
Section 1. The stipend for Planning Commissioners established in Resolution 00-96 is discontinued as of the effective date of this Resolution.

Section 2. The County Administrator or designee shall ensure any member of any County volunteer board or commission who incurs actual travel or other expenses directly associated with their volunteer service shall be allowed to submit expense reimbursement requests in the manner currently established for that purpose.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Board of County Commissioners would have adopted the Resolution even absent the invalid part(s).

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

DULY ADOPTED with a quorum present and voting this 24 day of May, 2016.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

A large, stylized handwritten signature in black ink, written over a horizontal line.

ATTEST: Angelina Colon
Clerk of the Circuit Court and Comptroller

By: Amanda L. Cornwell
Deputy Clerk