

RESOLUTION 2018-04.1

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA AMONG OTHER THINGS IMPLEMENTING THE PROVISIONS OF ORDINANCE NUMBER 2018-01; PROVIDING FOR AN EXHIBIT; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS AND INTENT; PROVIDING FOR RULES REGULATING THE CITY'S PARKS AND RELATED FACILITIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Daytona Beach Shores adopted Ordinance Number 2018-01 on the date that this Resolution is adopted which provides for a system of regulations pertaining to the City's parks and related facilities; and

WHEREAS, Section 2.11 of the *City Charter of the City of Daytona Beach Shores* provides for the general powers and duties of the City Council and states as follows:

All powers of the City shall be vested in the City Council except as otherwise provided by law and this charter. The City Council shall be responsible for the reasonable exercise of those powers, and shall be required to provide for the performance of all duties and obligations imposed on the City by law.

; and

WHEREAS, Section 3.01 of the *City Charter of the City of Daytona Beach Shores* provides for the establishment of the office of City Manager and states as follows:

There shall be a City Manager who shall be the chief administrative officer of the City. The Manager shall be responsible to the City Council for the administration of all affairs of the City.

; and

WHEREAS, Section 3.09 of the *City Charter of the City of Daytona Beach Shores*

provides for a City Administrative Code and states as follows:

The City Manager shall propose and the City Council shall amend and adopt, by a vote of four-fifths of the full Council an administrative code which shall set forth the departmental organization for the City government, including charts showing the chain of command and the allocation of responsibilities and duties, definitions of the nature and scope of each department, and all required rules and procedures for operating said departments.

; and

WHEREAS, the City Council finds that this Resolution is consistent with the provisions of Section 2.18 (d) (2) of the *City Charter of the City of Daytona Beach Shores*; and

WHEREAS, sound public management practices and principles are best applied by ensuring that administrative rules and processes are flexible and able to be adjusted and modified as needs arise or circumstances change in order to best serve the public interest; and

WHEREAS, sound public management practices and principles and fiscal prudence are best implemented by providing for changes in administrative matters by means of the adoption of resolutions by the City Council and the promulgation of rules by the City Manager in accordance with the provisions of the *City Charter* and controlling State law as opposed to the costly process of enacting ordinances; and

WHEREAS, this Resolution is enacted pursuant to the home rule powers of the City of Daytona Beach Shores as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law to include, but not be limited to, the *City Charter*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

(a). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing this Resolution.

(b). The foregoing recitals (whereas clauses) are hereby ratified, affirmed and confirmed as being true and correct and are hereby made a part of this Resolution.

(c). The recitals and provisions of Ordinance Number 2018-01 are hereby ratified and affirmed.

SECTION 2. ADOPTION OF RULES; EXHIBIT; ENFORCEMENT; INTERIM FEES.

(a). The rules set forth in the exhibit hereto are hereby adopted by the City Council of the City of Daytona Beach Shores.

(b). The rules shall be enforced in accordance with the provisions of Ordinance Number 2018-01 and the provisions of Section 1-18 of the *City Code* as referenced therein.

(c). During the interim period before the City Council adopts a fee resolution relative to the subjects and matters set forth herein; the City Manager may impose fees, as he determines necessary to implement the Rules adopted herein.

(d). The City Manager shall take action toward providing proposed fees to the City Council in an expeditious manner in order to implement the Rules pertaining to the parks and facilities of the City.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.

(a). The City Manager is hereby authorized and directed to implement the provisions of this Resolution as may be deemed necessary or appropriate by the City Manager.

(b). The City Manager and City Attorney are also hereby authorized and directed to generally implement the provisions of this Resolution and to take any and all necessary administrative actions to bring into effect the provisions of this Resolution in accordance with controlling law as such officers may deem appropriate in their respective roles and functions under the *City of Daytona Beach Shores City Charter* to included, but not be limited to, the provisions of Ordinance Number 2018-01 and the provisions of Section 1-18 of the *City Code*.

SECTION 4. SAVINGS.

The prior actions of the City of Daytona Beach Shores in terms of the matters relating to the regulation of City parks and recreational facilities, as well as any and all related matters, are hereby ratified and affirmed.

SECTION 5. CONFLICTS.

All resolutions or part of resolutions in conflict with this Resolution are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise to be invalid, unlawful, or unconstitutional.

SECTION 7. EFFECTIVE DATE.

This Resolution shall take effect immediately upon passage and adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

MAYOR, HARRY H. JENNINGS

Attest:

CITY MANAGER, MICHAEL T. BOOKER

CITY CLERK, CHERI SCHWAB

Approved as to form and legality:

CITY ATTORNEY, LONNIE GROOT

Adopted this 10th day of April, 2018.

Posted this 11th day of April, 2018.