

Mayor Wilhelmina Harvey

ORDINANCE NO. 024 -1985

AN ORDINANCE ESTABLISHING A COMMISSION FOR THE AID OF THE HANDICAPPED; PROVIDING FOR THE QUALIFICATIONS, APPOINTMENTS AND TERMS FOR OFFICERS OF THIS COMMISSION; PROVIDING FOR THE ORGANIZING OF SAID COMMISSION AND THE PREROGATIVES AND POWERS OF THE COMMISSION; PROVIDING FOR LIMITATIONS ON THE POWERS OF THE COMMISSION; PROVIDING FOR THE HELP AND ASSISTANCE TO BE PROVIDED BY OTHER COUNTY PERSONNEL; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Monroe County wishes to assist and aid the physically handicapped in any and all ways that are legally possible, and

WHEREAS, as an addition, the Board now desires to create a body for the purpose of aiding these people, and the said body shall be herein known as the Commission for the Advancement of the Physically Handicapped, and

WHEREAS, the Board finds and does indicate that there is a very definite problem concerning the physically handicapped in Monroe County and that those persons should be afforded any and all assistance that is legally possible, and

WHEREAS, such a Commission for the Advancement of the Physically Handicapped can play an important part in the lives of these unfortunate people and shall from time to time propose to the Commission either ordinances or resolutions that may have some significant impact of the everyday problems of these physically handicapped individuals, now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, as follows:

Section 1. That there is hereby created and established a commission to be hereinafter entitled "Commission for the Advancement for the Physically Handicapped." The number of persons on said Commission to be appointed by the Board of County Commissioners shall be as follows: 12.

Section 2. Members who are appointed to this Commission shall be representative of any and all organizations or agencies that are dedicated to the advancement of the physically handicapped or of individuals who have exhibited a dedication and an interest in helping those persons who have physical handicaps. Two (2) members of this Commission, appointed by the Mayor, shall be physically handicapped and the other ten (10) members of this Commission may or may not be physically handicapped, using the term "physically handicapped" to be defined as in the Code of Federal Regulations. Members of this Commission shall either work or be residents of Monroe County. Members who serve on this Commission should not be candidates for election to any public office.

Section 3. The original Commission appointed under this Ordinance shall be composed of two (2) members selected by each member of the Monroe County Board of County Commissioners and two (2) who shall be selected in the following fashion: by the Mayor.

Section 4. The Chairperson of this first Commission shall be selected by the Aid to the Handicapped Commission at its first meeting and shall serve in such capacity for a period of one (1) year. As Chairperson this person shall be responsible for advising individuals and organizations in Monroe County of the existence of this Commission and its purposes. It is provided herein that when the appointments are made, both initially and at later times or vacancies, at least two members of this Commission shall have physical handicaps.

The initial appointments made to this Commission shall be for a period of time as is stated hereinafter; each Commissioner from Districts 3 and 4 shall appoint at least two (2) members to this Commission for a term of one (1) year; Commissioners from Districts 1, 2, and 5 shall make appointments to this Commission for a period of two (2) years and the at-large membership of this Commission shall be appointed by the Mayor for a period of three (3) years. Subsequent thereto, any and all appointments shall be for a period of three (3) years. If any vacancy occurs on the

Commission the County Commission of Monroe county shall appoint someone in the category designated to the remainder of the unexpired term of office. *

Members of this Commission may be removed without cause only by a majority vote of the Board of County Commissioners. The Commission herein appointed may discharge and remove a member thereof who has missed three (3) consecutive members without good and just reason. If one is removed from the Commission, the Chairperson of the Commission shall certify the same to the Board of County Commissioners, and at that time it is deemed that the vacancy will then occur for that particular position.

If vacancies occur on the Commission, the Commission itself shall recommend at least three (3) persons to the Board of County Commissioners, and from said list, the Board of County Commissioners shall fill the vacancy. The terms of officers created by this Ordinance shall commence on the 1st day of January and, consequently, the termination date of any and all appointments will be on the 31st day of December.

Section 5. At the initial meeting of the Commission created herein an election will be held wherein the Commission will select a Chairperson, a Vice-Chairperson and a Secretary. It will take seven (7) persons on this Commission to constitute a quorum which shall be necessary to hold any meeting or take any action whatsoever. The first meeting of this Commission shall occur on the 14th day after the Commission is so selected and designated by the Board of County Commissioners and shall be presided over by a temporarily elected Chairperson, whose position and authority will be transferred to the elected Chairperson at that initial meeting. The Chairperson of the Commission will set the date, time and place of all meetings, but a special meeting may be arranged upon the call of at least four (4) members of this Commission in writing. There shall be at least six (6) meetings a year. All minutes shall be kept by the Secretary and be part of the regular and permanent records of this Commission. Any and all meetings shall be public and shall be properly noticed to the public.

Section 6. No compensation shall be paid to people selected to this Commission, but the Board of County Commissioners does hereby provide that any legally incurred travel expenses going back and forth to the meetings of the Commission shall be compensated.

Section 7. The Commission created hereunder shall have the following powers:

a. Advise the Board of County Commissioners, and when asked by the County Commission, make recommendations and suggestions to the County administration on any and all matters that pertain to the status and handling of physically handicapped persons' problems which shall include, but not be limited to, discrimination against physically handicapped persons; the employment of physically handicapped persons; the vocational and manual training for physically handicapped persons; the determination of the transportation needs of the physically handicapped persons; determine the attitudes toward the physically handicapped persons in the community, and in so doing, recommend what is, in their judgment, a proper procedure to follow in resolving this and then to report the various doings and findings of the Commission to the Board of County Commissioners of Monroe County.

b. Act in a liaison capacity between the Board of County Commissioners of Monroe County and the people in this County who are physically handicapped to the point of consulting with representatives of this body from time to time as requested and necessary in order to carry out the Commission's functions and duties.

c. When necessary and desirable, initiate studies and have studies made which are in respect to the needs of the physically handicapped, which shall include any discrimination or improper actions toward the handicapped in this County and any method to investigate in such studies the employment, education, and transportation and other problems relating to the physically handicapped; to determine the difficulties involved in the establishment of a residential center for physically handicapped

persons; the treatment of these people, recreational services and other facilities for the physically handicapped and problems of attitude or barriers toward the physically handicapped.

d. Formulate and recommend plans and programs for the coordination of activities of all government entities and non-governmental agencies dealing with problems of the physically handicapped.

e. Serve as a resource facility to physically handicapped persons and to those persons who are interested in advancing the welfare of physically handicapped persons.

f. Solicit and accept funds from persons interested in the activities of the Commission herein created so as to further the carrying out of the duties and activities of this Commission for the Advancement of the Physically Handicapped.

g. Form other activities that relate to this Commission, which shall be referred to them by the Board of County Commissioners of Monroe County.

h. Annually prepare a report to be submitted to the Board of County Commissioners reflecting and showing the study activities that have been conducted at its request.

Section 8. It is understood that the powers, duties and prerogatives of this Commission are only advisory. The right to subpoena witnesses or compel the attendance of witnesses does not exist with this Commission, and the Commission shall have no power to appoint County offices or employees to make any decisions or any determinations that have any effect upon the acts and conduct of the business of this Commission.

The County Commission can determine who and what members of the staff in the administration of the County of Monroe shall be involved in aiding this Commission where requested. The County Administrator, at his discretion, may direct any staff member or employee of this County, to aid this Commission in its activities when requested.

Section 9. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 10. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of any such conflict.

Section 11. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 12 This ordinance shall take effect upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 2nd day of August, A.D. 1985.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By Wilhelm H. H. H.
MAYOR/CHAIRMAN

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

Danny L. Kolhage, D.C.
CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY William H. H. H.
Attorney's Office

ADOPTED: 8-2-85

FILED WITH SECRETARY OF STATE: 8-28-85

EFFECTIVE DATE: _____