



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 18-00119

City Council

3/14/2019

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Brian Spencer

**SUBJECT:**

APPROVAL OF DOWNTOWN IMPROVEMENT BOARD (DIB) BY-LAW AMENDMENT AND RATIFICATION OF 2009 AMENDMENTS AS WELL AS ANY OTHER AMENDMENTS NOT PREVIOUSLY APPROVED

**RECOMMENDATION:**

That City Council approve the submitted amendment to the DIB By-Laws as required by said By-Laws as well as the State Enabling Act, Chapter 72-655, Laws of Florida. Further, that City Council ratify previous amendments made in 2009 as well as any other amendments not previously approved.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The Pensacola Downtown Improvement Board (DIB) was established by Chapter 72-655, Laws of Florida, as amended by Chapters 76-466 and 80-582, Laws of Florida. In accordance with Chapter 72-655, the DIB adopted certain By-Laws and Internal Governance, with the ability to further amend the By-Laws. Prior to becoming effective, the amendments must be approved by the City Council.

Chapter 72-655, Laws of Florida - Section 6. Board bylaws and internal governance.

“The board shall formulate and may amend its own rules of procedure and written bylaws not inconsistent, herewith, and such rules of procedure and written bylaws, and amendments thereto, shall not become effective until approved by the city council....”

Article VI. Section 1. (2) - DIB By-Laws

“No Amendments to the bylaws shall become effective until approval by the City Council, as provided within the State Enabling Act.”

Proposed Amendment(s) and/or ratifications:

Article I, Section 2, subsection 2 - add language, “to contribute to the progress and growth of Downtown Pensacola through promotion; manage parking in Downtown Pensacola...”

Article I, Section 2, subsection 5 - add language, "...including hosting events."

Article I, Section 4 - Office - add language, "...unless the main office is located in facilities owned by the City of Pensacola, Florida or Escambia County, Florida."

Article II - Section 1 - Membership and Term, subsection (a) - adjust dates, "...shall be appointed in 1992, ...1993,...1994

Article II - Section 7 - (4)- Open Meetings and Public Notice of Meetings.-- add language -- 48-hrs

Article III, Section 1, Subsection 7 - DIB By-Laws

Length of Term: There is no limit to the number of terms a Board officer may serve in the same office.

Article III Section 2- Committee Appointments - strike, "The Chairman shall be responsible for making standing committee appointments." Add, "The Chairman shall determine when a standing committee will be active and may make appointments to the active standing committees as needed."

Add language 12) Expanded District Committee

13) Such other Committees as the Chairman deems to be appropriate subject to approval of the Board

Add language 13) The Expanded District Committee is responsible for gathering and communicating to the Downtown Improvement Board any and all data and recommendations relevant to any area of the district added to the district within the immediately preceding five-year term. The Expanded District Committee shall cease to exist at such time as the Board is expanded to more than five (5) members

Add language 14) Any and all other Committees shall be responsible for the charge provided by the Chairman and approved by the Board

Article III - Section 3 Employees - (3) Administrative and Other Staff - strike - "Board and appoint or..." to then read, The Executive Director may employ such....

Also, certain amendments made in 2009 or prior which have not been previously approved by City Council will need to be ratified by City Council. These amendments have been relied upon by the DIB and no indication can be found that Council approved said amendments.

**PRIOR ACTION:**

June 16, 2016 - City Council approved Downtown Improvement Board (DIB) By-law Amendments

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) DIB Bylaws Complete Exact Feb 2018
- 2) DIB By-Laws Ratification
- 3) DIB By-Laws Amendment
- 4) DIB By-Law Amendments June 2016
- 5) April 2006 DIB Minutes
- 6) May 2006 DIB Minutes

**PRESENTATION:** No