

## **RESOLUTION 20-52**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, NOMINATING AND APPROVING THE INITIAL BOARD OF DIRECTORS OF THE MARCO ISLAND COMMUNITY PARKS FOUNDATION, INC.; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, on January 7, 2020, the City formed and incorporated a not-for-profit corporation pursuant to Chapter 617 of the law of the State of Florida (the "Articles of Incorporation") which shall be known as the Marco Island Community Parks Foundation, Inc. ("Corporation"); and

**WHEREAS**, the Corporation is organized and shall operate exclusively for educational, cultural and charitable purposes as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Corporation is a non-profit corporation organized to provide a broad source of community support for parks ("City Parks") located or to be located within the City of Marco Island, Florida (the "City"); and

**WHEREAS**, the function of the Corporation is to provide fundraising activities for the City Parks. The Corporation shall be responsible for raising funds for various purposes of the City Parks, including City Parks maintenance, capital improvements and technological and safety enhancements, and those other duties as may be established from time to time by City Council; and

**WHEREAS**, the affairs of the Corporation shall be managed by a Board of Directors, all of whom serve without compensation. Initially there shall be seven (7) Directors; one member shall be the Chair of the City's Parks and Recreation Committee and at all times there shall be no less than seven (7) nor more than eleven (11) Directors. All of the Directors must be residents of the City. The City Clerk shall be a non-voting ex-officio member of the Board of Directors who is in addition to the seven (7) Directors; and

**WHEREAS**, the Board of Directors are encouraged to devote time, professional knowledge, personal influence, personal resources and/or a combination thereof to attain the goals of the Corporation and shall be selected by reason of their abilities to provide and secure financial support for the activities of the Corporation; to volunteer their expertise, advice and guidance to Corporation committees; and to spearhead and to reinforce all community and public relations work of the Corporation; and

**WHEREAS**, the Articles of Incorporation dictate that City Council shall initially nominate six (6) members of the Board of Directors. The City Council, Chair Person, or City Manager shall make all appointments, subject to final approval by the City Council. Each Director shall serve a term of two (2) years, and shall be permitted to serve an unlimited number of terms; and

**WHEREAS**, City Council does hereby find that the approval of this Resolution is in the best interest of the City of Marco Island.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Marco Island, Florida that:

**SECTION 1:** The above recitals are true and correct and incorporated herein.

**SECTION 2:** The City Council hereby nominates the following six (6) persons and approves them as the initial members of the Marco Island Community Parks Foundation, Inc., Board of Directors:

1. Mike Ilitch Jr.
2. Christina Ilitch de Obando
3. Rene Champagne
4. David Cox
5. Erik Brechnitz
6. Jim Richards
- Together with
7. Carlos Portu, Chair of the City's Parks and Recreation Committee

**SECTION 3:** Consistent with the Section 3.06(2), of the City of Marco Island Charter, to the extent that a Councilor / board or committee member requests to appear by CMT due to extraordinary circumstances (e.g., COVID-19 related concerns, medical or health related issues, etc.) the Councilors / board / committee members who are physically present and voting must, by majority vote to authorize the appearance via CMT.

**SECTION 4:** That all prior resolutions or parts of resolutions, insofar as they are inconsistent or in conflict with the provisions of this Resolution, are hereby repealed.

**SECTION 5:** If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

**SECTION 6:** This Resolution shall take effect immediately upon its adoption.

Passed in open and regular session of the City Council of the City of Marco Island, Florida this 19<sup>th</sup> day of November, 2020.

**ATTEST:**

  
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Laura M. Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

By:   
\_\_\_\_\_  
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

  
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Alan L. Gabriel, City Attorney