

ORDINANCE NO. 4870-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE III (BOARDS, COMMITTEES AND COMMISSIONS), SECTION 2-61 (APPOINTMENT POLICIES) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO ALLOW DUAL APPOINTMENT IN CERTAIN CIRCUMSTANCES; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, section 3.01 of the City Charter provides that the mayor has the power to appoint and remove the members of board, committees, and commissions; and

WHEREAS, section 2-61 of the City of West Palm Beach Code of Ordinances provides guidelines to apply in appointing individuals to boards, committees and commissions; and

WHEREAS, section 2-61(3) provides that at the time of appointment, appointees may only serve on one city board at a time; and

WHEREAS, the time given to the City upon appointment to boards, committees and commissions provide an invaluable contribution to the administration of the municipal corporation that is the City of West Palm Beach; and

WHEREAS, appointees contribute to the efficacy of boards, committees and commissions by serving as a conduit for information to the city commission; and

WHEREAS, from time to time, appointees' particular expertise or institutional experience covers more than one board, committee or commission; and

WHEREAS, it is in the city's best interest to recognize that appointment to purely advisory, non-quasi-judicial boards, committees or commissions should not preclude appointment to other, purely advisory non-quasi-judicial boards, committees and commissions; and

WHEREAS, amending the current code will specifically recognize the mayor's authority to make dual appointment to boards, committees and commissions under certain circumstances; and

WHEREAS, the city commission finds that it is in the best public interest to amend the code which prohibits all "dual appointments," to maximize the generosity of appointees willing to serve on more than one board, committee or commission.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

Language underlined added, and language stricken deleted.

Asterisks **** indicate language not amended which has been omitted to save space.

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SECTION 1: The City Commission of the City of West Palm Beach, Florida hereby amends the Code of Ordinances at Chapter 2 (Administration), Article III (Boards, Committees and Commissions), at subsection 2-61, which shall read as follows:

ARTICLE III. BOARDS, COMMITTEES AND COMMISSIONS

Sec. 2-61. - Appointment policies to membership on certain city boards, committees and commissions.

The mayor shall be governed in exercising powers of appointment to boards hereinafter by the following restrictions:

- (1) Appointees shall be residents of the city or shall have a principal place of business located in the city. This provision shall not preclude the city commission from waiving the residency requirement when a board, committee or commission it establishes requires unique experience or qualifications.
- (2) Appointees shall not have previously served three or more complete terms on the board, committee or commission to which the appointment is being considered. This three-term limit may be waived upon a finding by the city commission that a fourth or successive appointment is in the best public interest.
- (3) Appointees shall not, at the time of appointment to a quasi-judicial board, hold membership on any other quasi-judicial city board, committee or commission, consistent with governing law.
- (4) Where specific qualifications, professions or expertise are required by code or ordinance for membership on a given board or committee, every effort shall be made to appoint persons who meet the requirements. However, if finding such persons after diligent effort is difficult or impossible, persons having comparable or equivalent qualifications, as determined by the mayor, may be appointed. This provision shall not be applicable to qualifications imposed by statute or regulations.
- (5) Members of boards, committees and commissions whose term has expired shall be permitted to serve until a replacement has been made by the mayor.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4: Authority is hereby granted to codify the text amendments set forth in Section 1 of this Ordinance.

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SECTION 5: A copy of this Ordinance shall be provided to the Procurement Official by the City Clerk.

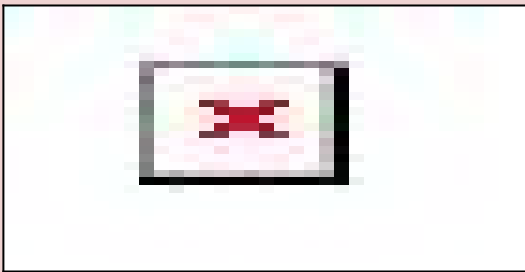
SECTION 6: This Ordinance shall take effect in accordance with law.

FIRST READING THIS 7TH DAY OF OCTOBER, 2019.

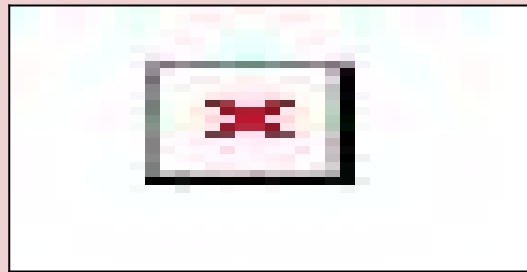
SECOND READING AND PASSAGE THIS 21ST DAY OF OCTOBER, 2019.



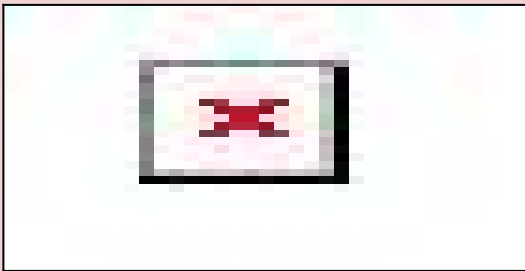
ATTEST:



**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**



**APPROVED AS TO FORM AND
LEGALITY:**



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