

ORDINANCE NO. 4856

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE X “BOARDS AND COMMISSIONS”, DIVISION 1 “GENERALLY” OF THE CITY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City Commission has created several advisory boards that are utilized to advise the City Commission on certain topics in order to propose changes that may better the lives of the City’s residents and businesses; and

WHEREAS, there is a need to codify a uniform set of rules and procedures that all advisory boards, not including the Planning and Zoning Board and the Police Pension Board, must abide by;

NOW, THEREFORE, be it ordained by the City Commission of the City of Sweetwater:

Section 1. **Recitals.** The foregoing recitals are incorporated in this Ordinance as if fully stated herein.

Section 2. **Adoption.** The amendments made to Chapter 2 “ADMINISTRATION”, Article X “BOARDS AND COMMISSIONS”, Division 1 “GENERALLY” of the City Code are hereby adopted as provided in Exhibit 'A'.

Section 3. **Repeal of Conflicting Provisions.** All provisions of the City Code of Ordinances that are in conflict with this Ordinance are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable

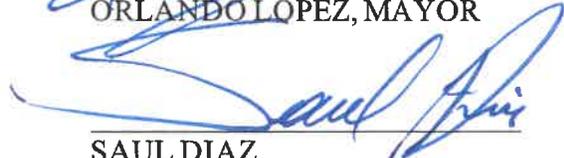
and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Effective Date.** This Ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its reenactment by the City Commission as provided by the charter of the City of Sweetwater.

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PASSED AND ADOPTED this 1st day of August, 2022.

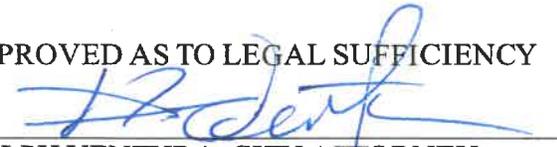

ORLANDO LOPEZ, MAYOR


SAUL DIAZ
COMMISSION PRESIDENT

ATTEST:


CARMEN GARCIA, CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY


RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

SAUL DIAZ, COMMISSION PRESIDENT
ISIDRO RUIZ, COMMISSION VICE PRESIDENT
IDANIA LLANIO, COMMISSIONER
JOSE MARTI, COMMISSIONER
REINALDO REY, JR., COMMISSIONER
IAN VALLECILLO, COMMISSIONER
MARCOS VILLANUEVA, COMMISSIONER

yes
yes
yes
yes
Absent
yes
yes

Ord # 4856

Chapter 2 - ADMINISTRATION
ARTICLE X. - BOARDS AND COMMISSIONS
DIVISION 1. - GENERALLY

Sec. 2-395. - Purpose.

These Advisory Board Rules, Regulations and Procedures (the "Rules") shall apply uniformly to all City of Sweetwater (the "City") Advisory Boards. The Rules are intended to supplement matters not covered in existing resolutions or ordinances creating any advisory board. For the purpose of these Rules, "boards" shall include all non-statutory and non-charter boards, task forces and advisory boards, by the City Commission to make recommendations, advise the Commission and initiate programs in the City. The Rules shall not apply to any canvassing board, the Elected Officials Pension Plan Board of Trustees, the Police Pension Plan Board of Trustees, the Local Planning Agency or the Planning and Zoning Board. The City Commission may by resolution exempt any other board.

Sec. 2-396. - Public Meetings.

All meetings and business of the boards shall comply with the requirements of Chapters 119 and 286 of the Florida Statutes. All meetings of the boards shall be open to the public at all times. Meetings shall be conducted in accordance with Robert's Rules of Order (newly revised). Audio recordings shall be made of all meetings and shall be turned over to the City Clerk in a timely manner. All board members must take a course on the "Florida Sunshine Law" which can be administered by the City Attorney.

Sec. 2-397. - Meetings.

- (a) The advisory boards shall hold at least one regular publicly noticed meeting each quarter, unless waived by the Board Chairperson or superseded by resolution, at a City owned or leased facility, as set by the Chairperson.
- (b) Special meetings may be held upon the call of the Chairperson, or a majority of the board upon providing 48 hours' notice. Special meetings shall be publicly noticed and held at a City owned or leased facility, as set by the Chairperson.
- (c) Any City resident, organization or member of the public shall be given a reasonable opportunity to be heard on a proposition before the advisory board during the public comment portion of any board meeting. Members of the public shall advise the Chairperson of their desire to be heard at any time prior to the public comments portion of the meeting. An individual shall have three minutes to address the board, or such other period as the Chairperson deems reasonable under the circumstances of the meeting.
- (d) A majority, which shall mean 50% plus one of the board members appointed and duly sworn in by the City Clerk or designee, shall constitute a quorum. Provided there is a quorum, a majority of those present and voting shall be required to adopt any motion or

take any action. Unless provided by resolution or emergency order, electronic mediums, including teleconferencing for board participation shall not be allowed.

- (e) If a quorum is not met on a regularly scheduled board meeting, the Chairperson must reschedule a regular meeting no more than fourteen (14) days after the initial meeting date.
- (f) Each advisory board member shall be entitled to one (1) vote on matters coming before the board. The board shall act as a body in making its decisions. No board member present at a meeting may abstain from voting except in cases of conflict of interest, as provided by Florida Law and all applicable Code of Ethics adopted by Miami-Dade County and/or the City. A board member must be physically present to vote. Proxy votes shall not be permitted.
- (g) In the event a board member fails to attend three (3) regularly scheduled meetings in one calendar year, the board member will automatically be removed from the board and the Commissioner who appointed that person will be notified by the City Clerk of the removal. It shall be the duty of the City Clerk to strictly enforce the removal of board members due to absence. Absences due to medical reasons shall be excused and shall not count as a failure to attend a meeting. A board member who will be absent from a meeting shall notify the City's board liaison in writing of his or her anticipated absence as soon as possible. Upon receipt, the City's board liaison shall provide a copy of the absence notification to the Board Secretary who shall make it a part of the record.

Sec. 2-398. - Appointments, Vacancies, Resignations, Qualifications, Terms of Office.

- (a) Each person appointed to a board shall be appointed by the City commission in the following manner:

- (1) Any qualified person, wishing to serve on a board shall submit his or her name, a brief resume, and a letter of intent to serve to the City Clerk.
- (2) The City Clerk, or City Clerk's designee, shall notify the City commission, in writing, of vacancies on boards, and provide completed applications.
- (3) If a commissioner's appointment vacates office, that commissioner shall be permitted to submit a replacement appointment.
- (4) If any board member has qualified for the office of Mayor or City commissioner, they shall resign from the board ten days prior to the qualification date.

- (b) Qualifications:

- (1) May be City residents and non-residents unless specified by establishing resolution or ordinance. Members must be U.S. citizens.
- (2) Unless amended by the resolution creating or amending a board, the minimum allowable age for a member shall be the age of majority, eighteen (18) years of age, except for members of the Youth Advisory Board who shall be between sixteen (16) and twenty-five (25) years of age.

- (c) The term of each board member shall coincide with the term of the appointing commissioner. Notwithstanding the preceding sentence, a sitting board member shall continue to serve until an appointment is made after either an election or a vacancy in a City office. The appointing commissioner, may remove his or her appointed board member at any regularly scheduled City commission meeting, subject to confirmation of a majority of the City commission. There shall be no term limits.

Sec. 2-399. - Compensation.

Board members of all advisory boards shall be paid \$100.00 per meeting by the City with the exception of the Youth Advisory Board in which each board member shall be paid \$75.00 per meeting.

Sec. 2-400. - Oath Requirement.

All board members shall be required to subscribe to an oath or affirmation to be filed by the City Clerk, swearing to support, protect and defend the Constitution and laws of the United States, and the State of Florida, the charter and ordinances of the City of Sweetwater and Miami-Dade County and in all respects to faithfully discharge their duties. Appointed, but not sworn, board members shall be responsible for an oath or affirmation before the City Clerk, or designee, within thirty (30) days from appointment. Failure to subscribe to an oath or affirmation within the thirty (30) day period shall result in automatic forfeiture of appointment.

Sec. 2-401. - Applicability of Florida Law and Board Rules.

All board members shall be subject to applicable Florida Laws, Miami-Dade County Code of Ethics, City Charter, City Ordinances, City Resolutions, and board Rules. Failure to abide by any of these may result in a board member's automatic suspension, subject to removal by City commission.

Sec. 2-402. - Officers and Elections.

- (a) Every board shall elect the following officers: a Chairperson and Vice Chairperson annually for a term of one (1) year. Should an officer vacancy occur during a term, the board shall hold an election for the vacant position at the next, regularly scheduled, board meeting. Officers elected to fill vacancies shall serve the remainder of the term of the officer they are replacing. There shall be no term limits.
- (b) Each advisory board shall have a City liaison appointed by the City Commission that will act as an intermediary between the advisory board and the City, and the liaison shall be a City employee or commissioner.
- (c) City Clerk shall call the roll at the beginning of each meeting. The roll shall become a part of the minutes. The City Clerk shall transmit the minutes of the last board meeting to the City's board Liaison seven (7) calendar days before the next meeting of the board. Minutes of all board meetings shall be taken by the City Clerk. Attendance and absences

must be recorded and submitted to the City Liaison along with the minutes even if there is not a quorum. Each board Secretary shall be responsible for providing a current membership roster of all board members to the City.

- (d) The agenda for all meetings of the board shall be prepared by the City Clerk. Additional agenda items may be proposed at any time by any member of the board. Items proposed after the agenda is distributed may only be heard under “New Business” and upon an affirmative vote of the majority of the board members present at the meeting. Each agenda shall also include a section for public comment. The Chairperson or his/her designee shall semi-annually present an oral report to the City commission which shall be submitted in writing to the City. Both the content of the written report and the oral report shall be approved by the board prior to submission or presentation to the City commission. In the absence of the Chairperson, the Vice Chairperson shall perform these duties.
- (e) The City’s board Liaison or his/her designee shall distribute the agenda and the minutes of the last board meeting to the board within one (1) business day of the Liaison’s receipt of the agenda and minutes.

Sec. 2-403. - Board Membership by City Commission.

Current City Commissioners, including the Mayor, shall not serve as members on boards or be appointed to boards. They may only be appointed as a City Liaison.

Sec. 2-404. Use of City’s Name and Trademarks.

No single member of a board shall have authority to represent, act on behalf of the City of Sweetwater, or use the logo, seal or any other intellectual property of the City or any City board, unless such act has been voted upon and approved by the City board, and such request has been presented to and approved by the City commission. It is strictly prohibited for any person to use the City name or trademarks for their person or commercial gain. Any violation of this section shall result in the automatic suspension of the violator, subject to removal by the City commission, and may include civil and, or criminal penalties.

Sec. 2-405. Use of City Advisory Board Shirts

Board shirts that may contain the City or City board logo are considered intellectual property of the City of Sweetwater and can only be worn at approved City board or City sponsored events, City board or City Commission Meeting, or in the performance of a City function associated with an approved City board or City sponsored event. Any other use of the board shirt is strictly prohibited. Any violation of this section shall result in the automatic suspension of the violator, subject to removal by the City Commission.

Sec. 2-406. – Conflicts

This section is supplementary in nature and shall not act to repeal any portion of an ordinance establishing an advisory board. In the event of a conflict between this section and an establishing ordinance, the establishing ordinance shall control.