

ORDINANCE NO. 5-18-66

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, "PLANNING/ZONING/APPEALS", ARTICLE II, "COMMUNITY DEVELOPMENT BOARD" TO REVISE PROVISIONS REGARDING THE COMPOSITION, TERM AND REMOVAL OF THE MEMBERS OF THE COMMUNITY DEVELOPMENT BOARD; AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, "ADMINISTRATION," ARTICLE V. – "BOARDS AND COMMISSIONS," SECTION 2-131. – "REAPPOINTMENT TO BOARDS AND COMMITTEES," TO ADD NEW SUBPARAGRAPH (C) TO PROVIDE FOR SERVICE OF BOARD MEMBERS UNTIL REPLACEMENT APPOINTMENTS ARE EFFECTIVE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board Member Review Committee has conducted a study over the last year to assess board and committee membership, terms, removal and selection/appointment procedures for all boards and committees of the City; and

WHEREAS, the Board Member Review Committee has developed and forwarded its recommendations to standardize, clarify and streamline the membership, terms, removal and selection/appointment procedures for the various boards and committees of the City to the City Commission; and

WHEREAS, following a proper and valid vote for reconsideration, the City Commission now desires to modify this Ordinance to allow a regular or alternate board member to serve in other public offices provided no violation of Article II, Section 5(a) of the Florida Constitution arises; and

WHEREAS, an additional duly noticed public hearing was held on January 14, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Number of Alternate Members Reduced. Section 14-17 – “Composition; qualifications of members; officers” is hereby amended as follows:

Sec. 14-17. – Composition; qualifications or members; officers.

The community development board shall consist of seven (7) members and ~~two (2)~~ one (1) alternate members appointed by the city commission, none of whom shall hold any other public office ~~or appointed position in the city in violation of Art. II, Section 5(a), Florida Constitution~~, all of whom shall be bona fide residents of the city, and where practical, each shall possess some special skill or knowledge which would assist them in the discharge of their responsibilities under this article. The Aalternate members is strongly encouraged to attend every meeting and shall be allowed to vote and participate in CDB business subject to the requirements of this section and when called upon by the chair to participate in order to ensure a quorum in the absence of regular board members. The community development board shall elect its chairman and vice chairman from among the appointed members. The community development director shall act as secretary to the board under the direction of the city manager.

SECTION 2. Terms of Board Members Revised. Section 14-18 – “Terms of office of members; filling of vacancies” is hereby amended as follows:

Sec. 14-18. – Terms of office of members; filling of vacancies.

~~Following the expiration of the terms of office of current board members t~~The term of office of regular and alternate board members shall be for two (2) three (3) years and members may serve a maximum of four (4) three (3) consecutive terms. All terms shall expire on December 31 of the proper year, provided, however that members whose terms expire shall continue to serve until replacement appointments are effective. Any board member who wishes to resign should submit a letter of resignation to the chairman and city clerk. Any vacancy during the unexpired term of an

appointed member shall be filled by the city commission for the remainder of the term. Should the length of the unexpired term be less than one year, then such appointment shall not count towards the maximum number of consecutive terms.

SECTION 3. Removal of Members Revised. Section 14-19 – “Removal of members” is hereby amended as follows:

Sec. 14-19. – Removal of members;

Any member of the community development board may be removed for cause by the city commission upon written charges and after public hearing. Any member who fails to attend three (3) consecutive meetings without prior notice to the Director of Planning and Community Development or his/her designee and without reasonable cause shall have his office declared vacant ~~unless the member’s absence by a majority of the board members, by the community development board~~ which shall notify the city clerk and the city commission shall promptly fill ~~such~~ the vacancy.

SECTION 4. Reappointment to Boards and Committees Revised. Chapter 2, Administration, of the Code of Ordinances, Article V. – Boards and Commissions, Section 2-131, Reappointment to Boards and Commissions, is hereby amended to add new subsection (c) as follows:

(c) Any board or committee member whose term expires, or who has served the maximum number of terms, shall continue to serve until the member’s replacement appointment is effective.

SECTION 5. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 6. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 7. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this 13th day of November, 2018.


PASSED by the City Commission on second ~~and final~~ reading this 26th day of November, 2018.

PASSED by the City Commission following a proper and valid vote for reconsideration and additional duly noticed public hearing and final reading this 14th day of January, 2019.

CITY OF ATLANTIC BEACH


Ellen Glasser, Mayor

Attest:


Donna L. Bartle, City Clerk

Approved as to form and correctness:


Brenna M. Durden, City Attorney