

ORDINANCE NO. 719-16

AN ORDINANCE OF THE MIAMI SHORES VILLAGE COUNCIL, AMENDING SECTION 11-04 (a) OF CHAPTER 11, HISTORIC PRESERVATION BOARD; OF THE VILLAGE CODE OF ORDINANCES, PERTAINING TO BOARD MEMBERS' APPOINTMENT AND TERMS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council has expressed a desire to institute term limits for the various Village Boards and Committees; and,

WHEREAS, the Historic Preservation Board is a Board whose members are periodically appointed by the members of the Council; and,

WHEREAS, a Code amendment is required in order to accommodate the requested term limit provisions;

NOW, THEREFORE, BE IT ORDAINED BY THE MIAMI SHORES VILLAGE COUNCIL, that:

Section 1. Section 11-04 (a) of the Village Code of Ordinances shall stand amended to read as follows:

- (a) *Established; composition.* The historic preservation board is hereby established and shall consist of five members to be appointed by the council for two-year terms. All members of the board shall be familiar with the purposes of preserving and protecting structures and sites having architectural and historic worth. At least one year of residency in the Village is a minimum qualification for appointment. Each member shall hold office until his successor has been duly appointed except when removed by the village council, and any member may be removed at any time by a majority vote of the village council. Appointments to fill a vacancy shall be for the remainder of the unexpired term. If any member fails to attend two of three successive meetings without cause or notice, the board shall declare the member's office vacant, and the village council shall promptly fill such vacancy for the remainder of the term.

Notwithstanding any code provisions to the contrary, board members commencing a non-consecutive term after January 1, 2016 shall serve no more than four consecutive terms. Incumbent board members holding office on January 1, 2016, regardless of their prior length of service, may continue to serve on the board until their then existing term expires and shall be eligible for reappointment by the council. Such reappointment would be deemed the individual's second term with respect to the term limits set forth herein. Board members may serve no more than four consecutive two-year terms. Term limited individuals shall vacate their position for a minimum of one regular term before becoming eligible for reappointment to the same board.

A 4/5 vote of the Council may override the stipulated term limit or residency requirement.

Section 2. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. All Sections or parts of Sections of the Code or Ordinances, all Ordinances or part of Ordinances, and all Resolutions or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. This Ordinance shall be effective immediately upon adoption at second and final reading.

PASSED ON first reading this 19th day of April, 2016.

PASSED AND ADOPTED ON second and final reading this 17th day of May, 2016.

Alice Burch, Mayor

ATTEST:

Barbara A. Estep, MMC
Village Clerk

APPROVED AS TO FORM:

Richard Sarafan, Village Attorney