

ORDINANCE NO. 2015-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; CREATING STANDARDS FOR ESTABLISHMENT AND REVIEW OF VILLAGE ADVISORY COMMITTEES TO BE INCLUDED IN THE VILLAGE CODE OF ORDINANCES AS CHAPTER 2, ARTICLE II, DIVISION 3, ENTITLED "ADVISORY BOARDS OR COMMITTEES"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Larissa Siegel Lara.)

WHEREAS, Chapter 2, Article II, Division 2, Section 2-46 of the Village Code contains general information concerning Boards or Committees within the Village; and

WHEREAS, Village Code provides that the Council, "may create advisory committees for any purpose it deems advisable; and further, "The Council shall determine the number, composition and method for designating advisory committee members, and the duration of the committee"¹; and

WHEREAS, standards for creation and review of the Advisory Boards or Committees of the Council is appropriate, as a clear standard for implementation and management is necessary.

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 2 Article II, Division 3, is hereby created, as follows:

Division 3. Advisory Boards or Committees

Sec. 2-52. Statement of Policy.

It is the intent of the Village Council of the Palmetto Bay, Florida, to enact a comprehensive policy to promote economy, efficiency, and improved service in the transaction of public business by Village Advisory Boards or Committees; therefore, the Village is hereby creating uniform policies and procedures for their creation, operation, and review.

All rules and procedures provided in this division shall apply uniformly to all advisory boards or committees, including all subcommittees, which shall include, but not be limited to, non-statutory committees, task forces, and advisory boards established by the Village council pursuant to this article.

¹ Village Code of Ordinances, Section 2-46(c)

Nothing in this Ordinance shall be construed or considered to be a delegation of any legislative power or other governmental authority by the municipal government or by any local official.

Sec. 2-53. Definition

For the purpose of this Division, the "Boards" or "Committees" shall include all non-statutory advisory committees and boards established by the Village Council to make recommendations and advise the Council regarding programs in the Village. The following definitions are provided:

- (a) Internal Committees: Committees that focus upon the levels of service provided by the Village government in order to meet the Village's residents, businesses, and institutions' needs.
- (b) External Boards: Boards that focus upon shared cooperative efforts with stake-holders and engage participation.

Sec. 2-54. General purpose.

The general purpose of advisory boards and committees, as created herein or as may be created from time to time, is to engage all residents and stakeholders of the Village and receive input, feedback, and recommendations concerning various Village objectives. In addition to specific missions and scopes of various advisory boards and committees, it shall be the general purpose of all advisory committees and boards in the Village to:

- (a) Provide recommendations to the Village Council regarding public policies and programs;
- (b) Serve as a venue for increased public engagement and discussion on any public policies and programs;
- (c) Conduct analysis and discussion on any public policies and programs;
- (d) Offer input that has been benchmarked and verified as technically and financially feasible; and
- (e) Consider the Village's Strategic Plan, Comprehensive Plan, and other planning documents in connection with the Advisory Board or Committee's recommendations, and report the extent to which (if any) such recommendations are inconsistent with such plans or documents.

The input, feedback, and recommendations of each Board or Committee shall be non-binding upon the Village Council.

Sec. 2-55. Boards and Committees and missions and scopes identified.

The following boards and committees are hereby created, with the corresponding objectives:

- (a) Parks and Recreation Committee:

- a. Mission: to provide recommendations to the Village Council in matters of Village parks and recreation levels of service.
- b. Advisory scope: to review the following:
 - i. State of the Parks' structures
 - ii. State of the Parks' recreational facilities
 - iii. Recreational programming and fees
 - iv. Parks accessibility
 - v. Parks safety

(b) Community Outreach Committee:

- a. Mission: to provide recommendations to the Village Council in matters of community engagement and public awareness
- b. Advisory scope: to review the following:
 - i. Communication strategies
 - ii. Communication execution
 - iii. Intergration of community calendars
 - iv. Village hosted events
 - v. Sponsorship opportunities
 - vi. Stakeholder engagement practices

(c) Village Services Committee:

- a. Mission: to provide recommendations to the Village Council in matters of Village services
- b. Advisory scope: to review the following:
 - i. Level of infrastructure
 - ii. Infrastructure maintenance
 - iii. Safety initiatives
 - iv. Transportation initiatives
 - v. Service management practices
 - vi. Effectiveness of current laws and procedures
 - vii. Fee structures
 - viii. Capital outlay and management

(d) Administrative Advisory Committee:

- a. Mission: to provide recommendations to the Village Council in matters of Village administrative process that impact all Village Departments
- b. Advisory scope: to review the following:
 - i. Financial performance
 - ii. Budget development process
 - iii. Budget review process

- iv. Inter-governmental engagement process
- v. Organizational structure effectiveness
- vi. Procurement practices
- vii. Customer service performance and practices

Sec. 2-56. Creation of new advisory boards and committees

- (a) All new Village advisory boards or committees that do not fall under one of the objectives listed in Section 2-54 shall be created only by modification to this ordinance. All members, liaison, and any subsequently created or existing Subcommittees, shall be accomplished via resolution.
- (b) After passage on first reading of an ordinance creating a new board and prior to the public hearing held on said ordinance, the Councilmember sponsoring said Board and Committee shall submit to the Village Clerk, a memorandum setting forth the following information concerning the proposed new board, which shall be distributed to the Village Council:
 - (1) Whether the establishment of the board will create sufficient betterment to the community to justify the Village investment in the creation of a Board or Committee.
 - (2) Whether another board or agency, either public or private, which is already in existence could serve the same purpose.
 - (3) The costs, both direct and indirect, of establishing and maintaining the board.
 - (4) Whether the board is necessary to enable the Village to obtain State, County, or federal grants or other financing.
 - (5) Whether the creation of a new board is the best method of achieving the benefit desired.
- (c) The public hearing shall be held no earlier than six (6) weeks after passage on first reading of the ordinance creating said board.

Sec. 2-57. Membership Appointment.

- (a) Advisory Board or Committees shall be made up of at least five members; regardless of the number of members, all Boards or Committee shall be odd-numbered. The Mayor, Vice Mayor and member of the Council shall each have at least one appointment to each Board or Committee without approval of the Council. Boards or Committees beyond five members shall be appointed by the Council at large. Members of Advisory Boards or Committees under this Section shall either:
 - (1) Be a resident of the Village; or
 - (2) Be employed within the Village; or
 - (3) Own a business located in the Village.
- (b) The Village Council shall appoint a non-voting Council Liaison to each Board or Committee. Administration shall appoint a non-voting staff representative to each Board or Committee. The Mayor shall be a non-voting Honorary Liaison to each Board or Committee.

- (c) The Council must, by Resolution, specify any additional structures or procedures for the advisory committees and boards covered by this Chapter, including increasing the size and specifying the method of appointment for additional members.

Sec 2-58. Membership Limitations.

Members of the Advisory Boards or Committee shall not:

- (a) Serve on more than one (1) Committee created by this Section at the same time.
- (b) Receive compensation and shall not otherwise obtain direct or indirect financial gain from their service in the Committee.
- (c) Be related to the Village Council members. Related shall mean: spouse, child, sister, brother, parent or in-laws.
- (d) Be a registered candidate for elective political office, unless the Village Council, by majority vote, waives this prohibition.
- (e) Be eligible to serve if, at any time during their term, the person has filed a lawsuit against the Village that is pending, unless the Village Council, by majority vote, waives this prohibition.
- (f) Ethical requirements applicable to Village Council members and village employees are likewise applicable to all members of advisory committees or boards.

Advisory board or Committee members may be removed by affirmative majority of the Village council. The Village Council need not state grounds for the removal of a Board or Committee member.

Sec 2-59. Term of Office.

- (a) The terms of office of the members of each Board or Committee shall serve a two-year term once appointed.
- (b) No Board member shall serve more than six consecutive years on any one board.
- (c) Notwithstanding any other provision of this Code or any resolution, the term of every board member nominated by a Council member shall automatically expire when:
 - a. The nominating Council member leaves office; or
 - b. The nominating Council member's term of office expires.An incoming Council member may re-appoint the individual member, if they so desire, for an additional term or any period of time they chose.
- (d) Should a vacancy on a Board or Committee remain unfilled for thirty (30) days, which is subject to individual Councilmember appointment, it may be filled by nomination of the Village Council. However, that member's appointment shall be subject to the provisions of subsection 2-58(d), listed above, as if they were nominated by a Council member.
- (e) If at any time, a member of the Village Council desires the removal of a member of the Committee, said removal shall occur via resolution with majority vote.

Sec. 2-60. Oath Requirement.

All Committee members shall be required to subscribe to an oath or affirmation to be filed by the Village Clerk, swearing to support, protect and defend the Constitution and laws of the United

States, and of the State, the Charter and all ordinances of the Village of Palmetto Bay and in all respects to faithfully discharge their duties.

Sec. 2-61. Applicability and Explanation of Laws.

All Committee members shall be subject to the State of Florida, Miami-Dade County Code of Ethics and all rules, resolutions and regulations present and future of Palmetto Bay regarding committees including decorum, ban on political activity and advocacy in committees and public comment. Upon appointment, a Village representative shall provide Committee members with a copy of the applicable ethics laws and provide an explanation of the State of Florida and Miami-Dade County Code of Ethics (sunshine law, public records law, conflict of interest policy), and a copy of this Division to the Committee member.

Sec. 2-62. Public Meetings.

All meetings and business of the Committees shall comply with the requirements of Chapters 119 (Public Records) and 286 (Sunshine), Florida Statutes. All meetings of the Boards and Committees shall be open to the public at all times. Meetings shall be conducted in accordance with Robert's Rules of Order.

Approval of the minutes of the previous meeting shall be included in each agenda of a regular committee meeting and the draft minutes shall be presented to the Village Clerk's Office for dissemination to each committee member no later than three (3) business days prior to the meeting.

Regular committee meetings will be canceled by the Village Clerk if the meeting minutes of the prior regular committee meeting (or any other previously pending minutes at the time of approval of these rules, regulations & procedures) are not submitted for committee approval by the established deadline.

Rescheduling of canceled regular committee meetings shall take place upon the submission of minutes of the prior meeting for approval.

Sec. 2-63. Regular Meetings.

Each Committee shall hold at least one regular publicly noticed meeting each quarter at a location open to the public within the Village.

During the initial (organizational) meeting of a committee and during the first meeting of a committee of each calendar year, the committees shall, by a majority vote, set a meeting schedule for regular meetings throughout the year. The committee meeting schedule shall include the date, time, and location of the meetings and must receive approval from the Village Clerk to avoid scheduling conflicts. Changes in the schedule may be made and will be properly published in accordance with the Sunshine Law.

Advisory committees and board meetings shall not conflict the regular Village council meetings. Advisory committees and board meeting schedules that conflict with any previously established

advisory board meeting schedules are discouraged, and the clerk will advise the corresponding advisory board(s) of any such conflict(s). Advisory boards shall make every attempt to resolve any possible conflict with other advisory board schedules when approving their regular meetings for the fiscal year. While all parties involved will make every effort to avoid the scheduling of more than one public meeting at the same time, it is recognized that it may be necessary, from time to time, to arrange more than one advisory board meeting at the same time in order to ensure that each advisory board is able to duly meet and conduct business.

Sec 2-64. Special Meetings.

Special meetings may be held upon the call of the Chairperson or a majority of the advisory board or committee. Notice of special meetings shall be by sent via e-mail to the Committee member's e-mail address on file with the Village Clerk's Office and shall be received by the committee member with a minimum of 24 hours' notice before the meeting. Special meetings shall be publicly noticed in compliance with Ch. 286 F.S. and held at a public location within the Village, as set by the Chairperson with coordination by the Village Clerk.

Section 2-65. Agenda.

The agenda for all meetings of the Advisory Board or Committee shall be prepared by the Chairperson or in the absence of the Chairperson, the Vice Chairperson. Consistent with the legal requirements regarding public notice of meetings, additional agenda items may be proposed by any member of the Advisory Board or Committee either during an advisory board or committee meeting with respect to the Agenda for the next meeting or by request to the Village Clerk's Office. If requested through the Village Clerk's office, the Village Clerk's office will notify the Chairperson and other committee members of the request to add an agenda item and the item will be added. Upon receipt of the Committee's Agenda, the Clerk will post said Agenda posted at Village Hall and on the Village's website.

Items proposed after the agenda is distributed may only be heard under "New Business" and upon an affirmative vote of the majority of the Committee members present at the meeting, but no vote shall be taken on such "New Business" until the next meeting at which the item has been published in the Agenda. Public comment shall be allowed at all meetings.

All agenda materials including back-up material and minutes shall be provided to the Village Clerk's Office no later than three (3) business days prior to a regularly scheduled committee meeting.

Sec 2-66. Quorum.

Fifty percent (50%) of the Committee members appointed to the Committee 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. No actions may be taken without a quorum present although those in attendance may still have discussion.

Sec 2-67. Voting.

Each Committee member shall be entitled to one (1) vote on matters coming before the Committee. The Committee shall act as a body in making its decisions. No member present at a meeting may abstain from voting except in cases of a conflict of interest, as provided in Florida Statutes and the Miami-Dade County Code of Ethics. A member must be present to vote. Proxy votes shall not be permitted.

Sec. 2-68. Attendance.

In the event a Committee member fails to attend three (3) regularly scheduled meetings in one calendar year, without excuse and without prior notice to the chairperson, the Committee member will automatically be removed from the Committee and the Council will be notified of the vacancy.

Sec 2-69. Officers and Elections.

Every Committee shall elect a Chairperson and Secretary annually, or as vacancies occur, at the first meeting conducted to serve for a term of one (1) year. The Board or Committee may not meet in the absence of a Secretary or his/her designee.

Sec 2-70. Records.

Minutes of all Committee meetings shall be recorded by the Secretary and shall be available for public inspection. The Secretary shall forward all approved minutes to the Village Clerk's Office within five (5) days following the meeting. Once approved, the Village Clerk shall archive all meeting minutes and post same on the Village's website until at least three months post sunseting of the committee.

Sec 2-71. Access to Village Information and Records.

Advisory Committees and Boards shall have access to all necessary information and records, as follows:

- (1) Advisory Committees and Boards, upon a vote of the Committee or Board, shall request the information in writing with specificity from the Village Manager; and
- (2) The Village Manager shall supply such requested information or records to the extent that such request is not excessive, oppressive, involve undue costs, or contain confidential or exempt material.

Sec 2-72 Board and Committee Reports.

The Chairperson or his/her designee shall present a quarterly written report to the Village Council, which shall be submitted in writing to the Village Clerk's Office and the Village Manager. All reports shall be approved by the Committee prior to submission to the Village Clerk's Office and Village Manager's Office and prior to presentation to the Village Council.

The quarterly report shall be part of the Village Council official Agenda, under Item 8, Board and Committee Reports. The report shall, minimally, answer the following four questions:

1. How many meetings were held.

2. What were the main topics of discussion.
3. What are the Board/Committee's recommendations.
4. What does the Board/Committee need from the Council.

In any event, no committee shall be permitted to meet or otherwise conduct business during any period that the committee is not in compliance with all document requirements and is up to date on its minutes and/or quarterly reports to the Village Council. The only exception to this is any action required to bring minutes and/or quarterly reports up to date and to have such documents properly transmitted to the Village Clerk and Village Council.

Upon the request of the Village council, the advisory boards shall submit an annual written report to the Village. The advisory boards may submit such other single and/or multiple issue reports and/or other correspondence to the Village council as deemed appropriate by a majority of the corresponding advisory board. All reports shall be approved by the advisory board prior to submission to the Village clerk's office or presentation to the Village council.

Sec. 2-73 "Sunset" review of boards.

Each year, the Village Council shall review each Board or Committee in the following manner:

(a) By February of each year, each board's chairperson shall submit a written report, through the Village Clerk's office, setting forth the following information concerning the board:

- (1) Whether the board is serving the purpose for which it was created.
- (2) Whether the board is serving current community needs.
- (3) A list of the board's major accomplishments.
- (4) Whether there is any other board, either public or private, which would better serve the function of the board.
- (5) Whether the ordinance creating the board should be amended to better enable the board to serve the purpose for which it was created.
- (6) Whether the board's membership requirements should be modified.
- (7) The cost, both direct and indirect, of maintaining the board.
- (8) Whether the County board is meeting performance measures developed to determine their effectiveness in achieving stated goals.

(b) At the March Regular Council Meeting, the Village Clerk shall place discussion concerning the Board or Commission on the Village Council Agenda, together with any recommendation that the Village Manager wishes to provide. At this meeting, the Chairperson shall make an oral presentation to the Village Council.

(c) The Village Council, by majority vote, shall determine whether to abolish, continue, consolidate, or modify the Board or Committee. Absent any action by the Village Council, the Board or Committee shall continue in existence.

Section 4. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be

invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Codification. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

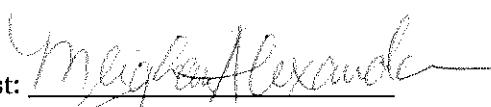
Section 7. Effective Date. This ordinance shall take effect immediately upon enactment.

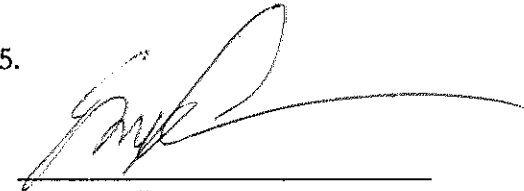
First reading: April 6, 2015

Second reading: May 4, 2015

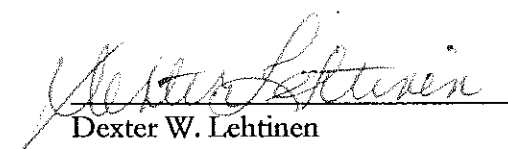
PASSED AND ENACTED this 4th day of May, 2015.

Attest:


Meighan Alexander
Village Clerk


Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:


Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Katryn Cunningham	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	<u>Absent</u>
Mayor Eugene Flinn	<u>YES</u>