

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

ORDINANCE 35, 2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION AT ARTICLE III, BOARDS AND COMMITTEES IN ORDER TO AMEND THE COMPOSITION OF THE CITY'S BOARDS AND COMMITTEES AND TO REVISE THE ATTENDANCE POLICY AND THE APPOINTMENT PROCEDURES FOR SAME; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2, ADMINISTRATION SHALL REMAIN THE SAME AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Palm Beach Gardens has become aware of the need to amend the composition, meeting frequency, attendance policies, and appointment procedures for all appointed boards and committees; and

WHEREAS, the City Staff has drafted certain amendments in order to improve the efficiency with which the boards and committees conduct City business; and

WHEREAS, the City Staff believes that such amendments improve the function of the boards and committees, save valuable time, and reduce the costs associated with the business conducted by the various boards and committees; and

WHEREAS, Staff recommends that Chapter 2, Administration be amended to accomplish this purpose; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA that:

SECTION 1. Chapter 2, Administration, Code of Ordinances of the City of Palm Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and Committees" by repealing and adopting Section 2-85, entitled "Announcement of vacancies", as revised, providing that this section shall hereafter read as follows:

1 **Sec. 2-85. Announcement of vacancies.**
2

3 All vacancies in the membership of any appointive city board or committee shall be
4 announced by posting a notice of such vacancies at a public place in city hall, ~~by~~
5 ~~publishing a copy thereof in a newspaper of general circulation in the city,~~ by posting an
6 announcement on the city website, or by such other method deemed appropriate by the
7 city, no later than March 15th for the April appointment hearing and no later than
8 September 15th for the October appointment hearing. These appointment hearings
9 shall normally be conducted twice per year, once in April and once in October; however,
10 the city council may conduct additional appointment hearings if they determine that
11 additional hearings are necessary and prudent. The city clerk shall also furnish to any
12 member, whose term is expiring, a notice of such expiration and advise if the member is
13 eligible for reappointment.

14
15 **SECTION 2.** Chapter 2, Administration, Code of Ordinances of the City of Palm
16 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
17 Committees" by repealing and readopting Section 2-86, entitled "Procedure for
18 appointment and filling vacancies; qualifications for membership of boards and
19 committees", as revised, providing that this section shall hereafter read as follows:
20

21 **Sec. 2-86. Procedure for appointment and filling vacancies; qualifications for**
22 **membership of boards and committees.**
23

24 Except as otherwise provided in this code, appointments to boards and committees
25 shall be made at a regular city council meeting in accordance with the following
26 procedures:
27

- 28 (1) Vacancies in the board or committee membership shall be automatically filled by
29 an alternate member of that board or committee for the unexpired term of the
30 member affected or until the semi-annual appointments are made, whichever
31 comes first. If two vacancies occur at the same time, the second vacant seat
32 shall be filled by the second alternate for the unexpired term of the member
33 affected or until the semi-annual appointments are made, whichever comes first.
34 If a board or committee has more than two (2) vacancies, the city council may
35 appoint temporary members, as necessary, who shall serve until the semi-annual
36 appointments are made. The city clerk shall notify the alternate(s) of his/her
37 change in status to a regular member in such cases. ~~However, during calendar~~
38 ~~years 2009 and 2010 all boards and committees shall be transitioning from seven~~
39 ~~(7) members to five (5) members through normal attrition as the terms of regular~~
40 ~~members expire. Accordingly, during 2009 and 2010 when a board or committee~~
41 ~~member's term expires, they shall not be eligible for consecutive reappointment.~~
42
43 (2) The city clerk shall place on the council agenda the list of volunteers, including
44 current members who seek reappointment, with their attendance and voting
45 records.
46

1 (3) The city council may interview board and committee members who desire
2 reappointment and volunteers from the city clerk's list.

3
4 (4) The city council shall, in public session, select the person needed to fill such
5 vacancy.
6

7 **SECTION 3.** Chapter 2, Administration, Code of Ordinances of the City of Palm
8 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
9 Committees" by repealing and readopting Section 2-90, entitled "Terms of members", as
10 revised, providing that this section shall hereafter read as follows:

11
12 **Sec. 2-90. Terms of members.**

13
14 (a) Terms of members shall be established in the ordinance or resolution creating the
15 board or committee.

16
17 (b) Members whose terms have expired shall continue to serve until their successors
18 are appointed.

19
20 (c) Board and committee members may be reappointed to successive terms, but shall
21 serve no more than six consecutive years, and no member shall be eligible for
22 appointment to the same board until one year from the date the person left the board.
23 However, term limits may be waived, for members of the Planning, Zoning and Appeals
24 Board (PZAB) only, during any appointment year so that no more than two (2) vacant
25 seats are created due to term limits or when necessary to maintain the professional
26 composition of PZAB in accordance with Section 2-148 when there are no qualified
27 applicants.

28
29 **SECTION 4.** Chapter 2, Administration, Code of Ordinances of the City of Palm
30 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
31 Committees" by repealing and readopting Section 2-95, entitled "Quorum and required
32 vote", as revised, providing that this section shall hereafter read as follows:

33
34 **Sec. 2-95. Quorum and required vote.**

35
36 (a) A quorum for the transaction of business shall consist of four members for
37 boards and committees with seven members. A quorum for the transaction of business
38 shall consist of three members for boards and committees with five members. A
39 quorum for the transaction of business shall consist of two members for boards and
40 committees with three members.

41
42 (b) The affirmative vote of a majority of those present shall be necessary to take
43 official action. If any motion fails to achieve the affirmative vote of a majority of those
44 present, then such motion shall fail; except for a tie vote, in which case no action is
45 taken.
46

1 **SECTION 5.** Chapter 2, Administration, Code of Ordinances of the City of Palm
2 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
3 Committees" by repealing and readopting Section 2-96, entitled "Removal of members",
4 as revised, providing that this section shall hereafter read as follows:
5

6 **Sec. 2-96. Removal of members and attendance policy.**
7

8 (a) Except as otherwise provided by ordinance, any member who no longer resides
9 within the city during his/her term shall automatically cease to be a member of the board
10 and shall inform the city clerk's office.
11

12 ~~(b) Any member of the planning, zoning, and appeals board who is absent from four~~
13 ~~(4) consecutive regularly scheduled meetings or cumulatively more than 25 percent of~~
14 ~~regularly scheduled meetings held during any single fiscal year shall be automatically~~
15 ~~removed as a member of the board. Any A member of any other board or committee~~
16 who is absent from three (3) consecutive regularly scheduled meetings or more than 25
17 percent of regularly scheduled meetings held during any single fiscal year shall be
18 automatically removed as a member of the respective board or committee. Automatic
19 removal of a member shall cause a vacancy to exist in the membership of the particular
20 board or committee. The city clerk shall send written notice of such automatic removal
21 to the affected member.
22

23 (c) Absences for the following reasons shall be considered excused and shall not be
24 counted against the board or committee member: complying with a subpoena in any
25 court; documented hospitalization of one's self, spouse, child, sibling, or parent; and jury
26 duty.
27

28 (d) All board and committee members shall serve at the pleasure of the city council
29 and may be removed without cause at any time by a majority vote of the city council,
30 unless otherwise provided by the Charter or Florida Statutes.
31

32 **SECTION 6.** Chapter 2, Administration, Code of Ordinances of the City of Palm
33 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
34 Committees," Division 2, Art in Public Places Advisory Board by repealing and
35 readopting Section 2-108, entitled "Membership," as revised, providing that this section
36 shall hereafter read as follows:
37

38 **Sec. 2-108. Membership.**
39

40 (a) The board shall consist of five seven regular members and two alternates. Initial
41 appointment of members to the board shall be for the following respective terms: ~~three~~
42 four regular members and one alternate for two years; ~~two~~ three regular members and
43 one alternate for one year; thereafter, all appointments shall be for a term of two years.
44
45
46
47

1 (b) Appointments shall be made by the city council based on experience and interest
2 in arts and cultural issues in the city and shall, whenever possible, include persons who
3 have professional expertise or substantial volunteer involvement in:

- 4
5 (1) Visual, performing, or literary arts.
6
7 (2) Architecture, design, or urban planning.
8
9 (3) Arts and cultural institution management.
10
11 (4) Education.

12
13 **SECTION 7.** Chapter 2, Administration, Code of Ordinances of the City of Palm
14 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
15 Committees," Division 3, Community Aesthetics Board by repealing and readopting
16 Section 2-118, entitled "Membership," as revised, providing that this section shall
17 hereafter read as follows:

18
19 **Sec. 2-118. Membership.**

- 20
21 (a) The board shall consist of ~~five~~ seven regular members and two alternates. Initial
22 appointment of members of the board shall be for the following respective terms: ~~three~~
23 four regular members and one alternate for two years; ~~two~~ three regular members and
24 one alternate for one year; thereafter, all appointments shall be for a term of two years.
25 (b) Appointments shall be made by the city council based on experience and interest
26 in improving community and neighborhood aesthetics and shall, whenever possible,
27 include members with a background in building construction, architecture, urban design,
28 horticulture, landscaping, and related fields.

29
30 **SECTION 8.** Chapter 2, Administration of the Code of Ordinances of the City of
31 Palm Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
32 Committees," Division 5, Parks and Recreation Advisory Board by repealing and
33 readopting Section 2-138, entitled "Membership," as revised, providing that this section
34 shall hereafter read as follows:

35
36 **Sec. 2-138. Membership.**

- 37
38 (a) The board shall consist of ~~seven~~ five regular members and two alternates. Initial
39 appointment of members of the board shall be for the following respective terms: four
40 ~~three~~ regular members and one alternate for two years; three ~~two~~ regular members and
41 one alternate for one year; thereafter, all appointments shall be for a term of two years.
42
43 (b) Appointments shall be made by the city council based on experience and interest
44 and shall, whenever possible, include:
45
46 (1) A participant in senior-targeted activities.

- 1 (2) A tennis center participant.
- 2
- 3 (3) A golf course participant.
- 4
- 5 (4) A recreational programming participant.
- 6
- 7 (5) An aquatics programming participant.
- 8
- 9 (6) An adult sports programming participant.
- 10
- 11 (7) An arts and cultural advocate.
- 12
- 13 (8) A special population advocate.
- 14
- 15 (9) A volunteer from the PBG Youth Athletic Association.
- 16

17 **SECTION 9.** Chapter 2, Administration, Code of Ordinances of the City of Palm
18 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
19 Committees," Division 6, Planning, Zoning, and Appeals Board by repealing and
20 readopting Section 2-148, entitled "Membership", as revised, providing that this section
21 shall hereafter read as follows:
22

23 **Sec. 2-148. Membership.**

24
25 (a) The board shall consist of ~~seven~~ five regular members and two alternates.
26 ~~Additionally, there shall be a representative of the school district appointed by the~~
27 ~~school board as a nonvoting member.~~ Initial appointment of members of the board shall
28 be for the following respective terms: four ~~three~~ regular members and one alternate for
29 two years; three ~~two~~ regular members and one alternate for one year; thereafter, all
30 appointments shall be for a term of two years.
31

32 (b) Members of the board shall be residents of the City of Palm Beach Gardens and
33 shall be chosen from the following professions as outlined below:
34

- 35 (1) At least one of each of the following disciplines:
36
37 Architects;
38 Engineers;
39 Division 1 (general, building, or residential) contractors.
40
- 41 (2) At least one of the following disciplines:
42
43 Attorneys;
44 Real estate professionals;
45 Environmental professionals;
46 Landscape architects;

1 Planners;
2 Division 2 (MEP) contractors;
3 Land surveyors.

4
5 (3) At least one of the following:

6
7 One resident at large.

8
9 ~~(4) When necessary, alternate members should be seated to the greatest extent~~
10 ~~possible, based on the need for any particular discipline.~~

11
12 **SECTION 10.** Chapter 2, Administration, Code of Ordinances of the City of Palm
13 Beach Gardens, Florida is hereby amended at Article III, entitled "Boards and
14 Committees," Division 6, Planning, Zoning, and Appeals Board by repealing and
15 readopting Section 2-149, entitled "Meetings", as revised, providing that this section
16 shall hereafter read as follows:

17
18 **Sec. 2-149. Meetings.**

19
20 Meetings shall be at the call of the chairperson, provided the board shall convene
21 no less often than once every two per months.

22
23 **SECTION 11.** All ordinances or parts of ordinances in conflict be and the same
24 are hereby repealed.

25
26 **SECTION 12.** Should any section or provision of this Ordinance or any portion
27 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
28 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

29
30 **SECTION 13.** Specific authority is hereby given to codify this Ordinance.

31
32 **SECTION 14.** This Ordinance shall become effective immediately upon
33 adoption.

34
35
36 (The remainder of this page intentionally left blank)

PASSED this 1ST day of OCTOBER, 2009, upon first reading.

PASSED AND ADOPTED this 15TH day of OCTOBER, 2009, upon second and final reading.

CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

BY: <u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph R. Russo, Mayor			
<u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Levy, Vice Mayor			
<u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric Jablin, Councilmember			
<u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jody Barnett, Councilmember			
<u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert G. Premuroso, Councilmember			

ATTEST:

BY: [Signature]
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]
R. Max Lohman, City Attorney

[Handwritten initials]