PROPOSED

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE GENERAL ADMINISTRATION OF BOARDS, AUTHORITIES, AND AGENCIES; AMENDING SECTION 1-233 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PERMITTING COUNTY ADVISORY BOARDS TO SCHEDULE SPECIAL MEETINGS FOR MATTERS OF URGENCY; PROVIDING ADDITIONAL BASES FOR EXCUSED ABSENCES OF ADVISORY AND OTHER BOARD MEMBERS; CODIFYING THE NOMINATION AND APPOINTMENT PROCESS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Board of County Commissioners of Broward County, Florida, has determined that amending Section 1-233 of the Broward County Code of Ordinances, pertaining to County boards, authorities, and agencies, is appropriate at this time,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 1-233 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 1-233. Terms and process of appointeesment to Broward County agencies, authorities, boards, committees, commissions, councils, and task forces; quorum.

Coding: Words in struck-through type are deletions from existing text. Words in underscored type are additions.
All appointments to advisory boards, committees, commissions, councils, and task forces established by Broward County ordinance or resolution (collectively, "advisory boards"), and all appointments to agencies, development and redevelopment authorities, and regulatory and adjustment boards established pursuant to federal or state law, the Broward County Charter, or interlocal agreements (collectively, "other boards"), except where inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such advisory boards or other boards, shall be subject to the following requirements except where inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such advisory or other boards:

(a)  (1) An appointment for a fixed-term appointment shall expire on the last day of the fixed term unless the appointee is removed for cause under applicable law federal, state, or local law, as applicable.

  ...  

(5) Appointments to advisory boards or other boards which are made by the Board of County Commissioners of Broward County ("County Commission") shall be subject to the following procedures:

  a. For appointments at large, each Commissioner may nominate one (1) or more individuals for the County Commission's consideration and final approval by majority vote.

  b. For all other appointments, Commissioners may submit for appointment individuals in accordance with the provisions of

Coding: Words in **struck-through** type are deletions from existing text. Words in *underscored* type are additions.
the respective advisory board or other board, for the County
Commission's consideration and final approval by majority
vote.

(b)  (1) A person appointed to an advisory board or other board, shall be a
resident of Broward County and shall maintain residency in
Broward County during the term of appointment.

(2) No person may be appointed by the Broward County Commission
to more than one (1) advisory board or other board, except that an
elected County or municipal officer appointed in an official capacity
may serve on more than one (1) advisory board or other board to
which at least one (1) such elected official is required to be
appointed. In addition to serving in an official capacity, an elected
County or municipal officer may serve on one (1) advisory board in
an individual capacity so long as such appointment does not
otherwise violate the dual-office holding provision of the Florida
Constitution.

(3) A County employee may serve as a voting member on an advisory
board or other board, as long as he or she is appointed by a body
other than the County Commission. No County employee shall
may be appointed by the County Commissioner to an advisory
board or other board.

. . .
Advisory boards and other boards shall meet quarterly unless any such board determines that meetings are required more or less frequently.

Special Meetings. Each advisory board shall, within its bylaws and in accordance with this section, address the power to call special meetings. Special meetings may be called by an advisory board's chair, or by majority vote of the appointed members of the advisory board at a regularly scheduled meeting of such advisory board. However, no advisory board may hold more than two special meetings in any calendar year. Special meetings shall be limited to the consideration of items of urgency that require resolution prior to the next regularly scheduled meeting. Special meetings may not be called to address matters that: are beyond the scope of the advisory board's authority; do not present a significant fiscal or operational impact on the County; or involve or request the preparation of letters, proclamations, resolutions, or changes to an advisory board's enabling legislation. All special meetings shall be noticed, and the notices shall include the date, time, and location of the meeting, along with the specific agenda items to be considered by the advisory board at the meeting. Subject matters not expressly included in an initial special meeting notice may not be considered by an advisory board at a special meeting. Nothing in this subsection limits the power of other boards to call special meetings.
meetings in accordance with their enabling enactments or bylaws, or in accordance with state or federal law.  

(e) Removal from boards based upon attendance. When an advisory board, or other board whose enabling enactment or bylaws adopt the attendance requirements of this subsection, meets on a quarterly or less frequent basis, an appointee shall be automatically removed as a board member if he or she has two (2) consecutive unexcused absences or misses two (2) properly noticed meetings in one (1) calendar year because of unexcused absences. If any such board meets more frequently than quarterly, an appointee shall be automatically removed as a board member if he or she has three (3) consecutive unexcused absences or misses four (4) properly noticed meetings in one (1) calendar year because of unexcused absences.  

(1) The automatic removal of an appointee as a board member is deemed effective when written notice of the reason for the removal has been is sent to the appointee by the County Administrator or his or her designee to the appointee.  

. . .  

(3) The absence of an advisory board or other board member shall be deemed excused under the following circumstances: a. When the member is performing an authorized alternative activity relating to outside board business that directly conflicts with the properly noticed meeting;
b. The death of an immediate family member, defined as a spouse, father, mother, stepparent, one who has stood in the place of a parent (in loco parentis), child, or stepchild domiciled in the member's household, grandparent, grandchild, guardian, or custodian;
c. The death of a member's domestic partner, or the death of a child, stepchild, parent, grandparent, or grandchild of a member's domestic partner;
d. The member's hospitalization or receipt of necessary emergency medical treatment at or around the time of a properly noticed meeting;
e. When the member is summoned to jury duty; or
f. When the member is issued attending a deposition, hearing, trial, or other legal proceeding for which attendance is required by a subpoena by or by order of a court of competent jurisdiction.

...  

Section 2. SEVERABILITY.
If any portion of this Ordinance is determined by any court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

Coding: Words in struck-through type are deletions from existing text. Words in underscored type are additions.
Section 3. **INCLUSION IN CODE.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Broward County Code; and that the sections of this Ordinance may be renumbered or relabeled and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. **EFFECTIVE DATE.**

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

PROPOSED

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Anthony C. Halmon 05/18/18
Anthony C. Halmon (date)
Assistant County Attorney

By /s/ Adam Katzman 05/18/18
Adam Katzman (date)
Senior Assistant County Attorney

ACH/mm
05/18/18
1-233 Ordinance
#41000/0001

Coding: Words in **strike-through** type are deletions from existing text. Words in *underscored* type are additions.