

PROPOSED

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO VARIOUS MEMBERSHIP, VOTING, MEETING, AND SUNSET REQUIREMENTS FOR THE CHILDREN'S SERVICES BOARD, THE TRANSIT ADVISORY COMMITTEE, THE HISTORIC PRESERVATION BOARD, THE HUMAN RIGHTS BOARD, THE ADVISORY BOARD FOR INDIVIDUALS WITH DISABILITIES, THE COUNTY LIBRARY ADVISORY BOARD, AND THE LIVING WAGE ADVISORY BOARD; AMENDING SECTIONS 1-485, 1-486, 5-535, 16½-21, 16½-88 THROUGH 16½-92, 16½-94, 19-11, 19-14, AND 26-105 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); REPEALING SECTIONS 1-501 THROUGH 1-506 OF THE CODE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 2.09 of the Broward County Charter and Section 1-245 of the Broward County Code of Ordinances ("Code") provide for the periodic review of all existing Broward County boards, authorities, and agencies; and

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), has completed this review; and

WHEREAS, the Board has determined that amending membership and meeting requirements of the Children's Services Board is appropriate at this time; and

WHEREAS, the Board has determined that sunsetting the Transit Advisory Committee is appropriate at this time; and

WHEREAS, the Board has determined that addressing vacancies and incumbent membership terms of the Historic Preservation Board is appropriate at this time; and

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1 WHEREAS, the Board has determined that limiting the number of meetings of the
2 Human Rights Board is appropriate at this time; and

3 WHEREAS, the Board has determined that expanding the duties of the Advisory
4 Board for Individuals with Disabilities is appropriate at this time; and

5 WHEREAS, the Board has determined that reducing the number of members and
6 modifying the functions of the County Library Advisory Board is appropriate at this
7 time; and

8 WHEREAS, the Board has determined that adopting a categorical draw method to
9 select members of the Living Wage Advisory Board is appropriate at this time,

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

12 Section 1. Sections 1-485 and 1-486 of the Broward County Code of
13 Ordinances are hereby amended to read as follows:

14 **Sec. 1-485. Members.**

15 The Children's Services Board (~~"Board"~~) ("CSB") shall consist of twenty (20)
16 members ~~to be~~ appointed by the Broward County Board of County Commissioners. The
17 ~~Board~~ CSB shall consist of the following members so long as the member holds the
18 respective office:

- 19 (1) a A member of the Broward County Board of County Commissioners;
- 20 (2) a A member of the School Board of Broward County, designated by the
21 Chair of the School Board;
- 22 (3) ~~†The Superintendent of Schools of Broward County, or another individual~~
23 ~~designated by the Superintendent of Schools~~ a designated member of the
24 Superintendent's Leadership Team; and

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1 (4) a A representative from the State of Florida Department of Juvenile Justice,
2 holding the position of Circuit 17 Chief Juvenile Probation Officer or other
3 senior management position within the Florida Department of Juvenile
4 Justice. Each of these members shall serve as long as that individual holds
5 the respective office.

6 In addition, the Broward County Board of County Commissioners shall consist, in
7 ~~part, of a person designated by the Children's Consortium of Broward County; appoint~~
8 the following additional members to the CSB:

9 (1) a A representative from the State of Florida Department of Children and
10 Families holding a senior management position;

11 (2) The Chief Executive Officer of the Broward Behavioral Health Coalition
12 ("BBHC"), or another member of BBHC's senior management;

13 (3) A senior representative of Community Programs operated by the Broward
14 Sheriff's Office;

15 (4) A representative of a faith-based organization;

16 (5) ~~and n~~Nine (9) members appointed by, with each member of the Broward
17 County Board of County Commissioners nominating one member, and who
18 shall, to the extent possible, represent the demographic diversity of the
19 community ~~it~~ the CSB serves, reflect the interest of the community ~~it~~ the
20 CSB serves, ~~serve as the link between the Board~~ CSB and the public or
21 community, ensure that the Board's CSB's policies and performance uphold
22 the public interest of Broward County, and have demonstrated a proven
23 commitment to children's welfare. ~~All members shall be appointed by the~~
24 ~~Broward County Board of County Commissioners and, unless otherwise~~

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1 provided in this section, shall serve in accordance with the provisions of
2 Section 1-233 of the Broward County Code of Ordinances, as may be
3 amended from time to time; and

4 (6) Three (3) at-large members, comprised of two (2) community child
5 advocates and one (1) past or current consumer of children's services.

6 These at-large members shall each serve a four (4) year term.

7 The nine (9) members ~~appointed~~ nominated by each of the respective members
8 of the Broward County Board of County Commissioners shall be free of any conflict of
9 interest incurred by being an employee of a nonprofit/profit agency receiving children's
10 services funding and must be willing to submit a letter of resignation from the CSB if a
11 conflict exists develops once appointed. ~~In addition, the Board shall consist of two (2) at-~~
12 ~~large members: one (1) who has served on One Community Partnership or any of its~~
13 ~~committees and one (1) as a past or current consumer of services. Both shall be~~
14 ~~nominated by the Broward County Board of County Commissioners, and shall serve for~~
15 ~~a term of four (4) years. All members shall serve in accordance with the provisions of~~
16 Section 1-233 of the Broward County Code of Ordinances, as may be amended.

17 **Sec. 1-486. Meetings.**

18 (a) The Board CSB shall hold meetings as needed to fulfill its duties, ~~but shall~~
19 ~~hold quarterly meetings each year; however, the CSB shall meet no less than quarterly~~
20 per calendar year.

21 (b) A majority of the members of the Board CSB shall constitute a quorum.

22 Section 2. Sections 1-501 through 1-506 of the Broward County Code of
23 Ordinances regarding the Transit Advisory Committee are hereby repealed in their
24 entirety.

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1 Section 3. Section 5-535 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 5-535. Historic preservation board.**

4 . . .

5 (c) With the exception of the initial members, the term of office of the Historic
6 Preservation Board members shall be two (2) years, and no member shall serve more
7 than two (2) consecutive two (2) year terms. The initial term of members shall be
8 staggered so that the end of the term of the initial members shall not end simultaneously.
9 Four of the initial nine (9) members shall serve for a one (1) year initial term and shall be
10 permitted to serve an additional two (2) full two (2) year terms. Notwithstanding the
11 foregoing, incumbent members may continue to serve until reappointment or the
12 appointment of a successor. Any vacancies shall be filled only for the remainder of the
13 original member's term. The Historic Preservation Board shall establish rules of
14 procedures, including, but not limited to, procedures for recording of minutes, for training
15 opportunities for Historic Preservation Board members, for election of officers, and for
16 seeking assistance on historic preservation matters requiring expertise not represented
17 within its membership. ~~Any vacancies shall be filled only for the remainder of the original~~
18 ~~member's term.~~

19 . . .

20 (h) Members of the Historic Preservation Board must file a Statement of
21 Financial Interests in accordance with Section 112.3145, Florida Statutes.

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1 Section 4. Section 16½-21 of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

3 **Sec. 16½-21. Human rights board created; composition; terms; authorities.**

4 . . .

5 (h) The Board shall meet no more than six (6) times per calendar year, unless
6 the Chair, with approval of a majority of the appointed Board members, determines that
7 a special meeting is necessary.

8 (i) Members of the Board must file a Statement of Financial Interests in
9 accordance with Section 112.3145, Florida Statutes.

10 Section 5. Sections 16½-88 through 16½-92 and Section 16½-94 of the
11 Broward County Code of Ordinances are hereby amended to read as follows:

12 **Sec. 16½-88. Duties.**

13 The Advisory Board for Individuals With Disabilities shall:

- 14 (1) Serve in an advisory capacity to the Board of County Commissioners of
15 Broward County ("Board") regarding matters ~~which~~ that pertain to the status
16 and welfare of disabled individuals in Broward County, Florida.
- 17 (2) Prepare and submit reports and recommendations to the Board of County
18 ~~Commissioners~~ relating to matters ~~which~~ that include, but are not limited to,
19 discrimination, employment, and vocational training, as well as the present
20 and future needs for public transportation, services, emergency
21 management disaster planning, affordable and accessible housing,
22 accessible facilities, and programs for the disabled individuals in Broward
23 County individuals with disabilities.

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1 (3) Formulate and recommend plans, programs, and policies to the Board for
2 the coordination of governmental and nongovernmental activities ~~which~~ that
3 directly affect disabled individuals.

4 (4) Help to solicit, but not accept, appropriations, grants, and funds, at the
5 direction of the Board, to be used for the advancement and general welfare
6 of ~~the disabled individuals in Broward County~~ individuals with disabilities
7 within Broward County.

8 (5) Prepare and submit an annual report of the Advisory Board to the ~~County~~
9 Commission Board.

10 (6) Perform other related activities as may be requested from time to time ~~be~~
11 ~~requested~~ by resolution or ordinance of the Board of ~~County~~
12 Commissioners.

13 (7) Create, and amend, as needed, by-laws by which the Advisory Board shall
14 conduct its business.

15 **Sec. 16½-89. Membership.**

16 The ~~Broward County Advisory Board for Individuals With Disabilities~~ shall be made
17 up of eighteen (18) members. The eighteen (18) members shall be appointed by the
18 ~~Board of County Commissioners~~ for terms complying with the requirements of
19 Section 1-233, Broward County Code of Ordinances. All individuals appointed to the
20 ~~a~~Advisory ~~b~~Board shall meet the qualifications of ~~s~~Section 16½-90 of this ~~a~~Article.

21 **Sec. 16½-90. Qualifications of members.**

22 (a) Members of the Advisory Board shall be representatives of organizations or
23 agencies dedicated to the advancement of ~~disabled~~ individuals with disabilities, or
24 individuals who have demonstrated their dedication to the advancement of ~~the disabled~~

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1 individuals with disabilities. Fifty percent (50%) plus one (1) of the members of the
2 Advisory Board shall either be ~~disabled~~ individuals with disabilities or be representatives
3 of an agency or organization dedicated to the advancement of individuals with the
4 physically, mentally, or emotionally disabled disabilities. The remaining members of the
5 Advisory ~~b~~Board may or may not be ~~disabled~~ individuals with disabilities.

6
7 **Sec. 16½-91. Vacancies.**

8 Vacancies shall be filled in the same manner as provided in ~~s~~Section 16½-90(a)
9 of this Article.

10 **Sec. 16½-92. Organization and activity.**

11 (a) The members of the Advisory Board shall elect a chair, two (2) vice-chairs,
12 a secretary, and one (1) member to be elected at large. A majority of the total Advisory
13 ~~b~~Board members appointed shall constitute a quorum necessary to hold meetings and
14 take action. The chair shall set the time, date, and place of the meetings of the Advisory
15 Board. Special meetings may be called upon written notice to the membership signed by
16 one-third ($\frac{1}{3}$) of the members of the Advisory Board.

17
18 **Sec. 16½-94. Limitation of powers.**

19 The powers and jurisdiction of the ~~a~~Advisory ~~b~~Board shall be advisory only.

20 Section 6. Sections 19-11 and 19-14 of the Broward County Code of
21 Ordinances are hereby amended to read as follows:

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1 **Sec. 19-11. Same Broward County Library Advisory Board—Membership,**
2 **qualifications, and terms.**

3 The Broward County Library Advisory Board shall consist of ~~eighteen (18)~~ nine (9)
4 members to be appointed by the Board of County Commissioners of Broward County.
5 Each member shall be a resident and elector of Broward County; shall possess a
6 reputation for integrity, responsibility, civic accomplishment, and professional or business
7 ability; and shall not be employed by the Broward County Libraries Division of Broward
8 County government. Terms of office shall be in accordance with the provisions
9 of Section 1-233, Broward County Code of Ordinances, as may be amended ~~from time to~~
10 ~~time~~. The members of the Broward County Library Advisory Board shall receive no
11 compensation for performance of their duties. An appointment to fill a vacancy shall be
12 for the unexpired term only.

13 **Sec. 19-14. Same Broward County Library Advisory Board—Duties;**
14 **functions; responsibilities.**

15 The Broward County Library Advisory Board shall have the following duties,
16 functions, and responsibilities:

- 17 (1) To serve in an advisory capacity to the ~~board of county commissioners,~~
18 ~~county administrator~~ Broward County Board of County Commissioners
19 ("Board"), the County Administrator, and the Broward eCounty lLibraryies
20 Division ~~in~~ with respect to all matters pertaining to the Broward County
21 library system and ~~public library service~~;
- 22 (2) Furnish information, ~~advise and counsel~~ and advice to the ~~b~~Board of county
23 ~~commissioners~~ ~~in~~ respecting to the appropriate means and methods by
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which adequate library facilities and services may be provided to all residents of Broward County;

(3) Recommend to the ~~e~~County ~~a~~Administrator the appointment of a ~~county librarian~~ Libraries Division Director;

...

(6) ~~Keep constantly~~ Be aware of public library standards, trends, regulations, and legislation;

(7) Formulate or recommend actions to raise the quality of service and utilization of professional and financial assistance from state, national, and other sources;

(8) Review with the ~~county librarian,~~ Libraries Division Director book and material selection programs, plans, and policies;

(9) Promote, recommend, and solicit bequests, donations, and contributions, for the Broward ~~e~~County ~~l~~ibrary ~~s~~ystem and ~~recommend policies governing acceptance for such donations;~~

(10) ~~Establish~~ Recommend, promote, and participate in a planned public relations program for the library system;

(11) Perform and carry out such other duties and functions of an advisory nature as may be assigned by the ~~b~~Board of county commissioners; and

(12) ~~File~~ Furnish an annual report ~~on April first by~~ December 31st to the ~~county government~~ Board on the Library Advisory Board's accomplishments and status of the Broward County Library System and such other times as the advisory board deems proper.

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1 Section 7. Section 26-105 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Section 26-105. Living wage advisory board created; composition, terms;
4 duties; and organization.**

5 . . .

6 (b) Each County Commissioner shall nominate one (1) member to the Living
7 Wage Advisory Board, ~~provided that~~ using the categorical draw method established by
8 the Intergovernmental Affairs/Boards Section, which nominations are subject to
9 appointment by the Board of County Commissioners. The required membership
10 categories are as follows:

11 (1) No more than four (4) members are shall be representatives of the
12 business community.

13 (2) Of the members representing the business community, at least two (2)
14 members shall be representatives of service contractors, with at least one
15 (1) such service contractor also being a covered employee, ~~and shall count~~
16 ~~against the maximum of four (4) members allowed as representatives of the~~
17 ~~business community.~~

18 For purposes of this subsection, "business community" shall not include a ~~non-profit~~
19 nonprofit entity that is recognized by the Federal Internal Revenue Service as exempt
20 from payment of federal income taxes.

21 . . .

22 Section 8. SEVERABILITY.

23 If any portion of this Ordinance is determined by any Court to be invalid, the invalid
24 portion shall be stricken, and such striking shall not affect the validity of the remainder of

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1 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot
2 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
3 circumstance(s), such determination shall not affect the applicability hereof to any other
4 individual, group, entity, property, or circumstance.

5 Section 9. INCLUSION IN CODE.

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

11 Section 10. EFFECTIVE DATE.

12 This Ordinance shall become effective as provided by law.

13
14 ENACTED

15 FILED WITH THE DEPARTMENT OF STATE

16 EFFECTIVE

PROPOSED

17
18 Approved as to form and legal sufficiency:
19 Andrew J. Meyers, County Attorney

20 By /s/ Anthony C. Halmon 01/11/18
21 Anthony C. Halmon (date)
22 Assistant County Attorney

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24 ACH/mm
01/11/18
Sunset Review Ord
#17-422

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