

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.

1 All appointments to advisory boards, committees, commissions, councils, and
2 task forces established by Broward County ordinance or resolution (collectively,
3 "advisory boards"), and all appointments to agencies, development and redevelopment
4 authorities, and regulatory and adjustment boards established pursuant to federal or
5 state law, the Broward County Charter, or interlocal agreements (collectively, "other
6 boards"), except where inconsistent with the Broward County Charter, general or
7 special law, or the enabling enactments of such advisory boards or other boards, shall
8 be subject to the following requirements ~~except where inconsistent with the Broward~~
9 ~~County Charter, general or special law, or the enabling enactments of such advisory or~~
10 ~~other boards:~~

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

14 . . .

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

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

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

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1 the respective advisory board or other board, for the County
2 Commission's consideration and final approval by majority
3 vote.

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

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

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

22 ...

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(d) (1) Advisory boards and other boards shall meet quarterly unless any such board determines that meetings are required more or less frequently.

(2) 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 (2) 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

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1 meetings in accordance with their enabling enactments or bylaws,
2 or in accordance with state or federal law.

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

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

18 . . .

19 (3) The absence of an advisory board or other board member shall be
20 deemed excused under the following circumstances:

21 a. When the member is performing an authorized alternative
22 activity relating to ~~outside~~ board business that directly
23 conflicts with the ~~properly noticed~~ properly noticed meeting;
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- 1 b. The death of an immediate family member, defined as a
2 spouse, father, mother, stepparent, one who has stood in the
3 place of a parent (in loco parentis), child, ~~or~~ stepchild
4 domiciled in the member's household, grandparent,
5 grandchild, guardian, or custodian;
6 c. The death of a member's domestic partner, or the death of a
7 child, stepchild, parent, grandparent, or grandchild of a
8 member's domestic partner;
9 d. The member's hospitalization or receipt of necessary
10 emergency medical treatment at or around the time of a
11 properly noticed meeting;
12 e. When the member is summoned to jury duty; or
13 f. When the member is ~~issued~~ attending a deposition, hearing,
14 trial, or other legal proceeding for which attendance is
15 required by a subpoena ~~by~~ or by order of a court of
16 competent jurisdiction.

17 ...

18 Section 2. SEVERABILITY.

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

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1 Section 3. INCLUSION IN CODE.

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

7 Section 4. EFFECTIVE DATE.

8 This Ordinance shall become effective as provided by law.

9
10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13 **PROPOSED**

14
15 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

16
17 By /s/ Anthony C. Halmon 05/18/18
18 Anthony C. Halmon (date)
Assistant County Attorney

19
20 By /s/ Adam Katzman 05/18/18
21 Adam Katzman (date)
Senior Assistant County Attorney

22
23 ACH/mm
05/18/18
24 1-233 Ordinance
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