

ORDINANCE NO. C-15-26

AN ORDINANCE AMENDING SECTION 2-216, DEFINITIONS, SECTION 2-217, GENERAL REQUIREMENTS FOR ADVISORY BOARDS AND COMMITTEES, AND SECTION 2-219, LIMITATION ON NUMBER OF CONSECUTIVE TERMS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CODIFY THE RULES GOVERNING APPOINTMENTS BY THE CITY COMMISSION; TO CLARIFY THE APPLICABILITY OF THESE PROVISIONS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 2-216, Definitions, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 2-216. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory board means a board established by the city commission with the responsibility for providing advice and recommendations to the city commission on a particular subject matter or issue. The following boards are not advisory boards pursuant to this definition: Board of adjustment, cemetery system board of trustees, citizens police review board, civil service board, code enforcement board, general employees retirement system board of trustees, historic preservation board, nuisance abatement board, planning and zoning board, police and firefighters retirement system board of trustees, and unsafe structures board; unless otherwise provided, these boards shall be governed by their own establishing legislation.

Appointee means a person appointed by the City Commission to serve on a board, committee, commission, authority or any other group that meets the definition of board as provided herein.

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Board means a group of persons established by city ordinance, or pursuant to federal or state law, the county or City Charter, or interlocal agreements who are collectively charged with specific powers and duties and to function as a collegial body as provided within their respective establishing legislation.

~~*City board* means any board established by city ordinance, or City Charter.~~

Committee means a group of persons established by the city commission to meet and perform a specific service or function for a limited duration of time. For purposes of this article, a committee created pursuant to federal or state law, the county or city charter or interlocal agreement for any other purpose shall not be governed by this article but governed by its own establishing legislation.

Quasi-judicial board means a board that has the authority to take action or exercise discretion to investigate or ascertain facts and draw conclusions that result in an official action independent of any action by the city commission. A quasi-judicial board is not an advisory board for the purposes of this article but in some instances may be authorized to act in an advisory capacity to the city commission.

SECTION 2. That Section 2-217, General requirements for advisory boards and committees, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 2-217. General requirements for advisory boards and committees.

This section is applicable to advisory boards and committees established by the City Commission of the City of Fort Lauderdale and is not applicable to quasi-judicial or regulatory boards of the city such as, but not limited to, the board of adjustment, cemetery system board of trustees, citizens police review board, civil service board, code enforcement board, general employees' retirement system board of trustees, historic preservation board, nuisance abatement board, planning and zoning board, police and firefighters' retirement system board of trustees, and unsafe structures board; unless otherwise provided, these boards shall be governed by their own enabling enactment.

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(a) The city commission may at any time create an advisory board, by ordinance, or a committee, by resolution, to act in an advisory capacity to the city commission or any department of the city government with respect to the conduct and management of any property or facility or in connection with any public functions of the city. The ordinance or resolution creating such advisory board or committee shall specify the powers and duties of such advisory board or committee, and the number and qualification of its members. The city commission may at any time, by ordinance, abolish any existing advisory board and may transfer the duties of same to any other board, committee, employee, or department. The city commission may at any time, by resolution, abolish any existing committee and may transfer the duties of same to any board, committee, employee, or department.

~~(b) The city commission may at any time, by resolution, appoint members to any advisory board or committee. All members of any advisory boards or committees, unless otherwise specified, shall serve for a one-year term and without compensation. Vacancies on advisory boards and committees shall be filled for the balance of any unexpired term. All members of advisory boards or committees, shall be residents of, own property in, or be employed in the city as a minimum requirement for advisory board or committee membership except for members of the beach business improvement district advisory committee, beach redevelopment board and the economic development board. The city manager shall be an ex officio member of all such advisory boards, without power to vote.~~

(e) (b) All rules and regulations of all advisory boards, or committees ~~or commissions~~ appointed or established by the city commission, to be effective, must be approved by resolution of the city commission, and a copy of such rules and regulations must be attached to the resolution approving same and must be available for public inspection at any time.

~~(d) Any member of any city board, committee or commission who may become a candidate for any public elective office shall automatically forfeit his office. No city employee shall be appointed by the city commission to any board or committee, unless otherwise provided for by federal or state law, or county or city charter, ordinance or resolution. A city employee may serve as a voting member on a board, as long as he or she is appointed by a body other than the city commission. Except as provided herein, the city commission may at any time, with or without cause, unless otherwise provided by law, by an affirmative vote of three (3) city commissioners remove any advisory board member from their board. The city commission may~~

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~~at any time remove a member of the planning and zoning board or board of adjustment only for good cause shown by the affirmative vote of four (4) members of the city commission.~~

SECTION 3. That Section 2-219, Limitation on number of consecutive terms, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 2-219. Limitation on number of consecutive terms Rules Governing Board and Committees Appointments.

All appointments to advisory boards, committees, or any other type of collegial body established by City of Fort Lauderdale ordinance or resolution (hereinafter collectively, known as "city boards"), and all appointments to entities, such as but not limited to authorities or agencies established pursuant to federal or state law, Broward County Charter, ordinance, ~~or~~ resolution, or interlocal agreements (hereinafter collectively, known as "other boards"), shall be subject to the following requirements except where inconsistent with City charter, general or special law, or the enabling enactments of such city board or other board:

(a) *Members Basic Qualifications.* The city commission may at any time, by resolution, appoint members to any city board or other board. In addition the specific requirements for membership on an advisory board or committee, all appointees to and members of advisory boards and committees, shall be residents of, own property in, or be employed in the city with the exception of members of the beach business improvement district advisory committee, beach redevelopment board and the economic development board. The city manager shall be an ex officio member of all such advisory boards, without power to vote.

(b) *Term of Appointment.*

- (1) All appointees to any city board shall, unless otherwise specified, be appointed for a fixed term of appointment of one-year and without compensation.
- (2) Term of appointment of all appointees shall commence and be calculated from the date of appointment.

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- a. The date of appointment is the date specified by the enabling ordinance or resolution for the subject board as the start date of a term of office; or
- b. In absence of an express date of appointment in the enabling ordinance or resolution for the subject board the date of appointment shall be the date expressly stated in the resolution appointing the member to such board or if the resolution is silent on the date of appointment the appointee shall be deemed to have been appointed as of the date of the adoption of the appointing resolution.

- (3) The fixed term shall expire on the last day of the fixed term, as computed from the date of appointment, unless the appointee is removed for cause under applicable law

(c) Vacancies on boards and committees shall be filled for the balance of any unexpired term. The appointment to complete the balance of an unexpired term shall not constitute a term of appointment for the purposes of calculating the limitation on the number of consecutive terms.

(d) Limitation on number of consecutive terms. No person appointed by the city commission to serve on an ~~advisory board, committee, commission or other~~ City board may serve more than six (6) consecutive one-year terms, three (3) consecutive two-year terms, or two (2) consecutive three- or four-year terms on such board. This section shall not apply to appointments to the performing arts center authority, Downtown Development Authority of the City of Fort Lauderdale, General Employees Retirement System, Board of Trustees, Police and Firefighters Retirement System, Board of Trustees, Housing Authority Board of Commissioners of the City of Fort Lauderdale and the Insurance Advisory Board. Board members appointed to the Northwest-Progresso-Flagler Heights Redevelopment Board may serve three (3) consecutive three-year terms on such board.

(e) Any member of any city board or other board appointed by the city commission who becomes a candidate for any public elective office shall automatically forfeit his office. No

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city employee shall be appointed by the city commission to any board or committee, unless otherwise provided for by federal or state law, or county or city charter, ordinance or resolution. The city commission may not appoint a city employee as a voting member on a City board or committee with the exception of the Citizens Police Review Board, Civil Service Board, Board of Trustees of the General Employees Retirement System, and the Board of Trustees of the Police and Firefighters Retirement System.

SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 7th day of July, 2015.

PASSED SECOND READING this the 18th day of August, 2015.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI

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