

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING SECTION 37.24 OF THE CODE OF ORDINANCES TO PROVIDE DEFINITIONS OF TERMS USED IN THE SUBCHAPTER ENTITLED "ADVISORY BOARDS"; AMENDING SECTION 37.25 ("REGULATIONS RELATING TO CITY BOARDS") TO PROVIDE DEFINITIONS AND RULES OF PROCEDURE, CLARIFYING THE RESPONSIBILITIES OF BOARD MEMBERS; AMENDING SECTION 37.255 ("APPOINTMENT AND TERM OF ADVISORY BOARD MEMBERS") TO CHANGE THE MONTH FOR THE BOARD APPOINTMENTS SPECIAL MEETING FROM JUNE TO MAY; DELETING SECTION 37.30 ("COMMUNITY DEVELOPMENT ADVISORY BOARD") FROM THE CODE OF ORDINANCES; AMENDING SECTION 37.31 ("COMMUNITY REDEVELOPMENT AGENCY") TO DELETE REFERENCES TO A COMMUNITY REDEVELOPMENT ADVISORY BOARD; DELETING SECTION 37.32 ("CRIME WATCH ADVISORY BOARD") FROM THE CODE OF ORDINANCES ; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City currently has eighteen (18) Boards and Committees represented by sixteen (16) liaisons; and

WHEREAS, in an effort to establish consistent rules of procedures for city advisory boards, the City Clerk and Chief Civic Affairs Officer ("CCAO") were tasked with reviewing existing applicable Code provisions and current practices; and

WHEREAS, this review resulted in updating the Code to provide a new threshold for attendance, establish consistent procedures for meetings, clarify definitions, and eliminate obsolete provisions; and

WHEREAS, existing language establishing the Crime Watch Board and the Community Development Advisory Board is proposed to be deleted, with the Boards to be re-established through resolution (which will be presented upon second reading); and

WHEREAS, the City Clerk and CCAO will also be creating a Board Liaisons Guide and establishing training for liaisons and Board Chairs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Section 37.24 of the Code of Ordinances is hereby created to read as follows:

37.24 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATE MEMBER. A member of a board who is authorized to participate and vote only in case of (i) the absence or disqualification of a regular member of the board or (ii) a vacancy in the regular membership of the board.

BOARD. A body appointed, in whole or in part, by the City Commission that is characterized by collective responsibility shared by each member and jurisdiction only within the corporate limits of the city.

EX OFFICIO MEMBER. A member of a board who serves as a member by virtue of the official position he/she holds. Unless the governing statutes, ordinances and/or resolutions specify otherwise, an ex officio member shall not vote on measures that come before the board.

LIAISON. A city employee who is designated by the city manager to assist a particular board in carrying out its duties and responsibilities.

QUORUM. The number of voting members who must be present at a board meeting in order that action can legally be taken.

Section 2: That Section 37.25 of the Code of Ordinances is hereby amended as follows:

(A) All Boards ~~committees~~ are hereby made subject to the provisions of this subchapter. Except where otherwise provided by the City Charter, general or special law, all Boards shall be reviewed by the City Commission each year. The City Commission may either sunset or continue in operation any Board by a majority vote of the City Commission except for. ~~The following Boards; and committees shall be exempt from the annual review process:~~ Civil Service Board, Community Development Advisory Board, Housing Authority, Historic Preservation Board, Planning and Development Board, Unsafe Structures Board, Employees' Retirement Board, Firemen's Pension Board and the Police Officer's Pension Board.

(B) Except where otherwise provided by the City Charter, general or special law, all appointees and reappointees to Boards shall serve at the pleasure of the Commission notwithstanding that their appointment may be for a specified term. No

Board member appointed by the City Commission derives any property rights in his or her appointed position. At any time, the City Commission, by a majority vote, may remove any Board member for any reason or no reason. In the event that any appointed Board member fails to follow any of the ethical criteria set forth in F.S. Chapter 112, Chapter 34 of the City of Hollywood Code of Ordinances, or this section, the City Manager may suspend the Board member on an emergency basis subject to review by the City Commission at the next regularly scheduled Commission meeting. This division shall be supplemental to all other penalty provisions contained in state law and in the city's code.

(C) Except as otherwise expressly provided by Florida Statutes ~~with respect to conflicts of interest for CRA Board members~~, the provisions set forth in F.S. § 112.3143(3) and (4), and § 34.02(B) of the city's code regarding conflicts of interest, ~~copies and incorporated herein by reference~~, shall hereby be extended to all members of city Boards and for purposes of said sections, Board members shall be deemed to be "officers" of the city. This provision shall be supplemental to any applicable state law provisions regarding conflicts of interest.

(1) All city Board members shall be required to disclose to their Boards in advance of a particular agenda matter their real or apparent conflict of interest with respect to such matter. In accordance with F.S. § 112.3143(3) and (4), Board members who have a real conflict of interest on any matter that comes before their Board shall not participate in any way or vote on any such matter, unless state law provides an exception for such Board member. Any city Board member who is unsure of a real or apparent conflict of interest in a matter scheduled before the Board shall request an opinion of the City Attorney in advance of the Board meeting.

(2) Board members are prohibited ~~shall refrain~~ from using their official positions as Board members to solicit or obtain business for personal remuneration. No Board member shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(3) All Board members shall be required to disclose to their Boards, in advance of a quasi-judicial proceeding, any ex parte communications they have had regarding such matter.

(D) Except where otherwise specifically provided to the contrary in the City Charter, general or special law, a member of a city Board who has ~~three~~ four consecutive absences (whether excused or unexcused), from meetings, or misses more than ~~one-third~~ 50% of the regularly scheduled meetings during any ~~six~~ twelve month period (whether excused or unexcused), shall be automatically removed as a member of the Board, and the Commission shall appoint a person to fill such vacancy ~~upon certification from and signed by the Secretary or Chairperson of the respective Board. However, the automatic removal of a member shall not be deemed effective until the city confirms that the member has received written notice from the City Manager or~~

~~his/her designee of the reason for the action being taken. An excused absence shall not count toward remove the member. The Chairperson Liaison to of each Board shall be responsible for verifying accurate attendance records of all Board meetings and provide semi-annual reports to the number of absences required for expulsion of a member from a Board. The following shall consist of a complete catalogue of permitted excused absences: personal illness, family illness, death in the family and absences caused by being out of town during a scheduled Board meeting but only if a majority of the members present vote to excuse such absence.~~

(E) ~~Except as set forth below, e~~Each and every Board of the city shall be required to prepare and submit to the Commission for review an annual report ~~setting forth the accomplishments of that respective Board for the prior year and its goals and objectives for the coming year.~~ The annual report shall be submitted on or about February 1 of each year. Such reports shall be given to the City Commission for its review. ~~The following Boards and committees are not subject to the provision: Civil Service Board, Community Development Advisory Board, Housing Authority, Historic Preservation Board, Planning and Development Board, Unsafe Structures Board, Employees' Retirement Board, Firemen's Pension Board, and the Police Officer's Pension Board.~~

(F) In accordance with the State Sunshine Law and the City Charter, all city Board meetings shall be open to the public and the press. ~~Reasonable n~~Notice of all city Board meetings shall be conspicuously posted on the Sunshine Board located at City Hall and accurate minutes of each Board meeting shall be kept ~~and recorded by the Board Liaison.~~ No member of any municipal Board, Commission or agency who is present at any meeting of any such body at which an official decision, ruling or other official action is to be taken or adopted, may abstain from voting in regard to any such decision, ruling or action except when, with respect to any such member, there is or appears to be a conflict of interest under the provisions of state or city laws. Any such member who abstains in violation of this section shall be deemed to have vacated his/her position on said Board and a vacancy shall be created on said Board to be filled in such manner as prescribed by law.

(G) No person may be reappointed to a Board if, at the time of re-appointment, the person has served (or, but for resignation, would have served) as a member of that Board for nine or more consecutive years. For purposes of applying this subsection, all service as a Board member to fill the remaining term of a Board member who has resigned or been removed shall count. For purposes of applying this subsection only, the term of each person appointed at the annual special meeting of the City Commission to fill Board vacancies shall be deemed to commence July 1 when such meeting is held after June 30. No person whose re- appointment to a Board is prohibited by this subsection shall be eligible to serve on that Board again until one year has passed since the expiration of his or her most recent term on the Board. This subsection shall apply only to service as a Board member on or after July 1, 2009.

(H) When considering the appointment or reappointment of a city Board member, the City Commission shall consider the applicant's record of real and apparent conflicts of interest.

(I) The following rules shall govern Boards :

(1) The City Manager will appoint a Liaison to each Board unless otherwise provided.

(2) Except where otherwise specifically provided to the contrary by ordinance or resolution, a quorum is a majority of the entire membership of a board without regard to vacancies.

(3) A member who is not able to attend a meeting may participate via teleconference if the Board finds the existence of extraordinary circumstances and a quorum is physically present at the site of the meeting.

(4) Members of the Board shall determine meeting dates in coordination with the Liaison. A minimum of ten monthly meetings is recommended, however, some Boards will meet as necessary or as required by law.

(5) Boards may create subcommittees to conduct fact finding or study specific issues and make recommendations back to the Board. All subcommittee meetings must follow the rules for Boards.

(6) Notices of all meetings of Boards and copies of minutes of meetings shall be sent to all Board members and appropriate staff.

(7) All correspondence between the Liaison and members is public record. Members are prohibited from engaging in an email dialogue with each other on any topic that could foreseeably be discussed by the Board.

(8) Members shall not communicate with each other in reference to Board business except at a publicly noticed meeting in compliance with state sunshine laws.

(9) Except as otherwise provided in the governing statutes, ordinances and/or resolutions, each year a Board shall annually elect from its membership a chair and a vice-chair who shall serve at the will of the Board. The officers of the Boards may be designated as follows:

(a) Chair

1. Conducts Board meetings
2. Serves as spokesperson for the Board
3. Acts as primary Liaison with city staff
4. Appoints working committees

(b) Vice-Chair

1. Assists Chair in conduct of meetings ensuring compliance with rules and procedures.
2. Conducts meetings in absence of Chair.

(9) The Liaison shall develop an agenda prior to the meeting unless otherwise provided by law. Each meeting agenda should include:

- (a) Reading and approval of minutes
- (b) Reports of officers/committees
- (c) Reports of special committees/special presentations
- (d) Staff report
- (e) Old business
- (f) New business
- (g) Member comments
- (h) Adjournment

(10) The Board shall follow parliamentary procedure in conducting meetings.

(11) A Board takes action by passing motions.

- (a) A member makes a motion after being recognized by the chair.
- (b) Another member must second the motion for it to be considered.
- (c) The Board can then discuss the motion and take a vote.
- (d) All members present must cast a vote, except that a member who has a voting conflict of interest shall abstain and a member who has an appearance of a possible conflict of interest may abstain. In either case, a member who abstains must file the required form. The chair will announce the outcome after taking the vote.
- (e) Once the vote has been taken, no additional discussion may occur unless the motion is formally reconsidered or rescinded.

(12) On an annual basis, each Board shall receive a presentation by the city attorney (or his/her designee) on the laws pertaining to public records and public meetings.

(13) No Board shall have authority to direct staff and, except for the three Pension Boards and the Housing Authority, no Board shall have authority to expend funds.

(14) If an alternate member participates in a matter and the matter is continued to a later date, the alternate member shall continue to participate in the matter until its conclusion, including voting, notwithstanding the availability of a regular member to participate on the later date.

Section 3: That Section 37.255 of the Code of Ordinances is hereby amended as follows:

§ 37.255 APPOINTMENT AND TERM OF ADVISORY BOARD MEMBERS.

(A) Except where otherwise specifically provided to the contrary in the City Charter, general or special law or in an ordinance effective after June 3, 1998:

(1) The term of each Board member shall be three years.

(2) The term of each Board member shall expire on June 30 of the last year of his/her term; provided, however, if the special meeting to fill Board vacancies resulting from the expiration of a member's term takes place after June 30 of the last year of a Board member's term, his/her term shall expire on the date such meeting ends.

(B) Appointments to fill all Board vacancies which result from the expiration of a member's term shall be filled by the City Commission at a Special Meeting to be held in May ~~June~~ of each year or as soon thereafter as such meeting can reasonably be scheduled.

(C) When a vacancy occurs on a Board by reason of resignation or removal of a Board member, the City Commission shall appoint a replacement member within a reasonable period of time to serve the remaining unexpired term of the position vacated.

Section 4: That Section 37.30 of the Code of Ordinances is hereby deleted as follows:

~~§ 37.30 COMMUNITY DEVELOPMENT ADVISORY BOARD.~~

~~(A) *Membership.* The Community Development Advisory Board shall consist of 11 to 15 members. Appointment to the Board shall be by majority vote of the City Commission, attendance, and all terms shall be filled as provided in § 37.25 of this chapter. Notwithstanding the establishment of specific terms, the members shall serve at the pleasure of the City Commission.~~

~~(B) *Qualification.* Members of the Board shall be qualified electors in the city. Priority shall be given to representatives from geographical areas of the city designated as qualified by the United States Census as having greater than 51% concentrations of low and moderate income persons.~~

~~(C) Organization.~~

~~(1) A quorum of the Board shall consist of six members.~~

~~(2) Every year following the appointment by the Commission of the new members of the Board, and prior to the first regular meeting of such Board, an introductory meeting shall be held for the purpose of acquainting the new appointees with the remaining members of the Board and with the Board's rules and procedure. A meeting no later than the third regular meeting of the Board, following the introductory meeting, shall be designated by majority vote of the Board as the annual meeting of the Board; and at that time it shall elect from its membership a member to serve as Chairperson, another to serve as Vice-Chairperson, and another to serve as Secretary.~~

~~(3) The Board shall convene its regular meetings as necessary; however, the Board, when convened, shall hold its regular meetings on the second Wednesday of the month. The determination of the need to convene the Board shall be made by the Director of the Housing and Community Redevelopment Department.~~

~~(4) Attendance requirements for the Board are as prescribed by § 37.25 of this chapter.~~

~~(D) Procedure.~~

~~(1) All meetings of the Board shall be open to the public; and interested parties shall have the right to appear at any meetings of the Board, personally or by attorney, and have the right to object or to favor any matter before the Board for consideration or any interested person may protest or favor in writing, provided the same is filed on or before the time of such meeting.~~

~~(2) The Board shall adopt written rules of procedure and keep minutes of its proceedings, showing its action on each and every matter considered.~~

~~(3) A copy of the record of its action in considering any community development block grant matter before it shall be filed in the office of the City Clerk and be open to public inspection.~~

~~(4) A copy shall also be filed with the Clerk which shall be submitted to the Commission at its next regular meeting.~~

~~(5) The Board shall have the power to call upon any branch of the city government at any time for information and advice, which, in the opinion of the Board, will aid in the efficiency of its work; and upon approval of such request by the City Manager, it shall be the duty of each branch of the city government to furnish such information and advice promptly.~~

~~(E) *Duties.* The Board shall hear, give consideration to and make recommendations to the Commission on community development block grant program matters in accordance with the requirements of the citizen participation plan and applicable federal regulations.~~

Section 5: That Section 37.31 of the Code of Ordinances is hereby amended as follows:

§ 37.31 COMMUNITY REDEVELOPMENT AGENCY.

(A) *Creation.* There is hereby created a Community Redevelopment Agency to operate within the corporate limits of the city, for the purpose of carrying out the redevelopment purposes of the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.), as amended.

(B) *Board of Commissioners.* The Board of Commissioners of the Community Redevelopment Agency (CRA) established herein pursuant to F.S. § 163.357, shall consist exclusively of seven members of the City Commission. This seven-member Board shall be responsible for carrying out the redevelopment purposes of the Community Redevelopment Act, as amended, and all rights, powers, duties, privileges and immunities vested by the Act shall be vested in the Commission as the governing Board of the CRA. The Board shall appoint from among its membership a Chairperson and Vice-Chairperson. ~~Upon adoption of this division, the current members of the CRA Board shall be deemed to be members of the Community Redevelopment Advisory Board, which shall advise the CRA Board on redevelopment issues and which shall have such other powers as the Commission shall adopt by ordinance. Until otherwise determined by the Commission, the terms of each advisory board member shall be equal to the respective term they had when they served as CRA Board members.~~ In accordance with the Community Redevelopment Act, the CRA Board shall constitute a legal entity, separate, distinct and independent from the Commission.

(C) *Organization; authority.*

(1) The CRA shall be organized and exercise its authority in accord with the Community Redevelopment Act of 1969 as amended. Said act is fully incorporated herein by specific reference.

(2) The Board shall meet at least once every other month commencing in April, 1991, and shall fix a date and time for regular meetings. Other meetings of the Board may be called by the Chairperson or, in his absence, by the Vice-Chairperson of the Board.

Section 6: That Section 37.32 of the Code of Ordinances is hereby deleted as follows:

~~§ 37.32 CRIME WATCH ADVISORY BOARD.~~

~~(A) *Establishment.* There is hereby established in the city a Citizens' Crime Watch Advisory Board. The Board shall be subject to the regulations set forth in § 37.25 of this Code.~~

~~(B) *Appointment of members.*~~

~~(1) The City Commission shall appoint 20 members to the Board. Appointments shall be filled as provided in § 37.255. Notwithstanding the establishment of specific terms, the members shall serve at the pleasure of the City Commission.~~

~~(2) There shall be two territorial districts for membership appointment purposes. Ten members of the Board shall reside in the city west of Interstate-95. Ten members of the Board shall reside in the city east of Interstate-95. All members of the Board at the time of the enactment of this section may fulfill their respective terms on the Board. In the event the City Commission is unable to fill the membership of the Board as required hereunder, the city may appoint at-large members as necessary.~~

~~(C) *Ex-officio member.* A representative of the community services division of the Police Department shall serve as a non-voting ex-officio member of the Board. Such ex-officio member shall work with the Board and the Crime Watch Coordinator as the Police Department's liaison, and shall also review and provide recommendations to the City Manager regarding the annual budget of the Crime Watch Program.~~

~~(D) *Meetings.* The Board shall meet at least once every other month or more frequently as a majority of the Board deems necessary. A majority of the voting members of the Board shall constitute a quorum for the transaction of the Board's business. Special meetings of the Board may be called by the Chairperson of the Board or by the Coordinator on at least 48 hours notice to the other Board members with proper notice posted to advise the public and the press.~~

~~(E) *Responsibilities.* The Board shall study, create programs and make recommendations to the Commission regarding methods for the elimination of conditions which invite or facilitate the perpetration of crime in the city. The Board shall organize an annual anti-crime march for the purpose of publicizing an anti-crime crusade in the city. The Board is authorized to raise revenues, in addition to moneys annually budgeted, through contributions, newsletter subscriptions and programs. The Board shall implement its actions through the crime watch coordinator and through the Police Department liaison.~~

~~(F) *Coordinator.* The Board shall be served in an executive capacity by a Crime Watch Coordinator who shall be hired by the City Manager along with clerical staff as the Manager deems appropriate. In addition to serving the Board, the Coordinator shall organize citizens' crime watch activities in the city, provide education programs to the public, oversee the C.A.T. program and other such programs as the Commission may from time to time adopt, oversee such programs established by the~~

~~Board and act as Board liaison to local homeowners' and civic associations. The Coordinator shall consult the work closely with the Police Department and particularly with the police liaison to crime watch. The Coordinator is authorized to produce and distribute a quarterly newsletter to be printed by the city printshop facility, if determined by the Coordinator to be cost-effective. The Coordinator shall attempt to attach paid advertising to the newsletter and charge a subscription fee therefor. However, each homeowners' association and civic association in the city requesting same shall be entitled to receive one free subscription.~~

Section 7: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 8: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 9: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 10: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY