

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING ARTICLE VII ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS”; SPECIFICALLY AMENDING SECTION 2-32.1 TO PROHIBIT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH FROM SERVING ON CERTAIN BOARDS, COMMITTEES, AND COMMISSIONS; AND AMENDING SECTION 2-32.4 TO REQUIRE THE AUTOMATIC REMOVAL OF BOARD, COMMITTEE, AND COMMISSION MEMBERS CONVICTED OF A FELONY DURING THE TIME OF SERVICE UNLESS SUCH MEMBERS DEMONSTRATE THE RESTORATION OF CIVIL RIGHTS BY THE STATE OF FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 3.4 of the City Charter, the City Commission has the authority to establish or abolish Boards, Committees, and Commissions; and

WHEREAS, pursuant to the City Charter and City Code, the City Commission has the authority to appoint members to Boards, Committees, and Commissions; and

WHEREAS, certain Boards, Committees, and Commissions should be able to make recommendations to the City Commission free from conflict of interests and undue influence from employees of the City and other interested groups; and

WHEREAS, it is a best government practice to prohibit employees of the City from serving on the Planning and Zoning Board, the Public Utility Commission, and the Redevelopment Advisory Board to avoid undue influence and conflict of interests; and

WHEREAS, members of the Boards, Committees, and Commissions must continue to be fit to serve on the Boards, Committees, and Commissions; and

WHEREAS, any member of a Board, Committee, and Commission convicted of a felony during the time of service shall be removed automatically from such Board, Committee, and

Commission unless such member is able to establish that his or her civil rights have been restored by the State of Florida; and

WHEREAS, the Mayor and City Commission determine it to be in the best interest of the City to amend the requirements to serve on Boards, Committees, and Commissions of the City of North Miami Beach.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Section 2-32.1 of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Section 2-32.1 Residency requirement.

Members of all Boards, Commissions and Committees shall be residents of the City of North Miami Beach, except as otherwise specifically provided. Should any Board, commission or Committee member move outside of the City limits during the terms of his appointment, he shall automatically immediately be removed from the position he holds. Notwithstanding any other provision in the Code of Ordinances, no employee of the City shall be permitted to serve on the Planning and Zoning Board, Public Utility Commission, and Redevelopment Advisory Board. This prohibition shall apply to any employee serving on Boards, Commissions, and Committees at the time of adoption of this section.

Section 2-32.4 of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Section 2-32.4 Removal, Replacement of Members

- a. Should any member of any Board, Commission or Committee fail to attend two (2) of the three (3) consecutive meeting without due cause and without prior approval of the Chairperson, the Chairperson of that Board, Commission or Committee shall declare the member's seat vacant and certify same to the City Council. A replacement shall promptly be named by the City Council for the remainder of the unexpired terms.
- b. Any member of any Board, Commission or Committee may be removed with or without cause by the City Council.
- c. Any member of a Board, Commission, or Committee convicted of a felony during the time of service shall be removed automatically from such Board, Commission, and Committee. A member removed under this provision shall not be eligible for reappointment unless such member is able to establish that his or her civil rights have been restored by the State of Florida.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

Section 6. This Ordinance shall become effective ten (10) days after adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED on this first reading this **11th day of November, 2021.**

APPROVED AND ADOPTED on second reading this _____ day of _____, 2021.

ATTEST:

ANDRISE BERNARD, CMC
CITY CLERK

ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

HANS OTTINOT
INTERIM CITY ATTORNEY

Sponsored by: Commissioner Fortuna Smukler and City Manager Arthur H. Sorey

Words added underlined, words ~~stricken~~ deleted