

ORDINANCE NO. 03-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", SECTION 32.64, "QUALIFICATIONS", TO CLARIFY THE CRITERIA FOR APPOINTMENT OF BOARD MEMBERS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, in 2005, the City Commission created the Police Advisory Board based on the recommendations of the Mayor's Advisory Committee on R.A.C.E. relations; and

WHEREAS, since its creation, the Police Advisory Board has served as an advisory body to the Chief of Police, the City Manager, and the City Commission on policy and resource issues; and

WHEREAS, the Police Advisory Board serves as a conduit for the community to address their issues through a cooperative effort by reviewing community needs, concerns, and expectations relative to police services and community policing; and

WHEREAS, on November 13, 2025, the City received correspondence from the Director of Civil Rights of the Office of the Attorney General advising the City that a complaint had been brought forward regarding "potential equal protection concerns related to the City of Delray Beach's appointment process for the Police Advisory Board"; and

WHEREAS, specifically, the Office of the Attorney General received a complaint about an advertisement on the City's Facebook page stating "the City Commission shall endeavor to include as many racial and ethnic minority members as possible [for appointment to the Police Advisory Board]"; and

WHEREAS, while Section 32.64, in its current state, seeks membership that represents a diverse cross-section of the community, the Office of the Attorney General has advised that the language contained in subsection C "appears to suggest a racial or ethnic preference and that individuals who are not members of racial or ethnic minorities may be disadvantaged in the appointment process, regardless of their qualifications, experience, or commitment to serving their community"; and

WHEREAS, the City Commission desires to amend the Code of Ordinances as referenced herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Chapter 32, "Departments, Boards and Commissions," Section 32.64, "Qualification of Members" is hereby amended as follows:

Sec. 32.64. QUALIFICATION OF MEMBERS.

(A) The Police Advisory Board membership shall include a diverse cross-section of the community representing a variety of perspectives and experiences across all demographic groups.

(B) The membership shall include business owners, religious and faith-based organizations, youth, school officials and local organizations, where feasible.

~~(C) The City Commission shall endeavor to include as many racial and ethnic minority members as possible.~~

Section 3. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____
Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney