

ORDINANCE NO. 23-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS, AND COMMISSIONS" OF THE CODE OF ORDINANCES BY AMENDING SECTION 32.07, "MEMBERSHIP QUALIFICATIONS/ REQUIREMENTS"; SECTION 32.28, "QUALIFICATIONS OF MEMBERS"; AND AMENDING CHAPTER 135 "ABATEMENT OF NUISANCES", SECTION 135.20(A) "NUISANCE ABATEMENT BOARD; ORGANIZATION", TO REQUIRE MEMBERS SERVING ON ADVISORY BOARDS AND COMMITTEES BE ELECTORS OF THE CITY; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances establishes the eligibility qualifications and requirements for membership on advisory boards or Committees; and,

WHEREAS, the City Commission of the City of Delray Beach Florida, finds it necessary and appropriate to clarify its qualifications and requirements in order for its advisory boards and Committees to be comprised of electors of the City of Delray Beach; and,

WHEREAS, the City Commission further recognizes that circumstances may arise when it may be appropriate to appoint individuals who are non-electors to advisory boards or Committees that require professional qualifications in order to best serve the interests of the City; and

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

Section 1. That Chapter 32, "Departments, Boards, and Commissions", Section 32.07, "Membership Qualifications/Requirements", of the Code of Ordinances of the City of Delray Beach, Florida, be amended to read as follows:

Sec. 32.07. MEMBERSHIP QUALIFICATIONS/REQUIREMENTS.

Members serving on advisory boards or Committees shall possess sufficient knowledge, experience, judgment or background necessary to competently serve the Board or Committee to which they are appointed. Members shall be residents electors of or own property in the City, or be an officer, Director or manager of a business located within the City, as defined in Section 5.01 of the City Charter except as may be provided for by Florida Statutes, Special Act or Resolution of the City Commission or elsewhere within the Code of Ordinances of the City of Delray Beach. For advisory boards and Committees that have a composition requirement, if there are no applicants who are electors that meet the professional qualifications, the appointing body may appoint a non-electors who

meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-electtor.

Section 2. That Chapter 32, "Departments, Boards, and Commissions", Section 32.28, "Qualifications of Members", of the Code of Ordinances of the City of Delray Beach, Florida, be amended to read as follows:

Sec. 32.28. QUALIFICATIONS OF MEMBERS.

It is the intent, if possible, that the membership of the Education Board shall include members who have a background in business, real estate, and/or education. The members of the Education Board shall be ~~residents~~ electors of the City of Delray Beach or shall be a person with a child or children attending Delray Beach public schools, ~~or shall own property in the City and/or operate a business within the City.~~ Should a member of the Education Board not be ~~a resident~~ an elector of the City of Delray Beach, ~~or a property owner and/or the owner/operator of a business within the City,~~ and should that member's child or children cease attending Delray Beach public schools, then such member shall not longer be qualified to serve on the Board. The student members shall be residents of the City of Delray Beach or attend Delray Beach public schools and shall be enrolled in either the eleventh (11th) or twelfth (12th) grade.

Section 3. That Chapter 135, "Abatement of Nuisances", Section 135.20(A), "Nuisance Abatement Board; Organization", of the Code of Ordinances of the City of Delray Beach, Florida, be amended to read as follows:

Sec. 135.20. NUISANCE ABATEMENT BOARD; ORGANIZATION.

(A) There is hereby created and established a Nuisance Abatement Board to hear evidence relating to the existence of public nuisances on premises located in the City. The Nuisance Abatement Board shall consist of five (5) regular members and two (2) alternate members each appointed by an affirmative vote for at least four (4) members of the City Commission for two-year terms, except as set forth herein at Subsection (B), Members of the Nuisance Abatement Board shall be persons who ~~reside in~~ are electors of the City.

Section 4. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

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 become effective upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2016.

ATTEST:

City Clerk

MAYOR

First Reading _____

Second Reading _____