

ORDINANCE NO. 29-22

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 OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 32.15, "DEFINITIONS," TO REVISE THE DEFINITIONS OF CITY BOARD AND MEMBER AND TO CREATE A NEW DEFINITION FOR INADEQUATE ATTENDANCE; BY AMENDING SECTION 32.17, "REMOVAL OF CITY BOARD MEMBERS" TO CLARIFY THE BASES FOR REMOVAL OF CITY BOARD MEMBERS; BY AMENDING SECTION 32.18, "PROCEDURE," TO CLARIFY THE PROCEDURE FOR REMOVAL OF A CITY BOARD MEMBER; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach desires to amend the portion of its Code of Ordinances related to the removal of appointed members of City Boards; and

WHEREAS, the City seeks to clarify its attendance policies for its regulatory and advisory boards and committees; and

WHEREAS, the City Commission finds that this Ordinance serves a municipal purpose and deems the amendment contained herein to be in the best interest of the health, safety, and welfare of the City of Delray Beach.

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. Title 3, "Administration," Chapter 32, "Departments, Boards, and Commissions," Section 32.15 "Definitions," of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

Sec. 32.15. – DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

~~*Abandonment of Office.* Includes, but is not necessarily limited to, failure to attend three (3) consecutive regular meetings or any five (5) regular meetings during the twelve month period immediately preceding the most recent absence.~~

City Board. Any of the Regulatory or Advisory Boards; and Committees of the City established by ordinance or resolution. City Board shall not be construed to include the City Commission.

Inadequate Attendance. A member's absence at three (3) or more consecutive regular meetings of a City Board or absence from at least thirty (30) percent or more of the regularly scheduled meetings of a City Board during the twelve-month period immediately preceding the most recent absence.

Member. Any person who is ~~a member of any~~ selected to serve on any City Board, whether regular or alternate, as appointed by the City Commission.

Section 3. Title 3, "Administration," Chapter 32, "Departments, Boards, and Commissions," Section 32.17 "Removal of City Board Members", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

Sec. 32.17. – REMOVAL OF CITY BOARD MEMBERS.

(A) ~~Abandonment of Office.~~ Inadequate Attendance. Except as may be otherwise provided by law, special act or City ordinance, the City Clerk shall certify to the City Commission in the event of Abandonment of Office the inadequate attendance of by a Member of a City Board, a notice of removal shall automatically be issued by the City Manager or designee. The removal shall be effective as of the date of the notice that the City Clerk provided certification to the City Commission and shall be served by personal delivery or by ordinary first-class mail to the Member.

(B) Except as may be otherwise provided by law, special act or City ordinance, All City Board Members serve at the pleasure of the City Commission and may be removed with or without cause at any time by a majority vote of the City Commission pursuant to section 32.18 below, unless otherwise provided by the Charter or Florida Statutes. Removal shall take effect immediately or upon a later date which the City Commission may specify. No Member of a City Board derives any property rights in the position on a City Board.

(C) The vacancy of a City Board Member shall be filled in the same manner as the original selection.

Section 4. Title 3, "Administration," Chapter 32, "Departments, Boards, and Commissions," Section 32.18 "Procedure," of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

Sec. 32.18. PROCEDURE.

(A) *Notice of Removal.* A notice of removal shall be served upon the City Board Member who has been removed ~~upon the direction of a~~ by a majority vote of the City Commission pursuant to section 32.17 (B). The notice of removal shall be prepared by the City Attorney and signed by the Mayor, ~~or the City Manager if so directed by the City Commission.~~ ~~In the event of Abandonment of Office, the notice of removal shall automatically be issued by the City Manager, or designee.~~

(B) *Service of Notice.* The notice of removal shall be served by personal delivery or by ordinary first-class mail. Service shall be accomplished as soon as is practicable after the City Commission ~~directs service of the notice of~~ votes for removal of a City Board Member ~~or, in the event of Abandonment of Office, after the City Manager or designee issues the notice of removal.~~

~~(C) — *Effective Date of Removals.*~~

~~(1) — Removal of a City Board Member shall have immediate effect upon the vote of a majority of the City Commission.~~

~~(2) — In the event of Abandonment of Office, the removal shall take effect immediately upon issuance of the notice by the City Manager or his designee.~~

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. 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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 8. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney