



Cover Memorandum/Staff Report

File #: 22-1134

Agenda Date: 9/6/2022

Item #: 8.A.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: September 6, 2022

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. (SECOND READING)

Recommended Action:

Motion to approve Ordinance No. 29-22.

Background:

This Ordinance serves to amend various portions of Chapter 32 of the Code of Ordinances ("Code"), "Departments, Boards and Commissions," as they relate to inadequate attendance by Members of City Board. Specifically, section 32.15, "Definitions," clarifies the definitions of City Board (to not include the City Commission) and Member and creates a new definition entitled "inadequate attendance." The definition "abandonment of office" was replaced with a new definition. Inadequate attendance is defined as absence at 3 or more consecutive regular meetings or absence from at least 30% of the regularly scheduled meetings of a City Board. This definition was derived from a review of other municipalities.

In addition, this Ordinance clarifies the process for removal of a city board member. If removal is due to inadequate attendance, the City Clerk will certify the City Board Member's inadequate attendance to the Commission and a notice will be sent to the City Board Member. If the basis for removal is with or without cause, a majority vote of the City Commission will be required.

Last, the procedure for issuing a notice of removal was clarified. Upon a majority vote of the Commission, the City Attorney will prepare a notice of removal that will be executed by the Mayor and provided to the City Board Member.