

ORDINANCE NO. 2019-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 2, "ADMINISTRATION," ARTICLE V, "BOARDS, COMMISSIONS AND COMMITTEES," DIVISIONS 1, "IN GENERAL," 2, "PARKS AND RECREATION ADVISORY BOARD," 4, "ENVIRONMENTAL ADVISORY BOARD," 6, "EDUCATION ADVISORY BOARD," 7, "COMMUNITY OUTREACH BOARD," AND 8, "PUBLIC SAFETY ADVISORY BOARD," IN ORDER TO REVISE BOARD MEMBERSHIP REQUIREMENTS, BOARD MEETING ATTENDANCE REQUIREMENTS, BOARD MEMBER REMOVAL REQUIREMENTS, CLARIFY PROCEDURES IN THE EVENT OF A BOARD VACANCY, AND UPDATE DEPARTMENT NAMES, BOARD FUNCTIONS, AND MEETING SCHEDULES FOR THE PARKS AND RECREATION ADVISORY BOARD, ENVIRONMENTAL ADVISORY BOARD, LOCAL HOUSING ASSISTANCE PROGRAM, EDUCATION ADVISORY BOARD, COMMUNITY OUTREACH ADVISORY BOARD, PUBLIC SAFETY ADVISORY BOARD, AND PLANNING AND ZONING BOARD; AND BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 2, "ADMINISTRATION," SECTION 13-16, "PLANNING AND ZONING BOARD," TO REVISE PLANNING AND ZONING BOARD MEMBERSHIP AND MEETING SCHEDULE REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Chapter 2, "Administration," Article V, "Boards, Commissions and Committees," Divisions 1, "Generally," 2, "Parks and Recreation Advisory Board," 4, "Environmental Advisory Board," 6, "Education Advisory Board," 7, "Community Outreach Board," and 8, "Public Safety Advisory Board," of the City's Code of Ordinances provides membership and attendance requirements, vacancy procedures, functions, and operation guidelines for City boards; and

**WHEREAS**, the City Commission desires to revise board membership requirements applicable to all City boards; clarify board member attendance requirements and vacancy procedures, and provide board specific qualification and membership criteria; and

**WHEREAS**, the City Commission desires to update the City's Code to revise department names to reflect current department organization; and

**WHEREAS**, the City Commission desires to update the functions of the Parks and Recreation Advisory Board and the Environmental Advisory Board to reflect existing duties and practice; and

**WHEREAS**, Section 13-16, "Planning and Zoning Board," of Chapter 13, "Land Development Code," provides requirements for Planning and Zoning Board membership and meeting requirements; and

**WHEREAS**, the City Commission desires to update board membership requirements and revise the required Planning and Zoning Board meeting schedule to more accurately reflect existing needs and operations; and

**WHEREAS**, the Planning and Zoning Board reviewed the changes to the Land Development Code, modifying Planning and Zoning Board membership and meeting requirements, on July 10, 2019, and December 11, 2019, and voted to recommend approval of the proposed changes; and

**WHEREAS**, the City Commission finds and determines that this ordinance is in the best interest of the residents and business community of the City of Coconut Creek.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:**

CODING: Words in ~~strike through~~ type are deletions from existing text.  
Words in underline type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.

**Section 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

**Section 2: Amendment.** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, "Administration," Article V, "Boards, Commissions and Committees," Divisions 1, "Generally," 2, "Parks and Recreation Advisory Board," 4, "Environmental Advisory Board," 6, "Education Advisory Board," 7, "Community Outreach Board," and 8, "Public Safety Advisory Board," to read as follows:

**Chapter 2 – ADMINISTRATION**

\*\*\*\*\*

**ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES**

**DIVISION 1. - GENERALLY**

**Sec. 2-191. - Authority of city commission to appoint board members; term of office of board members.**

(a) The city commission shall have the authority by majority vote to appoint members of the various city boards. Any resident or business owner of the city is eligible for board membership in accordance with City Charter Article V, Section 501. No person shall hold at the same time more than one (1) board appointment. All voting board members must be a minimum of eighteen (18) years old and:

(1) a residents of the city; or

(2) the owner of a business with a physical location within the city and a business tax receipt issued by the city for operation at that city location.

\*\*\*\*\*

(c) Board members shall serve without compensation.

(d) This section applies to all city boards, including, but not limited to the: civil service board, parks and recreation advisory board, environmental advisory board, education advisory board, public safety advisory board, community outreach advisory board, and the planning and zoning board. For ~~it does not apply to~~ any board for which ~~the~~ terms of office are fixed by Florida Statutes, the requirements of Florida Statutes shall supersede this section. Any regulation

or provision of board members' terms of office that conflict with the provision of this section are specifically superseded by this section.

**Sec. 2-192. - Authority of city commission to remove appointed board members.**

The city commission shall have the authority, by majority vote, to remove from office any duly appointed regular or alternate member of any city board prior to the expiration of the term of appointment, predicated upon good cause as determined by the city commission or for any of the following reasons:

- (1) Such person fails to maintain residency, business ownership and location within the city or other relevant qualification requirements ~~the city~~;
- (2) Such person fails to attend more than twenty-five percent (25%) of the three (3) consecutive regular meetings of the board to which they have been appointed in any twelve (12) month period without providing notice of the anticipated absence to the City Clerk forty-eight (48) hours in advance of the scheduled meeting;
- (3) Such person is convicted of a crime involving moral turpitude;
- (4) Such person violates any express prohibition of the City's Charter;
- (5) Abolition or termination of office pursuant to the provisions of the City's Charter, or specifically section 201(a) of the City's Charter.

**Sec. 2-193. – Automatic Board vacancy.**

Vacancies of regular and/or alternate members of any board, commission or committee due to any reason whatsoever, shall be filled by the nomination of a person by the city commissioner who sits in the seat of the commissioner who made the original nomination of the vacating member. Such nominations shall be approved by the majority of the city commission in the same manner as for initial appointments. The length of term of the member filling a vacancy shall be the remainder of the original member's term. The appointing commissioner may appoint a new appointee or may re-nominate the prior appointee unless the vacancy occurred as a result of removal by the City Commission pursuant to Section 2-192 of the City's Code.

- (a) ~~Except as otherwise provided in the Coconut Creek Charter, or Code of Ordinances, an appointee to a board, commission, or committee who has three (3) absences from regular meetings in a twelve-month period shall be automatically removed as a member of the respective board, commission, or committee. Automatic removal of a member shall cause a vacancy to exist in the membership of the particular board, commission, or committee. However, the automatic removal of an appointee shall not be deemed effective until the city confirms that the appointee has received written notice from the city manager or designee of the reason for the action taken to remove the appointee.~~

- ~~(b) The city will administer semi-annual reviews of attendance records for all boards, commissions, and committees to determine compliance with the attendance requirements for appointees.~~
- ~~(c) In the event that an appointee is automatically removed as a member of a board, commission, or committee as provided for in subsection (a), the nominating commissioner may renominate the appointee.~~
- ~~(d) After thirty (30) days following notification of the occurrence of a vacancy on any board, commission, or committee due to any reason whatsoever, the city manager or designee shall notify the city commission, who shall then take the necessary action to fill said vacancy.~~

**Sec. 2-194. - Newly elected commissioner.**

- (a) Should a commissioner fail to serve his/her term of office, and a successor is elected by the electorate to fill that unexpired term, all board members nominated by the commissioner that failed to serve his/her term of office shall continue in office until the expiration of the board member's term of office.
- (b) This section applies to all city boards, including but not limited to the: civil service board, parks and recreation advisory board, environmental advisory board, education advisory board, public safety advisory board, community outreach advisory board, and planning and zoning board. ~~This section does not apply to boards whose terms of office are fixed by Florida Statutes.~~ Any regulation or provision on board members' term of office that conflict with the provisions of this section are specifically superseded by this section.

\*\*\*\*\*

**Sec. 2-196. – Board Authority.**

- (a) Except as may otherwise be provided by the City's Codes, the powers and duties of each board are of an advisory nature only, and the board shall not have any powers or duties which conflict with or supersede the powers and duties of the city commission.
- (b) It is a specific intent of the city commission that the boards established by this Code shall have no power to incur financial liability in the name of the city nor shall any individual member of the board have the power to incur any financial liability in the name of the city.

\*\*\*\*\*

**DIVISION 2. - PARKS AND RECREATION ADVISORY BOARD**

\*\*\*\*\*

**Sec. 2-207. - Function.**

CODING:        Words in strike through type are deletions from existing text.  
                   Words in underline type are additions to existing text.  
                   Asterisks (\*\*\*) indicate existing text not shown.

- (a) The parks and recreation advisory board shall act in an advisory capacity to the city commission. It shall review and evaluate ~~investigate~~ proposals to use, change or create parks and recreational facilities for city residents.
- (b) The parks and recreation advisory board and shall assist with review and development of establish long-range plans for new and/or improved recreational equipment and facilities.
- (c) The parks and recreation advisory board shall work to stimulate greater community awareness and encourage resident use of parks, recreation programs and services, greenways/trails, and recreation facilities.
- (~~d~~b) The parks and recreation advisory board meetings shall serve as a public forum for the discussion of the creation, operation and maintenance of proposed and existing city parks and recreational facilities. This forum shall assist the parks and recreation ~~community services~~ director in determining what recreational facilities and programs are most appropriate to meet the needs of the communities they serve.

**Sec. 2-208. - Membership.**

\*\*\*\*\*

- (c) In appointing members to the board the following shall, to the extent practicable, be considered:
  - (1) Full-time city residency.
  - (2) Current or prior engagement in one or more parks and recreation activity, such as community athletic leagues, community center recreation programs, park programs, special events, volunteer activities, or fitness membership.
  - (3) Expressed interest in recreation, athletics, fitness, parks and special events with an articulated understanding of the value of those activities; or
  - (4) Alternatively, demonstration of a strong and sincere commitment to the intent set forth in this section or possession of an outstanding reputation for civic activity and interest, integrity, and responsibility with preference to applicants who have completed Coconut Creek Citizen's Academy.
- (~~c~~) ~~Vacancies of regular and/or alternate members of the parks and recreation advisory board shall be filled by the nomination of a person by the member of the city commission who made the original nomination of the vacating member. Such nominations shall be approved by the majority of the city commission. The length of term of the member filling a vacancy shall be the remainder of the original member's term.~~
- (~~d~~) ~~Each member of the parks and recreation advisory board, including the alternate, shall be a resident of the city and a qualified voter.~~
- (~~e~~) ~~The members of the parks and recreation advisory board shall serve without compensation.~~

CODING: Words in strike through type are deletions from existing text.  
 Words in underline type are additions to existing text.  
 Asterisks (\*\*\*) indicate existing text not shown.

\*\*\*\*\*

**Sec. 2-210. - Meetings.**

The regular ~~quarterly~~ monthly meetings of the parks and recreation advisory board shall be held each ~~quarter~~ month at a time and date selected by the current board. Regular ~~quarterly~~ monthly meetings shall be held at the Coconut Creek Government Center, unless otherwise specified. Special meetings may be called at any time by the chairperson. The chairperson shall call a special meeting of the board when requested to do so by three (3) members of the board. At least ~~forty-eight (48)~~ twenty-four (24) hours' notice shall be given prior to the call of a special meeting except in emergency situations. All meetings must comply with the provisions of the Florida "Sunshine" Law. All meetings shall be conducted according to Robert's Rules of Order.

\*\*\*\*\*

**DIVISION 4. - ENVIRONMENTAL ADVISORY BOARD**

**Sec. 2-240. - Creation of board.**

There is hereby created and established in the city an advisory board to be known as the "environmental advisory board."

**Sec. 2-241. - Function.**

The environmental advisory board shall have the following functions:

- (1) To promote environmental awareness and activities, acting as an educational liaison to the community for environmental matters that are important to the City.
- (2) To review and provide advisory comments for special projects, programs, legislation, and environmental awareness and improvement opportunities as needed for the City Commission and other City departments and Boards, such as the Art Master Plan, the Green Plan, and the city lighting ordinance.
- (3) To continuously promote and support National Wildlife Federation certifications throughout the City.
- (4) To promote the City's environmental priorities at the annual Butterfly Festival and the annual Free Tree Giveaway.
- ~~(1) To advise the city commission on all matters concerning and affecting the environment of the city, including pollution controls on ground water, surface water, air, and noise.~~
- ~~(2) To collect data and information on the monitoring programs of any potential pollution source within or adjacent to the city that affects the environmental quality of the city.~~



board shall be filed with the sustainable development-services department and the city manager's office. The ~~public works department shall provide the secretary.~~

**Sec. 2-247. – Reserved.Advisory capacity.**

~~(a) Except as may otherwise be provided by ordinance, the powers and duties of the environmental advisory board are of an advisory nature only, and the board shall not have any powers or duties which conflict with or supersede the powers and duties [of] the city commission.~~

~~(b) It is a specific intent of the city commission that the environmental advisory board established by this division shall have no power to incur financial liability in the name of the city nor shall any individual member of the board have the power to incur any financial liability in the name of the city.~~

**Sec. 2-248. - Report upon request of city commission.**

Upon the request of the city commission, the environmental advisory board, through the director of sustainable development-services, shall render a full report through the city manager to the city commission. The report shall be in writing and summarize the activities of the environmental advisory board during the previous year.

\*\*\*\*\*

**DIVISION 6. – EDUCATION ADVISORY BOARD**

\*\*\*\*\*

**Sec. 2-262. - Membership.**

(a) The education advisory board shall consist of five (5) regular members and one (1) alternate. Each member of the city commission shall nominate one (1) member to the education advisory board. A majority of the city commission shall approve the nominations. The alternate member of the board shall be nominated by the mayor and approved by a majority of the city commission. The members of the education advisory board shall be appointed for a term as fixed by ordinance of the city. ~~The city commission shall have the authority to reappoint members. Vacancies occurring on the board shall be filled for the unexpired term by the same procedure for initial appointments.~~ Removal of members shall be as provided in the Coconut Creek Code of Ordinances. ~~Each member of the education advisory board including the alternate shall be a resident of the city and a qualified voter. The members of the board shall serve without compensation.~~

(b) In appointing members to the board the following shall, to the extent practicable, be considered:

(1) City residents who are parents of students enrolled in any elementary, middle, high, or technical school physically located within the City of Coconut Creek,

and are active members of the school's Parent Teacher Organization or School Advisory Committee;

(2) City residents who are teachers or administrators retired from or currently employed at any elementary, middle, high, or technical school physically located within the City of Coconut Creek; or

(3) Alternatively, city residents, or the owner of an education related business, who demonstrate strong and sincere commitment to the intent set forth in this section including experience, interest and commitment to the enhancement of education of the children of Coconut Creek, with preference to applicants who have completed Coconut Creek Citizen's Academy.

(c) The chairperson of the education advisory board may serve as one (1) of two (2) commission appointed board members of the Coconut Creek Education Foundation.

\*\*\*\*\*

## **DIVISION 7. – COMMUNITY OUTREACH ADVISORY BOARD**

\*\*\*\*\*

### **Sec. 2-266. - Membership.**

(a) The community outreach advisory board shall consist of five (5) regular members and one (1) alternate. Each member of the city commission shall nominate one (1) member to the community outreach advisory board. A majority of the city commission shall approve the nominations. The alternate member of the board shall be nominated by the mayor and approved by a majority of the city commission. The members of the community outreach advisory board shall be appointed for a term as fixed by ordinance of the city. ~~The city commission shall have the authority to reappoint members. Vacancies occurring on the board shall be filled for the unexpired term by the same procedure for initial appointments.~~ Removal of members shall be as provided in the Coconut Creek Code of Ordinances. ~~Each member of the community outreach advisory board including the alternate shall be a resident of the city and a qualified voter. The members of the board shall serve without compensation.~~

(b) Members shall, to the extent practicable, represent interests, specialties and qualifications in any of the following fields:

(1) Branding, Marketing, Public relations, Social media, Video production, or Website production; or

(2) Alternatively, demonstrate strong and sincere commitment to the enhancement and promotion of a positive City of Coconut Creek image and possession of an outstanding reputation for civic activity and interest,

CODING: Words in ~~strike through~~ type are deletions from existing text.  
Words in underline type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.

integrity, and responsibility, with preference to applicants who have completed Coconut Creek Citizen's Academy.

\*\*\*\*\*

**DIVISION 8. – PUBLIC SAFETY ADVISORY BOARD**

**Sec. 2-270. - Membership.**

(a) The public safety advisory board shall consist of five (5) regular members and one (1) alternate. Each member of the city commission shall nominate one (1) member to the public safety advisory board. A majority of the city commission shall approve the nominations. The alternate member of the board shall be nominated by the mayor and approved by a majority of the city commission. The members of the public safety advisory board shall be appointed for a term as fixed by ordinance of the city. ~~The city commission shall have the authority to reappoint members. Vacancies occurring on the board shall be filled for the unexpired term by the same procedure for initial appointments.~~ Removal of members shall be as provided in the Coconut Creek Code of Ordinances. ~~Each member of the public safety advisory board including the alternate shall be a resident of the city and a qualified voter. The members of the board shall serve without compensation.~~

(b) In appointing members to the board the following shall, to the extent practicable, be considered:

- (1) Participation or employment in groups or organizations within the City or County active in crime prevention or drug use prevention or treatment; or
- (2) Alternatively, demonstrate a strong and sincere commitment to the intent set forth in this section or possession of an outstanding reputation for civic activity and interest, integrity, and responsibility with preference to applicants who have completed Coconut Creek Citizen's Academy.

\*\*\*\*\*

**Section 3: Amendment.** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, "Land Development Code," Article I, "Administration, Regulations and Procedures," Division 2, "Administration," Section 13-16, "Planning and Zoning Board," to read as follows:

**Chapter 13 - LAND DEVELOPMENT CODE**

**ARTICLE I. - ADMINISTRATION, REGULATIONS AND PROCEDURES**

CODING: Words in ~~strike through~~ type are deletions from existing text.  
Words in underline type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.

\*\*\*\*\*

**DIVISION 2. – ADMINISTRATION**

\*\*\*\*\*

**Sec. 13-16. - Planning and zoning board.**

\*\*\*\*\*

(b) Composition. The planning and zoning board shall consist of five (5) members and one (1) alternate. Members shall, to the extent practicable, represent interests, specialties and qualifications in any of the following fields:

(1) Architecture, Construction, Engineering, Environmental science, Land use, Land development, Landscape architecture, Law, Real Estate, Sustainability, or Urban planning; or

(2) Alternatively, demonstrate strong and sincere commitment to the intent set forth in this section or possession of an outstanding reputation for civic activity and interest, integrity, and responsibility, with preference to applicants who have completed Coconut Creek Citizen’s Academy.

(c) *Appointment and organization.* Each member of the city commission shall nominate one (1) person to fill each position on the planning and zoning board. A majority of the city commission shall approve the nominations as a panel. ~~Each term shall be as fixed by ordinance of the city.~~ One (1) alternate member of the board shall be selected by the mayor and approved by a majority of the city commission. The term of office of the members and alternate member shall be as fixed by ordinance of the city. ~~Any vacancies on the planning and zoning board shall be filled by a person nominated by the city commission member who nominated the vacating member. Such nomination shall be approved by a majority of the city commission. The term of a member filling a vacancy shall coincide with the remainder of the term of the member vacating. Each member of the planning and zoning board shall be a resident of the city and a qualified voter. Members of the planning and zoning board shall serve without compensation.~~

\*\*\*\*\*

(f) *Meetings* . The planning and zoning board shall hold ~~at least one~~ (1) regular meeting per month ~~and~~ but may cancel any regular meetings or hold additional special meetings as necessary. Public notice of each regular meeting shall be displayed at city hall or advertised as prescribed by law.

\*\*\*\*\*

**Section 4: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 5: Severability.** 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 6: Codification.** That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 7: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**PASSED SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Sandra L. Welch, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Welch	_____	_____
Sarbone	_____	_____
Tooley	_____	_____
Belvedere	_____	_____
Rydell	_____	_____

File Path: o:\documents\ordinances\2019\chapter 2, 13 board attendance\board attendance post workshop.docx  
Initials: KMM  
Date: 11/25/19

CODING: Words in ~~strike through~~ type are deletions from existing text.  
Words in underline type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.