

1 **Section 2.** The Code of Ordinances of the Village of Biscayne Park is hereby

2 amended to read as follows:

3 **Sec. 2-30. General rules and policies.**

4 (A) Application of article; definitions; authority to appoint.

5
6 (1) Established. The boards and committees currently on file with the Village Clerk
7 are established as the official boards and committees of the Village. Consistent with Section
8 3.06 of the Village Charter, the Commission may establish or terminate boards or committees as
9 deemed advisable.

10
11 (2) Application. The provisions of this section shall apply to all appointive boards
12 and committees of the Village, except as otherwise provided in this Code.

13
14 (3) Definitions. The following words, terms and phrases, when used in this article,
15 shall have the meanings ascribed to them in this subsection, except where the context clearly
16 indicates a different meaning:

17
18 Board or Committee for purposes of this ordinance includes every agency, authority,
19 advisory board, regulatory board, quasi-judicial board, semi-autonomous instrumentality,
20 committee, council, task force or any other citizens' group created and funded in whole or in part
21 by the Village Commission except for the Code Enforcement Board. Except as otherwise
22 provided herein, or in the Village Charter, Village boards and citizens' advisory groups shall only
23 be created by action of the Village Commission, and only the Village Commission, as a body,
24 shall appoint the members to such boards or committees.

25
26 Relative means any father, mother, son, daughter, husband, wife, brother, sister, father-
27 in-law, mother-in-law, son-in-law, or daughter-in-law.

28
29 Resident means a natural person who resides within the Village for not less than six
30 months in each calendar year.

31
32 (4) Authority to appoint. The Village Commission may create boards and
33 committees to be composed of such number of residents as the Commission may deem expedient
34 to act in an advisory capacity concerning any issue or subject.

35
36 (5) Removal. Board and committee members may be removed at any time by a
37 majority vote of the Village Commission.

38
39 (6) Confidentiality. Except when exempt by state law, all information received by
40 the Village on board and committee members is subject to public records law.

1 (7) More restrictive requirements. That any requirements set forth in a resolution or
2 ordinance creating an individual board or committee which are more restrictive than the
3 requirements herein shall remain in effect.
4

5 (8) Less restrictive requirements. That the requirements herein shall supersede any
6 less restrictive requirements set forth in a resolution or ordinance creating an individual board or
7 committee.
8

9 (9) Review to determine continuation of existing board or committee. The Village
10 Commission may review a board or committee at any time to determine whether the board or
11 committee shall continue to exist, amend or change its purpose and requirement.
12

13 (10) Automatic trigger of review. Failure of a board or committee to have a quorum at
14 two consecutive meetings shall automatically trigger review by the Village Commission.
15

16 (B) Qualifications and appointment of members.
17

18 (1) Manner of appointment. Any person appointed to any board or committee of the
19 Village shall be appointed by the Village Commission in the following manner:
20

21 (a) Unless otherwise agreed by the Commission, each board or committee will
22 consist of five (5) members and each Commissioner shall appoint one member to each board or
23 committee. Commissioner appointments are automatically accepted unless the appointed
24 individual is not in compliance with eligibility requirements for appointment or there is a conflict
25 of interest as determined by the Commission. The Village Commission may appoint alternates
26 for any board or committee as it deems necessary.
27

28 (b) The Village Clerk shall notify the Village Commission, in writing, of upcoming
29 vacancies on the boards or committees. The Village Clerk shall also post such vacancies on the
30 Village's web page and outside Village Hall. The Commissioner or successor Commissioner
31 who appointed that individual will make the appointment.
32

33 (c) During regular Village Commission meetings each month, appointments will be
34 made by the Village Commission to fill vacancies.
35

36 (d) When a vacancy due to resignation, removal or death is filled, the appointment of
37 a replacement member shall take effect on the date of appointment, except as may otherwise be
38 provided by state law.
39

40 (e) If a vacancy on any board or committee that is subject to individual appointment
41 by a member of the Commission remains unfilled for more than 80 days, it may thereafter be
42 filled by action of the Commission as a whole.
43

44 (2) Prohibition of appointment of relatives. An individual cannot be appointed to any
45 Village board or committee if that person is a relative (as defined above) of a current Village
46 Commissioner or another relative is on that board or committee.

1 (3) Resident/nonresident members.

2
3 (a) Unless otherwise specifically provided in the Charter or the Code, all members of
4 Village boards and committees shall be residents of the Village, unless such requirement is
5 waived by the Village Commission by a four-fifths vote of its membership.
6

7 (4) Member ceasing to be in compliance with eligibility requirements. The Village
8 Clerk shall inform the Village Commission whenever a board or committee member has ceased
9 to be in compliance with eligibility requirements for board membership and said board or
10 committee member shall be automatically removed from the board or committee. The Village
11 Clerk shall then inform the Village Commission in writing that the position has been declared
12 vacant. Upon being advised by the Village Clerk of such circumstances, the vacancy will be
13 promptly filled, consistent with section (B) above.
14

15 (5) Qualification as candidate for Village Commission office deemed tender of
16 resignation. No member of any Village board or committee shall become a candidate for Village
17 Commission office without resigning from that board or committee. Should any member of a
18 Village board or committee qualify as a candidate for Village Commission office, such
19 qualification shall be deemed a tender of resignation from such board or committee as of the date
20 on which the member qualifies for Village Commission office.
21

22 (6) Compensation. All members of boards and committees shall serve without
23 compensation.
24

25 (7) Travel expenses. Requests for travel expenses for attendance by board and
26 committee members at seminars, conferences and meetings shall be submitted for consideration
27 during the budget review process. Unanticipated expenses must be approved by the Village
28 Commission.
29

30 (C) Terms of members.

31
32 (1) The terms of office of the members of each board and committee shall be up for
33 reappointment yearly at the regular March Village Commission meeting. The nominating
34 Commissioner can continue the term of the Commissioner's current appointment or appoint a
35 new member. If no action is taken by the Commissioner or the Commission, the board or
36 committee member shall continue to serve. New Commissioners will also be able to continue
37 the term of a previous Commissioner or appoint a new member.
38

39 (D) Attendance by members at meetings; resignation of members.

40
41 (1) Excessive absences defined. Except as may otherwise be provided by law, a
42 member of any board or committee may be removed by the Village Commission or Village
43 Manager for excessive absences. The term "excessive absences" shall mean:
44

45 (a) For a board or committee that meets monthly on a regular basis, more than three
46 unexcused absences in any consecutive 12-month period.

1
2 (b) For a board or committee which meets less often than monthly on a regular basis,
3 more than three absences, excused or unexcused, in any consecutive 12-month period.
4

5 (c) For a board or committee meeting more often than monthly on a regular basis,
6 more than five unexcused absences, in any consecutive 12-month period.
7

8 (2) Attendance records. The staff liaison or board/committee secretary for each board
9 or committee shall be required to keep attendance records and to submit monthly reports within
10 five days of each meeting to the Village Clerk setting forth both the excused and unexcused
11 absences of each member of the board or committee. The board or committee must ensure that
12 minutes are taken and are approved by the board or committee on a regular basis. The minutes
13 must provide the vote of each member on each motion or, if absent, failing to vote, all of which
14 shall be filed with the Clerk promptly. The Village Clerk shall prepare a standard form to be
15 used by all boards and committees to report their member's attendance at their meetings.
16

17 (3) Resignation of members. Members of boards and committees may resign at any
18 time. A member who resigns will not be eligible for appointment to the same board or committee
19 for a one year period.
20

21 (E) Chairperson; bylaws; meetings.
22

23 (1) Rules of procedure. The boards and committees established by the Village shall
24 ensure that they duly elect a chairperson, vice-chairperson, and secretary. The chairperson or, in
25 their absence, the vice-chairperson, shall run the meeting. The secretary shall ensure that
26 minutes are kept and placed on the agenda for approval. Each board and committee shall adhere
27 to Robert's Rules of Order, Newly Revised, to the extent that such rules do not conflict with this
28 article, rules adopted by the board or committee, or applicable state law.
29

30 (2) Removal of chairperson and other officers. Upon a super-majority vote by a
31 board or committee, the chairperson or any other officer may be removed.
32

33 (2) Quorum; exceptions. A quorum for all boards/committees' meetings, shall consist
34 of 50 percent plus one of the board's total membership. The decision of a majority of the board or
35 committee members present and voting at a meeting at which a quorum is present shall be the
36 decision of the board or committee.
37

38 (3) Oath requirement. All board and committee members shall be required to
39 subscribe to an oath or affirmation to be filed in the office of the Village Clerk, swearing or
40 affirming to support, protect and defend the Constitution and laws of the United States, and of
41 the state, the Charter and all ordinances of the Village and the county and in all respects to
42 faithfully discharge their duties.
43

44 (4) Open meetings. All meetings shall be open to the public and conducted in
45 accordance with the requirements of the Sunshine Law, as set forth in the Florida Statutes.
46 Pursuant to the Village Charter, meetings and agenda procedures shall be adopted to enhance the

1 opportunity for public participation. All Village boards and committees shall provide the Village
2 Clerk for posting:

3
4 (a) written notice of meetings at least seven (7) days prior to such meetings, except in
5 the case of emergency meetings;

6
7 (b) written agenda and supporting documentation to the extent available concerning
8 the matters for discussion at least three (3) days prior to such meetings; and

9
10 (c) minutes to document a reasonable summary of the actions taken at the meeting
11 within sixty (60) days after such meeting.

12
13 (5) Voting requirement. No board or committee members shall be permitted to
14 abstain from voting, except when there is, or appears to be a possible conflict of interest, as
15 defined in the Florida Statutes. When a conflict occurs, a conflict of interest form shall be filed
16 and kept in the office of the Village Clerk.

17
18 (6) Members transacting business with Village. The county Conflict of Interest and
19 Code of Ethics Ordinance (hereinafter referred to as the "Conflict of Interest Ordinance) section
20 2-11.1 of the county code shall be applicable to all members of Commission appointed boards
21 and committees.

22
23 (7) Endorsing candidates, etc. No Village board or committee shall endorse
24 candidates for public office, or support a particular position on a public question scheduled to
25 appear on an official governmental ballot, or poll candidates for public office as to their views, or
26 engage in any other form of partisan political activity as a Village board or committee. Nothing
27 contained in this subsection shall be deemed to prohibit any individual member of such a board
28 or committee from expressing a personal opinion on any candidate or issue or from participating
29 in any political campaign during hours not serving or performing board or committee functions,
30 so long as such activities are not in conflict with other provisions of state, county, or Village law.
31 Should any member of any Village board or committee violate this section, in the opinion of the
32 Village Commission, such violation shall be deemed a tender of resignation from the board or
33 committee.

34
35 (8) Fundraising; bank accounts. No board or committee may engage in fundraising
36 activities or establish bank accounts without the express authority and subject to conditions as
37 imposed by the Village Commission.

38
39 (F) Creation of new boards and committees.

40
41 (1) Except for ad hoc or limited term special purpose boards and committees, all
42 Village boards and committees created after October 1, 2008, shall be created only by ordinance.
43 Such ordinance shall set forth the board/committee's purpose, function, power, responsibility,
44 jurisdiction, membership requirements and restrictions, terms and conditions of appointment to
45 or removal from the board or committee, and the specific staff support, if any, to be provided to
46 the board or committee.

1
2 (2) After passage on first reading of an ordinance creating a new board or committee
3 and prior to the second reading of said ordinance, the Village Manager shall submit to the
4 Village Commission a report setting forth the following information concerning the proposed
5 new board or committee:
6

7 (a) For boards and committees, whether the establishment of the board or committee
8 will create sufficient betterment to the community to justify the Village Commission's delegation
9 of a portion of its authority.
10

11 (b) Whether another board, committee or agency, either public or private, which is
12 already in existence, could serve the same purpose.
13

14 (c) The costs, both direct and indirect, of establishing and maintaining the board or
15 committee.
16

17 (d) Whether the board or committee is necessary to enable the Village to obtain state
18 or federal grants or other financing.
19

20 (e) For boards and committees other than advisory boards, whether the board or
21 committee should have the final authority or whether its decision must be approved by the
22 Village Commission.
23

24 (f) Whether the creation of a new board or committee is the best method of achieving
25 the benefit desired.
26

27 (g) Except in exigent circumstances, the second reading shall be held no earlier than
28 15 days after passage on first reading of the ordinance creating said board or committee.
29

30 **Sec. 2-31. Board of parks and parkways.**

31 (A) Board created. The board of parks and parkways shall consist of five (5) members.
32

33 (B) Authorization for consultant or support services. The board shall act as an advisory
34 board to the commission and all consultant or support services to be furnished to the board must
35 be requested from and approved by the village commission or their designee prior to the services
36 being secured.
37

38 (C) Duties and responsibilities. The board's duties and responsibilities shall be as
39 follows:
40

41 (1) To study the existing system of parks and parkways and to make recommendations
42 for their improvement;
43

44 (2) To make special studies and surveys as requested by the village manager or
45 commission and advise and make recommendations accordingly;

1
2 (3) To study the land area of the village and make recommendations to the commission
3 or the village manager on the possible acquisition of parcels of land which appear to be desired
4 extensions of the village's parks and parkways system.
5

6 **Sec. 2-32. Ecology board.**

7 (A) Board created. The ecology board shall consist of five (5) members.
8

9 (B) Authorization for consultant or support services. The board shall act as an advisory
10 board to the commission and all consultant or support services to be furnished to the board must
11 be requested from and approved by the village commission or their designee prior to the services
12 being secured.
13

14 (C) Qualification of members.

15 (1) When appointing members, the Commission shall take into consideration a
16 candidate's educational, technical, and professional experience. The candidate's profession,
17 degrees, and training in science, biology, environmental conservation, or other ecological matters
18 shall be taken into consideration by the Commission when appointing members.
19

20 (2) If no candidate exists which meets the qualifications listed in (1) above, the
21 Commission shall then consider candidates which have at least a basic knowledge of the
22 literature, scientific principles and theories of ecology and have an interest in preserving and
23 improving Biscayne Park's ecosystem.
24

25 (3) The above criteria of experience will be encouraged by the Commission;
26 however, if no individual exists, then laypersons with an interest in and understanding of ecology
27 will then be considered by the Commission.
28

29 (D) Duties and responsibilities. The board's duties and responsibilities shall be as
30 follows:
31

32 (1) To target environmental goals and recommend appropriate actions and plans to
33 ensure stewardship strategies for the preservation and protection of the Village.
34

35 (2) To make special studies and surveys as requested by the village manager or
36 commission and advise and make recommendations accordingly;
37

38 (3) To enlist and encourage public support, the assistance of civic, technical, scientific
39 and educational organizations, and cooperation of other businesses or organizations in order to
40 implement programs and projects approved by the village commission. Also, to render all
41 possible cooperation to the state, federal, county or other government agencies in order to
42 implement any program or project approved by the village commission;
43

44 (4) To represent the village before any type of board or forum where it is necessary for
45 that board to inquire about the public opinion of the environment of the village;

1
2 (5) To collect and provide copies to the Village Clerk, any data and exhibits which may
3 be gathered relating to the quality of life within the village for use and benefit of any and all
4 village residents; and
5

6 (6) To identify existing and potential environmental problems and recommend
7 appropriate actions, with a view towards minimizing adverse external influences by cooperating
8 with the adjacent municipalities and the county to protect common natural resources.
9

10 * * *

11 **Sec. 2-34. Recreation advisory board.**
12

13 (A) Board created. The Recreation Advisory Board shall consist of five members.
14

15 (B) Authorization for consultant or support services. The Board shall act as an
16 advisory board to the Commission and all consultant or support services to be furnished to the
17 Board must be requested from and approved by the Village Commission or their designee prior
18 to the services being secured.
19

20 (C) Duties and responsibilities. The Board's duties and responsibilities shall be as
21 follows:
22

23 (1) To promote recreation, cultural, arts, athletics, community activities and special
24 events, as well as assist in the development of sponsorship of these activities.
25

26 (2) To make recommendations concerning the operation of Village parks,
27 playgrounds, undeveloped park lands and recreational programs to the Commission;
28

29 (3) To enlist and encourage public support, the assistance of civic, technical,
30 scientific and educational organizations, and cooperation of other businesses or organizations in
31 order to implement programs and projects approved by the Village Commission. Also, to render
32 all possible cooperation to the state, federal, county or other government agencies in order to
33 implement any program or project approved by the Village Commission;
34

35 (4) To collect and provide copies to the Village Clerk, any data and exhibits which
36 may be gathered relating to the quality of life within the Village for use and benefit of any and
37 all Village residents.
38

39 **Section 3.** Ordinance 2008-4, Ordinance 2008-7, and Ordinance 2008-8 are hereby
40 repealed in their entirety.

41 **Section 4.** **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
42 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

1 **Section 5. Severability.** The provisions of this Ordinance are declared to be
2 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
3 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
4 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
5 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
6 part.

7 **Section 6. Effective Date.** This Ordinance shall be effective upon adoption on
8 second reading.

9 The foregoing Ordinance was offered by Commissioner Cooper, who moved its adoption. The
10 motion was seconded by Commissioner Bernard and upon being put to a vote, the vote was as
11 follows:

12 FIRST READING: February 2, 2010

13 SECOND READING: March 2, 2010

The foregoing ordinance upon being put to a
vote, the vote was as follows:

14
15
16
17
18
19
20



Roxanna Ross, Mayor

Mayor Ross: Yes
Vice Mayor Childress: Yes
Commissioner Bernard: Yes
Commission Cooper: Yes
Commissioner Anderson: No

21 Attest:

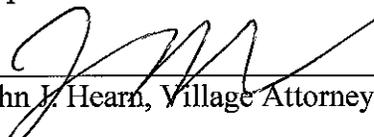
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23
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Village Clerk

27 Approved as to form:

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29
30



John J. Hearn, Village Attorney