

ORDINANCE NO. 2007- 2

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CREATING A NEW CHAPTER OF THE VILLAGE'S CODE OF ORDINANCES ENTITLED "BOARD OF PARKS AND PARKWAYS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR RENUMBERING; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it is the intent of the Village Commission to create an advisory board to study the existing system of parks and parkways, conduct special studies and surveys and to advise the Village Commission regarding its findings; and

WHEREAS, the Village Commission has reviewed this ordinance and found that the creation of this Board is in the best interests of the citizens of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. A new Chapter of the Village of Biscayne Park Code of Ordinances entitled "Board of Parks and Parkways," shall be created to read as follows:

BOARD OF PARKS AND PARKWAYS

Board created.

The Board of Parks and Parkways shall consist of five members appointed by each member of the Commission for staggered three-year terms. Members shall be qualified electors of the Village. Upon the expiration of a Board member's term, the Village Commission member making the original appointment, or the Village Commission member's successor in office shall appoint the Board member to serve during the new Board term. If, for any reason, an appointment should not be made to fill an expired term, the incumbent will continue to serve until his successor has been appointed. No Board member shall serve on any other Board or Commission of the Village while holding this office. No Board member who shall have served three consecutive terms in office shall be eligible to serve an additional term of office for two years thereafter, unless the appointment for any additional term shall be confirmed by a majority of the Commission.

____ **Vacancies.**

In the event of the death, removal or resignation of a member, a successor shall be appointed to fill the unexpired term by the Commission member making the original appointment.

____ **Chairman.**

The Board shall elect its own Chairman, who shall serve as Chairman at the will of the Board.

____ **Rules and regulations.**

The Board of Parks and Parkways shall prescribe and adopt rules and regulations for proceedings hereunder.

(a) Meetings of the Board shall be open to the public;

(b) The Board of Parks and Parkways shall keep minutes of its proceedings showing the vote of each member on each question or, if absent or failing to vote, indicating that fact, and shall keep records of its proceedings and other official actions, all of which shall be immediately filed with the Village Clerk and shall be a public record.

(c) The majority vote of those present is deemed necessary to act with a quorum consisting of three members.

____ **Authorization for consultant or support services.**

The Board shall act as an advisory board to the Commission and all consultant or support services to be furnished to the Board must be requested from and approved by the Village Commission or their designee prior to the services being secured.

____ **Duties and responsibilities.**

The Board's duties and responsibilities shall be as follows:

(a) To study the existing system of parks and parkways and to make recommendations for their improvement;

(b) To make special studies and surveys as requested by the Village Manager or Commission and advise and make recommendations accordingly;

(c) To study the land area of the Village and make recommendations to the Commission or the Village Manager on the possible acquisition of parcels of land which appear to be desired extensions of the Village's parks and parkways system.

Section 2. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 3. Codification. It is the intention of the Village Commission of the Village of Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

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

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

The foregoing Ordinance was offered by Commissioner MORRIS, who moved its adoption. The motion was seconded by Comm. ANDERSON and upon being put to a vote, the vote was as follows:

John Hornbuckle
John Hornbuckle, Mayor

Attest:
Ann Harper
Ann Harper, Village Clerk

Approved as to Form:
John J. Hearn
John J. Hearn, Village Attorney

Mayor Hornbuckle: yes
Vice Mayor Walker: yes
Commissioner Mallette: ABSENT
Commissioner Morris: yes
Commissioner Anderson: yes

First reading – February 13, 2007
Second reading – March 6, 2007