



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: November 10, 2014

Subject: Ordinance 2015-09 Board Residency
Requirements - Code Compliance
Board and Planning & Zoning Board;
Board Attendance

Prepared By: Maria Camara, Village Clerk

Sponsored By: Staff

Background

At its October 10th meeting, the Village Commission discussed:

- The residency requirements for the Planning & Zoning Board and there was consensus to have the Village Attorney draft an ordinance to change the requirements that members of both the Planning & Zoning Board and Code Compliance Board be property owners and residents of the Village.
- The Board attendance for all boards and there was consensus to have the Village Attorney draft an ordinance that all board members must advise prior to the meeting of their absence and the reason, and allow the Board to determine if it is an excused absence. Additionally, the absence and whether it is excused or not is to be included in the Board minutes.

Fiscal/Budget Impact

Cost for advertising and codification.

Recommendation

Approval of Ordinance 2015-09 at first reading.

Attachments

- Ordinance 2015-09

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

ORDINANCE NO. 2015-09

**AN ORDINANCE OF THE VILLAGE
COMMISSION OF THE VILLAGE OF BISCAYNE
PARK, FLORIDA AMENDING CHAPTER 2,
SECTION 2-30 OF THE CODE OF ORDINANCES,
CHAPTER 13, SECTION 13.2.2 OF THE LAND
DEVELOPMENT CODE AND CHAPTER 14,
SECTION 14.1.4 OF THE LAND DEVELOPMENT
CODE TO PROVIDE REGULATIONS
CONCERNING BOARD AND COMMITTEE
MEMBER ABSENCES; PROVIDING FOR
PLANNING AND ZONING BOARD MEMBERS
TO BE PROPERTY OWNERS AS WELL AS
RESIDENTS OF THE VILLAGE; PROVIDING
FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION;
PROVIDING FOR AN EFFECTIVE DATE**

21 WHEREAS, at its meeting of May 5, 2015, the Village Commission adopted Ordinance
22 2015-03 which modified language pertaining to Village Boards; and
23

24 WHEREAS, at its October 6, 2015 regular Commission meeting, the Village
25 Commission discussed clarifying the attendance requirements for the various boards and
26 committees in the Village; and
27

28 WHEREAS, the Village Commission provided direction to require planning board
29 members to be property owners in the Village; and
30

31 WHEREAS, the Village Commission finds it in the best interests of the Village to
32 approve this ordinance, authorizing the revisions consistent with Village staff's
33 recommendations;
34

35 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**
36 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**
37

38 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
39 being true and correct and are hereby made a specific part of this Ordinance upon adoption
40 hereof.
41

42 **Section 2.** Section 2-30 of the Code of Ordinances, entitled "General Rules and
43 Policies", is hereby amended to read as follows:
44

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

46 (a) Application of article; definitions; authority to appoint.
47

1 * * * *

2 (d) Attendance by members at meetings; resignation of members.

3 (1) Excessive absences defined. Except as may otherwise be provided by law, a member of
4 any board or committee may be removed by the village commission or village manager
5 for excessive absences. The term "excessive absences" shall mean:

6 a. For a board or committee that meets monthly on a regular basis, more than three (3)
7 unexcused absences in any consecutive twelve-month period.

8 b. For a board or committee which meets less often than monthly on a regular basis,
9 more than three (3) absences, excused or unexcused, in any consecutive twelve-
10 month period.

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

13 d. For an excused absence, a board or committee member must advise the village
14 clerk prior to the meeting of the fact that they will be absent and provide a reason
15 for that absence. The board or committee may vote to excuse the requested
16 absence at the same meeting the board or committee member is absent. The
17 absence, and whether or not the absence is excused or unexcused, is to be reflected
18 in the minutes.

19 (2) ~~Attendance Minutes/records. The staff liaison or board/committee secretary for each~~
20 ~~board or committee shall be required to keep attendance records and to submit monthly~~
21 ~~reports within five (5) days of each meeting to the village clerk setting forth both the~~
22 ~~excused and unexcused absences of each member of the board or committee.~~ The board
23 or committee must ensure that minutes are taken and are approved by the board or
24 committee on a regular basis. The minutes must provide the vote of each member on
25 each motion or, if absent, failing to vote, all of which shall be filed with the clerk
26 promptly. The village clerk shall prepare a standard form to be used by all boards and
27 committees to report their member's attendance at their meetings.

28
29 * * * *

30
31 **Section 3.** Chapter 13, Section 13.2.2, entitled "Term of Office", is hereby amended
32 to read as follows:

33
34 **13.2.2 Composition.** The five-member board shall be appointed by the village commission.
35 Members of the planning board shall be property owners and residents of the Village of Biscayne
36 Park.

37
38 **13.2.23 Term of office.** The initial appointments to the ~~code-compliance~~ planning board and the
39 alternate members shall be as follows:

- 40
41 (1) One (1) member appointed for a term of one (1) year.
42 (2) Two (2) members appointed for a term of two (2) years.
43 (3) Two (2) members appointed for a term of three (3) years.

1
2 Thereafter, all appointments shall be made for a term of three (3) years and shall take effect
3 on May 1 of the year the appointment is made. A member may be reappointed upon
4 approval of the village commission. Appointments to fill any vacancy on the planning board
5 shall be for the remainder of the unexpired term of office. ~~If any member who fails to attend~~
6 ~~two (2) of the three (3) successive meetings without cause and without prior approval of the~~
7 ~~chairman, the board shall declare the member's office vacant, and the village commission~~
8 ~~shall promptly fill such vacancy.~~ For an excused absence, a board or committee member
9 must advise the village clerk prior to the meeting of the fact that they will be absent and
10 provide a reason for that absence. The board or committee may vote to excuse the requested
11 absence at the same meeting the board or committee member is absent. The absence, and
12 whether or not the absence is excused or unexcused, is to be reflected in the minutes.

13
14 The members shall serve in accordance with the Village Charter and may be suspended and
15 removed for cause as provided in the Village Code for removal of members of village
16 boards.

17
18 **13.2.34 Application fees.** The village commission shall adopt by resolution a schedule of
19 application fees for functions performed by the planning board in response to applications
20 submitted by any person, corporation, organization or governmental entity.

21
22 * * * * *

23
24 **Section 4.** Chapter 14, Section 14.1.4 of the Code of Ordinances, entitled "Term of
25 Office", is hereby amended to read as follows:

26
27 14.1.4 *Term of office.* The initial appointments to the code compliance board and the alternate
28 members shall be as follows:

- 29
30 (1) One (1) member appointed for a term of one (1) year.
31 (2) Two (2) members appointed for a term of two (2) years.
32 (3) Two (2) members appointed for a term of three (3) years.

33
34 Thereafter, all appointments shall be made for a term of three (3) years and shall take effect
35 on May 1 of the year the appointment is made. A member may be reappointed upon
36 approval of the village commission. Appointments to fill any vacancy on the code
37 compliance board shall be for the remainder of the unexpired term of office. ~~If any member~~
38 ~~who fails to attend two (2) of the three (3) successive meetings without cause and without~~
39 ~~prior approval of the chairman, the board shall declare the member's office vacant, and the~~
40 ~~village commission shall promptly fill such vacancy.~~ For an excused absence, a board or
41 committee member must advise the village clerk prior to the meeting of the fact that they
42 will be absent and provide a reason for that absence. The board or committee may vote to
43 excuse the requested absence at the same meeting the board or committee member is absent.
44 The absence, and whether or not the absence is excused or unexcused, is to be reflected in
45 the minutes.

1 The members shall serve in accordance with the Village Charter and may be suspended and
2 removed for cause as provided in the Village Code for removal of members of village
3 boards.

4 **Section 5.** **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
5 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

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

12 **Section 7.** **Codification.** It is the intention of the Village Commission of the Village of
13 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
14 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be
15 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
16 word or phrase in order to accomplish such intention.

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

19
20 The foregoing Ordinance was offered by _____ who moved its adoption.
21 The motion was seconded by _____ and upon being put to a vote, the vote was
22 as follows:

23
24 PASSED AND ADOPTED upon first reading this ___ day of _____, 2015.

25 PASSED AND ADOPTED upon second reading this ___ day of _____, 2015.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

David Coviello, Mayor

Mayor Coviello: ____
Vice Mayor Anderson: ____
Commissioner Jonas: ____
Commissioner Ross: ____
Commissioner Watts: ____

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney