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ORDINANCE 2022-02 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES, CHAPTER 2, “ADMINISTRATION”, ARTICLE I, “GENERAL”, AT SECTION 2-9, “RESIDENCE REQUIREMENT; BOARDS NOT CREATED BY LEGISLATIVE PROCESS”, TO RENAME SECTION 2-9 TO BE ENTITLED, “CITY BOARD APPOINTMENT PROCESS, TERMS OF OFFICE, AND RESIDENCE REQUIREMENT” AND BY CREATING THEREIN A NEW APPOINTMENT PROCESS FOR ALL MEMBERS OF CITY BOARDS, CHANGING THE TERMS OF OFFICE TO UNSPECIFIED TERMS FOR ALL NEWLY APPOINTED BOARD MEMBERS, AND INCLUDING WITH REVISION THE CURRENT RESIDENCE REQUIREMENT FOR MEMBERS OF CITY BOARDS; REPEALING SECTION 2-12, APPOINTMENT OF MEMBERS OF CITY BOARDS AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the “city”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in 2013, the city changed section 2-12 of the city’s Code of Ordinances regarding the appointment process of members of city boards to individual appointments by Commission members with ratification by the entire Commission; and

WHEREAS, currently city board members serve a set term of office as established by each board’s enabling legislation and may only be removed for cause; and

WHEREAS, the City Commission recognizes the need for additional transparency in the board member appointment process and the ability to remove and appoint board members at the sole pleasure of the City Commission and without cause; and

WHEREAS, the City Commission desires to return to an appointment process where City board members are appointed by City Commission ranking after a public interview process of each potential board member; and

WHEREAS, the City Commission also desires to have all board members’ terms of office to be for an unspecified period of time to allow for the City Commission to remove and appoint advisory board members at the sole pleasure of the City Commission and without cause; and

WHEREAS, the City Commission also desires to maintain (with minor revisions) the current section 2-9 of the City’s Code of Ordinances regarding the residence requirement for members of city boards; and

49 **WHEREAS**, the City Commission has reviewed the amendments set forth in this
50 ordinance to the ccity’s advisory board appointment process, terms of appointment, and
51 residence requirement and has determined that the amendments are in the best interest
52 of the public health, safety and general welfare of the ccity, its residents and visitors and
53 serve a valid public purpose.

54
55 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
56 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

57
58 **Section 1:** That the foregoing “WHEREAS” clauses are ratified and confirmed
59 as being true and correct findings of the City Commission and are made a specific part of
60 this ordinance as if set forth herein.

61
62 **Section 2:** Chapter 2, Administration, Article I, General, Section 2-9,
63 “Residence requirement; boards not created by legislative action”, is hereby amended
64 as follows (underlined language is added and strike-through language is deleted):

65 **Sec. 2-9. City board appointment process, terms of office, and rResidence**
66 **requirement; boards not created by legislative action.**

67 (a) Appointment of members to all city boards created by the City Commission shall be
68 as follows:

69 (1) At least twice per year, or more frequently as determined by the City
70 Commission, the City Commission shall conduct a public interview meeting with
71 prospective applicants to city boards and shall select the board members at the
72 meeting based upon the Commission members’ ranking of the applicants.

73 (2) The City Clerk’s office shall establish procedural guidelines to:

74 (i) Provide public notice of all vacancies on the city’s boards, request
75 applications for the same, and set a deadline for the receipt of applications;

76 (ii) Provide notice to the City Commission of all vacancies on city’s boards and
77 request a date for the next public interview meeting from the City
78 Commission;

79 (iii) Provide notice to all applicants of the public interview meeting;

80 (iv) Assist the Commission in the orderly public interview of all applicants and
81 the Commission’s ranking of the same; and,

82 (v) Establish such other procedural guidelines as may be necessary to
83 implement the city board appointment process in a fair and equitable
84 manner.

85 (b) Upon the adoption of this ordinance, all newly appointed city board members shall
86 be appointed by the City Commission for an unspecified term, shall serve solely at
87 the pleasure of the City Commission, and may be removed from their appointment at
88 any time without cause. The removal of any newly appointed board member shall be
89 by the appointment of a new replacement board member by the City Commission;
90 however, all board members are eligible for reappointment.

92

93 (c) Each person who serves on any city board created by the City Commission,
 94 commission, authority, council, agency or panel that was not created by legislative
 95 action shall either maintain a bona fide residence in the city, own a business having
 96 a permanent location in the city, or be the principal stockholder of a corporation or
 97 other business entity having a permanent business location in the city. Whenever an
 98 appointment to any such board, commission, authority, council, agency or panel is to
 99 be made and the City Commission's ranking results in a tie, if, the choice is between
 100 a person who maintains a bona fide residence in the city and a person who does not
 101 maintain a bona fide residence in the city, if the person who maintains a bona fide
 102 residence in the city meets all other requirements of the position to be filled, he or
 103 she shall be appointed. All other City Commission rankings that result in a tie shall
 104 be decided by majority vote. A bona fide residence, for the purpose of this section, is
 105 a permanent domicile which has not been adopted with the intention of again taking
 106 up or claiming a previous residence acquired outside of the city limits. The principal
 107 stockholder of a corporation or other business entity, for the purpose of this section,
 108 is any person whose ownership interest in the corporation or other business entity is
 109 not exceeded by any other person.

110 (d) All city boards created by general law, special act of the legislature, or pursuant to
 111 other authority, shall follow the requirements of the enabling legislation when such
 112 legislation is in conflict with this section.

113 (e) All city boards are authorized to convert any publicly noticed meeting into a workshop
 114 session when a quorum is not reached at said meeting. The decision to convert the
 115 meeting into a workshop session shall be determined by the chair of the board, or
 116 the chair's designee, who is present at the meeting. No official action shall be taken
 117 at the workshop session; however, the members present should limit their discussion
 118 to the items on the agenda for the publicly noticed meeting. All such workshop
 119 sessions shall be open to the public and minutes of the workshop session shall be
 120 recorded.

121 ~~(b) Notwithstanding the provisions of subsection (a) above, each nonresident who~~
 122 ~~serves on any such board, commission, authority, council, agency or panel on May~~
 123 ~~14, 1992, shall continue to serve until his or her term expires or, if service is for an~~
 124 ~~indefinite term, until a successor is appointed to replace him or her.~~

125
 126 **Section 3:** Chapter 2, Administration, Article I, General, Section 2-12,
 127 "Appointment of members of city boards and terms of office", is hereby repealed.

128
 129 **Section 4:** Severability. If any section, subsection, sentence, clause, phrase or
 130 portion of this ordinance is for any reason held invalid or unconstitutional by any court of
 131 competent jurisdiction, such portion shall be deemed a separate, distinct, and
 132 independent provision, and such holding shall not affect the validity of the remaining
 133 portions thereof.

134
 135 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
 136 conflict herewith are hereby repealed to the extent of such conflict.

137

138 **Section 6: Codification.** The sections of the ordinance shall be made a part of
139 the City Code of Ordinances and may be re-numbered or re-lettered to accomplish such,
140 and the word "ordinance" may be changed to "section", "division", or any other appropriate
141 word.

142
143 **Section 7: Effective Date.** This ordinance shall become effective 10 days after
144 passage.

145
146 The passage of this ordinance on first reading was moved by _____,
147 seconded by _____ and upon being put to a vote, the vote was as follows:

- 148 Mayor Betty Resch
- 149 Vice Mayor Herman Robinson
- 150 Commissioner Sarah Malega
- 151 Commissioner Christopher McVoy
- 152 Commissioner Kimberly Stokes

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154
155 The Mayor thereupon declared this ordinance duly passed on first reading on the
156 _____ day of _____, 2022.

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159 The passage of this ordinance on second reading was moved by
160 _____, seconded by _____, and upon being put to a vote,
161 the vote was as follows:

- 162 Mayor Betty Resch
- 163 Vice Mayor Herman Robinson
- 164 Commissioner Sarah Malega
- 165 Commissioner Christopher McVoy
- 166 Commissioner Kimberly Stokes

167
168
169 The Mayor thereupon declared this ordinance duly passed on the _____ day of
170 _____, 2022.

171
172 LAKE WORTH BEACH CITY COMMISSION

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175 By: _____
176 Betty Resch, Mayor

177
178 ATTEST:

179
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181 _____
182 Melissa Ann Coyne, City Clerk