

**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

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

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

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

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

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

- (a) Appointment of members to all city boards created by the City Commission shall be as follows:
- (1) At least twice per year, or more frequently as determined by the City Commission, the City Commission shall conduct a public interview meeting with prospective applicants to city boards and shall select the board members at the meeting based upon the Commission members' ranking of the applicants.
  - (2) The City Clerk's office shall establish procedural guidelines to:
    - (i) Provide public notice of all vacancies on the City's boards, request applications for the same, and set a deadline for the receipt of applications;
    - (ii) Provide notice to the City Commission of all vacancies on city's boards and request a date for the next public interview meeting from the City Commission;
    - (iii) Provide notice to all applicants of the public interview meeting;
    - (iv) Assist the Commission in the orderly public interview of all applicants and the Commission's ranking of the same; and,
    - (v) Establish such other procedural guidelines as may be necessary to implement the City board appointment process in a fair and equitable manner.
- (b) Upon the adoption of this Ordinance, all newly appointed city board members shall be appointed by the City Commission for an unspecified term, shall serve solely at the pleasure of the City Commission, and may be removed from their appointment at any time without cause by a majority vote of the City Commission. Upon the removal of any newly appointed board member, or upon a vacancy for any reason, a new replacement board member shall be appointed by the City Commission; however, all board members are eligible for reappointment.
- (c) Each person who serves on any city board created by the City Commission, ~~commission, authority, council, agency or panel that was not created by legislative action~~ shall either maintain a bona fide residence in the City, own a business having a permanent location in the City, or be the principal stockholder of a corporation or other business entity having a permanent business location in the City. Whenever an appointment to any such board, ~~commission, authority, council, agency or panel~~ is to be made and the City Commission's ranking results in a tie, if, the choice is between a person who maintains a bona fide residence in the City and a person who does not maintain a bona fide residence in the City, if the person who maintains a bona fide residence in the City meets all other requirements of the position to be filled, he or she shall be appointed. All other City Commission rankings that result in a tie shall be decided by majority vote. A bona fide residence, for the purpose of this section, is a permanent domicile which has not been adopted with the intention of again taking up or claiming a previous residence acquired outside of the City limits. The principal stockholder of a corporation or other business entity, for the purpose of this section,

is any person whose ownership interest in the corporation or other business entity is not exceeded by any other person.

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

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

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

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

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

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

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

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

The passage of this ordinance on first reading was moved by Commissioner McVoy, seconded by Commissioner Stokes and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	NAY
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	AYE
Commissioner Kimberly Stokes	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 15<sup>th</sup> day of February, 2022.

The passage of this ordinance on second reading was moved by Commissioner McVoy, seconded by Commissioner Stokes and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	NAY

Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	AYE
Commissioner Kimberly Stokes	AYE

The Mayor thereupon declared this ordinance duly passed on the 1<sup>st</sup> day of March, 2022.

LAKE WORTH BEACH CITY COMMISSION

By:   
Betty Resch, Mayor

ATTEST:



Melissa Ann Coyne, City Clerk

