

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING CHAPTER 2 “ADMINISTRATION”, ARTICLE VII “TOWN ADVISORY BOARDS” TO PROVIDE FOR THE APPLICABILITY, COMPOSITION, QUORUM, ELIGIBILITY AND QUALIFICATIONS, APPOINTMENT, TERMS, REMOVAL, AND VACANCIES, OFFICERS, COMPENSATION, AND PROCEDURES REGARDING TOWN ADVISORY BOARDS AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves wishes to adopt an ordinance to address the composition, qualifications, appointment, terms, removal, vacancy of its advisory boards; and,

WHEREAS, the Town Council finds it is in the best interest of the Town to adopt this Ordinance and that said Ordinance serves a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. The Town Council for the Town of Loxahatchee Groves hereby adopts Chapter 2 “Administration”, Article VII “Town Advisory Boards” as follows:

ARTICLE VII. – TOWN ADVISORY BOARDS

Sec. 2-180. Applicability.

Unless otherwise provided for in this Code, all town advisory boards, committees and commissions (collectively, hereinafter “advisory board” or “board”) shall comply with the provisions set forth in this article.

Sec. 2-181. Composition; quorum; alternative.

(a) Town advisory boards shall be comprised of five voting members and two alternate members. All members shall be appointed in accordance with the procedures set forth in section 2-183.

(b) Three voting members in attendance at a meeting shall constitute a quorum of the advisory boards, and official action shall be taken by the board by a majority vote of the members present.

(c) In its discretion, the town council may provide, by resolution or ordinance, that a particular advisory board will be composed of fewer than five members and/or no alternates. A quorum for such a board shall be equal to the majority of the members of the board.

Sec. 2-182. Eligibility and qualifications of town advisory board members.

Unless otherwise provided for in this Code or the Florida Statutes, as may be amended from time to time, all members of the advisory board shall be residents of the Town of Loxahatchee Groves. If approved by the town council, an advisory board may have one non-resident landowner as a member (either a voting member or an alternate). The town council may, by resolution or ordinance, adopt qualifications specific to the particular board and such qualifications shall be included in the application form for that board. The town council shall be the sole judge of the qualifications of its advisory board members.

Sec. 2-183. Application and appointment process.

(a) The town council shall request that individuals who meet the qualification requirements for a specific advisory board submit an application (by a date certain) for appointment to that specific advisory board. The town clerk shall provide notice of the request for applications for appointment to the town's advisory boards through notices posted at town hall, on the town's website and in any other location determined by the clerk or otherwise requested by the town council. The form for the application shall be kept on file in the town clerk's office.

(b) Once all applications are submitted, the town clerk will provide copies of all the applications received to the town council for their preliminary review and place the appointment of advisory board members on the next available town council meeting agenda. At the town council meeting, the council shall select and appoint, from the pool of applicants, voting members and alternate members for each applicable advisory board. Such selection and appointment shall be by a majority vote of the council members present

at the meeting. Alternate members shall be designated by the town council as alternate no. 1 and alternate no. 2. Alternative members may participate in all matters that come before the board at meetings which they attend. However, alternate members may only vote as members of the board, in their designated order, whenever any regular member of the board is absent.

Sec. 2-184. Terms of appointees; removal; vacancy.

(a) Board members appointed in 2023 and beyond shall have staggered terms. For board members appointed in 2023, two voting members and one alternate member of each board, as designated by the town council during the appointment process, shall serve one year terms and the remaining members shall serve two year terms. Thereafter, each member appointed to an advisory board shall serve two-year terms. All members shall continue in the office until a successor is appointed.

(b) Advisory board members shall serve at the pleasure of the town council and may be removed with or without cause by a majority vote. f the members of the town council present at any publicly advertised meeting. A board member will automatically forfeit his or her appointment: (i) if convicted of a felony while a member of the board; (ii) if he or she has three consecutive unexcused absences; or (iii) he or she is no longer a resident of the town. Each advisory board shall, at each meeting, determine by majority vote of the members present whether a member's absence is excused or unexcused.

(c) In the event of a vacancy on an advisory board, the town council shall appoint a replacement for the unexpired term, by majority vote of the members present. Until such a replacement is appointed, alternates may, in their designated order, vote as a member of the board.

Sec. 2-185. Officers.

Each advisory board shall have a chairperson and vice-chairperson and such other officers as the board shall deem necessary. Unless otherwise provided for herein, officers of the board shall be elected by a majority vote of the membership of the board at its first meeting after the members' initial appointments, and annually thereafter. A member of the board may be elected to serve as an officer without

restriction as to the number of terms served.

Sec. 2-187. Compensation.

Advisory board members shall serve without compensation. If authorized by the town council, reasonable expenses which are incurred in the performance of their duties may be reimbursed to the members. The payment of such expenses shall be in accordance with Chapter 112, Florida Statutes and any applicable town policy.

Section 2-188. Procedures; applicable laws; meetings; secretary.

(a) Each board shall conduct its business in accordance with Robert's Rules of Procedure, and its actions, decisions, and recommendations shall be advisory only.

(b) All meetings, records, and files of the boards shall be open and available to the public, as required by Chapter 119, Florida Statutes, Chapter 286, Florida Statutes, and any other applicable law. All advisory board members shall be subject to applicable sections of Chapter 112, Florida Statutes and the Town of Loxahatchee Groves Code of Ethics for Public Officers.

(c) Each board shall meet on an as-needed basis, as determined by the town council or the town manager.

(d) The town council or the town manager shall determine on a case-by-case basis whether a board requires the services of a secretary to perform such tasks as recording the meeting, taking minutes, and preparing the agenda. Otherwise, the board will select one of its members to perform such duties.

Section 2-189 Advisory board resolutions, ordinances.

Resolutions regarding advisory boards that remain in effect as of the date of the adoption of this ordinance shall remain valid but only as to those provisions not in conflict with this article. The town council may adopt resolutions or ordinances from time to time to address specific qualifications, duties, or other desired provisions for individual town advisory boards as long as such resolutions do not conflict with this article.

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or

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word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2023.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as

follows:

| | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> |
|----------------------------------|--------------------------|--------------------------|--------------------------|
| ROBERT SHORR, MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LAURA DANOWSKI, VICE MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MARGE HERZOG, COUNCIL MEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PHILLIS MANIGLIA, COUNCIL MEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MARIANNE MILES, COUNCIL MEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____ 2023.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Lakisha Q. Burch, Town Clerk

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Margaret Herzog

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Office of the Town Attorney

Council Member Phyllis Maniglia

Council Member Marianne Miles

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