

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF PAHOKEE, FLORIDA, ESTABLISHING A CITY ADVISORY BOARD, BY CREATING A NEW SECTION 2-167 “AMERICAN RESCUE PLAN ACT (ARPA) ADVISORY COMMITTEE” OF ARTICLE V “BOARDS AND COMMISSIONS” OF DIVISION 4 “COMMUNITY RELATIONS BOARD” OF THE CITY CODE; PROVIDING FOR THE QUALIFICATION AND APPOINTMENT OF MEMBERS; ESTABLISHING TERMS OF OFFICE; PROVIDING FOR RULES OF PROCEDURE; PROVIDING FOR JURISDICTION; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pahokee desires to create the “American Rescue Plan Act Advisory Committee” (the “Board”) to formulate a strategic funding plan that establishes community priorities and aligns with eligible uses of both the direct allocations and potential funding from other federal agencies.

WHEREAS, the City Commission of the City of Pahokee finds that the creation of the Board is in the best interest of the City of Pahokee and its residents and businesses.

IT IS HEREBY ORDANIED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** That the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Code Amended.** That Section 2-167 “American Rescue Plan Act (ARPA) Advisory Committee” of Article V “Boards and Commissions” of Division 4 “Community Relations Board” of the Code of Ordinances of the City of Pahokee, is hereby created to read, as follows:

Sec. 2-167. American Rescue Plan Act (ARPA) Advisory Committee

Sec. 2-168. Creation, composition, term and qualifications.

- (a) There is hereby created and established the American Rescue Plan Act (ARPA) Advisory Committee (the “Board”). Members of the Board shall serve without compensation and shall not be reimbursed for travel, mileage or per diem expenses.
- (b) The Board shall consist of five (5) members who shall be appointed by the Mayor and City Commission. The Mayor and each Commissioner shall have the right to appoint one (1) member to the Board.
- (c) All members shall be residents of the City. The membership of this Board shall reflect the diversity of the community in the City of Pahokee.
- (d) The term of office shall be time of appointment until December 31, 2024 when this Board will sunset.
- (e) In the event that a member of the Board shall be absent from a duly called meeting of the Board for three consecutive meetings or in the event that a member has three unexcused absences in a calendar year, then such member shall be subject to removal as a member of the Board by vote of a simple majority of the remaining members of the Board.

Sec. 2-169. Advisory capacity.

The powers and duties of the Board shall be solely of an advisory nature to the Mayor and Commission.

Sec. 2-170. Rules of procedure.

- (a) The Board may adopt rules of procedure not inconsistent with the ordinances of the city and the laws of the State of Florida and shall utilize Robert’s Rules of Order as a parliamentary procedure guideline for the conduct of meetings of the Board. The Board may create additional rules for the conduct of its internal proceedings. All rules of procedure or by-laws for the Board shall be approved by the City Attorney prior to their adoption and implementation by the Board. In the event of a conflict between the Board’s rules of procedure or by-laws and this section, the terms of this section shall prevail and take precedence.
- (b) The Chair of the Board shall be designated by the Mayor. During the first meeting of the Board, the members may elect a Vice-Chairperson.

- (c) A simple majority of the members shall constitute a quorum for the transaction of the business of the Board. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board.

Sec. 2-171. Jurisdiction.

- (a) The jurisdiction of the Board shall be solely advisory. Action of the Board shall be in the form of a written recommendation to the Mayor and City Commission of the City of Pahokee. The following matters shall be within the advisory jurisdiction of the Board:
 - (1) To support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.
 - (2) To address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector.
 - (3) To replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
 - (4) To provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors.
 - (5) To invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet.
 - (6) Any other matters from the U.S. Department of the Treasury's Final Rule(s) (once released) related to the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021.

Sec. 2-171. Standards of conduct for members.

All members of the Board shall be subject to the applicable standards of conduct for public officers and employees set by federal, state, county, city or other applicable law.

Sec. 2-172. Sunshine Law.

The Board shall comply with the Sunshine Law. Reasonable public notice of all Board meetings shall be provided. All meetings of the Board, and any of its subcommittees, shall be open to the public at all times, duly advertised and otherwise comply with government-in-the-sunshine and public records laws of the State of Florida. Minutes shall be taken at each meeting.

Sec. 2-173. Sunset of American Rescue Plan Act (ARPA) Advisory Committee.

As the U.S. Department of Treasury Interim Final Rule related to the Coronavirus State and Local Fiscal Recovery Funds (established by the American Rescue Plan Act of 2021) provides that American Rescue Plan Act Funds must be obligated by December 31, 2024, this Board will sunset on or before December 31, 2024.

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they all remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Inclusion in the Code.** That it is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Pahokee; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be caused to “Section” or other appropriate word.

Section 5. **Effective Date.** That this ordinance shall become effective immediately upon adoption at second reading and shall be applied retroactively to the date of the appointment of the members of the Board.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2022.

PASSED AND ADOPTED on Second Reading this _____ day of _____, 2022.

ATTESTED:

Tijauna Warner, City Clerk

Keith J. Babb, Jr., Mayor

APPROVED AS TO
LEGAL SUFFICIENCY:

Mayor Babb

Commissioner Boldin

Commissioner Gonzalez

Commissioner Murvin

Commissioner Perez

By: _____
City Attorney