

ORDINANCE No. 2005-02-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING RULES AND PROCEDURES FOR COMMITTEES AND NON-STATUTORY BOARDS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, from time to time the City Council establishes committees and non-statutory boards to advise to the City Council on various matters, and

WHEREAS, the City Council deems it prudent to establish certain rules and procedures for committees and non-statutory boards,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. APPOINTMENT: The Mayor and each member of the City Council shall have the right to appoint a member to all committees and non-statutory boards. The appointment of all members shall be confirmed by the City Council. Each committee and non-statutory board member shall serve at the pleasure of the Mayor or City Council member appointing such member, respectively.

SECTION 3. TERMS OF OFFICE: Unless otherwise stated in the resolution establishing the committee or non-statutory board, or unless a member is removed as provided for in Section 4, the terms of all committee and non-statutory board members shall commence upon

appointment, and shall coincide with the term of the Mayor or Council member making the appointment.

SECTION 4. REMOVAL: The Mayor or Council member appointing a committee or non-statutory board member, shall have the continuing right to remove the member so appointed and to appoint another member as often as the Mayor or appointing Council member shall deem it appropriate in order to facilitate the business of the non-statutory board or committee. Upon such removal or appointment, the same shall be deemed effective upon confirmation of the removal or appointment by the City Council, which shall be deemed a purely ministerial act.

SECTION 5. EXPENSES: Unless otherwise stated in the resolution establishing the committee or non-statutory board, each member shall serve without salary or compensation.

SECTION 6. DISCLOSURES: Each applicant for appointment to a committee or non-statutory board, shall, as a prerequisite to consideration, file an application on a form to be provided by the City Clerk, and present a voter's registration card and State of Florida Driver's License or current State of Florida Identification Card. In those situations where committee and non-statutory board appointments are made at the discretion of the Mayor or a member of the City Council, from the dais, such non-statutory board or committee members shall comply with the application procedures set forth herein, within thirty (30) days of the appointment, or the appointment shall be deemed null and void.

SECTION 7. ATTENDANCE: Any committee or non-statutory board member who fails to attend two (2) consecutive regular meetings of applicable committee or non-statutory board, without being excused by the chairperson, shall be subject to dismissal by the Mayor or Council

member who appointed the member, respectively. The chairperson may excuse members from attendance for the following reasons: work conflict, personal or family illness or death. The chairperson shall not excuse any member for more than three (3) meetings in any calendar year.

SECTION 8. ELECTION OF OFFICERS: As soon as practicable, after the first appointments of members, and on an annual basis thereafter, members shall meet and elect three (3) of their members, one to serve as chairperson, one to serve as vice-chairperson, and one to serve as secretary. The vice-chairperson, shall chair meetings in the absence of the chairperson.

SECTION 9. BYLAWS, RULES AND REGULATIONS: Robert's Rules of Order shall govern all meetings of committees and non-statutory boards.

SECTION 10. MEETINGS: At the first regular meeting of each non-statutory board or committee, a regular meeting date, location and time, shall be established and the non-statutory board or committee shall thereafter meet on at least a monthly basis. In addition, the chairperson, shall have the right to call meetings. Minutes and records shall be kept of all meetings, and all meetings shall be public. The City Clerk shall be informed in advance of all regular meeting dates and special meeting dates.

SECTION 11. QUORUM: The presence of a majority of the committee or non-statutory board members shall constitute a quorum.

SECTION 12. REPORTING: Each non-statutory board and committee shall advise and make recommendations to the City Council by written memoranda, on at least a bi-monthly basis. In addition, on the first day of January, April, July and October of each year, or more frequently as deemed necessary by the City Council, each non-statutory board and committee shall

provide a written report to the City Council, outlining all major accomplishments and tasks of the non-statutory board or committee. Each report shall also include an attendance report for all members.

At the meeting of the City Council where the recommendations and/or written memoranda of a non-statutory board or committee are to be presented and considered, the non-statutory board or committee shall cause one of its members to appear for the City Council meeting.

SECTION 13. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 14. 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 of this Ordinance.

SECTION 15. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 16. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING IN FULL ON THE 8<sup>TH</sup> DAY OF DECEMBER, 2004.

PASSED ON SECOND READING BY TITLE ONLY THE 12<sup>TH</sup> DAY OF January, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 12<sup>th</sup> DAY OF January, 2005.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: Vice Mayor Aaron Campbell, Jr.

MOVED BY: Vice Mayor Campbell  
SECONDED BY: Councilman Braynon

VOTE: 5-0

Mayor Gibson	<u>x</u> (Yes)	___ (No)
Vice Mayor Campbell	<u>x</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	___ (Yes)	___ (No) Not present
Councilman Oscar Braynon, II	<u>x</u> (Yes)	___ (No)
Councilwoman Audrey J. King	___ (Yes)	___ (No) Not present
Councilwoman Sharon Pritchett	<u>x</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>x</u> (Yes)	___ (No)

SKK