MEMORANDUM

TO: The Honorable Mayor and City Commission
FROM: Hans Ottinot, City Attorney
DATE: 12/20/2012
RE: Ordinance amending Section 74-8 of the City Code

RECOMMENDATION:

It is recommended that the City of Sunny Isles Beach (the "City") adopt the proposed Ordinance amending Section 74-8 of the City Code.

REASONS:

Section 74-8 of the Code of Ordinances of the City of Sunny Isles Beach ("City") establishes rules of procedure for the Advisory Committee of the City Commission. These rules are applicable to the Advisory Committee. The City desires to amend the rules of procedure to provide for specific guidelines regarding selection, application, voting, role and authority of committee members, and appointment of Chairperson. The salient rules of procedure the following:

1) The Mayor shall appoint a Chairperson of each committee. In addition, each Commissioner shall appoint one member to each committee. However, the Mayor and Vice-Mayor may appoint two (2) additional members to each committee. As such, the Advisory Committee shall consist of either seven (7) or five (5) members. Each member shall serve a one-year term commencing on January 1 of each year and ending on December 31 of each year. The provisions of this section shall only apply to committees created under this section.

2) Application. All applicants being considered for appointment to a committee shall be required to complete the Committee Application form and return it to the Office of the City Clerk, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, Florida, 33160, prior to the City Commission voting on the applicant’s appointment.
3) Voting. All committee members shall be required to vote on any matter presented for a vote, unless there is a conflict of interest that prevents the committee member(s) from voting.

4) Role and Authority of Committee Members. The Committee does not become involved in the administration or operation of City departments. Additionally, Committee members shall not direct administrative staff to initiate programs, conduct major studies, or establish official policy. However, City staff members are available to provide general staff assistance to Committees.

5) Chairperson. The Mayor shall appoint a Chairperson. Although the appointment is for one (1) year, the Chairperson serves at the pleasure of the Mayor. The Committee shall select a Vice Chairman in the absence of the Chairperson.

6) Removal of Committee Members. A Committee member may be removed from the Committee for failing to attend three (3) consecutive meetings. A Committee member may also be removed for violating the Ethics Code of the City/Miami-Dade County and the State of Florida Code of Ethics. Notwithstanding the foregoing, a Committee member may be removed by a majority of the members of the City Commission.

ATTACHMENTS:

- Ordinance
ORDINANCE NO. 2012--

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING SECTION 74-8 OF THE CITY CODE ENTITLED “COMMITTEES”; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 74-8 of the Code of Ordinances of the City of Sunny Isles Beach (“City”) establishes rules of procedure for standing committees of the City Commission; and

WHEREAS, the City desires to amend the rules of procedure for standing committees to provide for specific guidelines regarding selection, application, voting, role and authority of committee members, and appointment of Chairperson.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part by this Ordinance upon adoption hereof.

Section 2. Amendment. Section 74-8 of the City Code is amended to read as follows:

§ 74-8. - Standing committees; Chairpersons.

A. There may be such standing committees of the City Commission as the Mayor or City Commission deems necessary to conduct the business of the City appropriately and in accordance with the City Charter. Such committees shall be governed by these rules of procedure and, if advisory, shall be subject to the Florida Sunshine and Public Records Law.

B. Selection. In accordance with § 2.166(a)(b) of the Charter, the Mayor shall appoint both a Chairperson and a Vice-Chairperson of each committee. In addition, each Commissioner shall appoint one member to each committee. The liaison commissioner of a particular committee shall appoint one additional member to each committee. However, the Mayor and Vice-Mayor may appoint up to two (2) additional members to each committee. Each member shall serve a one-year term commencing on January 1 of each year and ending on December 31 of each year. The provisions of this section shall only apply to committees created under this section.

C. Application. All applicants being considered for appointment to a committee shall be required to complete the Committee Application form and return it to the Office of the
D. Voting. All committee members shall be required to vote on any matter presented for a vote, unless there is a conflict of interest that prevents the committee member(s) from voting.

E. Role and Authority of Committee Members. The primary role of the Committee is to assist the City Commission in formulating policies. The Committee does not become involved in the administration or operation of City departments. Additionally, Committee members shall not direct administrative staff to initiate programs, conduct major studies, or establish official policy. However, City staff members are available to provide general staff assistance to Committees.

F. Chairperson. The Mayor shall appoint a Chairperson. Although the appointment is for one (1) year, the Chairperson serves at the pleasure of the Mayor. The Committee shall select a Vice Chairman in the absence of the Chairperson.

G. Removal of Committee Members. A Committee member may be removed from the Committee for failing to attend three (3) consecutive meetings. A Committee member may also be removed for violating the Ethics Code of the City/Miami-Dade County and the State of Florida Code of Ethics. Notwithstanding the foregoing, a Committee member may be removed by a majority of the members of the City Commission.

H. Meeting Schedule. The Committee shall meet every other month, not to exceed six times per year.

Section 3. Severability. 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, clause, and phrases of this Ordinance but they shall 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. It is the intention of the Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the code of the City of Sunny Isles Beach, Florida; and that the sections of this Ordinance may be renumbered or realigned to accomplish such intentions; and that the word "ordinance" shall be changed to "section" or other appropriate word, as required.

Section 5. Repealer. All ordinances or part of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.
PASSED and ADOPTED on first reading the _____ day of __________ 2012.

PASSED and ADOPTED on second reading the _____ day of __________ 2012.

Norman S. Edelcup, Mayor

ATTEST:

Jane A. Hines, CMC, City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Hans Ohnemus, City Attorney

Moved by: __________________________
Seconded by: ______________________

Vote:

Mayor Edelcup  (Yes)  (No)
Vice Mayor Aelion  (Yes)  (No)
Commissioner Gatto  (Yes)  (No)
Commissioner Scholl  (Yes)  (No)
Commissioner Levin  (Yes)  (No)