

ORDINANCE NO. 21-11

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING SECTION 2-54 OF THE CITY'S CODE OF ORDINANCES; DISALLOWING MEMBERS OF THE CITY COUNCIL FROM BEING APPOINTED TO OR REMAINING ON ADVISORY COMMITTEES; AUTHORIZING THE CITY COUNCIL TO ESTABLISH QUALIFICATIONS FOR MEMBERSHIP TO ADVISORY COMMITTEES AND ADDRESSING COUNCIL AUTHORITY FOR THE REMOVAL OF ADVISORY COMMITTEE MEMBERS; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle (the "City") has recognized that complications arise with regard to Florida's open meeting laws when members of its City Council simultaneously serve as a member of an advisory committee serving thereunder;

WHEREAS, to prevent any such complications from arising, the City desires to preclude City Commissioners or the Mayor, including City Commissioners-elect or a Mayor-elect from simultaneously serving as a member of an advisory committee;

WHEREAS, the City Council further desires to expressly codify its authority to delineate qualifications for membership to certain advisory committees; and

NOW, THEREFORE, be it ordained by the City Council of the City of Belle Isle, Florida, as follows:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Section 2-54 of the Belle Isle Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 2-54. Advisory committees.

- (a) *Establishing advisory committees.* The city council has the power to create any advisory committee which is not identified within the city Charter. Any advisory committee established by the council shall adhere to the regulations listed in this section. The term "advisory committee" shall mean any committee established by the council, not identified in the city Charter, and advisory in nature to the council. The council shall identify the duties, qualifications, and purpose of ~~the each~~ advisory committee.
- (b) *Membership.*
 - (1) *Composition, nomination and approval.* Advisory committees shall consist of at least three but not more than seven members as determined by the council. Each member of a committee shall be nominated by the member's commissioner according to the qualifications established by the council for that advisory board and approved by the entire council. ~~Each~~ No commissioner ~~may shall have the right to~~ serve on the committee. If a member of any advisory committee is elected or appointed to the council while serving on the

committee, the member will be deemed to automatically resign from the committee upon the certification of the election to the council or the effective date of the appointment to the council. or may choose a resident of the commissioner's district to serve on the committee.

(2) *Chair and vice-chair.* The members of an advisory committee shall elect a chair and vice-chair from among its membership. The chair and vice-chair shall each be elected for a one-year term. Each year thereafter, an election for a chair and vice-chair will be held during the anniversary month.

(3) *Mayor-City Manager Responsibility.*

~~a. The mayor may, if nominated, serve as a voting member of an advisory committee for the district in which the mayor lives.~~

~~b. The mayor shall serve as a nonvoting ex-officio member of any advisory committee on which the mayor is not a voting member.~~

ea. The city manager shall be responsible for informing the committee of its duties and purpose as identified by the council.

eb. It shall be the city manager's duty to ensure that any and all information, equipment and manpower necessary to accomplish the committee's duties and achieve its purpose are provided.

(4) *Terms.* The terms of the individual members of an advisory committee shall be determined by the council. At the time the committee is established, the council shall set the term length, qualifications of members, and decide on the method of reappointment. An advisory committee member may be removed from an advisory committee by the council, with or without cause, at any time.

(5) *Vacancies.*

a. Should any seat on an advisory committee become vacant, the council shall nominate and approve the member in the same method described in subsection (b)(1) of this section.

b. Should the chair no longer be able to serve or that seat become vacant, the vice-chair shall become chair.

c. Should the vice-chair no longer be able to serve or that seat become vacant, the advisory committee shall elect a new vice-chair from its members.

(c) *Abolishing an advisory committee.* The council has the power to abolish an advisory committee or restructure the advisory committee in accordance with the city's goals, objectives and policies.

SECTION 3. Codification. Section 2 of this Ordinance will be incorporated into the Belle Isle City Code. Any section, paragraph number, letter, and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

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SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion will be deemed a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicts. If a conflict arises between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of such conflict, as permitted under the law.

SECTION 6. Effective date. This Ordinance will become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: September 7, 2021

SECOND READING: October 5, 2021

ADOPTED this 5th day of OCTOBER 2021, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	<u>✓</u>	_____
Anthony Carugno	<u>✓</u>	_____	_____
Karl Shuck	<u>✓</u>	_____	_____
Randy Holihan	<u>✓</u>	_____	_____
Beth Lowell	_____	_____	<u>✓</u>
Jim Partin	<u>✓</u>	_____	_____
Sue Nielsen	<u>✓</u>	_____	_____

City of Belle Isle

Nicholas Fouraker

Nicholas Fouraker, Mayor

Kurt Ardaman

Kurt Ardaman, City Attorney

Gulbin Chumley

Attest: Yolanda Quiceno
Yolanda Quiceno, CMC City Clerk


Approved as to form and legality for the use and reliance of the City of Belle Isle, FL, only.

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STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle, do hereby certify that the above and foregoing document ORDINANCE 21-11 was duly and legally passed by the Belle Isle City Council, in session assembled on the 5th day of October, 2021, at which session a quorum of its members were present.



Yolanda Quiceno, CMC-City Clerk

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