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ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING SECTIONS 2-102 and 2-105 IN ARTICLE III, "COMMISSIONS AND BOARDS," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF THE CITY OF VERO BEACH, RELATING TO CITY COMMISSIONS AND BOARDS; PROVIDING FOR TRANSITION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Vero Beach currently has one board, the Planning and Zoning Board, and two commissions, the Finance Commission and the Utility Commission, that are composed of regular voting members appointed individually by each councilmember, in addition to alternate members appointed by the city council as a body, to advise and make recommendations to the City Council on matters coming before the City Council and to perform various local government functions; and

WHEREAS, the City Council finds that general councilmember appointment in place of individual councilmember appointment of members to the Utilities Commission will serve to provide a more representative membership from the City's utility service area for conducting the business of the Utilities Commission; and

WHEREAS, the City Council also finds that changing the Utilities Commission membership to seven (7) regular voting members made up of three City of Vero Beach representatives and three Indian River County representatives, with the seventh voting member being a representative from the Town of Indian River Shores service area, would help preserve the utility customer representative nature of the Utilities Commission and provide the City Council with enhanced advice and recommendations; and

WHEREAS, the City Council finds that the amendments provided for in this Ordinance are in the public interest in that they will serve to promote and improve efficiency and representation in the operation of the City government,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, THAT:

Section 1 – Adoption of “Whereas” clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose and intent of this Ordinance.

Section 2 – Amendment of Sections 2-102 and 2-105.

Sections 2-102 and 2-105 in Article III, Commissions and Boards, of Chapter 2, Administration, of the Code of the City of Vero Beach are hereby amended to read as follows:

CHAPTER 2 ADMINISTRATION

ARTICLE III. COMMISSIONS AND BOARDS

Sec. 2-102. Advisory commissions.

The city’s advisory commissions and their designated purpose shall be as follows:

(1) *Airport commission.* The airport commission shall function as an advisory commission to the city council in order to facilitate the understanding of and commitment to the appropriate and sustainable funding, functioning, operation, and managed growth of the Vero Beach Municipal Airport. Duties of the commission shall include, but are not limited to, the review of and report to the city council on airside and non-airside leasing contracts, FAA and FDOT-funded projects involving airport funds, airport budgets, including capital investments and infrastructure projects, and preliminary items to be brought to the city council by airport staff for consideration; keeping abreast of current and new legislation regarding public use airports; and preserving the history of the airport.

(2) *Architectural review commission.* The architectural review commission shall perform those duties set forth in Chapter 77 of the land development regulations and provide guidance and recommendations on the quality of architecture and urban design in the city and work toward preserving and enhancing the city's unique character and attributes as outlined in the city comprehensive plan, vision plan, and other district and small area plans as may be adopted by the city council. The commission shall consider and advise the city council on such other matters as

may be referred to the commission by the city council. The regular and alternate members shall be architects, engineers, or landscape architects, or have related training or experience. To the extent practicable, a majority of the commission members shall be city residents, or those who own real property or work in the city. No meeting of the commission shall be held without at least one member of the quorum being an architect.

(3) *Finance commission.* The finance commission shall review city monthly financial statements and reports and advise the city council of any negative trends; review and advise the city council on any loans; review and make recommendations as to budget formats; make recommendations as to selection of accounting firms and bond counsel; and review city investments. The finance commission may be called upon from time to time by the city council to provide oversight of any transaction. The finance commission may consult with the finance director and other city department heads and employees as it finds necessary. In performing its mission, the finance commission shall initiate its own proposals, make recommendations, and provide alternatives to the city council. Any regular voting commission member may request the city clerk to coordinate with the commission chairman the placement of items on the commission agenda and/or request a commission meeting. Meetings may also be called by the city council to review issues prior to city council deliberations. The finance commission shall meet at least once every quarter. An annual review of pension funds will be performed by the finance commission with recommendations made to the city council. All members of the finance commission shall be residents of the city.

(4) *Marine commission.* The marine commission shall study and make recommendations to the city council on all phases of marine related activities and marine tourism affecting the city.

(5) *Recreation commission.* The recreation commission shall advise and assist the city council regarding the leisure needs and interests of the citizens. In its advisory capacity, the commission shall conduct open public meetings as a means of identifying and delivering recommendations to the city council concerning the extensive programs and usage of parks managed by the city recreation department.

(6) *Tree and beautification commission.* The tree and beautification commission shall advise the city council on all matters concerning trees and the beautification needs of the city, including preservation of the natural beauty of the city and recommending actions necessary and desirable to maintain the city as a member in good standing of the "Tree City, U.S.A." program. The commission shall also hear and decide applications for dedication trees to be planted in the city pursuant to resolution of the city council. To the extent practicable, the commission shall be composed of at least one member of the nurserymen's association and one member of a local garden circle.

(7) *Utilities commission.* The utilities commission shall provide recommendations and advice to the city council on all matters related to the administration and operation of the city's utilities, including finances and accounting; efficient and economic operations; maintenance; expansion and contraction of service areas; rates and fees, including taxes; improvements; and other matters specifically relating to the electric, water and sewer, and solid waste enterprise

funds. The commission may seek counsel with the city manager and the other charter officers from time to time, as well as city department heads and employees as the commission finds necessary. In performing its mission, the commission shall initiate and provide its own proposals, recommendations, and alternatives to the city council. In addition, the commission shall also review and constructively critique all proposals from city staff, consultants, and the public and make its own independent recommendations on such proposals in order to provide the best and most complete information possible to the city council. Any commission member may request the city clerk to coordinate with the commission chairman to place items on the commission agenda and/or request a commission meeting. Meetings may also be called by the city council to review issues prior to city council deliberations. The utilities commission shall meet at least once every quarter. The commission is expressly charged with representing and considering all utility customers of the city in its activities, including city resident and non-resident customers alike. To further preserve the utility customer representative nature of the commission, the utilities commission shall be made up of three members that are residents of the City of Vero Beach; three members that are residents of unincorporated Indian River County and, As as long as the Town of Indian River Shores receives utility services from the City of Vero Beach under a franchise, at least one regular voting member of the utilities commission shall be a resident of the Town of Indian River Shores. All regular voting and alternate members shall reside within the city utilities service area or be a principal owner/partner/member of an active business, registered with the Florida Division of Corporations, located within the city utilities service area. For the purposes of this section, "business" shall mean any sole proprietorship, joint venture, partnership, corporation, limited liability company, or other entity formed for profit or nonprofit purposes.

(8) *Veterans Memorial Island Sanctuary advisory committee.* The Veterans Memorial Island Sanctuary advisory committee shall study and review documentation for memorials proposed to be constructed on the island and make recommendations to the city council. The committee shall also consider and advise the city council on such other matters as may be referred to the committee by the city council. The committee shall include one member from the Veterans Service Office and one member from the Veterans Council of Indian River County.

(9) *Youth advisory commission.* The youth advisory commission shall study and provide advice and recommendations to the city council on matters and issues affecting the youth and families of the city.

Sec. 2-105. Commission and board members.

The following provisions shall generally regulate the administration of commission and board member appointments and the office of such members:

(1) *Number of members.* Each commission and board shall generally have five (5) regular voting members, except the code enforcement board shall have seven (7) regular voting members pursuant to F.S. ch. 162; the planning and zoning board, when convened as the local planning agency, shall have a representative of the county school board as an additional non-voting member pursuant to F.S. § 163.3174; the utilities commission shall have seven (7) regular voting members, ~~five (5) of which shall be councilmember appointed, one (1) of which shall be~~

~~an Indian River Shores resident appointed pursuant to subsection (2) below, and one (1) of which shall be appointed by the city council;~~ and the Youth Advisory Commission shall have seven (7) regular voting members. All commissions and boards shall have two (2) alternate members unless provided otherwise by the city council.

(2) *Appointment of regular members.* The regular members of each commission and board shall generally be appointed by the city council, except as follows:

- a. The city council shall appoint two (2) members to the fire pension board and two (2) members to the police pension board. The remaining members of those boards shall be appointed as provided in F.S. chs. 175 and 185.
- b. Each councilmember shall individually appoint one (1) regular voting member to each of the following:
 - 1. Finance commission.
 - 2. Planning and zoning board.
 - 3. ~~Utilities Commission.~~

Should a vacancy occur in the office of any councilmember prior to the end of the councilmember's term of office, then the councilmember appointed or elected to complete the term of such office shall either retain the previously appointed commission or board member or shall appoint a successor for the remainder of the term of office coinciding with such councilmember's term of office. In the case of an unfilled vacancy in the office of a councilmember or a refusal to retain or appoint a commission or board member under this subsection, the city council may make such retention or appointment of the commission or board member.

- c. The county school board may appoint one (1) representative to the planning and zoning board in its capacity as the local planning agency to serve as a non-voting member pursuant to F.S. § 163.3174. The school board shall determine the term of office of such representative member.
- d. The town council of the Town of Indian River Shores may appoint a resident of Indian River Shores as a representative to the utilities commission to serve as a regular voting member pursuant to sections 2-102(7) and ~~2-105(1)~~ of this Code. If so appointed, the town council shall determine the term of office of such representative member, otherwise the city council shall appoint such member and determine the term of office.

(3) *Appointment of alternate members.* The alternate members of each commission and board shall be appointed by the city council.

(4) *Reappointment.* Any regular or alternate commission or board member may be reappointed for an unlimited number of terms.

(5) *Vacancies.* Appointment to fill a vacancy in office occurring during the term of any commission or board member shall only be for the remainder of such member's unexpired term.

(6) *Residency.* Except as otherwise provided for a specific commission or board, a majority of regular members of each commission and board shall be residents of the city. All members shall have resided in Indian River County for at least one year immediately preceding their application for appointment.

(7) *Compensation.* Commission and board members shall serve without compensation, however, the city council may make provision for the payment of any expenses found necessary or beneficial by the city council for the proper functioning of the commission or board.

(8) *Removal.* Each commission and board member shall serve at the pleasure of the city council and may be removed from office at any time by majority vote of the full city council. In addition, each commission and board member individually appointed by a councilmember shall serve at the pleasure of such councilmember or the councilmember's successor and may be removed from office and replaced at any time.

(9) *Application for appointment; interviews.* All applicants for appointment to any commission or board shall submit a fully completed application to the city clerk listing their qualifications, experience, areas of interest, current residence address, and telephone number. Applicants shall make themselves available to city councilmembers for personal interviews prior to consideration for appointment.

(10) *General qualifications.* The relevant knowledge, education, training, and experience of each applicant shall be considered in making appointments to the various commissions and boards. Persons appointed to the code enforcement board shall not have had an adverse finding from such board for a period of one year prior to appointment. Unless approved by the city council, no person may serve as a commission or board member while simultaneously serving as a commission or board member or elected official of any other state or local government.

(11) *Dual office holding.* No person shall be appointed to any commission or board if such appointment will cause a violation of state law restrictions on dual office holding.

(12) *Appointment dates.* The regular appointment dates for commission and board members shall be as follows:

TABLE INSET:

<i>Commission or board</i>	<i>15th of the Month</i>
Airport commission	November
Architectural review commission	June
Board of building appeals	June
Code enforcement board	October
Finance commission	December
Fire pension board	January
Historical preservation commission	June
Marine commission	October
Planning and zoning board	December
Police pension board	April
Recreation commission	November
Tree and beautification commission	June
Utilities commission	December
Veterans memorial island sanctuary advisory committee	June
Youth advisory commission	September

(13) *Term of office.* The term of office for commission and board regular and alternate members shall generally be four (4) years, except as provided for staggered initial terms. The term of office for members of the police pension board and the fire pension board shall be four (4) years as permitted by state law. The term of office for commission and board regular members appointed individually by each councilmember shall be two (2) years and coincide with the term of office of the appointing councilmember. However, all commission and board members may continue to serve and discharge their duties until their successors are appointed.

(14) *Terms to be staggered.* The term of office for commission and board regular members appointed individually by each councilmember shall be staggered consistent with the term of office of the appointing councilmember. Whenever a commission or board is initially

established or reconstituted, the term of office for the members of each such commission and board appointed by the city council shall be staggered as follows:

- a. For commissions and boards having five (5) regular voting members:
 1. One (1) member shall be appointed for a term of two (2) years.
 2. One (1) member shall be appointed for a term of three (3) years.
 3. Three (3) members shall be appointed for terms of four (4) years.
- b. For commissions and boards having seven (7) regular voting members:
 1. One (1) member shall be appointed for a term of two (2) years.
 2. Three (3) members shall be appointed for terms of three (3) years.
 3. Three (3) members shall be appointed for terms of four years.
- c. Alternate members shall be appointed for terms of four (4) years.
- d. The term of office for commissions and boards having more than seven (7) members shall be staggered as provided by ordinance or resolution.

(15) *Adjustment in length of term.* The city council may provide by ordinance or resolution for the early or later expiration of the term of office of any commission or board members. The initial term of newly appointed or reappointed commission and board members may be extended or shortened and the regular term of office may be shortened in order to coincide with the appointment dates established in this article for each respective commission and board.

Section 3 – Transition.

Nothing in this Ordinance shall be construed so as to affect any past or pending action or order of any commission or board, all of which shall continue in full force and effect as if this Ordinance had not been adopted.

Section 4 - Codification.

The provisions of this Ordinance shall be codified in the Code of the City of Vero Beach, Florida.

Section 5 – Conflict and Severability.

In the event any provision of this Ordinance conflicts with any other provision of Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 6 – Effective Date.

This Ordinance shall become effective upon final adoption by the city council.

This Ordinance was read for the first time on the ____ day of _____ 2016, and was advertised on the ____ day of _____ 2016, for a public hearing to be held on the ____ day of _____ 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Jay Kramer _____
Vice Mayor Randolph B. Old _____
Councilmember Pilar E. Turner _____
Councilmember Richard G. Winger _____
Councilmember Harry Howle III _____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy P. Vock
City Clerk

Jay Kramer
Mayor

(CITY SEAL)

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

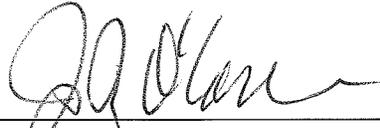


Approved as to form and
legal sufficiency:



Wayne R. Coment
City Attorney

Approved as conforming to
municipal policy:



James R. O'Connor
City Manager