



Advisory Boards Handbook

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UNDERSTANDING YOUR MUNICIPAL GOVERNMENT

North Bay Village operates under a Commission-Manager form of government. The Village Commission, which is comprised of five members, adopts legislation, and the Village Manager implements them. The Commission consists of a Mayor and four Commissioners (North Bay Island Commissioner, Harbor Island Commissioner, Treasure Island Commissioner, and an At-Large Commissioner). All members of the Commission are elected at-large, meaning that anyone in the Village can vote for the Mayor or any Commissioner.

The foundation for our Commission-Manager form of government is the Village Charter. It provides the framework for self-government within the guidelines.

North Bay Village Commission is the legislative and policy-making body for the Village Government. The Village Manager, who is hired by the Village Commission, works with its members to assist in formulating policies and programs. The Village Manager is the top administrator for 80+ employees and is responsible for the ongoing operations of the Village services, including growth management, infrastructure repair, animal services and environmental issues. The Village Commission also appoints the Village Clerk, the Village Attorney, and Consultants.

The Mayor serves as the official and ceremonial representative of the Village Government and presides at all meetings and executes ordinances and various other documents. The Mayor serves a two-year term and all Commissioners serve four-year terms on a staggered term basis, which means that each election year, legally, only the Mayor and two Commissioners' seats will be up for election.

The Village Commission meets at 6:00 P.M., usually on the second Tuesday of each month in the Village Commission Chambers on the first floor at 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141. If you cannot attend, you can view Commission Meetings and Commission Workshops on streaming video through the Village's website, <https://northbayvillage-fl.gov/>.

ABOUT US

Today, North Bay Village is a thriving waterfront community situated between the cities of Miami and Miami Beach in the middle of Biscayne Bay.

Prior to 1940, most of what is now North Bay Village lay beneath the waters of Biscayne Bay, except for a small island called Broadcast Key. In 1940, North Bay Island was created and by the mid-1940s, Harbor Island and Treasure Island were built. North Bay Village was incorporated as a city in 1945, annexing the newly formed Islands over time.

The Village's three islands —North Bay, Harbor, and Treasure — may only cover 525 acres, their history holds a deep connection to South Florida history. In the early years, the Village's nightlife attracted celebrities like Frank Sinatra and Judy Garland. Dean Martin even opened his own night club along Kennedy Causeway, which connects the Village to its neighboring cities.

With roughly 4.75 miles of private and public property along the water, North Bay Village boasts one-of-a-kind views and opportunities for its residents, visitors, and businesses.

Home to several of South Florida's most popular restaurants, two family-friendly playgrounds and a dog park for canine companions, the Village's more than 8,000 residents are within walking distance of unique recreational and social experiences.

North Bay Village has a diverse and rich blend of cultures, situated in the heart of Biscayne Bay. To best tell the NBV story, the Village rebranded in January of 2022. This new rebranding tells the story of our diverse residential and business community. Preserving our natural resources, stimulating economic activity, and enhancing the quality of life for present and future generations is our main message to our residents. The Village is striving to become a more sustainable and prosperous community that can adapt to the challenges of a changing climate. North Bay Village is proud to have a new brand that is fresh, progressive, and friendly.

HOW ADVISORY BOARDS WORK

Advisory Boards are created by the Village Commission established by Ordinance to provide advice and recommendations to staff and the Village Commission. Each board is composed of five (5) appointed citizen members who volunteer their services and serve for a period of two (2) years. Appointments for Board Members are conducted along with elections of Village Elected Officials. Board members provide non-binding strategic advice/recommendations to the Village Commission. Each advisory board is tasked with specific powers and duties. Board Members must be Village residents or business owners.

Advisory Boards typically meet monthly or quarterly at 6:30pm. Meeting days vary per board.

Members are responsible for reading the meeting agenda materials prior to the meeting date in order to be prepared to contribute to discussions, make motions, and second them as well as any other relevant actions.

Board Members should have:

- The expertise necessary to accomplish the Board's objectives.
- A reputation for integrity and community service.
- An interest or experience in the board's area of service.
- Sufficient time available to prepare for and attend meetings.

CURRENT BOARDS

- **Animal Welfare Advisory Board:** The purpose of the Animal Welfare Advisory Board is to consider matters relating to animal control within the Village limits to improve the Village's ability to handle animal issues effectively. This board holds meetings bi-monthly every 1st Wednesday of the month.
- **Community Enhancement Board:** The purpose of the Community Enhancement Board is to recognize the value of scenic surroundings to tourists, prospective residents, and commercial developments, as well as the citizens and taxpayers of the Village, and further to preserve the quality of the environment, the purpose of the Community Enhancement Board is to consider and advance improvements, programs, and services meant to enhance the aesthetic appeal of the Village.
- **Financial Advisory Board:** The purpose of the Financial Advisory Board is to consider and make recommendations on all issues affecting the fiscal policies and procedures of the units and departments within the Village and to assist the Village Manager, Commission, and Village Staff in establishment of priorities in the Village's yearly budget and to maintain supervision of the any bond dollars with the exception of items which could create potential legal liability, such as, but not limited to, cone of silence,

active procurements, contract disputes and bid protests in which will be excluded.

- **Resident Services Board:** The purpose of the Resident Services Board is to assist in the Village Mayor and Commission in developing programs, projects, and policies that improve the quality of life of the Village's residents, including, but not limited to, the youth of the community. Acting in an advisory capacity to the Village Commission and Manager, the Resident Services Board addresses the needs of all Village residents, including children and youth.
- **Sustainability and Resilience Task Force:** The purpose of the Sustainability and Resiliency Task Force is to provide technical assistance and advise to the North Bay Village Commission as mitigation and adaption measures to respond to global warming climate change.
- **Planning and Zoning Advisory Board:** The purpose of the Planning and Zoning Board is to recommend to the Village Commission on all matters within the general purview of planning, zoning, and development. The Board handles the creation of and the modification of Village ordinances that regulate development within our community. Planning & Zoning services are provided to North Bay Village by Calvin, Giordano & Associates. This board follows Quasi-Judicial procedures.
- **Charter Review Advisory Board:** The purpose of the Charter Review Board is to evaluate and make recommendations on amendments to the Village Charter that are then presented to the Village Commission for further review. Upon approval, a referendum is held where an amendment is presented to the electorate for final adoption.

** Note: Pursuant to section 10.01 of the Village Charter, the Charter Review Advisory Board is only active every six (6) years.

CHARACTERISTICS OF AN EFFECTIVE BOARD

Every Resident Advisory Board has a purpose that help shape our community and guide the Village Commission to better the Village. However, every board must follow rules and procedures as well as specific responsibilities to run a successful board.

- Be present and on time for meetings. As established by the Village's ordinance No. 2022-014 (Attached as "Exhibit A") the Village commission may remove an advisory board member upon three (3) absences per calendar year.
- Know and practice parliamentary procedures. (this step will be covered on page 14 of our guide)
- Revise the agenda, background information, and previous minutes before the meeting.
- Be courteous to each other and to members of the public.
- Be open and responsive to questions and concerns.
- Keep the meeting discussions on track and moving to achieve a conclusion towards growth and development.
- Practice your responsibilities as a Board Member.
- Individuals who present public comments before a board are treated with respect regardless of their remarks and manners.
- Side bar conversations (regarding board business) between members during a meeting are a violation of the Sunshine Law and are prohibited. All comments must be made on the record.
- Using vulgar language during a public meeting is unacceptable, kindly conduct yourself in a professional manner.

TRAINING

a. Required Training

Pursuant to Section 38.36, of Village Code states "Members of Advisory Boards and Committees shall complete Ethics Training at least once during their term of office." The State of Florida requires Ethics Trainings to have a duration of four (4) hours. All newly elected Members will also be provided with a copy of this training guide, to help them understand the structure of Advisory Boards.

b. Introduction

- New Board Members will be given a brief introduction to the Board's duties, Staff

Liaisons, and meeting dates upon appointment. During the first meeting of the Member(s), an oath of office and introduction to their peers will be performed. As established by the Village's ordinance No. 2020-003 (Attached as "Exhibit C")

ELECTING OFFICERS

Advisory Board members are responsible for electing a Chair, Vice Chair and a Secretary during a Board meeting and shall be elected annually by majority of votes during the December meeting or as soon thereafter. As established by the Village's Ordinance No. 2020-003 (Attached as "Exhibit B")

The Chair must serve as the presiding officer at all meetings and upon their absence, the Vice Chair shall serve instead. Should the Chair and Vice Chair be absent, but quorum is present, a temporary presiding officer shall be elected by the members in attendance.

Before you accept a nomination, ensure that you are available for meetings and present a Board Report to the Commission at each monthly meeting if necessary.

THE CHAIRPERSON'S ROLE

- The Chair must be present before a meeting begins. When a quorum is present, the Chair calls the meeting to order at the prescribed time with a rap of the gavel and announces, "Welcome to the (date) meeting of the (name of the board), the meeting has been called to order at (time meeting has started)"
- The Chair has the responsibility to determine whether a quorum is present. A quorum is the presence of three (3) or more Board Members. Note: Alternate members are not counted when determining total membership.
- The Chair must maintain order, always remain fair and impartial, and is the host of the assembly. The Chairperson must be familiar with all meeting procedures.
- If a request is made to reorder the agenda, the Chair should determine if there is a consensus to do so. Ideally, changes to the order of items are announced at the beginning of the meeting.
- The Chair places business on the floor by reading the title of each agenda item into the record and ensures discussion stays focused.
- The Chair should determine when it is appropriate to read out the procedure for public comment, such as when there is a large crowd present and/or matters coming before the Board are controversial in nature. Public comments are limited to three (3) minutes per speaker.
- In the case of unruly or disorderly behavior by any Board Member, speaker or audience member, the Chair should preserve order and decorum. If the individual fails to comply, it is the Chair's responsibility to request the individual to be removed from the meeting.

- The Chair may guide the wording of motions and should re-state motions in proper form but may not make or second motions. To make a motion, the chair must turn the gavel over to the Vice Chair and cede the Chair ship of the meeting.
- The Chair is also a member of the Board and as such adheres to all rules and responsibilities of members as outlined in this handbook.
- Refer to yourself as Chair or in the third person. The Chair must be kept impersonal as the symbol of the assembly's authority representing each member.

THE VICE CHAIR'S ROLE

- The Vice Chair's primary responsibility is to assist the Chair as needed. This assistance can involve getting ready for board meetings.
- The Vice Chair should be prepared to take over the Chair's role if the Chair is unable to fulfill their duties, usually temporarily.
- The Vice Chair must be familiarized with the Board's materials, procedures, and the Chairperson's responsibilities in order to be prepared to assume the role of Chair when necessary.

THE SECRETARY'S ROLE

The Secretary's duty is to keep accurate track of the proceedings during board meetings. This includes call to order, roll call, detailed discussion on items, motions, and adjournments. The secretary must elaborate the meeting minutes and submit them in a timely manner to the Village Clerk's office. Pursuant to Section § 32.08, of the Village code states "...Regular Advisory Board meetings will be canceled if the meeting minutes of the prior regular Advisory Board meeting (or any other previously pending minutes at the time of approval of these rules and procedures) are not submitted for Advisory Board approval by the established deadline. Rescheduling of canceled regular committee meetings shall take place upon the submission of minutes of the prior meeting for approval." Newly elected secretaries will be guided on how to complete meeting minutes accurately and neatly. Upon the absence of the secretary, an acting secretary shall be appointed during the board meeting. Please see "Exhibit B" (Ordinance No. 2020-003) for more information regarding records.

BOARD MEMBER'S ROLE

- All members are responsible for reading and understanding the Board's mission and goals. Members are also responsible for reading the agenda material in advance of each meeting to be prepared to make meaningful contributions and discussions.
- New Board Members are encouraged to review previous agendas and meeting

minutes to learn more about current topics being discussed (available at [Agendas Minutes – North Bay Village \(northbayvillage-fl.gov\)](https://www.northbayvillage-fl.gov/agendas-minutes)).

- New Board Members will be given a brief introduction to the Board’s duties, Staff Liaisons, and meeting dates upon appointment. During the first meeting of the Member(s), an oath of office and introduction to their peers will be performed. As established by the Village’s ordinance No. 2020-003 (Attached as “Exhibit B”)
- Board Members are encouraged to speak with staff prior to meetings to ask questions or request additional background information on agenda items, if needed. Members must listen respectfully to fellow members, staff, and the public.
- Comments and discussions should be focused on the agenda item at hand.
- Board Members make and vote on all motions except in those instances where a conflict of interest exists. Board members must disclose their conflict of interest during the public meeting prior to discussion of the agenda item and file the required form with the Village Clerk. See page 18 for more detailed information.
- Board Members should advise staff as far in advance as possible of an expected absence to allow staff to determine if a quorum of members will be available.

ALTERNATIVE MEMBER’S ROLE

- Alternate Members should learn the roles of the Chair and Board Members, meeting procedures, and other information in this Handbook.
- Newly appointed alternates should also review recent minutes and agendas before their first meeting.
- Alternate Members must attend all meetings to stay current on issues in case they can join discussions when needed.
- Alternate Members cannot vote unless filling in for an absent member.
- Alternate Members can apply for appointment to a vacant regular seat, if desired, when openings occur. All appointments are at the discretion of the Village Commission.

STAFF & COMMISSION LIAISONS

- Staff Liaisons & Advisors (Deputy Village Manager/Village Manager) assist in preparing the meeting agenda, with help from the Board Chair and Commission Liaison.
- Staff Liaison supply background information on agenda items to Board Members sufficiently in advance of meetings.

- If there are item requests being made by Board Members for placement on their agenda which will require an extensive amount of staff time to produce, this needs to be discussed between the Staff Liaison, Commission Liaison, and Advisor in order to determine whether this is appropriate to place on their agenda at that time or possibly for a later time.
- Staff & Commission Liaisons attend Board Meetings in a non-voting capacity.
- When requested, Staff Liaisons may make recommendations on agenda items.
- Any requests for action/consideration made by the Board Members during their meeting to take before the Village Commission needs to go through their respective Commission Liaison. The Commission Liaison at their discretion may request that the item be placed on the next available Commission agenda.

MEETING PROCEDURES

QUORUM

A quorum of members is required in order to hold a meeting. Business conducted without a quorum is not valid. Typically, when a quorum is not present, the meeting is adjourned following roll call. As established by the Village's Ordinance No. 2020-003 (Attached as "Exhibit B")

The Village Clerk's office is responsible for organizing and coordinating all Board meetings, as well as creating and sharing the meeting agendas. The agendas are made available on the Village website. Furthermore, all meetings are both recorded, and live streamed on Facebook and on the Village website.

AGENDAS

The following is a generalized guide of meeting procedures stated on the agenda.

- I. Call to Order
The Chair calls the meeting to order.
- II. Roll Call
The Chair announces all members are present except for any who are absent.
- III. Approval of Minutes
The Chair requests a motion to approve the minutes, a second motion needs to be made.
- IV. Old Business
The Chair announces the old business items into record. A discussion among Village Staff and Board Members shall be conducted.
- V. New Business
The Chair announces the old business items into record. A discussion among Village Staff and Board Members shall be conducted.
- VI. Staff/Commission Reports
The Chair requests Village Commission/Staff to give any reports or extra comments portraying the Board.
- VII. Public Comments
The Chair opens the floor for public comment on all items. Members of the public are given 3 minutes each to address the Board. This period is for comments only.
- VIII. Agenda Items for Next Meeting
The Chair asks Board Members of any items they would like to discuss during next meeting. These items are to be added to the next Board agenda.
- IX. Adjournment

The Chair shall adjourn the meeting with an announcement. No motion is necessary.

Following is a generalized guide of a Quasi-Judicial meeting procedures for the Planning and Zoning Board.

- I. Call to Order
The Chair calls the meeting to order.
- II. Roll Call
The Village Clerk takes roll call of all members present.
- III. Approval of Minutes
The Chair requests a motion to approve the minutes, a second motion needs to be made.
- IV. Public Hearings
- V. Applications
- VI. Ordinances
- VII. Discussion Items
- VIII. Public Comments
The Chair opens the floor for public comment on all items. Members of the public are given 3 minutes each to address the board. This period is for comments only.
- IX. Adjournment
The Chair shall adjourn the meeting with an announcement. No motion is necessary.

PARLIAMENTARY PROCEDURES

Parliamentary procedure enables orderly discussion and decision-making during meetings. North Bay Village follows Robert's Rules of Order.

Parliamentary procedure has four key principles:

- Establishing order - Rules provide a framework for well-run meetings.
- Clarity - Simple rules lead to wider participation; complex rules discourage involvement.
- User-friendliness - Rules must be simple so the public can follow and participate.
- Majority rule/minority rights - Rules allow the majority to decide while permitting the minority to express views and fully engage.

Key Parliamentary Procedure Points:

- The Chair leads meetings and manages orderly conduct, discussion, and public input.
- To make a motion, a member asks to be recognized, Chair recognizes them, motion is stated and seconded, Chair restates motion and calls for discussion before holding a vote.
- Motions require a second or they fail. Lengthy discussion without a second or vote can also nullify a motion.
- Failed motions include tie votes or votes without a majority in favor. New motions can then be made.
- If discussion becomes disruptive, the Chair should request orderly behavior.

CORRESPONDENCE AND COMMUNICATION

Any use of the Village logos or letterhead must be coordinated with the Village Manager or the Village Clerk to prevent misrepresentation of Village's policies. Formal correspondence which states the Board's position on an issue should always be coordinated with Village staff. Be careful when communicating with the media – please be very clear when expressing your opinions and do not speak on behalf of your Board.

GOVERNMENT IN THE SUNSHINE LAW

Florida's Government-in-the Sunshine Law was enacted in 1967. The Sunshine Law grants the public access to state and local government meetings. This law applies equally to elected and appointed boards, whether they meet in-person or virtually. It requires that any gathering of two or more members of the same board discuss only topics that could potentially come before that body for action. The Sunshine Law has three main requirements under Section 286.011 of Florida Statutes:

- Board and Task Force meetings must be open to the public.
- Reasonable notice must be given of these meetings.
- Minutes must be recorded for the meetings.

No two members can discuss official business privately outside of a properly noticed public meeting with a quorum. Advisory Boards must adhere to the Sunshine Law even though their recommendations are non-binding. Violating the law can lead to criminal penalties, removal from office, fines, attorney fees, and other consequences.

We strongly recommend that Board Members refrain from communicating with other Board Members by phone, text, email, mail, etc. about board-related matters or any matters that may be discussed in a future meeting. All the Boards/Task Force discussions and/or recommendations are a public record.

ETHICS

The State of Florida's ethics laws generally consist of two main components: prohibitions on certain actions or conduct, and those making requirements for public disclosures. Chapter 112, Part Three of the Florida Statutes outlines the Code of Ethics for Public Officers and Employees. The Commission on Ethics publishes an annual Guide summarizing the Sunshine Amendment and Code of Ethics. Key provisions include:

- Banned actions or behavior.
- Restrictions on employing or contracting with relatives.
- Limits on post-office employment (revolving door)
- Voting conflicts of interest.
- Mandatory financial disclosures.

Penalties for ethics code violations range from misdemeanors to third-degree felonies. Possible penalties include impeachment, removal from office, suspension, public censure, reprimand, demotion, temporary salary reduction, civil fines up to \$10,000, and repayment of any monetary gains received.

FINANCIAL DISCLOSURES

The Planning & Zoning Board members are required by law to file a Form 1, Statement of Financial Interests form within 30 days of appointment and by July 1 each year thereafter with Miami-Dade County Supervisor of Elections.

Upon resignation, members of the Planning & Zoning Board must file a financial disclosure statement (Form F1) within 60 days of leaving office. The Village Clerk's Office can assist you in finding these forms or they can be found at this website: www.ethics.state.fl.us.

All other Boards are required to file a "Source of Income Statement or a copy of an Income Tax Return with the Village Clerk's Office each year by July 1st.

VOTING CONFLICTS

Votes cannot be casted on an issue which may benefit a member or benefit the business that employs that member ("special private gain" is the official term). Special private gain exists if the member's or the member's spouse owns a business, company, land, etc. that would be affected by the vote or ongoing business relations.

If a voting conflict exists:

- Before the issue is discussed, publicly explain the conflict for the record (so the

information is entered in the minutes).

- Abstain from voting.
- Within 15 days of the member's vote, document the conflict in writing (ask the Village Clerk for a Memorandum of Voting Conflict). Return the completed form to the Village Clerk's Office.
- Stated by Florida Statute 112.3143, members cannot participate in the Board's discussion of the issue.

ORDINANCE NO. 2022-014

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 32.16, "ATTENDANCE; REMOVAL" OF CHAPTER 32, "ADVISORY BOARDS," OF THE VILLAGE'S CODE OF ORDINANCES BY MODIFYING ADVISORY BOARD MEMBER REMOVAL PROCEDURES DUE TO ABSENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Commission of North Bay Village (the "Village") finds it necessary to periodically amend its Code of Ordinances ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Village Code currently provides for the automatic removal of advisory board members upon three (3) absences by an advisory board member; and

WHEREAS, the Village Commission desires to amend Section 32.16, "Attendance; removal," of Chapter 32, "Advisory Boards," to create a process for removal of Advisory Board members after three unexcused absences; and

WHEREAS, the Village Commission finds that this Ordinance is in the best interest of the public health, safety, and welfare of the Village's residents and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:¹

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

Section 2. Amending Chapter 32, "Advisory Boards," of the Village Code. That Section 32.16, "Attendance; removal," of Chapter 32, "Advisory Boards" of the Code of Ordinances of North Bay Village, Florida, is hereby created as follows:

CHAPTER 32 – ADVISORY BOARDS.

* * *

DIVISION 2 – RULES AND PROCEDURES.

* * *

§ 32.16 - Attendance; removal.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

33 Service on an Advisory Board is voluntary. However, regular attendance at Advisory
34 Board meetings is a requisite to continued participation. In the event an Advisory Board
35 member fails to attend three regularly scheduled meetings in one calendar year and the
36 absences have not been excused by a majority of the Advisory Board members present,
37 the member shall be subject to removal by the Village Commission. ~~deemed to have~~
38 ~~resigned, and shall be automatically removed, from the Advisory Board.~~ Whenever an
39 Advisory Board member accrues three or more unexcused absences in a calendar year,
40 the Village Clerk shall provide notice to the Advisory Board member and the Village
41 Commission of such absences. The Village Commission may thereafter consider whether
42 the Advisory Board member should be removed at its next regularly scheduled meeting.
43 It shall be the responsibility of the Village Clerk to track attendance of Advisory Board
44 members and ~~notify Board members that they have been they are removed from service,~~
45 ~~following three absences as provided herein.~~ The Village Clerk shall notify the Village
46 Commission of any Advisory Board members removed pursuant to this section.

47 Advisory Board members may also be removed, pursuant to the Village Charter, by
48 affirmative majority of the Village Commission. No grounds for removal are required to be
49 set forth in the notice.

50 Unless otherwise set forth in this Code of Ordinances, all Board members shall serve at
51 the will of the majority of the Village Commission. In addition to removal for commission
52 of crimes as provided by the constitution and the law of the State of Florida, Advisory
53 Board members charged with criminal activity as set forth in F.S. § 772.102, relation to
54 the performance of their duties notwithstanding, shall be suspended from office. It shall
55 be the responsibility of the Village Clerk to notify any Advisory Board member of such a
56 suspension. A replacement may be named to fill the vacancy created by the suspension
57 in the manner provided by law until a final determination of the charges or the term of
58 office is concluded. If the Advisory Board member is exonerated, the Advisory Board
59 member shall be reinstated to serve the balance of the remaining term of office, if any.

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

66 **Section 4. Codification.** That it is the intention of the Village Commission and
67 it is hereby ordained that the provisions of this Ordinance shall become and be made a
68 part of the Village's Code of Ordinances, and that the sections of this Ordinance may be
69 renumbered or relettered to accomplish such intentions, and that the word Ordinance
70 shall be changed to Section or other appropriate word.

71 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or
72 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

73 **Section 6. Effective Date.** That this Ordinance shall become effective
74 immediately upon final adoption on second reading.

75 The foregoing Ordinance was offered by Commissioner Chervony who moved its
76 adoption on final reading. This motion was seconded by Vice Mayor Wilmoth and upon
77 being put to a vote, the vote was as follows:

78	Mayor Brent Latham	<u>Yes</u>
79	Vice Mayor Marvin Wilmoth	<u>Yes</u>
80	Commissioner Richard Chervony	<u>Yes</u>
81	Commissioner Rachel Streitfeld	<u>Yes</u>
82	Commissioner Julianna Strout	<u>Yes</u>

83
84 **PASSED** on first reading on the 11th day of October, 2022.

85 **PASSED AND ENACTED** on second reading on the 2nd day of November, 2022.

86

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89

Brent Latham

Brent Latham, Mayor

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91 ATTEST:

Alba L. Chang

Alba L. Chang, CMC
Village Clerk

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98 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Haydee Serota

Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

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ORDINANCE NO. 2020-003

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCE BY UPDATING CHAPTER 32, "DEPARTMENTS AND BOARDS,"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, over the course of North Bay Village's (the "Village") history, the Village Commission has created, from time to time, various advisory boards and committees, (generally, the "Advisory Boards") to advise and support the Commission in the development of policies, programs, projects, and events in a variety of subject areas for the benefit of the Village; and

WHEREAS, the successive creation of the Advisory Boards has created differing rules, policies, and procedures; and

WHEREAS, the Commission wishes to revise the rules, policies, procedures, and objectives of the Advisory Boards in order to streamline and unify the method by which they operate and to avoid duplicity of efforts; and

WHEREAS, it is appropriate to revisit and amend the Advisory Boards to reflect changing needs of the Advisory Boards, the Commission, and the Village; and

WHEREAS, the Commission finds that amending the Village's Code of Ordinances as provided herein is in the best interest of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Village Code Amended. The Village Code of Ordinances is

hereby amended as follows:

Chapter 32 - DEPARTMENTS AND ADVISORY BOARDS

GENERAL PROVISIONS

* * *

§ 32.02 – Vacancies of membership on Village Boards

(A) — ~~Upon a vacancy, for any reason, of a Village Commission appointed membership on any Village Board, the Village Commission shall appoint a new member to fill the vacancy within 30 days of the occurrence of vacancy, or the next regular Village Commission meeting, whichever later occurs.~~

(B) — ~~Appointment of members to the various Boards of the Village, on their annual appointment or otherwise, shall be from a list of nominees. The Mayor and each Commissioner shall be entitled to nominate, without the necessity for a second, as many nominees as they desire. The Mayor and each Commissioner shall be entitled to vote for as many seats as are vacant and for which the Commission may make an appointment. The Mayor and the Commissioners shall vote by stating the names of their selections. Nominees receiving a vote from a majority of the Commission shall be appointed. Successive votes may be taken if required to select a nominee by a majority vote until each vacancy has been filled.~~

(C) — ~~If a member of any Board fails to attend two consecutive meetings without prior notification or fails to attend five meetings during a 12-month period, the Board, upon a majority vote, may request the Village Commission to remove the member and to appoint a successor for the unexpired term.~~

§ 32.03 – Reserved.

§ 32.04 – Reserved.

COMMUNITY ENHANCEMENT BOARD

§ 32.10 – Establishment.

~~In order to enhance the aesthetic appeal of this community by properly exercising its police power in accordance with the provisions of the Florida Home Rule Power Act, and recognizing the value of scenic surroundings to tourists, prospective residents, and commercial developments, as well as the citizens and taxpayers of the Village, and further to preserve the quality of the environment which is a legitimate concern of the Village Commission, there is established a~~

~~permanent Community Enhancement Board of the Village, it being understood that this Board and the powers and responsibilities granted it pursuant to this subchapter shall be in addition to any existing laws and remedies which presently exist or shall be enacted in the future.~~

~~§ 32.11 – Composition.~~

~~There is hereby created the North Bay Village Community Enhancement Board which shall consist of five members who may reside at any location within the Village, or owners of businesses located within the confines, or designees of such business owners; all of whom shall serve for a period of two years concurrent with the regular scheduled election of the Commission as provided in Section 6.01 of the Charter.~~

~~§ 32.12 – Qualifications.~~

~~The members of the Community Enhancement Board shall be appointed and shall be qualified electors of the Village or owners of businesses located within the confines of the Village, or designees of such business owners as defined in the Charter. Resident members of the Board shall also be and remain during their respective terms of office, residents of the Village.~~

~~§ 32.13 – Terms; removal from office.~~

~~Members of the Board shall be appointed by the Village Commission, by a majority vote of the members present, concurrent with the regular scheduled election of the Commission; however, in order to maintain continuity, members shall serve until the new Board is appointed after the election. Any member may be removed from the office by the Commission upon majority vote of the Commission members present.~~

~~§ 32.14 – Vacancies.~~

~~In the event that a vacancy shall occur on the Board by resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member.~~

~~§ 32.15 – Power and duties.~~

~~The Community Enhancement Board shall be charged with the following duties:~~

~~(1)To continually study the needs of the entire Village for floral landscaping, including the entrances of the several islands and the median strips, including both privately owned and publicly owned property.(2)Determine the existence of alleged violations of law which adversely affect the aesthetics of the Village.(3)Entertain complaints from citizens regarding existence of conditions~~

~~which are detrimental to the aesthetic values and quality of life of the Village.(4)To file a report of its activities with the Village Commission and the Village Manager, including the recommendations to the Commission for the beautification of the Village at least once per year.(5)Recreation and park planning activities.(6)Program financing and services.(7)Physical components of outdoor and indoor leisure, cultural and recreational activities to meet the needs of as many kinds of people as possible.(8)Social services and other human resources program planning with special emphasis on the needs of residents of the Village.(9)Cooperate with all other similar governmental agencies and all public or private organizations working for the same or similar objectives.~~

~~§ 32.16 – Officers.~~

~~The Community Enhancement Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice Chairman. The Chairman shall chair the meetings of the Board, and shall be the representative of the Board to the Village Manager and the Village Commission. In the case of the absence of the Chairman at any meetings, the Vice Chairman shall act in his stead. The Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own Secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall report to the Village Manager as to the attendance of the meeting and submit the minutes of its meetings to the Village Manager monthly.~~

~~§ 32.17 – Meetings; quorum; voting period.~~

~~(A) — The Community Enhancement Board shall hold regular monthly meetings at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be publicly noticed to residents, homeowners, and property owners by publication on the Village bulletin boards. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting.(B)All meetings of the Board shall be open to the public and three members shall constitute a quorum.(C)A majority vote of the Board shall be required on all recommendations made to the Village Commission.~~

CIVIL SERVICE BOARD

~~§ 32.20 – Establishment.~~

~~For provisions concerning the Civil Service Board, see § 33.021.~~

PLANNING AND ZONING BOARD

~~§ 32.30 – Creation; members.~~

~~(A)Created; composition. A Planning and Zoning Board is hereby created which shall be composed of seven members to be appointed by the Village Commission. The Board shall be composed of one member from North Bay Island, one member from Harbor Island, one member from Treasure Island and four at-large members.~~

~~(B)Qualifications of members. The members of the Board shall be appointed and shall be qualified electors of the Village as defined in the Charter, and shall also be and remain during their respective terms of office, residents of the Village.~~

~~(C)Terms, vacancies, removal from office. The original members of the Board shall be appointed by the Village Commission at the meeting in which this section is finally adopted. Members of the Board shall be appointed by the Village Commission for a term of two years.~~

~~(D)Participation of ex officio members. Any member of the Village Commission and the Village Manager may serve as an ex officio member of the Planning and Zoning Board; however, their participation in matters before the Board shall be limited to discussion and their presence shall not constitute a quorum in the absence of other members, nor shall they be entitled to vote or otherwise participate in making recommendations to the Village Commission.~~

~~§ 32.31 – Vacancy.~~

~~In the event that a vacancy shall occur on the Planning and Zoning Board by reason of resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term of the member. Any member may be removed from office by the Village Commission upon majority vote of the Commission.~~

~~§ 32.32 – Officers.~~

~~The Planning and Zoning Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice Chairman. At all meetings the Vice Chairman, in case of the absence of the Chairman, shall act in his stead. The Board shall designate its own Secretary and professional advisors, the compensation thereof to be fixed by the Village Commission.~~

~~§ 32.33 – Meetings.~~

~~The Planning and Zoning Board shall hold regular meetings at such time and place as the Mayor and Commission may establish by Resolution and may hold special meetings at any other time on written call of the Chairman, mailed three days prior to the called meeting. Notices of all meetings shall be sent to~~

~~residents, home owners, and property owners in accordance with the current practice of the Village Clerk in noticing meetings of the Village Commission. In the event that the Chairman shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting. All meetings of the Board shall be open to the public and three members shall constitute a quorum. A majority vote of the Board shall be required on all recommendations made to the Village Commission.~~

~~§ 32.34 Powers; rules and regulations.~~

~~(A)The Planning and Zoning Board shall have the authority and duties set forth in § 152.101.(B)The Board shall adopt its own rules and regulations and rules of procedure including but not limited to rules and regulations in connection with the processing of applications for variances. (1964 Code, § 2-40(f) and (g); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76)~~

~~§§ 32.40—32.44 Reserved.~~

~~RENT CONTROL BOARD~~

~~§ 32.50 Establishment.~~

~~For provisions concerning the Rent Control Board, see §§ 95.13 and 95.14.~~

~~§§ 32.60—32.65 Reserved.~~

~~RESIDENT SERVICES BOARD~~

~~§ 32.66 Resident Services Board.~~

~~A Resident Services Board is hereby created which shall be composed of five members appointed by the Village Commission to serve at the pleasure of the Commission without compensation. Each member shall be appointed by a majority vote of the Village Commission.~~

~~§ 32.67 Qualification of members.~~

~~The members of the Resident Services Board shall be appointed with one member having a professional background in education and shall be at least 15 years in age and shall also be and remain during their respective terms of office, residents of the Village.~~

~~Minors between the ages of 15—17 must obtain parental consent and must be accompanied to the meeting by a parent.~~

~~§ 32.68—Terms; vacancies; removal from office.~~

~~(A) Members of the Board shall be appointed by the Village Commission for a term of two years to coincide with the Village's general election. In the event that a vacancy shall occur on the Board by reason of resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member.~~

~~(B) Any member may be removed from the office by the Commission upon majority vote of the Commission.~~

~~§ 32.69—Officers.~~

~~The Resident Services Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice Chairman. The Chairman shall chair the meetings of the Board, and shall be the representative of the Board to the Village Manager and Village Commission. In the case of the absence of the Chairman at any meetings, the Vice Chairman shall act in his stead.~~

~~The Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own Secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall report to the Village Manager as to the attendance of the meeting and submit the minutes of its meetings to the Village Manager no later than two weeks after each meeting.~~

~~§ 32.70—Meetings; quorum; voting period.~~

~~(A) The Resident Services Board shall hold regular monthly meetings at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be open to the public. All meetings shall be publicly noticed to residents, homeowners, and property owners in accordance with the current practice of the Village Clerk in noticing meetings of the Village Commission. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting.~~

~~(B) All meetings of the Board shall be open to the public and three members shall constitute a quorum.~~

~~(C) A majority vote of the Board shall be required on all recommendations made to the Village Commission.~~

~~§ 32.71 Powers and duties.~~

~~(A) The Resident Services Board shall be charged with the duty and responsibilities to act in an advisory capacity to the Village Commission and Village Manager in matters pertaining to the needs of the children and youth in the community including:~~

- ~~(1) Organizing, coordinating and planning resident events and workshops on contemporary subjects.~~
- ~~(2) Coordinate collaborative efforts with community based organizations to provide and promote Village sponsored events.~~
- ~~(3) Assist in the production of a Village periodical.~~
- ~~(4) Recreation and park planning activities.~~
- ~~(5) To advocate for the needs and involvement of the Village's children and youth in the community.~~
- ~~(6) To promote the exchange of ideas and resources in order to better meet the needs of the children and youth in the Village.~~
- ~~(7) To provide input and ideas as to educational programs and initiatives that affect the Village youth, including but not limited to the Treasure Island Elementary International Baccalaureate Program.~~
- ~~(8) Promote the exchange of ideas and resources in order to better meet the needs of residents with special needs.~~
- ~~(9) Provide input and information as to government and/or private agencies that provide services for residents with special needs.~~

~~CITIZENS BUDGET AND OVERSIGHT BOARD~~

~~§ 32.72 Citizens Budget and Oversight Board.~~

~~A Citizens Budget and Oversight Board is hereby created which shall be composed of five members appointed by the Village Commission to serve at the pleasure of the Commission without compensation. All members shall be appointed as provided in Section 32.02. The Board shall be composed of one member from North Bay Island, one member from Harbor Island, one member from Treasure Island, and two at-large members.~~

~~§ 32.73 Qualification of members.~~

~~The members of the Citizens Budget and Oversight Board shall be appointed and shall be qualified electors of the Village as defined in the Charter. Qualified electors shall also be and remain during their respective term of office, residents of the Village and the geographic area they represent. Applicants must possess a Bachelor's Degree or higher in either Finance, Accounting, or Business Administration or equivalent or a minimum of four years' experience.~~

~~§ 32.74 Terms; vacancies; removal from office.~~

~~(A) — Members of the Board shall be appointed by the Village Commission, for a term of two years concurrent with the regular scheduled election of the Commission; however, in order to maintain continuity, members shall serve until the new Board is appointed after the election. Board members shall be appointed as soon as possible after new Commissioners are sworn in to office. In the event that a vacancy shall occur on the Board by reason of resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member, based on the original appointment process.~~

~~(B) — Any member may be removed from the office by the Commission upon majority vote of the Commission.~~

~~§ 32.75 — Officers.~~

~~The Citizens Budget and Oversight Board shall annually, each by majority vote, elect one of its members as Chair and one of its members as Vice-Chair. The Chair shall chair the meetings of the Board, and shall be the representative of the Board to the Village Manager and Village Commission. In the case of the absence of the Chairman at any meetings, the Vice-Chair shall act in his stead. The Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board may designate its own Secretary and the Secretary shall make and furnish minutes of the Board's meetings.~~

~~§ 32.76 — Meetings; quorum; voting period.~~

~~(A) — The Citizens Budget and Oversight Board shall hold regular monthly meetings, unless the Board chooses not to meet in a particular month, at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be open to the public. All meetings shall be publicly noticed to residents, homeowners, and property owners in accordance with the current practice of the Village Clerk in noticing meetings of the Village Commission. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board by postal mail or by email three days prior to the called meeting.~~

~~(B) — All meetings of the Board shall be open to the public and three members shall constitute a quorum.~~

~~(C) — A majority vote of the Board shall be required on all recommendations made to the Village Commission.~~

~~§ 32.77 — Powers and duties.~~

~~(A)The Citizens Budget and Oversight Board shall be charged with the duty and responsibilities to act in an advisory capacity to the Village Commission and Village Manager in matters pertaining to delivery of the following services:~~

- ~~—— (1) — Examine and analyze the budget.~~
- ~~—— (2) — Hold monthly meetings as needed.~~
- ~~—— (3) — Present reports to the Commission indicating whether the expenditures match those promised during the bond campaign.~~
- ~~—— (4) — Review the annual performance audit to analyze whether the Bond funds have been expended only for the specified project.~~
- ~~—— (5) — Examine, analyze, and make recommendations on the preliminary budget to the Commission.~~

~~BUSINESS DEVELOPMENT ADVISORY BOARD~~

~~§ 32.78 – Establishment.~~

~~A Business Development Advisory Board is hereby created to establish a dialog with existing members of the North Bay Village business community and to provide recommendations for the recruitment of new commerce to become part of the Village.~~

~~§ 32.79 – Composition.~~

~~There is hereby created the North Bay Village Business Development Advisory Board which shall consist of five members who may reside at any location within the Village, or owners of businesses located within the confines, or designees of such business owners; all of whom shall serve for a period of two years concurrent with the regular scheduled election of the Commission as provided in § 6.01 of the Charter.~~

~~§ 32.80 – Qualifications.~~

~~The members of the Business Development Advisory Board shall be appointed and shall be qualified electors of the Village or own or operate a business within the Village for a minimum of one year. Resident members of the Board shall also be and remain during their respective terms of office, residents of the Village and shall have been a resident of North Bay Village for a minimum of two years.~~

~~§ 32.81 – Terms; removal from office.~~

~~Members of the Board shall be appointed by the Village Commission pursuant to Section 32.02 of the Village Code, by a majority vote of the members present, concurrent with the regular scheduled election of the Commission; however, in order to maintain continuity, members shall serve until the new board is~~

appointed after the election. Any member may be removed from the office by the Commission upon majority vote of the Commission members present.

~~§ 32.82 – Vacancy.~~

~~In the event that a vacancy shall occur on the Board by resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member by a majority vote of the Commission.~~

~~§ 32.83 – Power and duties.~~

~~The Business Development Advisory Board shall be charged with the following duties:~~

~~(1) — Appoint its own chair and vice chair;(2)Appoint a secretary, who shall keep an accurate record of the Board's Meetings;(3)Provide monthly written reports containing its activities and recommendations concerning the economic development of the Village, including but not limited to, the existing business environment in the Village and what measures the Commission and Village staff may take to attract businesses to the Village.~~

~~§ 32.84 – Officers.~~

~~The Business Development Advisory Board shall annually, each by majority vote, elect one of its members as Chair and one of its members as Vice Chair. The Chair shall chair the meetings of the Board, and shall be the representative of the Board to the Village Commission. In the case of the absence of the Chair at any meetings, the Vice Chair shall act in his stead.~~

~~The Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall report to the Village Commission as to the attendance of the meeting and submit the minutes of its meetings to the Village Commission monthly.~~

~~§ 32.85 – Meetings; quorum; voting period.~~

~~(A) — The Business Development Advisory Board shall hold regular monthly meetings at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be publicly noticed to residents, homeowners, and property owners by publication on the Village's bulletin board or website. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting~~

~~shall be held upon written call of two other members of the Board mailed three days prior to the called meeting.~~

~~(B) — All meetings of the Board shall be open to the public and three members shall constitute a quorum.~~

~~(C) — A majority vote of the Board shall be required on all recommendations made to the Village Commission.~~

~~§§ 32.86 — 32.91 — Reserved.~~

~~ANIMAL CONTROL ADVISORY BOARD~~

~~§ 32.92 — Establishment.~~

~~There is hereby created an Animal Control Advisory Board to consider matters relating to animal control within the Village limits in order to improve the Village's ability to handle animal issues effectively.~~

~~§ 32.93 — Composition.~~

~~There is hereby created the North Bay Village Animal Control Advisory Board which shall consist of five members who may reside at any location within the Village, or owners of businesses located within the confines, or designees of such business owners; all of whom shall serve for a period of two years concurrent with the regular scheduled election of the Commission as provided in §6.01 of the Charter.~~

~~§ 32.94 — Qualifications.~~

~~The members of the Animal Control Advisory Board shall be appointed and shall be qualified electors of the Village or owners of businesses located within the confines of the Village or designees of such business owners as defined in the Charter. Resident members of the Board shall also be and remain during their respective terms of office, residents of the Village.~~

~~§ 32.95 — Terms; removal from office.~~

~~Members of the Board shall be appointed by the Village Commission, by a majority vote of the members present, concurrent with the regular scheduled election of the Commission; however, in order to maintain continuity, members shall serve until the new board is appointed after the election. Any member may be removed from the office by the Commission upon majority vote of the Commission members present.~~

~~§ 32.96 — [Vacancies.]~~

~~In the event that a vacancy shall occur on the Board by resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member.~~

~~§ 32.97—Power and duties.~~

~~The Animal Control Advisory Board shall be charged with the following duties:~~

- ~~(1) — Discuss animal matters and make recommendations to the Village on animal care and control issues.~~
- ~~(2) — Review and make appropriate recommendations for amendments to existing animal control ordinances.~~
- ~~(3) — Make recommendations to the Village Commission for the betterment of the community concerning operations, policies, procedures, and new programs.~~
- ~~(4) — Promote safe and healthy use of public spaces by pets and pet owners.~~
- ~~(5) Other duties as prescribed by the Village Commission.~~

~~§ 32.98—Officers.~~

~~The Animal Control Advisory Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice Chairman. The Chairman shall chair the meetings of the Board, and shall be the representative of the Board to the Village Manager and the Village Commission. In the case of the absence of the Chairman at any meetings, the Vice Chairman shall act in his/her stead.~~

~~The Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall report to the Village Commission as to the attendance of the meetings and submit the minutes of its meetings to the Village Commission.~~

~~§ 32.99—Meetings; quorum; voting period.~~

~~(A) — The Animal Control Advisory Board shall hold regular and special meetings as necessary. All meetings shall be publicly noticed to residents, homeowners, and property owners by publication on the Village bulletin board. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting.~~

~~(B) — All meetings of the Board shall be open to the public and three members shall constitute a quorum.~~

~~(C) A majority vote of the Board shall be required on all recommendations made to the Village Commission.~~

DIVISION 1. GENERALLY

Sec. 32-01. Legislative Intent.

It is the intent of the Commission of North Bay Village, to enact by Ordinance, a comprehensive policy that applies to all resident advisory boards, commissions, and committees (the "Advisory Boards") in the Village, the effect of which will be to create uniform policies and procedures for their operation. Though this Ordinance may be codified, it is in the intent of the Commission that this Ordinance be known as the "Advisory Board Ordinance."

Sec. 32-02. General purpose.

The general purpose of all Advisory Boards, as created herein and/or as may be created from time to time, is to engage the citizens of the Village and garner judicious advice from a variety of citizen perspectives. In addition to any specific objectives required of any Advisory Boards herein, it shall be the purpose of all advisory bodies in the Village to:

- (1) provide assistance to the Village Commission, upon request, when formulating public policies and programs;
- (2) serve as a venue for increased public discussion on any public policy and program; and
- (3) assist in the development of community event concepts.

Sec. 32-03. Creation.

Except as required by the Village Charter as applicable to the Village's Planning and Zoning and Civil Service Boards, the Village Commission shall be authorized to create by resolution, from time to time, such Advisory Boards as it deems reasonably necessary to assist it in furtherance of the general purpose listed herein and such specific purposes as may be then set by the Commission.

§§ 32.04 – 32.05 Reserved

DIVISION 2. RULES & PROCEDURES

Sec. 32-06. Applicability of Rules and Procedures.

The rules and procedures provided in this Division shall apply uniformly to all Advisory Boards, which shall include, but not be limited to, non-statutory committees, task forces and advisory boards established by the Village Commission pursuant to this Article.

Sec. 32-07. Composition.

All Advisory Boards, unless specified elsewhere in the Code to the contrary, shall consist of five (5) members. In accordance with §6.01 of the Village Charter, to qualify to serve on an Advisory Board, an individual must be a resident of the Village, or owner of businesses located within the confines of the Village, or designee of such business owner.

Sec. 32-08. Public Meetings.

All meetings and business of the Advisory Boards shall comply with the requirements of Chapters 119 and 286, Florida Statutes. All meetings of the Advisory Boards shall be open to the public at all times. Meetings shall be conducted in accordance with Robert's Rules of Order. Approval of the minutes of the previous meeting shall be included in each agenda of a regular Advisory Board meeting and presented to the Village Clerk's Office for dissemination to each Advisory Board member no later than three (3) business days prior to the meeting. Regular Advisory Board meetings will be canceled if the meeting minutes of the prior regular Advisory Board meeting (or any other previously pending minutes at the time of approval of these rules and procedures) are not submitted for Advisory Board approval by the established deadline. Rescheduling of canceled regular committee meetings shall take place upon the submission of minutes of the prior meeting for approval.

Sec. 32-09. Regular Meetings.

Each of the Advisory Boards shall hold at least one regular meeting each quarter as set by the Chairperson. Regular meetings shall occur at Village Hall, provided that space is available, or, in the event that space in Village Hall is not available or for convenience, in such duly-noticed space that will accommodate public access and participation in keeping with prevailing law. Each Advisory Board shall convene at the request of the Village Commission or the Chairperson of each Advisory Board. At no point shall any Advisory Board have more than one regular meeting per month. Advisory Boards shall, by a majority vote, adopt a meeting schedule for regular meetings throughout the fiscal year. The proposed meetings schedule shall include the date, time, and location of the meetings and must be submitted to the Village Clerk. Prior to setting the meeting schedule, the Village Clerk's Office will vet each proposed schedule. The Clerk will note any conflicts between a proposed schedule and any previously calendared Advisory Board meeting and/or Village Commission Meeting. Advisory Board meetings shall not conflict the Regular Village Commission meetings. Advisory Board meeting schedules that conflict with any previously established Advisory Board meeting schedules are discouraged, and the Clerk will advise the corresponding Advisory Board(s) of any such conflict(s). Advisory Boards shall make every attempt to resolve any possible conflict

with other Advisory Board schedules when approving their regular meetings for the fiscal year. While all parties involved will make every effort to avoid the scheduling of more than one public meeting at the same time, it is recognized that it may be necessary, from time to time, to arrange more than one Advisory Board meeting at the same time in order to ensure that each Advisory Board is able to duly meet and conduct business.

Sec. 32-10. Special Meetings.

Special meetings may be held upon the call of the Chairperson, a majority of the member of the Advisory Board, and/or the Village Commission. Notice of special meetings shall be by sent via e-mail to the Advisory Board members' e-mail addresses on file with the Village Clerk's Office and shall be sent to the members no less than twenty-four (24) hours prior to the desired meeting date and time. Special meetings shall be publicly noticed in compliance with Chapter 286, Florida Statutes, and held at a public location within the Village as set by the Chairperson with the approval of the Village Clerk. An Advisory Board shall not hold more than one (1) Special Meeting per month, unless directed by the Village Commission

Sec. 32-11. Agenda.

The agenda for all meetings of the Advisory Boards shall be prepared by the Chairperson or in the absence of the Chairperson, the Vice Chairperson, in consultation with the office of the Village Clerk. Additional agenda items may be proposed at any time by any member of the Advisory Board either during a meeting or by request to the Village Clerk's Office. The Village Clerk's office will notify the Chairperson of the request to add an agenda item and the item will be added with the approval of the Chairperson. Items proposed after the agenda is distributed may only be heard under "New Business" and upon an affirmative vote of the majority of the Advisory Board members present at the meeting. At the discretion of the Chairperson, public comment on items added to the agenda may be allowed at the end of the meeting. All agenda materials including back-up material and minutes shall be provided to the Village Clerk's Office no later than three (3) business days prior to a regularly scheduled Advisory Board meeting.

Sec. 32-12. Public Appearances and Requests.

Any Village resident, organization, or member of the public may appear before any Advisory Board during the public comment portion of any meeting and as entertained by the Chairperson. Requests to appear shall be made to the Chairperson of the Advisory Board at any time prior to the public comments portion of the meeting. Members of the Village Commission are permitted to attend Advisory Board meetings but shall not vote or participate in discussion, except during public comment or as requested by the Chairperson.

Sec. 32-13. Quorum.

In order to conduct business, Advisory Boards must have a quorum of its membership. A majority of the membership of each Advisory Board, three (3) of five (5) members present at a duly called and convened meeting, shall constitute quorum. Provided there is a quorum, a majority of those present and voting shall be required to adopt any motion or take any action. No actions may be taken without a quorum. In meetings where quorum is not met, the attending members may choose to fix a time at which to adjourn the meeting, call a recess, and/or adjourn the meeting for lack of quorum.

Sec. 32-14. Voting; Participation in Meetings.

Each Advisory Board member shall be entitled to one (1) vote on matters coming before the Advisory Board. The Advisory Board shall act as a body in making its decisions. No member present at a meeting may abstain from voting, except in cases of a conflict of interests as provided in Florida Statutes, the Miami-Dade County Code, and/or the Village Code, as amended from time to time. A member must be present to vote. Proxy votes shall not be permitted. Individuals who are not physically present in meetings but wish to participate in discussions may do so via electronic means—telephonically, video and web applications and/or other remote conferencing programs and platforms—to the extent available. Remote participation via electronic means is not guaranteed.

Sec. 32-15. Appointments.

The members of each advisory board shall be individually appointed by a majority vote of the Village Commission at a regular Commission meeting. Commissioners may nominate individuals and/or my entertain applications submitted to the Village.

Sec. 32-16. Attendance; Removal.

Service on an Advisory Board is voluntary. However, regular attendance at Advisory Board meetings is a requisite to continued participation. In the event an Advisory Board member fails to attend three (3) regularly scheduled meetings in one calendar year, the member shall be deemed to have resigned, and shall be automatically removed, from the Advisory Board. It shall be the responsibility of the Village Clerk to track attendance of Advisory Board members and notify board members that they have been removed from service, following three (3) absences as provided herein. The Village Clerk shall notify the Village Commission of any Advisory Board members removed pursuant to this section.

Advisory Board members may also be removed, pursuant to the Village Charter, by affirmative majority of the Village Commission. No grounds for removal are required to be set forth in the notice.

Unless otherwise set forth in this Code of Ordinances, all board members shall serve at the will of the majority of the Village Commission. In addition to removal for commission

of crimes as provided by the constitution and the law of the State of Florida, Advisory Board members charged with criminal activity as set forth in section 772.102, Florida Statutes, relation to the performance of their duties notwithstanding, shall be suspended from office. It shall be the responsibility of the Village Clerk to notify any Advisory Board member of such a suspension. A replacement may be named to fill the vacancy created by the suspension in the manner provided by law until a final determination of the charges or the term of office is concluded. If the Advisory Board member is exonerated, the Advisory Board member shall be reinstated to serve the balance of the remaining term of office, if any.

Sec. 32-17. Term of Office

Pursuant to the Village Charter, Advisory Board members shall serve a two (2) year term concurrent with the regular scheduled election of the Commission. Advisory Board members shall be eligible for reappointment but shall hold office until a successor has been duly qualified and appointed.

Sec. 32-18. Membership Limitation.

No individual shall serve on more than one (1) Advisory Board at the same time, unless a vacancy persists on any given board after promotion of the vacancy for a period of ninety (90) days; thereafter, an individual already serving on an Advisory Board may be eligible to serve on a second Advisory Board. The foregoing notwithstanding, no individual may serve on more than two (2) Advisory Boards at the same time. All Advisory Board members shall serve without compensation and shall not otherwise obtain direct or indirect financial gain from their service in the Advisory Board.

Sec. 32-19. Oath Requirement.

All Advisory Board members shall be required to subscribe to an oath or affirmation to be filed by the Village Clerk, swearing to support, protect and defend the Constitution and laws of the United States, and of the State, the Charter and all ordinances of North Bay Village and in all respects to faithfully discharge their duties.

Sec. 32-20. Applicability Laws; Training.

Members shall be subject to the applicable standards of conduct for public officers and employees set by federal, state, county, city or other applicable law, including, but not limited, to section 2-11.1 of the Miami-Dade County Code of Ordinances and Section 112.313 , et seq., Florida. Statutes as they may be amended from time to time. Upon appointment, a representative from the Village Clerk's office shall provide Advisory Board members with a copy of the applicable ethics laws and provide an explanation of the State of Florida and Miami-Dade County Code of Ethics (sunshine law, public records law, conflict of interest policy), and the Committee Rules to the Committee member. All Advisory Board members shall be required to participate in annual ethics

training once annual to the same extent required of the Village Commission in this Code.

Sec. 32-21. Officers and Elections.

Every Advisory Board shall elect a Chairperson, Vice Chairperson and Secretary annually, or as vacancies occur, at the first meeting conducted in December to serve for a term of one (1) year.

Sec. 32-20. Records.

Minutes of all Advisory Boards meetings shall be recorded by the Secretary and shall be available for public inspection. The Secretary shall forward all minutes to the Village Clerk's Office. The minutes shall then be included by the Village Clerk's Office in the agenda for the next regular Advisory Board meeting for review and approval by the committee. Once approved, meeting minutes shall be forwarded to the Village Clerk for archiving. During meetings, a standard sign in register must be completed by Advisory Board members and maintained by the Village Clerk's Office. Attendance and absences must be recorded and submitted to the Village along with the minutes, even if there is not a quorum. Each Advisory Board Secretary shall be responsible for providing a current members' roster of all Committee members to the Village.

Sec. 32-21. Advisory Board Reports.

Upon the request of the Village Commission, the Advisory Boards shall submit an annual written report to the Village. The Advisory Boards may submit monthly reports and/or such other single and/or multiple issue reports and/or other correspondence to the Village Commission as deemed appropriate by a majority of the corresponding Advisory Board. All reports shall be approved by the Advisory Board prior to submission to the Village Clerk's Office or presentation to the Village Commission.

§§ 32.22 – 32.25 Reserved

DIVISION 3. CIVIL SERVICE BOARD

Sec. 32.26 - Establishment.

For provisions concerning the Civil Service Board, see § 33.021.

§§ 32.27 – 32.39 Reserved

DIVISION 4. PLANNING AND ZONING BOARD

§ 32.40 - Creation; members.

(A) Created; composition. A Planning and Zoning Board is hereby created which shall be composed of seven members to be appointed by the Village Commission. The Board shall be composed of one member from North Bay Island, one member from Harbor Island, one member from Treasure Island and four at-large members.

(B) Qualifications of members. The members of the Board shall be appointed and shall be qualified electors of the Village as defined in the Charter, and shall also be and remain during their respective terms of office, residents of the Village.

(C) Terms, vacancies, removal from office. The original members of the Board shall be appointed by the Village Commission at the meeting in which this section is finally adopted. Members of the Board shall be appointed by the Village Commission for a term of two years.

(D) Participation of ex officio members. Any member of the Village Commission and the Village Manager may serve as an ex officio member of the Planning and Zoning Board; however, their participation in matters before the Board shall be limited to discussion and their presence shall not constitute a quorum in the absence of other members, nor shall they be entitled to vote or otherwise participate in making recommendations to the Village Commission.

~~Sec. 32.31 - Vacancy.~~

~~In the event that a vacancy shall occur on the Planning and Zoning Board by reason of resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term of the member. Any member may be removed from office by the Village Commission upon majority vote of the Commission.~~

~~Sec. 32.32 - Officers.~~

~~The Planning and Zoning Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice Chairman. At all meetings the Vice Chairman, in case of the absence of the Chairman, shall act in his stead. The Board shall designate its own Secretary and professional advisors, the compensation thereof to be fixed by the Village Commission.~~

~~Sec. 32.4133 - Meetings.~~

The Planning and Zoning Board shall hold regular meetings at such time and place as the Mayor and Commission may establish by Resolution and may hold special meetings at any other time on written call of the Chairman, mailed three days prior to the called meeting. Notices of all meetings shall be sent to residents, home owners, and property owners in accordance with the current practice of the Village Clerk in noticing meetings of the Village Commission. In the event that the Chairman shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held

upon written call of two other members of the Board mailed three days prior to the called meeting. All meetings of the Board shall be open to the public and three members shall constitute a quorum. A majority vote of the Board shall be required on all recommendations made to the Village Commission.

Sec. ~~32.42~~³⁴ - Powers; rules and regulations.

(A) The Planning and Zoning Board shall have the authority and duties set forth in § ~~4.10 of the Village's Unified Land Development Code~~^{152.101}.

~~(B) The Board shall adopt its own rules and regulations and rules of procedure including but not limited to rules and regulations in connection with the processing of applications for variances.~~

* * *

§ 31.04 - Village manager.

For provisions concerning the Village Manager, see Charter §§ 4.01 through 4.08, and code § ~~32.04~~^{31.05}. For provisions concerning the Village Manager as the Village purchasing agent, see §§ 36.25 and 36.26. For provisions concerning the Village Manager's authorization to establish public transportation routes and rates, see §§ 72.01 and 72.02.

§ ~~32.01~~^{31.05} - Village Manager as appointing officer and head of Village Departments.

(A) The Village Manager is designated as the appointing officer of each and every Department within the classified service of the Village.

(B) The Village Manager is designated and appointed as the head of the Police Department, Maintenance Department, Water Department, and Clerical Department of the Village. The Village Manager is hereby authorized, empowered, and instructed to direct the operations of each of the Departments.

* * *

Section 3. Held Over Appointments. Recognizing that this Ordinance will be passed and adopted with 10 months until the next Regular Commission Election, all current appointees to Advisory Boards shall remain in their posts, and all vacancies shall be filled by a majority vote of the Commission.

Section 4. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. 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 shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in Code. The provisions of this Ordinance shall become and be made a part of the Village Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word

Section 7. Implementation. The Village Manager, Village Attorney, and Village Clerk are hereby authorized to take such further action as may be needed to implement the purpose and provisions of this Ordinance

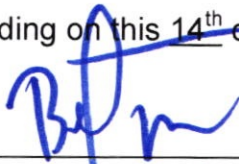
Section 8. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Wilmoth, who moved its adoption on final reading. This motion was seconded by Commissioner Jackson and upon being put to a vote, the vote was as follows:

Mayor Brent Latham	<u>YES</u>
Vice Mayor Marvin Wilmoth	<u>YES</u>
Commissioner Jose R. Alvarez	<u>YES</u>
Commissioner Andreana Jackson	<u>YES</u>
Commissioner Julianna Strout	<u>YES</u>

PASSED on first reading on this 9th of December, 2019.

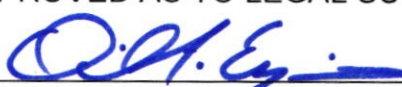
PASSED AND ENACTED on second reading on this 14th day of January, 2020.



Brent Latham, Mayor

ATTEST:


Elora Riera
Village Clerk

APPROVED AS TO LEGAL SUFFICIENCY:


Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

