

**CITY OF MIRAMAR  
PROPOSED CITY COMMISSION AGENDA ITEM**

**First Reading Date:** October 17, 2018

**Second Reading Date:** November 5, 2018

**Presenter's Name and Title:** Yvette Colbourne, Vice Mayor

**Temp. Ord. Number:** 1709

**Item Description:** **SECOND READING** of Temp. Ord. #O1709, Amending the City Code at Chapter 2 "Administration," Article III "Boards, Committees and Commissions," Division 1 "Generally," Section 2-54 "Procedures for commission appointment of members to boards, committees, authorities and agencies; procedure supplemental," to require City board and committee members to resign from a City board position upon seeking elective political office; and providing for an effective date. (Passed 1<sup>st</sup> Reading 10/17/18)

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

**Instructions for the Office of the City Clerk:**

**Public Notice** – As required by the Sec. \_\_\_\_\_ of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on \_\_\_\_\_ in a \_\_\_\_\_ ad in the \_\_\_\_\_; by the posting the property on \_\_\_\_\_ and/or by sending mailed notice to property owners within \_\_\_\_\_ feet of the property on \_\_\_\_\_ (fill in all that apply)

Special Voting Requirement – As required by Sec. \_\_\_\_\_, of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, approval of this item requires a \_\_\_\_\_ (unanimous, 4/5ths etc.) vote by the City Commission.

**Fiscal Impact:** Yes ☐ No ☒

**REMARKS:**

**Content:**

- Agenda Item Memo from the Interim City Manager to City Commission
- Ordinance TO 1709



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & City Commissioners

**FROM:** Vernon E. Hargray, Interim City Manager *EH FOR VH*

**DATE:** October 30, 2018

**RE:** SECOND READING of Temp. Ord. No. 1709, Amending the City Code Chapter 2 "Administration," Article III "Boards, Committees and Commissions"

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**RECOMMENDATION:** The Interim City Manager recommends approval of Temp. Ord. No. 1709, amending the City Code, Chapter 2 "Administration," Article III "Boards, Committees and Commissions," Division 1 "Generally," Section 2-54 "Procedures for commission appointment of members to boards, committees, authorities and agencies; procedure supplemental," to require City board and committee members to resign from a City board position upon seeking elective political office.

**ISSUE:** City Commission approval is required to amend the City Code.

**BACKGROUND:** Section 2-54 of the City Code outlines the procedures for the appointment of individuals to City boards, committees, and other similar administrative bodies. That section does not require board or committee members to resign from those boards, committees, or similar administrative bodies upon seeking elective office. In order to ensure that no ethical violations occur (intentionally or unintentionally, e.g., misuse of City resources), the City desires to amend Section 2-54 to add a provision mandating that individuals resign from their board positions if they seek elective office.

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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE CITY CODE AT CHAPTER "ADMINISTRATION," ARTICLE III "BOARDS, COMMITTEES AND COMMISSIONS," DIVISION 1 "GENERALLY," SECTION 2-54 "PROCEDURES FOR COMMISSION APPOINTMENT OF MEMBERS TO BOARDS, COMMITTEES, AUTHORITIES AND AGENCIES; PROCEDURE SUPPLEMENTAL," TO REQUIRE CITY BOARD AND COMMITTEE MEMBERS TO RESIGN FROM A CITY BOARD POSITION UPON SEEKING ELECTIVE POLITICAL OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 2-54 of the City Code outlines the procedures for the appointment of individuals to City boards, committees, and other similar administrative bodies created by the City Commission; and

**WHEREAS**, Section 2-54 does not require board or committee members to resign from such positions upon seeking elective office; and

**WHEREAS**, in order to ensure that no ethical violations occur (intentionally or unintentionally, e.g., misuse of City resources), the City Commission deems it to be in the best interests of the City and its residents to amend Section 2-54 to add a provision mandating that individuals resign from their board positions if they seek elective office.

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
MIRAMAR, FLORIDA AS FOLLOWS:**

**Section 1:** The foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2:** That section 2-54 of Division 1 “Generally,” of Article III “Boards, Committees and Commissions” of Chapter 2 “Administration” of the Code of the City of Miramar hereby amended to read as follows:

Chapter 2 – Administration

\* \* \*

Article III. – Boards, Committees and Commissions

Division 1. – Generally

\* \* \*

Sec. 2-54. - Procedures for commission appointment of members to boards, committees, authorities and agencies; procedure supplemental.

(a) *Procedures for appointments to municipal board; procedure supplemental.* The procedure for appointments to municipal boards, committees, authorities and agencies shall be as set forth in this section. This section shall be deemed supplemental, and not conflictive with any applicable qualifications or terms of office of members expressly set forth by general or local law for particular boards.

\* \* \*

(g) A person appointed to a board after March 1993 is prohibited from simultaneously serving as an appointee of more than one (1) board or authority, unless it is required by law that certain board members must serve on more than one (1) specific City board.

(h) No member of any City board shall become a candidate for elective political office, whether federal, state, or municipal, during his or her term. Should any member of a City

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board seek elective political office, as detailed in subsections (1), (2), or (3) below, such action shall be deemed a tender of resignation from such board. The board member's resignation shall be effective upon whichever occurs first:

(1) At the time such board member receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to public office;

(2) At the time such board member appoints a campaign treasurer and designates a primary depository; or

(3) At the time such board member files qualification papers and subscribes to a candidate's oath as required by law.

However, any individual that is required to resign from a City board under the circumstances described above may be reappointed to his or her City board position by a simple majority vote of the City Commission should he or she be unsuccessful in his or her campaign.

**Section 3:** Each and every section and subsection of Chapter 6 of the City of Miramar Code of Ordinances not revised herein shall remain in full force and effect as previously adopted.

**Section 4:** All ordinances or Code provisions in conflict herewith are hereby repealed.

**Section 5:** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in

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applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

**Section 6:** It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 7:** The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

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**Section 8:** This Ordinance shall become effective immediately upon adoption.

**PASSED FIRST READING:** \_\_\_\_\_

**PASSED AND ADOPTED ON SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Yvette Colbourne

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this ORDINANCE as to form:

\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman  
Cole & Bierman, P. L.

**Requested by Vice Mayor Colbourne**

**Voted**

Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Vice Mayor Yvette Colbourne	_____
Commissioner Darline B. Riggs	_____
Mayor Wayne M. Messam	_____

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