

ORDINANCE NO. 2880-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ESTABLISHING THE KEEP WINTER PARK BEAUTIFUL AND SUSTAINABLE ADVISORY BOARD; AMENDING SECTIONS 2-47, 2-57, AND 2-62 OF THE MUNICIPAL CODE; REPEALING SECTION 2-57 OF THE MUNICIPAL CODE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park has received information and recommendations from the City Manager, and has considered these matters and determines that it is in the best interest of the City that an advisory board should be established through consolidation of existing advisory boards, for the purpose of promoting and developing thoughtful recommendations regarding matters related to the environmental, economic and social Sustainable of the City of Winter Park; and

WHEREAS, the City Commission has the authority under the Charter and Florida law to exercise powers for municipal purposes except where expressly prohibited by law; and

WHEREAS, the Keep Winter Park Beautiful and Sustainable Advisory Board shall be concerned with matters related to the environmental, economic and social Sustainable of the City of Winter Park.

NOW, THEREFORE, the City Commission of the City of Winter Park, Florida, hereby ordains as follows:

SECTION 1. Recitals. The recitals set forth above are hereby adopted and incorporated herein by reference and are fully made a part of this Ordinance.

SECTION 2. Amendment of Section 2-47 of the Municipal Code. Chapter 2, Article III, Division One, Section 2-47 of the Municipal Code is amended by crossing out language that is deleted, and by showing new language in color other than black, as follows:

“List and Size of Boards Established. The following boards and number of members are established. The general requirements are specified in Division Two herein and the board specific requirements are specified in Division Three. Unless the City Charter or state law requires a different number of members, each board shall have seven members and one alternate member, although boards that had more than seven members prior to May 9, 2011, shall continue to have the greater number of members plus one alternate, and other boards by ordinance of the City Commission may have a greater number of members, as shown hereinafter:

1. Board of Adjustments
2. Civil Service Board
3. Code Enforcement Board (which also sits as the Nuisance Abatement Board)
4. Community Redevelopment Agency
5. Community Redevelopment Advisory Board
6. Construction Board of Adjustments and Appeals
7. Economic Development Advisory Board
8. Ethics Advisory Board
9. Historic Preservation Board
10. Housing Authority Board
11. Independent Personnel Review Board
12. Keep Winter Park Beautiful and Sustainable Advisory Board – Fifteen members, one alternate.
13. Lakes and Waterways Advisory Board
14. Parks and Recreation Advisory Board
15. Pedestrian and Bicycle Advisory Board
16. Planning and Zoning Board
17. Public Art Advisory Board – Eleven members, one alternate.
18. Tree Preservation Board
19. Utilities Advisory Board – Nine members, one alternate.
20. Winter Park Firefighters Pension Board
21. Winter Park Police Officers Pension Board”

SECTION 3. Repeal of Section 2-57 of the Municipal Code and Closure of the Environmental Review Advisory Board. Chapter 2, Article III, Division Three, Section 2-57, entitled the “Environmental Review Advisory Board” is hereby deleted and repealed in its entirety, and the Environmental Review Advisory Board shall be closed and its functions consolidated with the newly established advisory board to be known as the Keep Winter Park Beautiful and Sustainable Advisory Board.

SECTION 4. Amendment of Section 2-62 of the Municipal Code. Chapter 2, Article III, Division Three, Section 2-62 of the Municipal Code (which shall be renumbered as 2-61 following the effective date of this Ordinance) is amended by crossing out language that is deleted, and by showing new language in color other than black, as follows:

“Keep Winter Park Beautiful and Sustainable Advisory Board. Pursuant to the authority of the City Commission, there is established within the City of Winter Park, a Keep Winter Park Beautiful and Sustainable Advisory Board, subject to the following provisions:

- (1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provision in Divisions One and Two of this Article, except that the number of members shall be fifteen members

plus one alternate, and the initial terms in office for the inaugural members of the newly established Keep Winter Park Beautiful and Sustainable Advisory Board shall be staggered, such that five members will be initially appointed to a term of one year, five members initially appointed to a term of two years, and five members initially appointed to a term of three years. After the initial terms in office are served, the succeeding appointments shall be for the term generally established in Chapter 2, Article III for subsidiary boards of the City of Winter Park.

- (2) Advisory Board. The Keep Winter Park Beautiful and Sustainable Advisory Board is an advisory board, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the City Commission concerning matters related to the environmental, economic and social sustainability of the City of Winter Park. The Keep Winter Park Beautiful and Sustainable Advisory Board shall have no adjudicatory or enforcement authority. However, the Keep Winter Park Beautiful and Sustainable Advisory Board shall have the authority to develop and explore opportunities for fundraising and other awareness programs, but all of such opportunities shall be subject to the ordinances, resolutions and policies for such purposes established from time to time by the City Commission, and the Keep Winter Park Beautiful and Sustainable Advisory Board shall have no authority to commit or obligate the City with respect to the terms, conditions, or any other matters related to fundraising or commitments or agreements related to fundraising. The role and function of this Board with respect to fundraising is to explore opportunities and to give advice and make recommendations to the City Commission, and in all instances the City Commission shall be the responsible entity to enter specific fundraising programs on behalf of the City of Winter Park.
- (3) Procedures. The procedures and rules for operation of the Keep Winter Park Beautiful and Sustainable Advisory Board shall be in accordance with the general requirements stated in Divisions One and Two of this Article.”

SECTION 5. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the substantive code provisions of this Ordinance, stated in Sections 2, 3 and 4 hereof, shall become and be made a part of the Municipal Code of the City of Winter Park, Florida, and that any change, amendment or correction that does not affect the substance of any matter may be made to correct scriveners' errors, to renumber, re-letter or otherwise to conform the substantive requirements of this Ordinance into the Municipal Code so long as there are no changes in the substance or legal effect of the provisions hereof, through or as a result of such codification.

Without limiting other non-substantive changes that may be made during the process of codification in the Municipal Code, the removal of the Environmental Review Advisory Board, previously found at Section 2-57, will result in a renumbering of the sections in Chapter 2, Article III, Division Three, such that Sections 2-71 through 2-80 will now be reserved (whereas, previously, Sections 2-72 through 2-80 were reserved).

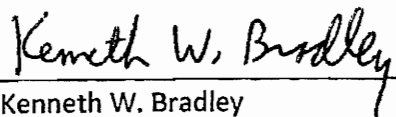
SECTION 6. Severability. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Ordinance, and such invalid or unlawful portion shall be severed from the remainder, and the remainder shall be fully enforced and effective.

SECTION 7. Conflicts. All ordinances or parts of ordinances that conflict in any manner with any of the provisions of this Ordinance are hereby repealed.

SECTION 8. Appointment of Members of the Keep Winter Park Beautiful and Sustainable Advisory Board. The Mayor shall appoint, as provided in the City Charter, the members of the Keep Winter Park Beautiful and Sustainable Advisory Board, with five members initially appointed for a one year term, five appointed initially for a two year term, and five appointed for a three year term. After the initial terms are served, subsequent appointments shall be in accordance with the requirements of Chapter 2, Article III of the Municipal Code.

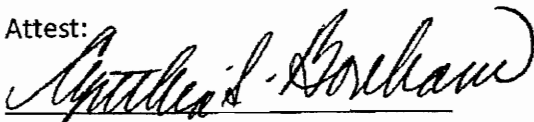
SECTION 9. Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, Florida on this 13th day of August, 2012.



Mayor Kenneth W. Bradley

Attest:



City Clerk Cynthia S. Bonham, MMC