

## ORDINANCE 3245-22

### **AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING DIVISIONS 1 AND 2 OF CHAPTER 2, ARTICLE III OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND THE MEMBERSHIP, FUNCTIONS, DUTIES AND PROCEDURES OF SUBSIDIARY CITY BOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to amend Divisions 1 and 2 of Chapter 2, Article III of the City of Winter Park Code of Ordinance to address quorum requirements, virtual attendance at meetings, financial disclosure requirements, meeting procedures, rules of conduct and order and decorum; and

**WHEREAS**, the City determines the amendments to the code set forth herein are in the best interest of the City.

**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 by reference.

Section 2. Amendment/Adoption. Division 1 and 2 of Chapter 2, Article III of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; provisions and sections not included are not being amended):

#### ARTICLE III. - SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK

##### DIVISION 1. ESTABLISHMENT OF CITY BOARDS

###### **Sec. 2-46. Establishment of city boards.**

There shall be established in this division all boards of the City of Winter Park. If a board is required to be in existence by Florida Statute or City Charter, the section providing for the board shall so provide, as well as any special requirements. If, by Florida Statute or Charter there is a requirement with respect to the board that is different than the general rules in this chapter and article, then the requirements of state statute and the Charter shall control.

###### **sec. 2-47. List and size of boards established.**

The general requirements for boards are specified in division 2 herein and the board specific requirements are specified in division 3. Unless otherwise provided by the City Charter, state law, other ordinance or this article, each board shall have seven members. The following boards are established:

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code compliance board (which also sits as the nuisance abatement board and performs the functions of a code enforcement board pursuant to F.S. ch. 162);
- (4) Community redevelopment agency;
- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;
- (8) Historic preservation board;
- (9) Housing authority board;
- (10) Keep Winter Park beautiful and sustainable advisory board;
- (11) Lakes and waterways advisory board;
- (12) Parks and recreation advisory board;
- (13) Transportation advisory board;
- (14) Planning and zoning board;
- (15) Public art advisory board;
- (16) Utilities advisory board;
- (17) Winter Park Firefighters' pension board;
- (18) Winter Park Police Officers' pension board;
- (19) Orange Avenue overlay appearance review advisory board;
- (20) Tree preservation board.
- (21) Lake Killarney advisory board.
- (22) Winter Pines Golf Course Advisory Board.

## **DIVISION 2. GENERALLY**

### **Sec. 2-48. General rules applicable to subsidiary boards and ad hoc committees of the City of Winter Park.**

#### *(a) Appointment of members.*

- (1) With the exception of the civil service board and as otherwise provided by ordinance, including as may be set forth in this article, pursuant to Section 2.19(c), City Charter, the members of all boards of the city shall be appointed as

described in Section 2.19(a), City Charter generally at the second regular city commission meeting occurring after the mayor or city commissioner responsible for making an appointment(s) is sworn in for a new term of office; however, this provision does not prevent the mayor or city commissioner from delaying a decision on appointments for which they have responsibility.

- (2) For boards and ad hoc committees appointed pursuant to Section 2.19(a), City Charter, each membership position on a city board and ad hoc committee will be assigned seat numbers 1 through 7. Seats number 1 through 4 will be those positions appointed by each of the city commissioners with the same corresponding seat number (e.g., city commissioner holding seat no. 1 will appoint seat no. 1 on each city board and ad hoc committee, etc.). Seats 5 through 7 will be those positions appointed by the mayor.
  - (3) When considering appointments, the mayor and city commissioners should take into consideration for applicable boards or ad hoc committees as set forth in this article, specialized knowledge or vocations required or desired for persons serving on boards or ad hoc committees.
  - (4) The city commission may adopt rules governing the process for making nominations and appointments to board or ad hoc committee positions appointed by the city commission as a body to the extent not inconsistent with general law, the Charter or any ordinance.
- (b) *Removal of members.* Members of city boards and ad hoc committees are subject to removal, with or without cause, at any time. Members of city boards or ad hoc committees whose seats are appointed by the mayor shall serve at the mayor's pleasure. Members of city boards or ad hoc committees whose seats are appointed by a city commissioner shall serve at the pleasure of the city commissioner holding the commission seat that appointed the member. Members of city boards or ad hoc committees whose seats are appointed by the city commission shall serve at the pleasure of the city commission. This provision is intended to be supplemental to, and not in conflict with, the provisions of F.S. § 112.501 which concerns the procedure for removal or suspension of a member of a municipal board for cause. In instances when a member is removed for cause, the procedures in F.S. § 112.501 shall apply.
- (c) *Resignations.* Members of all boards and ad hoc committees shall be entitled to resign at any time by delivery of written notice thereof to the city commission.
- (d) *Quorum.* A quorum shall be established if at least a majority of the total board or ad hoc committee membership is ~~physically~~ in attendance at a meeting. There must be at least a majority of the total board in physical attendance at a meeting in which a quasi-judicial decision of the board is made; once a physical attendance quorum is

established other members of the board may attend the meeting virtually and participate and vote on quasi-judicial decisions. A board or ad hoc committee member who has declared a voting conflict and abstains from voting shall count for establishing the quorum if that member is physically present at the meeting. For a motion to be approved, at least a majority of the members present at a board or ad hoc committee meeting in which a quorum has been established must vote in favor of such motion; except that the provisions of this sentence do not apply to boards requiring a different minimum vote requirement as set forth in other portions of this article or as otherwise required by law. If a quorum is not present, the members of a board or ad hoc committee in attendance at a meeting may take action to continue agenda items to a future meeting and adjourn the meeting for lack of quorum. So long as a meeting is properly noticed and is in compliance with the requirements of the Sunshine Law, less than a quorum of a board or ad hoc committee may meet for the purposes of discussion so long as there is no action or vote taken at such meeting and the issue discussed is not a quasi-judicial matter that was scheduled as a public hearing item.

- (e) *Applicability of rules of ethics.* No member shall take any action or vote if such vote or action is prohibited by a standard of conduct or voting conflict of interest as defined or prohibited in the code of ethics for public officers and employees stated in F.S. ch. 112 or if such action or vote is in violation of the Code of the City of Winter Park. The city attorney will conduct annual board orientation providing board members training in the areas of open government, public meetings, public records, ethics, ex parte communications, quasi-judicial proceedings and related matters.
- (f) *Financial disclosure.* Members of certain boards are required to file a financial disclosure in a manner that complies with financial disclosure as set forth in F.S. § 112.3145. The city clerk will monitor compliance in accordance with State Statute. Any member not complying with financial disclosure requirements will be removed from the board.
- (fg) *Vacancies.* When a vacancy in a board or ad hoc committee member seat occurs, the mayor, the city commissioner or the city commission as body who is responsible for appointing that member's seat or position shall promptly appoint a person to fill the vacancy. A vacancy shall be filled for the unexpired term of the member whose term becomes vacant.
- (gh) *Representation by member of third parties.* No member of a board or ad hoc committee shall represent a third party in any proceeding before such board to which the member belongs.
- (hi) *Role and responsibility of members of subsidiary boards of the City of Winter Park.* Members of subsidiary municipal boards shall have such authority as provided by

law, including ordinances of the City of Winter Park and the City Charter. No member of a board shall exceed his or her delegated authority, and except to the extent Florida law or an ordinance or Charter provision expressly requires the board to perform an adjudicatory function as a quasi-judicial board, the function and duty of each subsidiary board and the members of those boards is limited to acting in an advisory capacity only, by which the members of the various city boards are authorized to receive and gather information, attend board meetings, and apply their best efforts to render advice and recommendations to the commission of the City of Winter Park in the interest of the city and its residents. Although city boards may make recommendations concerning provisions of the City Code, no member of a city board shall, by virtue of such office, have the authority to represent the City of Winter Park in any action to enforce the City Code or any provision thereof.

- (ij) *Term in office and reappointment.* Unless otherwise required by Florida Statutes, City Charter or as otherwise provided by ordinance, each member of the city's boards shall have a term that generally overlaps with the term of office of the mayor or city commissioner's seat that appoints such board seat, except that such board member's term shall start from the date of appointment and end upon the earlier of the following to occur: (i) when such board member's successor is appointed, or (ii) 75 days after the end of the term of office for the mayor or city commissioner that appoints the board seat. A person may serve up to two consecutive terms on the same city board. Following a break in service of at least one year, a former member may be appointed again to the same board subject to the limitation expressed herein. The serving of a partial term of office on a city board due to filling a vacancy shall not count towards the term limits set forth in this subsection.
- (jk) *Attendance, ~~virtual participation by telephone, and procedures if there is lack of a quorum.~~* Each member of a city board or ad hoc committee shall be automatically terminated from the board if the member misses three consecutive meetings, or if the member is absent from more than 50 percent of the scheduled meetings of the board in any 12-month period. Should a board or committee member be terminated, the appointing mayor/commissioner shall be notified and reappoint promptly.

Each member of a city board may participate in a meeting virtually up to three times per year subject to rules and procedures as may be adopted governing virtual attendance. A member desiring to attend a meeting virtually must provide its board's staff liaison advance notice of the member's desire to attend a meeting ~~virtually~~ by telephone if he or she gives good cause for the need to appear by telephone, and in such instances the appearance by telephone shall be counted as the member being present at the meeting. However, a member participating by telephone may only vote if a physical quorum is present at the meeting, and votes

~~and other action may not be taken at a meeting unless a quorum of members is physically present at the meeting. Notwithstanding, if a quorum is not physically present, the members who are in attendance may vote to adjourn the meeting for lack of a quorum. And, so long as a meeting is properly noticed and is in compliance with the requirements of the Sunshine Law, less than a quorum of a board may meet for purposes of discussion so long as there is no action or vote taken at such meeting.~~

(l) Meeting Procedure. Unless otherwise prescribed by the ordinance or charter, advisory boards shall follow the following meeting procedures:

1. All meetings of the board shall be in accordance with the Sunshine Law, F.S. § 286.011, and the records thereof shall be public records as required by F.S. ch. 119 unless the record is specifically subject to a statutory exemption.
2. Board will follow a standardized agenda format provided by the City Clerk's office.
3. Development of the agenda packet is the responsibility of the staff liaison. Discussion/action items may be added to an agenda by the following methods:
  - a. The City Commission will submit to the boards a slate of topics to be addressed.
  - b. From time to time, the Commission may request a specific task be considered for advice to the Commission by the Board.
  - c. Individual board members may suggest a topic for discussion or analysis during a meeting and if a quorum of the board agrees to hear the topic it will be introduced for discussion in a subsequent meeting.
  - d. The staff liaison may place items on the agenda for information to, or action by, the board.
4. Agenda packets should be published and distributed one week before the meeting, but no less than three business days before the meeting.
5. Each board's staff liaison shall be responsible to keep minutes of its proceedings as required by law, showing at a minimum the date, time and place of the meeting, members physically in attendance, appearing by virtually, and absent, and also showing each matter discussed, moved, and voted upon. The records of each matter voted upon shall show the vote of each member on each question, and those members absent or abstaining or otherwise failing to vote. All such records shall be kept, and the minutes and records of official actions shall be public records and retained in the office of the city clerk.

- a. Minutes shall be made available to the public within 30 days of the meeting.
6. All subsidiary boards shall allow for public comment in the manner required by Chapter 2013-227, Laws of Florida.
  - a. Generally, a Advisory boards will accept public comment virtually on general, non-quasi-judicial matters.
  - b. Quasi-Judicial Boards will only accept public comment on quasi-judicial matters at the meeting. Specifically, members of the public may not comment virtually on a quasi-judicial matter.
7. From time to time, an advisory board may choose to have a work session or subcommittee meeting of a smaller group of members to discussion and consider recommendations to the advisory board as a whole. The work session or subcommittee meetings require minutes, but do not require the minutes to be approved by the entire advisory board.

(~~k~~m) *Evaluation process.* Each city board shall make provision for an annual self-evaluation process by which it and the individual board members are evaluated, and the activity and accomplishments of each board shall thus be annually evaluated and reported to the commission. The city manager shall work with the presiding officer or designee of each city board to ensure that the report concerning the evaluation of each board member and each board is presented to the city commissioner prior to the first day of April each year to insure that the information is available before the annual appointment of members at the first meeting in May of each year. The city manager shall develop a standard city form and format for evaluations that will be used for each subsidiary board of the city. The city manager shall recommend the evaluation instrument and format and the city commission shall approve the same with such revisions as the commission determines may be appropriate.

(~~h~~n) *Ad hoc committees.* The city commission may, from time to time, establish by ordinance certain committees of an ad hoc nature to study a particular issue. In accordance with Section 2.19(c), City Charter, an ordinance creating an ad hoc committee may specify the number of positions on such ad hoc committee and how appointments to such ad hoc committee are to be made in a manner that may differ from the provisions of this article. An ad hoc committee will have a limited scope of responsibility and will address only the issue or issues designated, and following the study of such matters shall report the findings of their work to the commission with recommendations. Unless otherwise established by the city commission or extended by action of the commission, no ad hoc committee shall continue in existence beyond 180 consecutive calendar days following the effective

date of the resolution or ordinance providing for the establishment of the ad hoc committee.

(~~m~~o) *Sunset of boards unless a board is required by statute or Charter.* Except for those boards that are required to be in existence pursuant to Florida Statute or City Charter, each city board shall sunset and terminate every five years following May 1, 2011, unless the board is renewed by a majority vote of the commission. This will allow the commission to evaluate the effectiveness and need for the particular board on a regular basis. Notwithstanding this provision, any advisory board may be terminated at any time by a majority vote of the city commission, unless such board is required by Florida Statute or Charter. The following quasi-judicial boards will not sunset: board of adjustments; planning and zoning; construction board of adjustments and appeals; code compliance; civil service; lakes and waterways advisory board and lake killarney board (to the extent it hears stormwater fees appeals); historic preservation board (to the extent it acts in a quasi-judicial capacity with respect to recommendations for or against rezonings, demolitions, developments, lot splits, lot consolidations or conditional uses that could impact historic resources identified in the Florida Master Site File Survey of the City of Winter Park, reviews applications for certificates of review for designated landmarks, resources and property within designated districts, or approves variances appropriate for the preservation of historic resources in conjunction with applications for certificates of review); and the tree preservation board (to the extent it sits as a quasi-judicial board with respect to the consideration of applications for tree removal permits and appeals to the tree preservation board from any denial of an application or any of the conditions attached to the approval of a tree removal permit, or to the extent it sits as a quasi-judicial board with respect to the recommendation of modification of building plans or variances regarding the preservation of protected trees, or the waiver of up to a maximum of five parking spaces for the purposes of preserving existing protected trees). Additionally, without first complying or satisfying legally imposed conditions, the community redevelopment agency and the housing authority may not be abolished.

(~~n~~p) *Expenses and reimbursement.* No member of any board shall receive a salary or fee for service as a member. However, the city manager may authorize reimbursement of necessary expenses for travel, per diem or other expenses if the same are documented in advance and approved by the city manager in writing in advance of the member incurring such expense while on official business for the city, it being a requirement that no expense will be reimbursable unless it is reasonably related to city business performed by a member of a subsidiary board of the City of Winter Park.

(~~o~~q) *Internal rules of conduct.*



- (1) Each board shall comply with the rules established by code, charter or policy.
- (2) Each board shall may adopt such rules as are necessary to the conduct of its business.
- (3) Each board shall elect a chair and vice-chair from its membership on an annual basis. All meetings of the board shall be in accordance with the Sunshine Law, F.S. § 286.011, and the records thereof shall be public records as required by F.S. ch. 119 unless the record is specifically subject to a statutory exemption. Election of the chair and vice-chair will take place at the second meeting following the Commission's annual board appointments. Vacancies in the position of chair or vice-chair should be filled at the subsequent regular meeting of the board following the occurrence of the vacancy.
- (4) The city manager, city attorney and/or a designated city staff member shall be reasonably available upon request to provide technical support and advice to assure each board that it is operating in conformance with the requirements of law. Each board shall be responsible to keep minutes of its proceedings as required by law, showing at a minimum the date, time and place of the meeting, members physically in attendance, appearing by telephone, and absent, and also showing each matter discussed, moved, and voted upon. The records of each matter voted upon shall show the vote of each member on each question, and those members absent or abstaining or otherwise failing to vote. All of such records shall be kept, and the minutes and records of official actions shall be public records and retained in the office of the city clerk.

(r) Order and decorum.

1. The members shall maintain and preserve order and decorum and not disrupt the proceedings.
2. Members of the public attending board meetings shall observe the same rules of order and decorum applicable to the board members and not disrupt the proceedings.

(ps) *Residency requirement.* Unless nonresidency in the City of Winter Park is a requirement of the City Charter, Florida Statutes or division 3 hereof, the city commission and its members shall appoint residents of the City of Winter Park to city boards.

(qt) *Provision of legal and staff services.* To the extent not specifically mentioned in division 3 of this chapter and article, a subsidiary board of the City of Winter Park may request from the city manager that the city manager direct staff or the city attorney to provide technical and legal support to the board with respect to such matter or matters that may be identified by the board.

(~~fu~~) *Frequency of meetings.* Unless otherwise provided with respect to a specific board of the City of Winter Park, each board shall provide in its internal rules of procedure the frequency and schedule for its meetings. The board shall notify the city clerk and city manager in writing with respect to the schedule of meetings established by such board. Unless a board determines otherwise for good cause, it shall meet monthly. However, if it is not necessary to hold monthly meetings to conduct the business of the board, the board shall provide for an alternative schedule of meetings.

(~~s~~) ~~All subsidiary boards shall allow for public comment in the manner required by Chapter 2013-227, Laws of Florida.~~

(~~tv~~) *Fundraising.* Each board shall have the role and function with respect to fundraising 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 in behalf of the City of Winter Park.

**Sec. 2-49. Divisions 1 and 2 apply to all city boards.**

Except as otherwise expressly provided in division 3, with respect to a specific board, the Charter, or Florida Statutes, the requirements governing city boards stated in divisions 1 and 2 of this article shall apply to each city board.

Section 3. Codification. Section 2 shall be codified in the City Code. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

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

Section 5. Conflicts. In the event of any conflict between this Ordinance, or any part thereof, with any of the provisions of other City Ordinances or the City Code, this Ordinance shall control.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the 8th day of June, 2022.

CITY OF WINTER PARK

---

Mayor Phil Anderson

ATTEST:

---

Rene Cranis, City Clerk