ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI ENTITLED "ADMINISTRATION", ARTICLE III, ENTITLED "BOARDS, COMMITTEES, COMMISSIONS", DIVISIONS 2 THROUGH 10, SPECIFICALLY AT SECTIONS 2-61, 2-82, 2-158, 2-187, 2-201, 2-217, 2-227, 2-231, 2-238 AND 2-249, BY AMENDING THE BOARD COMPOSITION FOR THE BOARD OF TRUSTEES OF THE NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA) AND BY REVISING TERMS OF OFFICE TO ALLOW FOR THE TERMS OF BOARD AND COMMISSION MEMBERS TO BE COTERMINOUS WITH THE TERM OF THE APPOINTING COUNCILMEMBER; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Chapter 2 of the Code of Ordinances ("Code") of the City of North Miami ("City"), establishes various board and commissions of the City with specified term dates for board and commission members; and

WHEREAS, the City desires to place all terms of office for members of boards and commissions on the same schedule to provide for consistency and simplification of the election process; and

WHEREAS, the Code currently provides for appointed members to serve a fixed term, even after the term of the appointing councilmember has expired; and

WHEREAS, it is recommended that the terms of appointed board and commission members be coterminous with the appointing elected official's term of office to streamline the term schedule and to allow newly elected city council members to make appointments to the various boards and commissions.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendment to City of North Miami Code. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 2 of the Code of Ordinances of the City of North Miami entitled "Administration", Article III, entitled "Boards, Committees,

Commissions", Divisions 2 through 10, specifically at sections 2-61, 2-82, 2-158, 2-187, 2-201, 2-217, 2-227, 2-231, 2-238 and 2-249, by amending the board composition for the Board of Trustees of the North Miami Museum of Contemporary Art (MOCA) and by revising the terms of office to allow for the terms of board and commission members to be coterminous with the term of the appointing councilmember, as follows:

CHAPTER 2. ADMINISTRATION

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ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS

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DIVISION 2. BOARD OF TRUSTEES OF THE NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA)

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Sec. 2-61. Organization; term of office.

(a) There is established a board of trustees of the North Miami Museum of Contemporary Art (MOCA) which shall consist of a minimum of eleven (11) members and a maximum of thirty-one (31) ~~number of~~ members ~~as determined by the board of trustees~~ and one (1) ex officio (non-voting) member from the staff of the city. The city staff member shall be designated by the city council. Each member of the city council shall appoint two (2) members to the Board, one of which must be a city resident. The remaining members shall be appointed by the Board of Trustees. ~~The city staff member shall be designated by the city council.~~

(b) ~~The board of trustees' nominating committee may present one (1) name as a nominee for each available seat on the board to the board for selection, to fill vacancies from time to time.~~ Individuals shall be appointed based on the following criteria:

(1) Knowledge of and demonstrable service to the North Miami Museum of Contemporary Art (MOCA);

(2) Knowledge of and service to museums;

(3) Representation of the diverse populations of the North Miami community;

(4) Ability to expand involvement in MOCA to communities that have historically not utilized and supported MOCA;

(5) Special expertise is areas of museum collections, architectural preservation, environmental science, history, museum interpretation, landscaping or historic preservation.

(c) The term of office ~~for the board of trustees~~ shall be as follows:

(1) All members serving on the board as of the effective date hereof ~~(October 25, 1994)~~ (April 8, 2014) shall continue to serve until their term expires. ~~Appointments shall be made to fill any expired term for a term of four (4) years~~ The term of those board members appointed by the Board of Trustees shall be for a term of three (3) years. The term of those board members appointed by the city council shall be coterminous with the appointing elected official's term of office.

(2) ~~In the event of the removal or resignation of a member of the board of trustees, the nominating committee of the board shall recommend one (1) name for the position to the board of trustees for selection by majority vote for the remainder of the unexpired term.~~ Vacancies shall be filled in the same manner as appointed.

(3) Any member may be removed by a majority of the city council ~~for cause~~. The board of trustees shall be given the opportunity to express their agreement or disagreement, before such removal vote occurs. ~~Any member may be removed by a majority vote of the board of trustees without cause~~.

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DIVISION 3. CHARTER BOARD

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Sec. 2-82. Members; appointment, term; compensation; procedure at meetings.

Each member of the city council shall nominate one (1) member of the charter board, which nomination shall be subject to approval of a majority of the city council. Two (2) additional members of the charter board shall be appointed by the city council as a whole. The seven (7) members thus appointed by the city council shall be residents of the city. ~~Each member of the charter board shall hold office for a term of two (2) years, unless sooner removed by the city council. Such term to begin on the second Tuesday in June of each odd numbered year.~~ The term of those board members appointed by the individual city council members shall be coterminous with the appointing elected official's term of office. The terms of those board members appointed by the city council as a whole shall be coterminous with the Mayor's term of office. The city council may at any time remove a member from office and appoint a qualified person to serve out the unexpired term of any member so removed. Such action shall require three (3) positive votes. If any member fails to attend two (2) out of three (3) successive meetings without cause and without prior notice and approval of the chairman, the board shall declare the member's office vacant and the city council shall promptly fill such vacancy for the remainder of the term. The city council may reappoint the person removed provided there is at least a majority vote of the city council to do so. The board members shall serve without compensation. All meetings of the board shall be taped. The tapes shall be preserved and minutes recorded. The city attorney and/or his designee and a designee of the city manager shall attend all meetings of the board.

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DIVISION 4. COMMUNITY RELATIONS BOARD

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Sec. 2-158. Membership, qualifications; terms.

The CRB shall consist of seven (7) members, with the mayor and city council to each appoint one (1) member and with two (2) members to be appointed by the entire mayor and city council. The membership of the board shall be representative of the various social, racial, religious, linguistic, cultural, and economic groups comprising the population of the city. Each member shall be a resident of North Miami, with an outstanding reputation for community pride, interest, integrity, responsibility, and business or professional ability. ~~Members shall be appointed for terms of two (2) years.~~ The term of those board members appointed by the individual city council members shall be coterminous with the appointing elected official's term of office. The terms of those board members appointed by the city council as a whole shall be coterminous with the Mayor's term of office. Any member who for any reason misses either two (2) consecutive meetings or a total of three (3) meetings shall automatically cease being a member of the board. Any member may also be removed by a three-fifths (3/5) vote of the city council.

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DIVISION 5. PARKS AND RECREATION COMMISSION

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Sec. 2-187. Appointment of members; terms of office; officers; removal; organization.

(a) Each member of the city council shall appoint two (2) members of the parks and recreation commission.

(b) ~~Each member of the parks and recreation commission shall hold office, unless sooner removed by the council, for a term ending on the second Tuesday in June of each odd-numbered year.~~ The term of commission members shall be coterminous with the appointing elected official's term of office.

(c) The parks and recreation commission shall elect from within the commission a chairperson, who shall be the presiding member; a vice chairperson, who shall preside in the absence or disqualification of the chairperson; a parliamentarian; and a secretary who may be an officer or employee of the city. ~~Terms of all officers shall end on the second Tuesday in June of each odd-numbered year, with eligibility for reelection.~~

(d) A vote by the majority of the city council shall be required to remove a commission member.

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DIVISION 6. SENIOR CITIZENS' ADVISORY BOARD

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Sec. 2-201. Establishment of board; composition; appointment; term; quorum; officers; removal.

(a) There is established a senior citizens' advisory board consisting of a minimum of five (5) members, each of whom shall be a resident of the city or associated with a social service agency that benefits elders in the city.

(b) Each member of the city council shall nominate one (1) member of the senior citizens' advisory board, all of whom shall be subject to appointment by approval of a majority of the city council. ~~Each member so appointed shall hold office until the second Tuesday in June of the odd-numbered year next following appointment. Members shall hold office until a successor is duly appointed. All terms shall begin and end at noon on the date indicated.~~ Each appointed board member's term shall be coterminous with the appointing city council member's term of office. The city council shall appoint a qualified person to serve out the unexpired term of any member vacating office by resignation or otherwise.

(c) Three (3) members shall constitute a quorum for the transaction of business by the board. During the first meeting of the board in September of each year, the members shall elect one (1) of their members to act as chairman, one (1) of their members to act as vice chairman.

(d) Any board member absent from three (3) consecutive or a total of four (4) regular board meetings within a 12-month period shall be removed from office.

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DIVISION 7. YOUTH OPPORTUNITY BOARD

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Sec. 2-217. Members; appointment, term, quorum, officers; role of city manager's office.

(a) Each member of the city council shall nominate two (2) members of the youth opportunity board, with one (1) nomination to be at-large and appointed by a majority vote of the council. Four (4) of the members shall be in middle school or high school. Two (2) of these four (4) members shall be the president or vice president of the student government at a North Miami high school Each nominee shall be subject to the approval of a majority of the city council. ~~Each member shall hold office until the second Tuesday in June of the odd-numbered year next following appointment, members to serve at the pleasure of the council. All terms shall begin and end at noon on the date indicated.~~ The term of those board members appointed by the individual city council members shall be coterminous with the appointing elected official's term of office. The term of the board member appointed by the city council as a whole shall be coterminous with the Mayor's term of office. The council member who originally nominated a board member vacating office by resignation or otherwise shall nominate a successor to serve out the unexpired term. The successor nominee shall be subject to approval by a majority of the city council.

(b) Six (6) members of the board shall constitute a quorum for the transaction of business. During the first September meeting of each year, the board shall elect one (1) of their members to act as chair, one (1) as co-chair and one (1) as corresponding secretary.

(c) The city manager shall assist the board.

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DIVISION 8. ADVISORY COMMITTEE FOR PERSONS WITH SPECIAL NEEDS

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Sec. 2-227. Appointment, terms.

The advisory committee shall have eight (8) members, ~~appointed by the city council.~~ with the mayor and city council to each appoint one (1) member and with ~~two (2)~~ three (3) members to be appointed by the entire mayor and city council. ~~Each member shall hold office for a term of two (2) years, unless sooner removed by the city council. Such term to begin on the second Tuesday in June of each off-numbered year.~~ The term of those board members appointed by the individual city council members shall be coterminous with the appointing elected official's term of office. The term of those board members appointed by the city council as a whole shall be coterminous with the Mayor's term of office.

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DIVISION 9. NORTH MIAMI AFFORDABLE HOUSING ADVISORY COMMITTEE

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The CRB shall consist of seven (7) members, with the mayor and city council to each appoint one (1) member and with two (2) members to be appointed by the entire mayor and city council.

Sec. 2-237. Composition.

(a) The affordable housing advisory committee shall consist of eleven members, with the mayor to appoint three (3) members and city councilmembers to each ~~be~~ appointed ~~by a majority of the city council and shall consist of eleven (11)~~ two (2) members with the following qualifications:

(1) One (1) citizen who is actively engaged in the residential home building industry in connection with affordable housing;

(2) One (1) citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing;

(3) One (1) citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;

(4) One (1) citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing;

(5) One (1) citizen who is actively engaged as a for-profit provider of affordable housing;

(6) One (1) citizen who is actively engaged as a not-for-profit provider of affordable housing;

(7) One (1) citizen who is actively engaged as a real estate professional in connection with affordable housing;

(8) One (1) citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174;

(9) One (1) citizen who resides within the jurisdiction of the city;

(10) One (1) citizen who represents employers within the jurisdiction; and

(11) One (1) person who represents essential services personnel, as defined in the local housing assistance plan adopted by the city.

(b) In the event there is no eligible candidate actively engaged in activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

Sec. 2-238. Term.

~~Each member shall hold office for a term of two (2) years, unless removed by the city council. The term shall end on the second Tuesday in June each even numbered year.~~ Each appointed member's term shall be coterminous with the appointing city council member's term of office.

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DIVISION 10. CHARTER SCHOOL AUTHORITY

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Sec. 2-249. Charter school authority established; board of directors.

(a) There is established a charter school authority in the city which shall be governed by a board of nine (9) directors, five (5) of whom shall be chosen by the mayor and council, three (3) directors who will be chosen by the city manager, and one (1) director who will be a parent or guardian of a current charter high school student and elected by the other parents/guardians. The three (3) directors to be chosen by the city manager shall have the following educational and/or professional backgrounds and experiences:

(1) One (1) director—education;

(2) One (1) director—business/finance; and

(3) One (1) director—city of North Miami administrator.

(b) Prior to the opening of the charter high school, the council shall appoint a director designated by the board of directors of an officially sanctioned parent teacher association recognized by the city, to serve as the parent/guardian director until an election by the charter high school parent/guardians is held.

(c) All directors shall hold office for an initial term of two (2) years from the first day following appointment. Directors appointed by the mayor and council shall have a term coterminous with the appointing city council member's term of office. Each director shall hold office until a successor has been duly appointed, except when removed by the council. Any director may be removed at any time by a four-fifths (4/5) vote of the council. Additionally, a director may be removed by a majority vote of the council for failure to comply with the charter contract between the city and the School Board of Miami-Dade County, Florida or any applicable law regulating charter school boards of directors; upon termination of employment as a city administrator where required for the director appointment, and at such time as the parent/guardian director no longer has a child enrolled in the charter high school.

In cases of vacancies by resignation, removal, or otherwise, the designating entity who originally appointed the director holding that seat may fill such vacancy for the unexpired term, except however that upon the opening of the charter high school, any vacancies for the parent/guardian director shall be filled by a parent/guardian of a current charter high school student elected by the parents/guardians.

(d) The designating entities shall evidence their decisions regarding appointments to the board of the charter school authority, as well, as any actions regarding removal of any of designated board members, by means of a written resolution.

(e) As soon as practical after the council's appointment of its designated directors all duly designated directors shall meet and organize by electing a chairperson, secretary, and treasurer and such other officers as they may deem necessary. All decisions by the board of directors of the charter school authority shall be by majority vote of the entire board.

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Section 2. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. 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 4. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25 day of March, 2014.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2014.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: LUCIE M. TONDREAU

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.