

1 EXHIBIT 1

2 ORDINANCE NO. 2018 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE
4 CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 2
5 "ADMINISTRATION," ARTICLE III "BOARDS, COMMITTEES,
6 DISTRICTS AND AUTHORITIES," OF THE HALLANDALE BEACH
7 CODE OF ORDINANCES TO RENUMBER AND REVISE DIVISION 6,
8 "NUISANCE ABATEMENT BOARD"; DESIGNATING THE CITY
9 COMMISSION AS THE NUISANCE ABATEMENT BOARD; PROVIDING
10 FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR
11 CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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13 WHEREAS, during the commission workshop meetings of February 13, 2017, March 13,
14 2017 and April 17, 2017 the City Commission reviewed the composition, powers and
15 responsibilities of all City Advisory Boards and Committees; and

16 WHEREAS, Florida Statute Sec. 893.138 establishes a process for local administrative
17 process to abate drug-related, prostitution-related or stolen-property-related public nuisances.
18 The statute requires the establishment of a quasi-judicial board by ordinance; and

19 WHEREAS, the Mayor and the City Commission have determined that it is in the best
20 interest of the residents of the City to designate the City Commission as the Nuisance Abatement
21 Board.

22 NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
23 HALLANDALE BEACH, FLORIDA:

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25 SECTION 1. The foregoing "Whereas" clauses are hereby incorporated herein.

26 SECTION 2. Chapter 2 "Administration," Article III "Boards, Committees, Districts and
27 Authorities," Division 6 "Nuisance Abatement Board" of the Code of Ordinances of the City of
28 Hallandale Beach, Florida shall be renumbered to Division 3 and replaced with Sections 2-121
29 through 2.140 as stated herein.

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31 SECTION 3. Chapter 2, Article III, Division 3 shall be titled "Nuisance Abatement Board
32 and is hereby amended as follows:

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34 **ARTICLE III. - BOARDS, COMMITTEES, DISTRICTS AND AUTHORITIES**

35 **DIVISION 63. - NUISANCE ABATEMENT BOARD**

36 **Sec. 2-201121. - ~~Created; membership; quorum.~~ Established.**

37
38 ~~(a) *Created; membership.* Pursuant to F.S. chs. 166 and 893, and other relevant~~
39 ~~provisions of Florida law, the city commission hereby creates and establishes a board~~
40 ~~known and designated as the "Nuisance Abatement Board" which shall be a quasi-~~
41 ~~judicial body. The board shall consist of a five member body who shall be appointed~~
42 ~~by the city commission shall sit as the Nuisance Abatement Board.~~

43
44 ~~(b) *Terms and conditions of membership.* Each board member shall be a resident of~~
45 ~~the city. The city commission may, by resolution, amend the terms and conditions of~~
46 ~~membership on the board.~~

47
48 ~~(c) *Quorum; compensation.* The presence of three or more members shall constitute~~
49 ~~a quorum. Members shall serve without compensation.~~

50
51 ~~(d) *Appointments.* The board shall be appointed by a majority vote of the city~~
52 ~~commission. Each city commissioner shall have one appointment. It is the intent of~~
53 ~~the city commission that the board members be representative of the four quadrants~~
54 ~~of the city. Therefore the vice mayor and commissioners should attempt to select~~
55 ~~from among the city's quadrants being mindful of the other appointments:~~

56 ~~(1) Mayor commissioner member shall select one resident at large.~~

57 ~~(2) Vice mayor commissioner shall select one resident from among the city's~~
58 ~~four quadrants.~~

59 ~~(3) Commissioner members shall select one resident from among the~~
60 ~~remaining three quadrants.~~

61
62 ~~(e) *Terms of office.* All board members shall serve at the pleasure of the city~~
63 ~~commission and shall be appointed for a term of approximately two years, with all~~
64 ~~terms expiring on the date of the city commission organizational meeting following~~
65 ~~each biennial city commission election. However, each member shall continue to~~
66 ~~serve until a successor is appointed. All members are eligible for reappointment.~~

68 ~~(f) *Officers and voting*. The board shall select a chairman and vice chairman from~~
69 ~~among its membership. Board members shall deliberate on all matters before the~~
70 ~~board except where a legally constituted conflict of interest is established, and all~~
71 ~~votes shall be recorded and made public. All orders of the board shall be approved by~~
72 ~~motion by a majority of those members present and voting, except that at least three~~
73 ~~members of the board must vote in order for the action to be official.~~

74
75 **Sec. 2-202122. - Duties.**

76 The nuisance abatement board shall function as the administrative board authorized
77 by F.S. § 893.138 to hear complaints, declare public nuisances and render orders
78 regarding the abatement of the public nuisances as defined in chapter 15 of the city's
79 code. The nuisance abatement board shall have the powers as delineated in this
80 division, F.S. § 893.138, and other Florida law.

81
82 **Sec. 2-203123. - Meetings. Representation**

83 ~~(a) *Establishment*. The nuisance abatement board shall establish the time and place~~
84 ~~for all meetings and shall convene as necessary.~~

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86 ~~(b) *Rules of procedure*. The board shall adopt rules of procedure necessary to the~~
87 ~~conduct of its business provided such procedures do not conflict with any~~
88 ~~requirements of this Code.~~

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90 ~~(c) *Secretary and quorum*. The city manager shall provide for a secretary to the~~
91 ~~board. Minutes shall be kept for all meetings and filed with the city clerk. A quorum for~~
92 ~~the conduct of business shall not be less than three members.~~

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94 ~~(d) *Representation*. The city attorney, or his or her designee, city manager or~~
95 ~~designee, or retained special counsel, shall present evidence before the board on~~
96 ~~behalf of the city. The city attorney or designee shall not act as counsel for the~~
97 ~~nuisance abatement board. The nuisance abatement board shall rely on the advice~~
98 ~~from independent legal counsel who shall be selected by the city attorney. The city~~
99 ~~manager or designee shall present evidence before the board on behalf of the city.~~
100 ~~The City Attorney may retain independent special counsel on behalf of the city to~~
101 ~~present evidence to the Board as necessary.~~

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Sec. 2-204124. - Rights preserved.

This division does not restrict the right of any person to proceed under F.S. § 60.05 against any public nuisance.

Sections 2.125-2.140 are Reserved.

Sections 2.201- 2.230 are Reserved.

SECTION 4. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 5. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 6. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words “ordinance” or “section” may be changed to other appropriate words.

SECTION 7. Effective date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2018.

PASSED AND ADOPTED on 2nd reading on _____, 2018.

KEITH S. LONDON
MAYOR

SPONSORED BY: CITY COMMISSION

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ATTEST:

JENORGEN GUILLEN
INTERIM CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY