

1 EXHIBIT 1

2 ORDINANCE NO. 2024-

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION
4 OF THE CITY OF HALLANDALE BEACH, FLORIDA,
5 AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE III
6 "BOARDS, COMMITTEES, DISTRICTS AND AUTHORITIES,"
7 SECTION 2-71 OF THE CITY OF HALLANDALE BEACH CODE
8 OF ORDINANCES TO AMEND ADVISORY BOARD AND
9 COMMITTEE QUALIFICATIONS TO REQUIRE BACKGROUND
10 CHECKS; AMENDING SECTION 2-74 TO PROVIDE HOLIDAY
11 SCHEDULING GUIDELINES; PROVIDING FOR CONFLICT;
12 PROVIDING FOR SEVERABILITY; PROVIDING FOR
13 CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
14

15 WHEREAS, persons appointed to advisory boards serve a vital function in
16 informing the policy decisions of the City; and

17 WHEREAS, the City has a vital interest in ensuring that those appointed to advisory
18 boards represent the City in a trustworthy and transparent manner; and

19 WHEREAS, unlike elected officials, advisory board members do not undergo a vetting
20 process by the public and opponents during an election; and

21 WHEREAS, the Mayor and the City Commission have determined that it is in the
22 best interest of the residents of the City to modify the general rules applicable to advisory
23 boards and committees to include background checks.

24
25 NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
26 HALLANDALE BEACH, FLORIDA:

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28 **SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.
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30 **SECTION 2.** Chapter 2 "Administration," Section 2-71 of the Code of
31 Ordinances of the City of Hallandale Beach, Florida is hereby amended as follows:

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33 **Sec. 2-71. - Appointment of members; Qualifications; vote of commission.**
34 (a) Boards and Committees will be created by ordinance and have five (5)

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members unless a greater number of members is specifically stipulated in the enabling authority. All members of boards and committees, including alternate members, shall be appointed by a majority vote of the city commission. Individual members of the commission may not give direction to nor interfere with board or committee actions.

(b) Nomination and appointment to boards and committees shall be as follows, unless otherwise required by law:

(1) On boards and committees consisting of five members, each member of the city commission shall have one nomination.

(2) On boards and committees consisting of seven members, each member of the city commission shall have one nomination and two members will be appointed by the commission-at-large.

(3) On boards and committees of membership other than five or seven, the city commission shall specify the method of appointment in the enabling ordinance.

(4) The city commission may appoint an alternate member to each board or committee to serve as a substitute for absent regular members; and while so serving, the substitute shall have the full power and authority of the absent member. No special qualifications shall be required to serve as an alternate member of any such board, authority or agency except as otherwise provided by law.

(5) By motion, any commissioner may nominate a person to another commissioner's appointment should it be vacant for more than three commission meetings.

(c) Qualifications.

(1) Members of board or committees shall be a resident of Hallandale Beach and shall maintain residency in Hallandale Beach during the term of appointment, unless composition of the board or committee is otherwise constituted. All appointees must provide proof of residency unless the appointment is exempt from the residency requirement.

(2) Individuals seeking appointments to a board or committee are to complete the application and submit to the City Clerk. Appointees will complete an application following appointment if not received prior to the appointment-, and all appointments prior to application are conditional upon successful completion of all application requirements and meeting all qualification criteria.

(3) Except as authorized by the enabling authority, board or committee members may not be members of the city commission or city officials or employees. The city commission, officials and employees may attend or be designated to attend the board or committee meetings in an advisory or administrative capacity, such as a liaison function, without voting privileges.

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(4) Members must not be in default on any debt obligation with the city or be a party in litigation adverse to the city.

(5) Background checks will be conducted on all prospective members prior to their appointment. The background check shall include a report of all public record Hallandale Beach Police Department incident reports involving the prospective member.

a. Prospective members who have charges pending or who have ever been convicted of a felony or a crime of moral turpitude shall not be appointed. Prospective members charged with a misdemeanor may be appointed if they were not convicted of the misdemeanor or if the date of offense is five (5) years or more from the date of appointment. If the date of offense is within five (5) years of the date of appointment, prospective members shall not be appointed if the charge is pending or if they have been convicted of the misdemeanor. Members of a city board who are charged with any crime while appointed to a city board shall have an obligation to report the crime to the city clerk and the member shall be automatically removed from the city board by operation of this section. Members who are convicted of any crime while on a city board shall automatically forfeit their appointment to the city board by operation of this section. For the purpose of this section any person who pleads "guilty" or "nolo contendere" or who is found guilty shall be deemed to have been convicted notwithstanding a suspension of sentence or a withholding of adjudication. A member who is found "not guilty" may be reappointed to the city board.

b. Nothing in this article shall be deemed to prevent someone from serving on a board, agency, authority or committee if the person has been convicted, pled guilty, or pled no lo contendere to one (1) or more of the following crimes, as the statutes currently exist or may be renumbered, or of the equivalent statute in another jurisdiction: driving while license suspended (F.S. § 322.34(2) or F.S. § 322.03(5)); no valid driver's license (F.S. § 322.03(1)); operating a commercial vehicle without an appropriate license (F.S. § 322.03(b)); restricted license (F.S. § 322.16); having more than one (1) license (F.S. § 322.03(1)(b)); expired registration (F.S. § 320.07(3)(c)); attaching tag not assigned (F.S. § 320.261); no valid registration (F.S. § 320.02); no motorcycle endorsement (F.S. § 322.03(4)); reckless driving (F.S. § 316.192); unlawful display of license/failure to surrender license (F.S. § 322.03), and permitting an unauthorized person to drive (F.S. § 322.36).

(d) *Vacancies.* As necessary or as requested by a commissioner, the City Clerk's Office will advertise the availability of Board and Committee openings. Applicants are to complete a board or committee application and submit to the City Clerk. As applications are received, the City Clerk, through the City Manager, will advise the Commission of the application and vacancies. Appointments will be considered during

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121 the "City Commission Communications" portion of commission meetings.

122
123 **SECTION 3.** Chapter 2 "Administration," Section 2-74 of the Code of
124 Ordinances of the City of Hallandale Beach, Florida is hereby amended as follows:

125 **Sec. 2-74. - Administration of boards and committees.**

126 (a) Boards and committees will operate under "Roberts Rules of Order."

127 (b) The secretary shall be responsible for the preparation of meeting minutes. The
128 minutes shall include the date, time, location and name of the board, the name of the
129 committee members and whether they are in attendance, all motions, the makers and
130 those who second, and the vote. Verbatim minutes are not necessary. The secretary
131 will have two weeks from the day of the meeting, to prepare typed minutes and provide
132 a copy to each member and to the staff liaison. Within five days of approval of the
133 minutes by vote of the board or committee a copy must be sent to the city clerk for
134 distribution to the city manager and city commission.

135 (c) Scheduling of meetings.

136 (1) The meetings of board or committee may not conflict with any city
137 commission meetings, special meetings or workshops that are posted.
138 However, the city commission may schedule a town hall meeting, special
139 meeting, or workshop on the same date and time as a board or
140 committee meeting that has already been scheduled.

141 (2) Meetings may begin and end at any time the board or committee
142 determines, by majority vote. Prior to the beginning of each calendar
143 year, all boards and committees must provide the city clerk with a
144 calendar of intended meetings for the year. Meetings must be advertised
145 by the city clerk and the secretary of the board or committee must inform
146 the city clerk of the next two month's meeting dates the day after each
147 board or committee meeting. Therefore, the boards must have 'meeting
148 dates' as an item on their agenda each month, unless meetings will be
149 on a regular schedule.

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(3) Meetings shall not be scheduled on holidays, including on the evening before significant holidays. If a meeting falls on Election Day, it shall be scheduled the following day.

(d) A majority of the total number of members will constitute a quorum. For a five-person board or committee, three members shall constitute a quorum. For a seven-person board or committee, four members shall constitute a quorum. For a ten-person board or committee, six members shall constitute a quorum.

(e) The city commission must first approve events desired by board or committee before the event is scheduled.

(f) The treasurer (if necessary) will be responsible for all funds allocated to the board or committee and must keep accurate records and receipts for all purchases and sales. A report is due to the city clerk and staff liaison each month, within two business days after the meeting.

(g) Annual reports. Annual reports are required of each board and committee. The following procedures will be followed regarding annual board or committee reports presented to the city commission.

(1) An annual report from each board or committee will be due to the city clerk by December 15 of each year and presented to the city commission by the last meeting in April of the following year.

(2) The board or committee chair or designee, in conjunction with the departmental liaison, shall prepare the annual report.

(3) The annual report shall contain the following information:

- a. The purpose of the board or committee;
- b. A listing of the current members with notation of any vacancies;
- c. The significant activities or accomplishments during the past year;
- d. Priority activities for the coming year;
- e. Specific recommendations for city commission consideration, if any,

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provided the recommendations have been approved for submittal to the commission by the majority of the board or committee members.

(4) The attendance of the board or committee departmental liaison is required at the commission meeting when the report is presented.

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 ON 1ST reading on _____, 202__.

PASSED AND ADOPTED ON 2ND reading on _____, 202__.

JOY F. COOPER
MAYOR

SPONSORED BY: COMMISSIONER ANABELLE LIMA-TAUB
MAYOR JOY F. COOPER

ATTEST:

JENORGEN GUILLEN

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213 CITY CLERK
214 APPROVED AS TO LEGAL SUFFICIENCY
215 AND FORM:
216
217
218 _____
219 JENNIFER MERINO
220 CITY ATTORNEY
221

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