ORDINANCE NO. 2011 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE WINTER CONCERT ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the "Village") currently desires to have winter concerts (the "Concerts") within the Village; and

WHEREAS, the Village Council finds it necessary and appropriate to create a Winter Concert Advisory Committee in order to assist the Village Council in selecting performers for the Concerts; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Winter Concert Advisory Committee. The Village Council hereby creates the Winter Concert Advisory Committee as follows:

Section A. Creation, composition, and qualifications.

(1) In accordance with Section 2-10 of the Village Code, there is hereby created and established the Winter Concert Advisory Committee (the "Committee"). The Committee shall be composed of five members appointed by the Mayor, with the approval of the Council.

(2) All Committee members shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.

(3) Members of the Committee shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

(4) Each member of the Committee shall be a full time resident of the Village who has continuously resided within the Village for the 12-month period immediately prior to the appointment, and shall not be an employee of the Village. Any member who ceases to reside within the Village limits during his or her term of office shall be deemed to have resigned as of the date of his or her change of residence from the Village.

(5) In the event of the resignation or removal of any member of the Committee, the Mayor shall appoint a person to fill the vacancy on the Committee, subject to approval of the Village Council.

Section B. Advisory capacity; standards of conduct.

The powers and duties of the Committee shall be solely of an advisory nature to the Village Council and Village Manager. Accordingly, Committee members shall comply with the applicable requirements of the Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112, F.S. and any other standards of conduct set by federal, state, county, Village or other applicable law.

Section C. Rules of procedure, other requirements.

(1) The Committee may adopt rules of procedure as authorized by Village Code Section 2-10 (k). In the absence of the adoption of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply, subject to the provisions of Village Code Section 2-10.

(2) During the first meeting of the Committee, the members shall elect one of their members to act as chairman, vice-chairman and a secretary.

(3) The Committee shall be subject to and shall comply with the applicable provisions of Village Code Section 2-10.

Section D. Jurisdiction.

The jurisdiction of the Committee shall be limited to evaluating and recommending to the Village Council performers for winter concerts within the Village. The jurisdiction of the Committee shall be solely advisory. Final advisory action of the Committee shall be in the form of a written recommendation provided to the Village Council. Upon submittal and presentation of the recommendation, the Committee's jurisdiction shall cease and the Committee shall terminate unless further extended by resolution of the Village Council.

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. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

PASSED on first reading this 5th day of July, 2011.

PASSED AND ADOPTED on second reading this ___ day of ____, 2011.

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MAYOR FRANKLIN CAPLAN

ATTEST:

_____
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY