

ORDINANCE NO. 2019-_____

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE,
FLORIDA, CREATING A VILLAGE BEAUTIFICATION
BOARD; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 4.12 of the Charter of the Village of Key Biscayne (the “Village”) permits the Village Council to establish advisory boards; and

WHEREAS, the Village Council desires to create the Village Beautification Board (the “Board”) to provide advice and recommendations to the Village Council and the Village Manager relating to the overall appearance of the Village, short and long range plans for beautification projects, and other matters which may be referred to the Board by the Village Council; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the best interest of the Village and its residents.

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

Section 1. Recitals. That the above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Creation of Board. That the Village Council hereby creates the Village Beautification Board as follows:

1. Creation, composition and qualifications.

- a. In accordance with Section 2-10 of the Village Code, there is hereby created and established the Village Beautification Board (the “Board”). The Board shall be composed of five (5) members appointed by the Mayor, with the approval of Council.

- b. Each member of the Board shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.
- c. Each member of the Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.
- d. Each member of the Board 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. Any member who becomes employed by the Village during his or her term of office shall be deemed to have resigned as of the start date of his or her employment with the Village.
- e. In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on the Board for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

2. Term of Office.

- a. Members shall be appointed for a term of up to two (2) years. Members may be reappointed.

3. Advisory Capacity; Standards of Conduct.

- a. The powers and duties of the Board shall be solely of an advisory nature to the Village Council. Accordingly, Board 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, Florida Statutes, and any other standards of conduct set by federal, state, county, Village or other applicable law.

4. Rules of Procedure; Other Requirements.

- a. The Board may adopt rules of procedure as authorized by Village Code Section 2-10(k). In the absence 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.
- b. During the first meeting of the Board, the members shall elect one of their members to act as Chair, Vice-Chair and Secretary.
- c. The Board shall be subject to and shall comply with the applicable provisions of Village Code 2-10.

5. Jurisdiction; Dissolution.

- a. The jurisdiction of the Board shall be solely advisory and shall include:
 - i. Identifying and developing beautification projects for the rights-of-way within the Village, including, but not limited to, landscaping projects;
 - ii. Assisting the Village Manager or their designee in identifying areas within the Village in need of maintenance and upkeep; and
 - iii. Any other matter relating to Village beautification referred to the Board by the Village Council.
- b. The Board shall continue to exist until such time that the Village Council, by an affirmative motion, determines that it is appropriate and necessary to dissolve the Board.

Section 3. **Severability.** That 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. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the ___ day of _____, 2019.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2019.

MICHAEL W. DAVEY
MAYOR

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

VILLAGE ATTORNEY