ORDINANCE NO. 2014-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING THE EDUCATION ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 9th 2009, the Village of Key Biscayne (the "Village") Village Council adopted Ordinance 2009-7 creating the K-8 Education Advisory Board; and

WHEREAS, in January 2011, the K-8 Education Advisory Board fulfilled its duties and was subsequently dissolved when it presented a draft educational compact with the Miami-Dade County School District to the Village Council; and

WHEREAS, the Village Council desires to create a new Education Advisory Board to advise the Village Council on educational issues affecting the Village; and

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

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

Section 1. **Recitals**. That the above stated recitals are hereby confirmed and adopted.

Section 2. **Creation of Board**. That the Village Council hereby creates the K-8 Education Advisory 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 Education Advisory Board (the "Board"). The Board shall be composed of ~~seven (7)~~ nine (9) members appointed by the Mayor, with the approval of the Council.

   b. All Board members shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.

c. Members 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; provided, however, that employment as a teacher shall not disqualify an individual from service on the Board. 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.

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.

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

3. Advisory capacity; Standards of conduct.

The powers and duties of the Board shall be solely of an advisory nature to the Village Council and Village Manager. 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 and Dissolution.

a. The jurisdiction of the Board shall be solely advisory. Advisory action of the Board shall in the appropriate form, and written recommendations shall be provided to the Village Council. The following matters shall be within the jurisdiction of the Board:

1. Study, evaluate and make recommendations to the Village Council regarding the establishment/modification of a compact(s) or other agreements between the Village and the Miami-Dade County School District for the enhancement and greater benefit of the public schools that serve Village residents; and

2. Interaction and ongoing dialogue with the principals of public schools in accomplishing the goals set out in subsection (a)(1) above.

b. The Board shall not have jurisdiction over or related to any matter concerning the duties, employment or performance of the Village, the Miami-Dade County School District or their respective employees, nor over the policies and/or procedures of the public schools.

c. The Board shall continue to exist until such time that the Village, 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 severable and if any section, sentence, clause or phrase of the 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 adoption at second reading.

PASSED on first reading this _25th_ day of _February_, 2014.

PASSED AND ADOPTED on second reading this ____ day of _____, 2014.

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MAYOR FRANKLIN H. CAPLAN

ATTEST:

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CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY