

ORDINANCE NO. 2005-1

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE VISION PLAN AND EVALUATION AND APPRAISAL REPORT COMMITTEE; PROVIDING, AMONG OTHER THINGS, THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS, RULES OF PROCEDURE AND THE DUTIES AND RESPONSIBILITIES OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to create a Vision Plan and Evaluation and Appraisal Report Committee (the "Board") to provide recommendations to the Village Manager, Village Local Planning Agency and Village Council, as described herein; and

WHEREAS, the Village Council finds that the creation of the Board, as an Advisory Board of the Village, 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 Article XII "Vision Plan and Evaluation and Appraisal Report Committee" of Chapter 2 "Administration" of the Village Code is hereby created, to read as follows:

Article XII. Vision Plan and Evaluation and Appraisal Report Committee.

Sec. 2-200. Creation, composition, qualifications and term.

- (a) In accordance with Village Code Section 2-10, there is hereby created and established the Village of Key Biscayne Vision Plan and Evaluation and Appraisal Report Committee (the "Board"). The Board shall be composed of twenty-three (23) members appointed by the Mayor, with the approval of the Village Council, as provided by Village Charter Section 2.02. Board members shall serve at the pleasure of the Village Council. Each member shall be appointed for an indefinite term of up to

two (2) years. The term of office shall sooner expire on completion of the work of the Board. Members of the Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

(b) The qualifications for the members of the Board shall be as follows:

- (i) All members of the Board shall be residents of the Village; and
- (ii) Five (5) members of the Board shall consist of one person serving or who has served on each of the five (5) other advisory boards of the Village (to-wit: one member from the Noise Ordinance Review Committee; one member from the Community Center Advisory Board; one member from the Crandon Boulevard Master Plan Implementation Committee; one member from the Art in Public Places Board; one member from the Crandon Boulevard Zoning and Development Committee); and
- (iii) One member of the Board shall be the Principal of the Key Biscayne Community School; and
- (iv) One member of the Board shall be a person who is engaged in the hotel industry within the Village; and
- (v) One member of the Board shall be a representative of a senior citizens organization; and
- (vi) Two members of the Board shall be representatives or members of the Key Biscayne Chamber of Commerce; and
- (vii) Five members of the Board shall be persons who possess a demonstrated knowledge in community affairs and/or planning; and
- (viii) One member of the Board shall be a representative of the Key Biscayne Athletic Club; and
- (ix) One member of the Board shall be a member of the Clergy practicing in the Village of Key Biscayne; and

- (x) Two members of the Board shall be former Village Council members who are recognized for their knowledge of municipal planning principles and practices; and
- (xi) Two members of the Board shall be persons who are involved in architecture or landscape architecture; and
- (xii) One member of the Board shall be the mayor of the Youth Opportunity Council; and
- (xii) One member of the Board shall be a member of the Village Council who shall serve in an ex-officio non-voting capacity in conformity with the restrictions of Section 4.02(c) of the Village Charter.

Any member of the Board who ceases to reside within the Village Limits during his or her term of service shall be deemed to have resigned as of the date of his or her change of residence from the Village.

- (c) The Village Council shall designate one of the Board members as Chairman.
- (d) 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.

Sec. 2-201. Advisory capacity.

- (a) The powers and duties of the Board shall be solely of an advisory nature to the Village Local Planning Agency, the Village Council and the Village Manager.
- (b) The Board shall act in accordance with Village Code Section 2-10.

Sec. 2-202. Rules of procedure.

- (a) The Board may adopt rules of procedure as authorized by Village Code Section 2-10(k). In the absence of 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.

- (b) During the first meeting of the Board, the members shall elect one of their number to act as Vice-Chairman and a Secretary.
- (c) Twelve members shall constitute a quorum for the transaction of the business of the Board. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board.

Sec. 2-203. Jurisdiction, duties.

The jurisdiction of the Board shall be solely advisory. Action of the Board shall be in the form of a written recommendation to the Village Local Planning Agency, the Village Manager and the Village Council. The following matters shall be within the advisory jurisdiction of the Board:

(1) Assist in formulating and review and comment upon the Village's planning consultant's recommendation for the Vision Plan and for the Evaluation and Appraisal Report (the "EAR") for the Comprehensive Plan.

(2) Provide recommendations to the Village Local Planning Agency, Village Manager and Village Council for the Vision Plan and the EAR.

(3) Any other related matters assigned to the Board by the Village Local Planning Agency, the Village Council or the Village Manager.

Sec. 2-204. Standards of conduct for members.

All members of the Board shall be subject to the standards of conduct for public officers and employees as set by federal, state, county, Village or other applicable law.

Sec. 2-205. Dissolution of board.

The Board shall be dissolved upon completion of the work of the Board as reflected by the presentation to the Council of a final report from the Board or from the Village Manager indicating that the work of the Board is complete.

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. **Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Effective Date.** That this ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this 22nd day of February, 2005.

PASSED AND ADOPTED on second reading this 15th day of March, 2005.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY