

**ORDINANCE NO. 12-2006**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-112 ENTITLED "MEMBERSHIP ON CERTAIN BOARDS AND COMMITTEES TERMINATED FOR MISSING MEETINGS, FILLING OF VACANCIES"; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted general provisions pertaining to membership on Town boards and committee in the Town's Code of Ordinances, which have been codified in Chapter 2, Section 2-112 of the Code of Ordinances; and

**WHEREAS**, certain provisions of Code Section 2-112 of the Town Code of Ordinances require amendment, repeal, modification, or revision; and

**WHEREAS**, Town staff has recommended to the Town Commission that Section 2-112 (a), (b), (c) and (d) be amended, and

**WHEREAS**, the Town Commission has reviewed this recommendation and has determined that amending Section 2-112 (a), (b), (c), and (d), of the Town's Code of Ordinances to provide for the termination of membership on any such board or committee due to having missed three meetings in 365 days any-given (any one year term) of the member, is necessary to further the public's health, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE  
TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

**Section 2.** Chapter 2, Article IV, Divisions 1 , (a), (b), (c), and (d) of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended and repealed as follows:

**Sec. 2-112. Membership on certain boards and committees terminated for missing meetings; filling vacancies.**

(a) For the purposes of this section, the following words, terms and phrases shall have the meanings herein ascribed to them:

- (1) *Board* shall mean any board or committee whose members are appointed by the town commission.
- (2) *Valid excuse* shall mean one of the following:
  - a. Illness of a board member or other person for whom the member is a caregiver;
  - b. Death of a member's relative;
  - c. Emergency as approved by a majority of the board; or
  - ~~c-d.~~ Scheduled absence approved in advance in writing by the chairman town clerk.

(b) *Recording of attendance.* The secretary of each board ~~as set forth above~~ shall record ~~shall set down~~ the names of the board members who are present and absent at each board meeting, and shall include in the minutes of the meeting, the name of any member who has missed ~~a meeting~~ a meeting without a valid excuse, including regular and special meetings of such board.

(c) *Termination of membership.* Membership on a town board ~~the boards of the town, as set forth below,~~ shall be automatically terminated for any member who, without valid excuse, misses three (3) board meetings both regular and special in any consecutive 365 day period (any one year term of the member). ~~of: the tree board, library board, marina and development control board, Lake Park Harbor Marina advisory board, board of adjustment, planning and zoning board, the historical preservation board, the merit and code compliance board.~~

(d) *Review of minutes.* The town clerk shall be responsible for reviewing the minutes of each board to determine when a vacancy has occurred because of lack of attendance. When it appears from the minutes that a vacancy has occurred, the town clerk shall confirm the unexcused absences of

the member with the board secretary and once confirmed shall subsequently publish notice of the vacancy in an newspaper of general circulation in the town. The town commission shall fill the vacancy no sooner than two weeks after the publication of such notice. The term of a board member who is removed from office for lack of attendance shall end at the close of the ~~second consecutive~~ third meeting which the member failed to attend and which absence was not excused.

**Section 3.**     **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.**     **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.**     **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Section 6.**     **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 18 day of October, 2006, the foregoing Ordinance 12-2006, was offered by Commissioner Balius who moved its approval. The motion was seconded by Vice-Mayor Daly, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 1 day of November, 2006, the foregoing Ordinance 12-2006, was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Osterman, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 12-2006 duly passed and adopted this 1 day of November, 2006.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*  
Mayor Paul Castro

ATTEST:

*Olivia Mendez*  
Olivia Mendez  
Town Clerk  
TOWN OF LAKE PARK  
FLORIDA  
SEAL

Approved as to form and legal sufficiency:  
*Thomas J. Baird*  
Thomas J. Baird, Town Attorney