

ORDINANCE NO. 22-2004

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, DIVISIONS 1 AND 2, AMENDING SECTION 2-57 ENTITLED "MEMBERSHIP ON CERTAIN BOARDS AND COMMITTEE TERMINATED FOR MISSING MEETINGS; FILLING OF VACANCIES;" REPEALING SECTION 2-63 ENTITLED "DECLARATION OF LEGISLATIVE INTENT, PURPOSE;" REPEALING SECTION 2-64 ENTITLED "DUTIES AND RESPONSIBILITIES;" REPEALING SECTION 2-65 ENTITLED "QUALIFICATION AND TERMS OF OFFICE OF THE BOARD;" REPEALING SECTION 2-66 ENTITLED "ELECTION OF BOARD OFFICERS, QUORUM, COMPLIANCE WITH "SUNSHINE LAW";" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida 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 the Education Advisory Board in the Town's Code of Ordinances, which have been codified in Chapter 2 of the Code of Ordinances; and

WHEREAS, certain codified provisions of Chapter 2 of the Town Code of Ordinances require amendment, repeal, modification, or revision; and

WHEREAS, Town staff has recommended to the Town Commission that Section 2-57 of Chapter 2 be amended, and Sections 2-63, 2-64, 2-65 and 2-66 of Chapter 2 of the

Town Code pertaining to the Education Advisory Board be repealed to eliminate the Education Advisory Board; and

WHEREAS, the Town Commission has reviewed these recommendations and has determined that amending Section 2-57 of Chapter 2, and repealing Sections 2-63, 2-64, 2-65 and 2-66 of Chapter 2 of the Town's Code of Ordinances 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2, Article IV, Divisions 1 and 2, of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended and repealed as follows:

Sec. 2-57. 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 board or committee as appropriate.
- (2) *Valid excuse* shall mean one of the following:
 - a. Illness of 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
 - d. Scheduled absence approved in advance by the chairman.

(b) The secretary of each board as set forth above shall set down persons who are present and absent at each board meeting, and shall include in the minutes of the meeting, the name of any person(s) who has missed two (2) consecutive meetings without a valid excuse, including regular and special meetings of such board.

(c) Membership on the boards of the town, as set forth below, shall be automatically terminated for any member who, without valid excuse, misses two (2) consecutive board meetings both regular and special ~~of: the education advisory board, tree board, library board, marina development and control board, board of adjustment, planning and zoning board, the historical preservation board, the merit and code compliance board.~~

(d) 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 clerk shall confirm same with the secretary and/or chairman and shall subsequently publish notice of the vacancy. The town commission shall fill the vacancy no sooner than two (2) weeks after the publication of such notice. A board member who is removed from office for lack of attendance shall not serve until a successor is appointed, but the membership on such board shall terminate at the close of the second consecutive meeting which the member has not attended.

(e) The town clerk shall monitor the terms of office for board members. Not less than sixty (60) days prior to the end of a board members' term, the clerk shall publish a notice of the impending vacancy.

(f) When publication of notice is required pursuant to this section, such publication shall be in the town newsletter and/or by other reasonable means of posting and publication. Copies of such notices shall be provided to the town commission at the next regular meeting following publication.

(g) Each person seeking an initial appointment to a board shall be required to complete a profile sheet. The form for such profile sheet shall be approved by the commission. Any current regular member or alternate member seeking appointment or reappointment shall also be required to complete a profile sheet if one has not been completed within the previous three (3) years. A profile sheet shall be due no later than forty-eight (48) hours prior to the regular commission meeting at which the appointment is scheduled to occur.

(h) The town commission shall appoint two (2) alternates for each board. Alternate members of a board shall be appointed as first alternate and second alternate and shall serve in that order when necessary. Alternate members shall be permitted to participate in all board discussions. When an alternate member serves, he or she shall have all the powers and duties of a regular member including the right to vote on any matter before the board.

(i) The clerk shall prepare the ballot for commission action on a vacancy. The ballot shall include the name of each person seeking the appointment for which a profile sheet has been timely received. Each person seeking appointment shall be identified as a current member, current first alternate member, current second alternate member or new applicant, as appropriate. The clerk shall receive, tally and announce the results at the commission meeting at which the balloting occurs. Thereafter, the clerk shall notify each

applicant in writing of the commission's action upon the applicant's request for appointment.

- (j) No person shall serve more than three (3) consecutive terms on a board.
- (k) Each board shall elect a new chairperson and vice chairperson on an annual basis.
- (l) All members of town boards shall be residents of the town. However, unless otherwise prohibited by law, the commission may appoint no more than two (2) (including alternate members) town business owners to the boards of the town, excepting the board of adjustment, and all appointments to said boards shall be made by the commission of the town.

Sec. 2-63. Declaration of legislative intent, purpose.

~~It is the intent of this division to promote the awareness and participation of the citizens of the town with the education of the children of the town. Further, it is the intent of the commission to encourage the cooperation of the citizens of the town through their volunteer efforts within the school and the community, with the county school board and the private schools in the town to enhance the efforts of the schools in educating our children.~~

Sec. 2-64. Duties and responsibilities.

~~The duties and responsibilities of the education advisory board shall be as follows:~~

- ~~(1) — To solicit input from parents, students and the community to clearly understand their educational expectations and concerns so that the board may actively address these issues.~~
- ~~(2) — To improve the individual schools through active participation in each school's School Advisory Council (SAC).~~
- ~~(3) — To periodically meet with area superintendents, area school board members and the school superintendent to express the wants and needs expressed by the town commission and to receive feedback from the school system regarding same.~~
- ~~(4) — To address the school board on specific issues when requested to do so by the town commission.~~
- ~~(5) — To provide the town commission with a yearly "State of the Schools" report.~~
- ~~(6) — To monitor school board activities and report to the town commission any items of interest or concern.~~

~~(7) — To serve as a liaison between the county school board and the town commission.~~

~~(8) — To participate in an information exchange via school newsletters and principal's office with the administration of each town school as well as with schools outside of the township that serve town students.~~

~~(9) — To contact local businesses within the township for professional skills, materials, financial or educational support for schools. Any such solicitation shall first be approved by the town commission.~~

~~(10) — To coordinate the activities of the town with those activities of the schools, colleges and universities in order to enhance educational opportunities for residents of the town.~~

~~(11) — To coordinate with the towns' recreation/community affairs department for pre- and post-school activities.~~

Sec. 2-65. Qualifications and terms of office of the board.

~~(a) — The town commission shall appoint an uneven number, but no more than eleven (11) members, and up to four (4), but not less than two (2) alternate members to the education advisory board. The members shall meet at least one of the following criteria by being either:~~

~~(1) — An administrator, teacher, or staff member of one of the schools (pre-school, elementary, secondary or post-secondary) serving the citizens of the town.~~

~~(2) — A person who is a registered town voter.~~

~~(3) — A business owner in a town business; or~~

~~(4) — A member of the town library staff.~~

~~(5) — The town commission may appoint up to three (3) students to indefinite terms as "student members" of the board. Students appointed pursuant to this section shall not be counted as board members for the purpose of meeting quorum requirements and shall not be entitled to make motions or cast votes; however, appointed students may participate in the discussion of matters being considered by the board and may bring suggestions for action to the board. When an appointee ceases to be a student, his or her membership on the board shall terminate automatically.~~

~~(b) — In order that the terms of office all members will not expire at the same time, the initial appointments to the education advisory board shall be as follows:~~

~~(1) — Six (6) members shall be appointed for a term of one year.~~

~~(2) — Five (5) members shall be appointed for a term of two (2) years.~~

~~(c) — Thereafter, all appointments shall be made for a term of two (2) years. No member may serve more than three (3) consecutive two-year terms. Any member may be reappointed upon approval of the commission. An appointment to fill any vacancy on the education advisory board shall be for the remainder of the unexpired term of office.~~

~~(d) — Except as provided herein, members shall serve in accordance with the town code, sections 2-56 and 2-57.~~

Sec. 2-66. Election of board officers, quorum, compliance with “Sunshine Law.”

~~(a) — The board shall elect, at a regular meeting to be conducted in January of every year, from its membership, a chairperson and vice-chairperson. The chairperson and the vice-chairperson shall serve as a regular member of a School Advisory Council (SAC) at one of the schools serving town students. This includes but is not limited to Lake Park Elementary, H.L. Watkins Middle School, Suncoast High School and Palm Beach Gardens High School. Further, the board shall elect from its membership a secretary who shall record the proceedings of each meeting.~~

~~(b) — A quorum of the board shall be deemed present if a majority of the membership of the board is present. The affirmative vote of a majority of members present at a meeting at which a quorum is present is required for the board to take a formal action. If a quorum is not present within fifteen (15) minutes after the designated start time of the meeting the meeting will be rescheduled.~~

~~(c) — Members of the education advisory board shall comply with the provisions of the chapters 286 and 119, Florida Statutes.~~

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 relettered 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.

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Upon First Reading this 20 day of October, 2004, the foregoing ORDINANCE was offered by Commissioner Garretson who moved its approval. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

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

Upon Second Reading this 17 day of November, 2004, the foregoing ORDINANCE was offered by Vice-Mayor Balius who moved its adoption. The motion was seconded by Commissioner Garretson, and being put to a vote, the result was as follows:

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

The Mayor thereupon declared Ordinance No. 22-2004 duly passed and adopted this 17 day of November, 2004.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
 Mayor Paul Castro

ATTEST:
Stephanie Thomas
 Stephanie Thomas
 Town Clerk

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

