

ARTICLE XII. - BOARDS, AUTHORITIES AND AGENCIES GENERALLY

DIVISION 1. - GENERAL PROVISIONS

Sec. 1-233. - Terms and process of appointment to Broward County agencies, authorities, boards, committees, commissions, councils, and task forces; quorum.

All appointments to advisory boards, committees, commissions, councils, and task forces established by Broward County ordinance or resolution (collectively, "advisory boards"), and all appointments to agencies, development and redevelopment authorities, and regulatory and adjustment boards established pursuant to federal or state law, the Broward County Charter, or interlocal agreements (collectively, "other boards"), except where inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such advisory boards or other boards, shall be subject to the following requirements:

- (a)
 - (1) An appointment for a fixed-term shall expire on the last day of the fixed term unless the appointee is removed for cause under federal, state, or local law, as applicable.
 - (2) If the appointment is not for a fixed term, the appointee shall serve until:
 - a. He or she is removed by the appointing/nominating Commissioner or other appointing/nominating authority; or
 - b. The sooner of Subsection 1. or 2. below:
 1. A successor is appointed, or the incumbent appointee is reappointed, by a newly-elected or newly-appointed Commissioner; or
 2. Six (6) months after the official date on which a newly-elected or newly-appointed Commissioner enters office.
- If a newly-elected or newly-appointed Commissioner fails to appoint a successor, or reappoint the incumbent appointee, within six (6) months of entering office, the County Administrator or his or her designee shall notify the appointee of the expiration of his or her term, and the board seat shall remain vacant until filled.
- (3) Best efforts shall be employed to ensure that the membership of all advisory and other boards will fairly represent the diverse population and demographics of the County.
 - (4) The provisions of this subsections shall be applied prospectively.
 - (5) Appointments to advisory boards or other boards which are made by the Board of County Commissioners of Broward County ("County Commission") shall be subject to the following procedures:
 - a. For appointments at large, each Commissioner may nominate one (1) or more individuals for the County Commission's consideration and final approval by majority vote.
 - b. For all other appointments, Commissioners may submit for appointment individuals in accordance with the provisions of the respective advisory board or other board, for the County Commission's consideration and final approval by majority vote.
- (b)
 - (1) A person appointed to an advisory board or other board shall be a resident of Broward County and shall maintain residency in Broward County during the term of appointment.
 - (2) No person may be appointed by the County Commission to more than one (1) advisory board or other board, except that an elected County or municipal officer appointed in an official capacity may serve on more than one (1) advisory board or other board to which at least one (1) such elected official is required to be appointed. In addition to serving in an official capacity, an elected County or municipal officer may serve on one (1) advisory

board in an individual capacity so long as such appointment does not otherwise violate the dual-office holding provision of the Florida Constitution.

- (3) A County employee may serve as a voting member on an advisory board or other board, as long as he or she is appointed by a body other than the County Commission. No County employee may be appointed by the County Commission to an advisory board or other board.
- (c) Any advisory or other board appointee who fails to meet the requirements of his or her appointment of including residency if required to live in the district, is automatically disqualified and his or her appointment shall immediately cease and be deemed vacant.
- (d)
 - (1) Advisory boards and other boards shall meet quarterly unless any such board determines that meetings are required more or less frequently.
 - (2) Special Meetings. Each advisory board shall, within its bylaws and in accordance with this section, address the power to call special meetings. Special meetings may be called by an advisory board's chair, or by majority vote of the appointed members of the advisory board at a regularly scheduled meeting of such advisory board. However, other than special meetings held for the purpose of exercising quasi-judicial powers, no advisory board may hold more than two (2) special meetings in any calendar year. Special meetings shall be limited to the consideration of items of urgency that require resolution prior to the next regularly scheduled meeting. Special meetings may not be called unless the purpose is to address matters that are within the scope of the advisory board's authority or that present a significant fiscal or operational impact on the County. All special meetings shall be noticed, and the notices shall include the date, time, and location of the meeting, along with the specific agenda items to be considered by the advisory board at the meeting. Subject matters not expressly included in an initial special meeting notice may not be considered by an advisory board at a special meeting. Nothing in this subsection (1) prohibits the rescheduling of any meeting that could not be convened for lack of a quorum or (2) limits the power of other boards to call special meetings in accordance with their enabling enactments or bylaws, or in accordance with state or federal law.
- (e) Removal from boards based upon attendance. When an advisory board, or other board whose enabling enactment or bylaws adopt the attendance requirements of this subsection, meets on a quarterly or less frequent basis, an appointee shall be automatically removed as a board member if he or she has two (2) consecutive unexcused absences or misses two (2) properly noticed meetings in one (1) calendar year because of unexcused absences. If any such board meets more frequently than quarterly, an appointee shall be automatically removed as a board member if he or she has three (3) consecutive unexcused absences or misses four (4) properly noticed meetings in one (1) calendar year because of unexcused absences.
 - (1) The automatic removal of an appointee as a board member is deemed effective when written notice of the reason for the removal is sent to the appointee by the County Administrator or his or her designee.
 - (2) The automatic removal provisions of this subsection do not apply to Water Advisory Board members appointed by non-County entities, or to members of the HIV Health Services Planning Council whose absences are related to the members' HIV status.
 - (3) The absence of an advisory board or other board member shall be deemed excused under the following circumstances:
 - a. When the member is performing an authorized alternative activity relating to board business that directly conflicts with the properly noticed meeting;
 - b. The death of an immediate family member, defined as a spouse, father, mother, stepparent, one who has stood in the place of a parent (in loco parentis), child, stepchild domiciled in the member's household, grandparent, grandchild, guardian, or custodian;

- c. The death of a member's domestic partner, or the death of a child, stepchild, parent, grandparent, or grandchild of a member's domestic partner;
 - d. The member's hospitalization or receipt of necessary emergency medical treatment at or around the time of a properly noticed meeting;
 - e. When the member is summoned to jury duty; or
 - f. When the member is attending a deposition, hearing, trial, or other legal proceeding for which attendance is required by a subpoena or by order of a court of competent jurisdiction.
- (4) Attendance records for appointees to advisory boards, and attendance records for appointees to other boards whose enabling enactments or by-laws adopt the attendance requirements of this subsection, shall be submitted by the board coordinators to the County Administrator or his or her designee within two (2) weeks after each meeting to determine attendance compliance. Such appointees shall notify the board coordinator at least two (2) business days prior to the scheduled meeting date as to whether they will or will not attend the meeting, unless the occurrence of an event specified in Subsections (e)(3)b.—d. makes such notice impracticable. This notification requirement is imposed to allow sufficient time for cancellation of the meeting if it is determined that no quorum will be present at the meeting. Failure to notify the board coordinator two (2) business days prior to the scheduled meeting shall be considered an absence where such failure results in the meeting being cancelled for lack of a quorum. All members attending the meeting (either in person or through teleconference when permitted) will be marked as present. Appointees who have notified the board coordinator that they cannot attend the meeting will be considered absent even if the meeting is cancelled due to lack of a quorum. The chair of the board, shall, in his or her discretion, determine whether the appointee's absence meets any of the criteria for an excused absence set forth in this subsection.
- (5) If an appointee is automatically removed under this subsection for violating the attendance requirements, the appointing/nominating Commissioner or other appointing/nominating authority may reappoint the appointee when extenuating circumstances, as determined by the appointing/nominating authority, are found to exist for the appointee's absences.
- (f) To ensure that members of advisory and other boards do not have to choose between attending meetings or observing religious holidays, members may request that meetings not be scheduled on religious holidays, and the chairs of such boards must honor those requests.
 - (g) The number of members needed to constitute a quorum on any advisory or other board shall be a majority of the total appointed board members. Once a quorum has been established by members who are physically present at a meeting, members who are not physically present may attend and participate in such meeting by telephone.
 - (h) Following notification of the occurrence of a vacancy on any advisory or other board due to any reason whatsoever, the County Administrator or his or her designee shall follow the procedures set forth in the Broward County Administrative Code relating to said vacancy.
 - (i) Advisory boards created by resolution rather than ordinance may continue to be amended by resolution.

(Ord. No. 79-36, § 1, 6-20-79; Ord. No. 89-19, § 1, 5-9-89; Ord. No. 92-4, § 1, 3-10-92; Ord. No. 92-13, § 1, 5-12-92; Ord. No. 92-46, § 1, 11-10-92; Ord. No. 95-18, § 1, 4-11-95; Ord. No. 1999-06, § 1, 2-23-99; Ord. No. 2001-01, § 1, 1-9-01; Ord. No. 2001-10, § 1, 3-27-01; Ord. No. 2002-10, § 1, 3-18-02; Ord. No. 2003-21, § 1, 6-10-03; Ord. No. 2005-01, § 1, 1-11-05; Ord. No. 2005-16, § 1, 6-28-05; Ord. No. 2006-17, § 1, 6-13-06; Ord. No. 2008-36, § 1, 9-9-08; Ord. No. 2009-39, § 1, 6-23-09; Ord. No. 2012-30, § 1, 10-23-12; Ord. No. 2014-08, § 1, 2-25-14; Ord. No. [2018-38](#), § 1, 9-13-18)

Editor's note— Ord. No. [2018-38](#), § 1, adopted Sept. 13, 2018, amended § 1-233 title to read as herein set out. The former § 1-233 title pertained to terms of appointees to Broward County agencies, authorities, boards, committees, commissions, councils, and task forces; quorum.

Sec. 1-234. - Voting conflicts for members of county boards, authorities and commissions.

- (a) The Board of County Commissioners hereby finds and determines that there is an appearance of a conflict of interest within the intent of § 286.012, F.S. where a member of a county commission-created board, commission, or authority, also serves as an employee of a public entity, or as an officer or member of the board of directors of a private entity, which stands to specially gain or lose from action to be taken by the county board on which he or she serves.
- (b) In order to preserve the public's confidence in the fairness and objectivity of the County's boards and to avoid conflicts of interest, it is the policy of the Board of County Commissioners that members of such boards abstain from participation in discussion and voting on matters which would enure to the special gain or loss of any private entity for which they serve as an officer or member of its board of directors, or of any public entity for which they serve as an employee. Compliance with this policy shall be a condition of all board members' continued membership. Violation shall subject the board member to immediate removal by the Board of County Commissioners notwithstanding that the member may have been appointed by an appointing authority other than the Board of County Commissioners.
- (c) A special gain or loss means an economic benefit, either immediate or future, tangible or intangible, which is not merely remote or speculative, and which affects a relatively limited class of people.
- (d) The term "employee" for the purposes of this section shall not include any elected official of a public entity.
- (e) The voting conflict provision set forth in subsection (b) shall not apply to municipal employee members of the Committee for Community Development when voting on Community Development Block Grant Program Funds.
- (f) Procedures for implementation of this section shall be adopted by resolution of the Board of County Commissioners.

(Ord. No. 1997-44, § 1, 10-28-97; Ord. No. 1998-12, § 1, 5-12-98; Ord. No. 1999-47, § 1, 8-31-99)

Secs. 1-235—1-243. - Reserved.

DIVISION 2. - SUNSET REGULATIONS^[15]

Footnotes:

--- (15) ---

Editor's note— Section 1 of Ord. No. 84-29, adopted Apr. 19, 1984, effective May 1, 1984, amended div. 2 to read as set forth in §§ 1-244—1-247. Formerly, the division had consisted of §§ 1-244—1-249 and was derived from § 1 of Ord. No. 79-23, adopted Apr. 18, 1979, and § 1, of Ord. No. 80-65, adopted Aug. 20, 1980. The following list contains the number of ordinances implementing this division, i.e. ordinances which reestablish or abolish specific boards, authorities and agencies:

Ord. No.	Date
80-66	8-20-80
84-30	4-19-84

Sec. 1-244. - Title.

This division shall be known and may be cited as the "Sunset Ordinance."

(Ord. No. 84-29, § 1, 4-19-84)

Sec. 1-245. - Findings of fact.

The Broward County Board of County Commissioners (hereinafter referred to as the "commission") finds it to be in the public interest to systematically and periodically review the need for and the benefits derived from regulatory, adjustment and advisory boards, development authorities, redevelopment authorities, and agencies (hereinafter referred to as "boards, authorities and agencies"), which have been created or which may in the future be created under authority of the Charter.

(Ord. No. 84-29, § 1, 4-19-84)

Sec. 1-246. - Review by commission prior to abolishment.

Prior to the abolishment of any boards, authorities and agencies, the commission shall review said boards, authorities and agencies to determine which, if any, should be abolished in the public interest.

(Ord. No. 84-29, § 1, 4-19-84)

Sec. 1-247. - Review procedures, criteria.

The commission shall establish the criteria and the procedures for the review required by this division.

(Ord. No. 84-29, § 1, 4-19-84)

Secs. 1-248—1-259. - Reserved.