

ORDINANCE NO. 2010-15

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL RELATING TO BOARDS AND COMMITTEES AMENDING CHAPTER 2 "ADMINISTRATION" ARTICLE VI "BOARDS AND COMMITTEES" OF WELLINGTON'S CODE OF ORDINANCES TO PROVIDE FOR UNIFORMITY IN THE NUMBER OF BOARD AND COMMITTEE MEMBERS APPOINTED TO EACH BOARD OR COMMITTEE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a review of the terms and duties of Board memberships has led to Wellington's Council concluding that seven regular board or committee members works best.

NOW THEREFORE BE IT ORDAINED BY WELLINGTON'S COUNCIL THAT:

SECTION 1. That Article VI "Boards and Committees" of Chapter 2 "Administration" of Wellington's Code of Ordinances is hereby amended to read as follows:

Sec. 2-281. Creation of boards and committees.

(a) *Boards.* The village Wellington Council may, by ordinance, create a board in connection with any functions of ~~the village Wellington~~. The ordinance creating such board shall specify the powers and duties of the board and the number, qualifications, and terms of office of the members thereof.

(b) *Committees.* The village Wellington Council may, by resolution, create a committee whose purpose is to advise ~~the village Wellington's~~ Council on an item of a special nature and whose creation is for a stated period of time, at the end of which time the committee will no longer exist. The resolution creating such committee shall specify its powers and duties, the time for which it shall exist, and the number, qualifications, and terms of office of the members thereof.

(Ord. No. 99-09, § 3, 5-11-99)

Sec. 2-282. Scope.

The provisions of this article shall apply to all boards and committees of ~~the village Wellington~~ and shall govern all members thereof. Neither "board" nor "committee" shall be construed to include ~~the village Wellington's~~ Council.

(Ord. No. 99-09, § 3, 5-11-99)

Sec. 2-283. List of volunteers.

Wellington's ~~The village~~ clerk shall prepare and maintain a list of volunteers comprising those persons who have indicated an intention and willingness to serve as members of Wellington's village boards and committees if appointed by Wellington's ~~the village~~ Council for such purpose. Any preference of the volunteers to serve on a particular board or committee shall be so stated. The list shall be kept current and be available to the members of Wellington's ~~the village~~ Council as requested.

(Ord. No. 99-09, § 3, 5-11-99)

1
2 Sec. 2-284. Announcement of vacancies.

3 All vacancies in the membership of any appointive Wellington village board or committee shall
4 be announced by the Wellington village clerk by posting a notice of the same at a public place
5 in Wellington's the village hall and by publishing a copy thereof in a newspaper of general
6 circulation in Wellington the village one time, not less than five days prior to the date at which
7 the Wellington village Council interviews appoints candidates to fill any such vacancies.
8 (Ord. No. 99-09, § 3, 5-11-99)
9

10 Sec. 2-285. Procedure for appointment and filling vacancies; qualifications for membership of
11 boards and committees.

12 Except as otherwise provided in this Code, appointments on boards and committees shall be
13 made at a regular Wellington village Council meeting within 60 days of the certification of
14 results of a regular election of the Wellington village Council and/or mayor in accordance with
15 the following procedures:

16 (1) *Regular members.*

17 a. Unless, otherwise provided by law or ordinance, all of Wellington's Boards and Committees
18 shall consist of seven Regular Members and the attendance of four members shall constitute a
19 quorum. There shall be no alternate members appointed to Boards or Committees. For boards
20 and committees consisting of five members, each councilmember shall appoint one member.

21 b. For boards and committees consisting of ten members, each councilmember shall appoint
22 two members.

23 b.c. For boards and committees consisting of seven members, each councilmember shall
24 appoint one member, and councilmembers shall nominate two members who shall be
25 appointed by majority vote of the council.

26 d. For boards and committees consisting of 15 members, each councilmember shall appoint
27 three members.

28 ~~(2) *Alternate members.*~~ Councilmembers shall nominate two additional alternate members
29 who shall be appointed by majority vote of the council.

30 (Ord. No. 99-09, § 3, 5-11-99; Ord. No. 2004-32, § 8, 5-25-04)
31

32 Sec. 2-286. Attendance records.

33 The village Wellington Clerk shall maintain an attendance record of the members of all village
34 boards and committees, which shall be furnished by each board or committee.

35 (Ord. No. 99-09, § 3, 5-11-99)
36

37 Sec. 2-287. Compensation of members.

38 Board members shall serve without compensation except as may be provided by ordinance or
39 resolution of the Wellington village Council.

40 (Ord. No. 99-09, § 3, 5-11-99)
41

42 Sec. 2-288. General provisions.

43 All members of boards and committees shall:

44 (1) Serve at the pleasure of the Wellington village council Council.

45 (2) Be a resident of Wellington the village, maintain residency in Wellington the village during
46 the term of appointment, and meet such other eligibility requirements as may be established by
47 ordinance or resolution. Resident, for purposes of this chapter, shall include persons who are
48 domiciled in Wellington the village for only a portion of the year.

(3) Any member who fails to meet the requirements for his/her appointment to a board or committee shall immediately cease to be a member of his/her board or committee, and that position shall be deemed vacant.

(4) All boards and committees shall be part of the municipal government and shall utilize, insofar as practicable, the services of the regular departments in Wellingtonthe-village.

(5) No board or committee member shall hold any elected office in the government or be a full-time employee of ~~the village~~Wellington.

(6) If any member of a board or committee shall find that his/her private or personal interests are involved in the matter coming before the board, he/she shall disqualify himself/herself from all participation in that matter. No member of a board or committee shall appear before that board or committee or the Wellington village Council as agent or attorney for any person.

(7) No board member shall have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

(8) Board or committee members may not serve on more than one board or committee, provided, however, that board or committee members may serve on special task force committees formed by the Wellingtonvillage council for a specific purpose and for a limited duration. Board or committee members may only serve on such special task force committees for six months or less, unless their term is specifically extended by the Wellingtonvillage council.

(Ord. No. 99-09, § 3, 5-11-99; Ord. No. 99-19, § 1, 10-12-99)

Sec. 2-289. Terms of members.

(a) Terms of members shall be established in the ordinance or resolution creating the board or committee and unless otherwise specified begin effective June 1 of even years and end on May 31 of subsequent even years.

(b) Board members whose terms have expired shall continue to serve until their successors are appointed.

(c) Vacancies in the board or committee membership shall be filled by appointment by Wellington's the-village Council for the unexpired term of the member affected.

(d) Board and committee members may be reappointed to successive terms.

(Ord. No. 99-09, § 3, 5-11-99; Ord. No. 2004-32, § 7, 5-25-04)

Sec. 2-290. Officers.

All boards and committees established by the Wellingtonvillage Council shall, at a meeting during the month of MayJune or the next regularly scheduled meeting held thereafter, elect one of their members as chairperson and elect other such officers as may be necessary. Each board and committee shall adopt rules and regulations to govern its proceedings.

(Ord. No. 99-09, § 3, 5-11-99)

Sec. 2-291. Meetings.

(a) Unless otherwise provided, meetings shall be held quarterly, or at such times as Wellington's Council may provide by resolution; Meetings shall be held at the call of the chairperson, at such other times as the board or committee may determine, or as otherwise provided by law. Special meetings shall not be held unless at least 24 hours notice is given to each member and Wellington's the-village manager.

(b) Members shall notify the board liaison if they are unable to attend a meeting. The Wellingtonvillage clerk shall notify the alternate that his/her attendance is required. If a quorum

1 will not be present, the Wellington village clerk shall notify the chairperson, who may cancel
2 the scheduled meeting.

3 (c) A quorum for the transaction of business shall be established in the ordinance or
4 resolution creating the board or committee.

5 (d) An audio tape recording shall be made of all meetings. Additionally, minutes shall be kept
6 of the proceedings at each meeting and shall record the official acts taken by the board. Audio
7 tapes and minutes shall be forwarded to the Wellingtonvillage clerk.

8 (e) All meetings and public hearings of boards and committees shall be open to the public. All
9 meetings shall be governed by Robert's Rules of Order, Newly Revised, and Government-in-
10 the-Sunshine pursuant to F.S. § 286.011.

11 (Ord. No. 99-09, § 3, 5-11-99)

12
13 Sec. 2-292. Removal of board and committee members.

14 (a) Automatic removal. Any member of a board or committee who has three consecutive
15 unexcused absences from regular meetings shall be automatically removed as a member of
16 the respective board or committee, unless otherwise specified herein. Automatic removal of a
17 member shall cause a vacancy to exist in the membership of the particular board or
18 committee. However, the automatic removal of a member shall not be deemed effective until
19 Wellington the village confirms that the member has received written notice from the
20 Wellington village clerk of the reason for the action being taken to remove the member. The
21 notice of removal shall include the statement that the member has the right to request a
22 hearing before the Wellington village eCouncil.

23 (b) All board and committee members shall serve at the pleasure of the Wellingtonvillage
24 Council and may be removed without cause by a majority vote of the Wellington village
25 Council, unless otherwise provided by the Charter or Florida Statutes. Any member so
26 removed shall have the right to request a hearing before the Wellingtonvillage Council.

27 (c) Hearing; decision of council. Any request for hearing must be filed with the
28 Wellingtonvillage clerk within five days of the date of the decision to remove. Upon the timely
29 request of the member for a hearing before the Wellingtonvillage Council, the Council shall
30 set a date and time for a hearing and direct the Wellington village clerk to give the member
31 notice of the hearing. Such hearing shall be held no later than 30 days from receipt of a
32 request for a hearing. At the hearing, the member may present evidence and argument as to
33 why he/she should not be removed. The decision of the council may be to remove, to suspend,
34 to reprimand, or to absolve the member.

35 (d) The effective date of removal of a member shall be immediately after the expiration of the
36 time in which the member has the right to request a hearing before the Wellington village
37 Council, or any later date which the Wellington village Council may provide, unless the
38 member timely requests a hearing before the Wellingtonvillage Council. If the member
39 requests a hearing, the member shall continue to serve on the board or committee until
40 conclusion of the hearing or withdrawal of the request. If the member timely requests a
41 hearing, and the Wellingtonvillage Council decides to remove the member upon the
42 conclusion of the hearing, the removal shall take effect immediately unless the
43 Wellingtonvillage Council specifies a later date. If a member timely requests a hearing but
44 withdraws the request prior to the hearing, the effective date shall be the date on which the
45 request is withdrawn.

46 (Ord. No. 99-09, § 3, 5-11-99)

47
48 Sec. 2-293. Resignation of members.

Members of boards or committees may resign at any time. A member who resigns will not be eligible for appointment to the same board or committee for a period of time equal to a full term of that board or committee.

(Ord. No. 99-09, § 3, 5-11-99)

Secs. 2-294--2-298. Reserved.

DIVISION 2. TREE BOARD

Sec. 2-299. Powers and duties.

The tree board shall have the following powers and duties:

(1) Develop an annual work plan in accordance with the Tree City USA guidelines. Such work plan shall include tree-related projects and tasks, as well as an implementation schedule for such projects and tasks.

(2) Submit to the Wellington village Council not later than April of each year a list of estimated expenses for the following calendar year.

(3) Review and comment to the public works director on all Wellington village planting projects prior to installation.

(4) Assist the public works director to study, investigate, counsel, and develop and/or update annually, and administer a written care guide for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas.

(5) Assist Wellington the village in preparing plans for Wellington's Annual Arbor Day ceremony for approval by the Wellington village Council.

(6) Review, upon referral by the Wellington village Council, proposed ordinances which relate to landscaping regulations and make recommendations to the council regarding such ordinances.

(7) To hear and decide appeals of administrative decisions of the planning, zoning, and building department pertaining to natural resource protection regulations.

(8) Such powers and duties as may be assigned by ordinance or resolution.

(Ord. No. 99-09, § 4, 5-11-99; Ord. No. 2002-06, § 7, 6-25-02)

Sec. 2-300. Creation.

The tree board shall consist of seven ~~ten~~ regular members ~~and at least two alternates~~.

Appointments of regular members shall be for a term of two years. ~~All alternates shall be appointed for two year terms.~~

(Ord. No. 99-09, § 4, 5-11-99; Ord. No. 00-08, § 1, 3-20-00; Ord. No. 2004-32, § 1, 5-25-04)

Sec. 2-301. Meetings, quorum, and required vote.

(a) A quorum for the transaction of business shall consist of four ~~six~~ members.

(b) The affirmative vote of a majority of those present shall be necessary to take official action. If any motion fails to achieve the affirmative vote of a majority of those present, then such petition or other matter shall be deemed denied.

(Ord. No. 99-09, § 4, 5-11-99)

Secs. 2-302--2-305. Reserved.

DIVISION 3. PARKS AND RECREATION ADVISORY BOARD*

*Cross references: Parks and recreation, ch. 38.

Sec. 2-306. Powers and duties.

(a) The purposes of the parks and recreation advisory board shall be to provide constructive advice and counsel to the Wellington's village parks and recreation department, Wellington's village manager, and Wellington's village Council with a broad outlook towards improving present recreational facilities, increasing their utilization and use by the public generally, and evaluating and recommending future community needs as to recreational projects and facilities.

(b) The parks and recreation advisory board shall have the following powers and duties:

(1) To study and make recommendations concerning the visioning and strategic planning for the development of parks, parkways, playgrounds, and other recreational facilities in Wellington-the village.

(2) To study and recommend the establishment of rules and regulations for the operation of Wellington's village parks, playgrounds, and public recreational facilities and the fees to be charged for the public for the use and enjoyment thereof.

(3) Such powers and duties as may be assigned by ordinance or resolution.
(Ord. No. 99-09, § 5, 5-11-99)

Sec. 2-307. Creation.

(a) The parks and recreation advisory board shall consist of seven ~~ten~~ regular members and ~~at least two alternates~~. Appointments of regular members shall be for a term of two years. ~~All alternates shall be appointed for two year terms.~~

(b) Members of the board shall be knowledgeable and concerned with recreational events and park facilities in the community. Membership of the board may be composed of persons from all walks of life, including, but not limited to, retired persons, students, active sport participants, and persons whose interests are confined to spectator participation with a view towards obtaining a committee which is representative of the community in regard to recreational programs and needs.

(Ord. No. 99-09, § 5, 5-11-99; Ord. No. 00-08, § 2, 3-20-00; Ord. No. 2004-32, § 2, 5-25-04)

Sec. 2-308. Meetings, quorum, and required vote.

(a) A quorum for the transaction of business shall consist of four ~~six~~ members.

(b) The affirmative vote of a majority of those present shall be necessary to take official action. If any motion fails to achieve the affirmative vote of a majority of those present, then such petition or other matter shall be deemed denied.

(Ord. No. 99-09, § 5, 5-11-99)

Secs. 2-309, 2-310. Reserved.

DIVISION 4. ARCHITECTURAL REVIEW BOARD

Sec. 2-311. Powers and duties.

The architectural review board shall have the following powers and duties:

(1) To adopt by resolution various schedules of approved materials, designs, and charts of approved colors.

(2) To hear and decide appeals of administrative decisions of the planning, zoning, and building department pertaining to approved materials, designs, and charts of approved colors.

(3) To hear and approve alternatives to the development and design criteria established by ordinance or resolution.

(4) To review and approve plans for multi-family and nonresidential development.

(5) Such powers and duties as may be assigned by ordinance or resolution.

(Ord. No. 99-09, § 6, 5-11-99)

Sec. 2-312. Creation; qualifications.

(a) The board shall consist of seven ~~five~~ regular members and ~~at least one~~ alternate.

Appointments of regular members shall be for a term of two years. ~~All alternates shall be appointed for two year terms.~~

(b) Appointments shall be made by the Wellington village eCouncil based on experience or interest in the businesses and professions involved in building and development.

(Ord. No. 99-09, § 6, 5-11-99; Ord. No. 00-08, § 3, 3-20-00; Ord. No. 2004-32, § 3, 5-25-04)

Sec. 2-313. Meetings, quorum, and required vote.

(a) A quorum for the transaction of business shall consist of ~~four~~ three members.

(b) The affirmative vote of ~~four~~ three members shall be necessary to take official action. If any motion fails to achieve the affirmative vote of ~~four~~ three members, then such petition or other matter shall be deemed denied.

(Ord. No. 99-09, § 6, 5-11-99)

Secs. 2-314--2-320. Reserved.

Editor's note: Ord. No. 2006-13, § 1, adopted June 13, 2006, repealed Div. 5, §§ 2-317--2-319, which pertained to code enforcement board and derived from Ord. No. 99-09, § 7, adopted May 11, 1999; Ord. No. 2004-32, § 4, adopted May 25, 2004.

DIVISION 5. PLANNING, ZONING, AND ADJUSTMENT BOARD*

***Cross references:** Planning, ch. 42.

Sec. 2-321. Powers and duties.

The planning, zoning, and adjustment board shall have the following powers and duties:

(1) Conduct hearings and make recommendations to the Wellington village eCouncil regarding:

a. Proposed amendments to the comprehensive plan or elements or portions thereof, and other matters as may be required by law or ordinance.

b. Proposed amendments to the land development regulations.

c. Applications for the rezoning of property.

d. Applications for development permits for class A, B conditional uses, requested uses, and development order amendments.

(2) Perform the functions, duties, powers, and responsibilities of a local planning agency as set forth and established in the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq.

(3) Hear and approve, approve with conditions, or deny variances to the terms of sections of the land development regulations.

(4) Hear and approve or reverse decisions of the director of planning, zoning, and building on zoning matters.

(5) Hear and approve or reverse decisions of the Wellington's village engineer on subdivision requirements.

(6) Conduct review hearings pursuant to the provisions of the Wellington's village impact fee ordinance.

(Ord. No. 99-09, § 8, 5-11-99)

Sec. 2-322. Membership; terms; transition; vacancies; removal.

(a) The board shall consist of seven ~~five~~ regular members ~~and at least one alternate~~.

Appointments of regular members shall be for a term of two years. ~~All alternates shall be appointed for two year terms.~~

(b) Appointments shall be made by the Wellington village Council based on experience or interest in the businesses and professions involved in building and development.

(Ord. No. 99-09, § 8, 5-11-99; Ord. No. 00-08, § 4, 3-20-00; Ord. No. 2004-32, § 5, 5-25-04)

Sec. 2-323. Meetings, quorum and required vote.

(a) A quorum for the transaction of business shall consist of four ~~three~~ members.

(b) The affirmative vote of three members shall be necessary to take official action. If any motion fails to achieve the affirmative vote of four ~~three~~ members, then such petition or other matter shall be deemed denied.

(Ord. No. 99-09, § 8, 5-11-99)

Secs. 2-324--2-326. Reserved.

DIVISION 6. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS*

***Cross references:** Buildings and building regulations, ch. 18.

Sec. 2-327. Powers and duties.

The construction board of adjustment and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

(Ord. No. 99-09, § 9, 5-11-99)

Sec. 2-328. Creation; qualifications.

(a) The board shall consist of seven ~~five~~ regular members ~~and at least one alternate~~.

Appointments of members of the board shall be for a term of two years. ~~All alternates shall be appointed for two year terms.~~

(b) Such board members shall be composed of individuals with knowledge and experience in the technical codes to include: an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor-licensed category.

(Ord. No. 99-09, § 9, 5-11-99; Ord. No. 00-08, § 5, 3-20-00; Ord. No. 2004-32, § 6, 5-25-04)

Sec. 2-329. Meetings, quorum, and required vote.

(a) A quorum for the transaction of business shall consist of four ~~three~~ members.

(b) The affirmative vote of four ~~three~~ members shall be necessary to take official action. If any motion fails to achieve the affirmative vote of four ~~three~~ members, then such petition or other matter shall be deemed denied.

(Ord. No. 99-09, § 9, 5-11-99)
Sec. 2-330. Reserved.

DIVISION 7. PUBLIC ART ADVISORY PANEL*

***Editor's note:** Ord. No. 2004-15, § 2, adopted Sept. 28, 2004, set out provisions intended for use as §§ 2-332--2-324. For purposes of classification and to preserve the style of this Code, and at the editor's discretion, these provisions have been included as §§ 2-330.5--2-330.7.

Sec. 2-330.5. Powers and duties.

The public art advisory panel shall have the following powers and duties:

- (1) To prepare implementation guidelines, selection procedures and organizational policies to facilitate this section, subject to the approval of the Wellington's village ~~e~~Council.
 - (2) To prepare an annual plan for the expenditure of the public and private monies in the public art trust fund, subject to approval of the Wellington's village ~~e~~Council.
 - (3) Related to private construction projects, to work with property owners to designate sites for the art; approve the art project scope and budget; manage the artist or artwork selection process; approve design, execution and placement of the art; inspect the artworks and relay maintenance deficiencies to the owner.
 - (4) To coordinate, investigate, review and recommend to the Wellington's village ~~e~~Council other means by which artwork may be obtained, including donations to the public art trust fund, gifts of artwork, and grant applications for public art projects.
 - (5) To encourage public art throughout the village and educate and stimulate the participation of all citizens in a joint public and private effort to promote public art.
 - (6) To enter into agreement with artists that shall also be accepted by Wellingtonthe village.
- (Ord. No. 2004-15, § 2, 9-28-04)

Sec. 2-330.6. Creation; qualifications.

- (a) The public art advisory panel shall be administered by the department of community services.
 - (b) Wellington's ~~The village~~ manager shall designate panel members.
- (Ord. No. 2004-15, § 2, 9-28-04)

Sec. 2-330.7. Meetings, quorum and required vote.

- (a) A quorum for the transaction of business shall consist of half the membership plus one.
 - (b) The affirmative vote of a majority of those present shall be necessary to take official action. If any motion fails to achieve the affirmative vote of a majority of those present, then such petition or other matter shall be deemed denies.
- (Ord. No. 2004-15, § 2, 9-28-04)

SECTION 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

1 **SECTION 4:** Should any section, paragraph, sentence, clause, or phase of this Ordinance be
2 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the
3 validity of this Ordinance as a whole as a whole or any portion or part thereof, other than the
4 part so declared to be invalid.

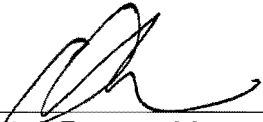

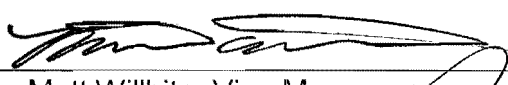

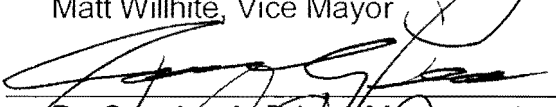
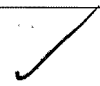
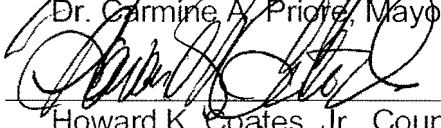

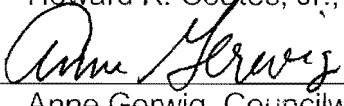

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6 **SECTION 5:** Specific authority is hereby granted to codify this Ordinance.

7
8 **SECTION 6:** This Ordinance shall become effective immediately upon adoption of the Council
9 of Wellington following second reading.

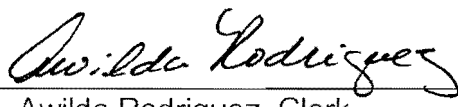
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12 **PASSED** this 8th day of June, 2010 upon first reading.

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14 **PASSED AND ADOPTED** this 22nd day of June 2010, on second and final reading.

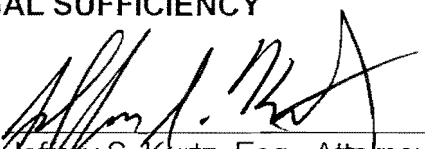
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16 **WELLINGTON**

	FOR	AGAINST
17 BY:  18 _____ 19 Darell Bowen, Mayor		_____
20  21 _____ 22 Matt Willhite, Vice Mayor		_____
23  24 _____ 25 Dr. Carmine A. Priore, Mayor pro tem		_____
26  27 _____ 28 Howard K. Coates, Jr., Councilman		_____
29  30 _____ 31 Anne Gerwig, Councilwoman		_____

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33
34
35 **ATTEST:**

36
37 BY: 
38 _____
39 Awilda Rodriguez, Clerk

40
41
42 **APPROVED AS TO FORM AND**
43 **LEGAL SUFFICIENCY**

44
45 BY: 
46 _____
47 Jeffrey S. Kurtz, Esq., Attorney