

## **ORDINANCE NO. 1120 – 2021**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, DISSOLVING THE CODE REVIEW BOARD, THE MEMORIAL COMMITTEE, AND THE GOLF AND COUNTRY CLUB ADVISORY BOARD BY REPEALING ARTICLES III, IV, AND XIV OF CHAPTER 32, “BOARDS, COMMISSIONS, COMMITTEES” OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Springs (the “City”) has the authority under the City Charter, the State Constitution and Section 166.021(1), Florida Statutes to exercise any power for municipal power except where expressly prohibited by law; and

**WHEREAS**, pursuant to this power, the City has created a number of advisory boards, commissions and committees to assist the City Council by giving input and making recommendations in order for the City Council to govern more effectively; and

**WHEREAS**, the City Council has determined that several boards and committees have been inactive for at least one year, have difficulties achieving quorums, and no longer serve the purposes for which they were created; and

**WHEREAS**, the City Council finds that it is in the best interest and welfare of the residents of the City to dissolve the Code Review Board, the Memorial Committee, and the Golf and Country Club Advisory Board by repealing the sections of the City’s Code of Ordinances (the “Code”) pertaining to each of the aforementioned respective Boards.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS: <sup>1</sup>**

**Section 1. Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Repeal of Code Sections.** That the Code of Ordinances of Miami Springs, Florida, is hereby amended by repealing the following sections in Chapter 32 of the Code of Ordinances of Miami Springs, Florida in their entirety, as further shown on Exhibit A attached hereto and incorporated herein: Article III, “Code Review Board,” Sections 32-10 through 32-16; Article IV, “Memorial Committee,” Sections 32-20 through 32-22; and Article XIV, “Golf and Country Club Advisory Board,” Sections 32-92 through 32-98.

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

**Section 3. Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4. 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 5. Codification.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, 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 6. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

**PASSED ON FIRST READING** on the 14th day of June, 2021, on a motion made by Councilman Fajet and seconded by Councilwoman Bravo.

**PASSED AND ADOPTED ON SECOND READING** this 28th day of June, 2021, on a motion made by Councilwoman Bravo and seconded by Councilman Fajet. Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Bob Best	<u>NO</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Walter Fajet	<u>YES</u>
Councilman Dr. Victor Vazquez	<u>NO</u>
Mayor Maria Puente Mitchell	<u>YES</u>

  
\_\_\_\_\_  
MARIA PUENTE MITCHELL  
MAYOR

ATTEST:

  
\_\_\_\_\_  
ERIKA GONZALEZ, MMC  
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

A handwritten signature in blue ink, appearing to read "Haydee Serota Helfman Cole", written over a horizontal line.

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY

## **EXHIBIT A**

### Chapter 32 - BOARDS, COMMISSIONS, COMMITTEES

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#### **ARTICLE III. - CODE REVIEW BOARD**

##### **Sec. 32-10. - Establishment.**

~~There is created and established in the City a Code Review Board.~~

##### **Sec. 32-11. - Powers and duties.**

~~The Code Review Board is vested with the power and authority, and charged with the duty and responsibility, of the review and consideration of the Code of Ordinances of the City, and to report to the City Council all recommendations for amendment.~~

##### **Sec. 32-12. - Members.**

~~(A) The Code Review Board shall consist of five voting members appointed by each member of the council including the Mayor for staggered three-year terms, and two ex-officio members:~~

~~(1) City Manager.~~

~~(2) City Attorney.~~

~~(B) Members shall be qualified electors of the City. Upon the expiration of a board member's term, the City Council member making the original appointment, or that City Council member's successor in office, shall appoint the board member to serve during the new board term. If, for any reason, an appointment should not be made to fill an expired term, the incumbent will continue to serve until his successor has been appointed. No board member shall serve on any other board or commission of the City while holding this office. No board member who shall have served three consecutive terms of office, shall be eligible to serve an additional term of office for two years thereafter, unless the appointment for any additional term shall be confirmed by a majority of the council.~~

~~(C) In the event of the death, removal, or resignation of a member, a successor shall be appointed to fill the unexpired term by the council member making the original appointment. In the event the original council member is no longer in office, his successor shall fill the unexpired term.~~

~~(D) The Code Review Board shall prescribe and adopt rules and regulations for proceedings hereunder.~~

~~(1) Meetings of the board shall be open to the public.~~

~~(2) The Code Review Board shall keep minutes of its proceedings showing the vote of each member on each question or if absent or failing to vote indicating that fact, and shall keep records of its proceedings and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.~~

~~Sec. 32-13. -- Compensation.~~

~~Members of the Code Review Board shall serve without compensation, and all consultant or support services to be furnished to the board must be requested from and approved by the City Council or their designee prior to the services being secured.~~

~~Sec. 32-14. -- Rules and procedures.~~

~~The members of the Code Review Board shall follow the rules and procedures governing all boards and agencies of the City.~~

~~Sec. 32-15. -- Recommendations for amendments.~~

~~Any elector of the City who in good faith believes that an amendment should be made to the Code of the City, who indicates his desires and recommendations in writing, and files the same with the City Clerk, may appear at any regularly scheduled public meeting of the board to be heard and give evidence concerning his recommendations. The board shall also hear recommendations of the City Council, City Attorney, City Manager, and the City Clerk, when presented. The board may on its own initiative appoint individual members to investigate and make recommendations relative to the amendment of the Code. All recommendations shall be submitted to the City Council together with a report setting forth:~~

- ~~(A) — The form of the amendment,~~
- ~~(B) — The reason for the amendment, and~~
- ~~(C) — Arguments and evidence in support of the amendment or against the adoption of the amendment.~~

~~Sec. 32-16. -- Council to consider recommendations.~~

~~The City Council may consider the recommendations of the Code Review Board at any regular or special meeting, and may adopt, amend, or reject the recommendations in the City Council's discretion. The recommendations of the Code Review Board as contained in the report shall be made available to the public.~~

~~ARTICLE IV. -- MEMORIAL COMMITTEE~~

~~Sec. 32-20. -- Establishment and membership.~~

~~There is established a memorial committee whose membership shall be composed as follows:~~

- ~~(A) — Beginning on January 1, 2013, each of the following shall serve for consecutive one year terms on an annual rotating basis:~~
  - ~~(1) — Reverend or official delegate, All Angels Episcopal Church;~~
  - ~~(2) — Pastor or official delegate, Grace Lutheran Church;~~
  - ~~(3) — Pastor or official delegate, Vida Nueva Christian Ministries;~~
  - ~~(4) — Pastor or official delegate, Iglesia Bautista Sion.~~
- ~~(B) — Chairperson — Historical Preservation Board.~~

~~(C) — Chairperson — Board of Recreation.~~

~~(D) — Chairperson — Board of Parks and Parkways.~~

~~(E) — Chairperson — Zoning and Planning Board.~~

~~Sec. 32-21. — Duties.~~

~~The memorial committee is charged with recommending to City Council appropriate memorials for individuals, organizations, and special events, encouraging private donations, and establishing minimum architectural and material standards for memorials.~~

~~Sec. 32-22. — Rules of procedure.~~

~~In the performance of these duties the memorial committee and the City Council shall be governed by the following rules of procedure:~~

~~(A) — Recommendation for a memorialization for a deceased individual may be sought only upon petition of a Miami Springs citizen or citizen group, or by majority vote of the City Council.~~

~~(B) — The memorial committee shall consider all petitions and requests for consideration from City Council vote within 60 days of transmission from the city clerk.~~

~~(C) — Recommendations of the memorial committee shall be considered by the City Council at its next regular meeting following receipt of the Board's recommendation. Recommendations shall include estimates of annual maintenance costs, if any. Public memorial funding may be made only during adoption of the City's annual budget, unless the City Council specifically approves the use of contingency account funding by a four-fifths vote.~~

~~(D) — All memorials established under the procedures prescribed by this section shall stand for a minimum of ten years before a name may be removed or the memorial dismantled by majority vote of the City Council. However, a memorial may have a name removed or the memorial may be dismantled at any time subsequent to a public hearing specifically called to consider the matter, and the rendering of an affirmative four-fifths vote of the City Council for such removal or dismantling. Renaming of existing memorials shall require conformance to the provisions of this section.~~

~~(E) — The Memorial Committee shall utilize the following criteria in evaluating eligibility for memorialization:~~

~~1. — That a person under consideration must be deceased.~~

~~2. — That a person must have resided in the City of Miami Springs.~~

~~3. — That a person must have contributed in some significant manner to the City.~~

~~4. — That a person with ties to the City must have distinguished themselves in acts, actions or activities unrelated to the City.~~

5. ~~That although compliance with the criteria set forth in subsection 1 herein is required, the failure to comply with any other single criteria is not fatal to consideration so long as at least a combination of two of the other criteria is met.~~
6. ~~That notwithstanding anything contained herein to the contrary, the City Council may approve memorialization, by a four-fifths vote, even if a person proposed for memorialization fails to meet any or all of the aforesaid criteria previously set forth herein.~~

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#### ~~ARTICLE XIV. - GOLF AND COUNTRY CLUB ADVISORY BOARD~~

##### ~~Sec. 32-92. - Establishment.~~

~~It is the intention of the City to establish an advisory board to provide input to the City Council in regard to all matters relating to the operation, maintenance, and future development of the City golf and country club.~~

##### ~~Sec. 32-93. - Membership; terms of office.~~

~~The Golf and Country Club Advisory Board shall consist of five members. Each member of the City Council, including the Mayor, shall appoint one board member for a two year term. Members shall be qualified electors of the City. If, for any reason, an appointment should not be made to fill an expired term, the incumbent will continue to serve until a successor has been appointed. No board member shall serve on any other board or commission of the City while holding this office. No board member who shall have served three consecutive terms of office shall be eligible to serve an additional term of office for two years thereafter, unless the appointment for any subsequent additional term shall be confirmed by a majority of City Council.~~

##### ~~Sec. 32-94. - Vacancies.~~

~~In the event of the death, removal, or resignation of a board member, a successor shall be appointed to fill the unexpired term by the City Council member who made the original appointment. In the event the original City Council member is no longer in office, the successor in office shall fill the unexpired term.~~

##### ~~Sec. 32-95. - Chairman.~~

~~The board shall elect its own chairman, who shall serve at the will of the board. In addition, the board shall determine the chairman's term of office and number of terms that may be consecutively served.~~

##### ~~Sec. 32-96. - Procedural rules and regulations.~~

~~The board shall prescribe and adopt its own rules and regulations. However, the board shall comply with the following:~~

- ~~(A) All meetings of the board shall be open to the public.~~

~~(B) — The board shall keep minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote, indicating that fact. In addition, the board shall keep records of all its proceedings and other official actions, all of which shall be immediately filed in the City Clerk's office, and shall be a public record.~~

~~(C) — Board action shall require the presence of a quorum of three board members.~~

~~(D) — All actions of the board shall be approved by a majority vote, except that no less than three like votes are required if less than the entire board is voting.~~

~~Sec. 32-97. — Consultant and support services.~~

~~The board shall act only in an advisory capacity to the City Council, and all consultant and support services to be furnished to the board must be requested from and approved by the City Council prior to the services being secured. In no way can any act of the board exceed the specific authorization and power conferred upon it by the City Council.~~

~~Sec. 32-98. — Duties and responsibilities.~~

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

~~(A) — To act as an advisory board for the City Council in all matters relating to the City golf and country club.~~

~~(B) — To perform all tasks, studies, or activities as may be directed by the City Council in regard to the City golf and country club.~~

~~(C) — To make recommendations to the City Council in regard to the operation, maintenance and future development of the City golf and country club.~~

~~(D) — To conduct meetings to solicit the ideas and opinions of the citizens in regard to all matters relating to the City golf and country club.~~

~~(E) — To secure information, data, and exhibits to assist the City Council in regard to all matters relating to the City golf and country club.~~

~~(F) — To provide the City Council with suggestions for new golf and country club facilities, projects or programs.~~

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