

ORDINANCE NO. 17-015

AN ORDINANCE AMENDING FORT PIERCE CODE OF ORDINANCES CHAPTER 2, ARTICLE XI, SECTION 2-201(a); ELIMINATING PARTICIPATION OF UNCERTIFIED ALTERNATE MEMBERS IN DISCUSSIONS OR DELIBERATIONS OF BOARDS, COMMISSIONS OR COMMITTEES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 6, 2010, the City of Fort Pierce Commission adopted Ordinance No. L-126 for the purpose of creating Chapter 2, Article XI, Section 2-201(a) to establish general guidelines for the creation of City boards, commissions and committees; and

WHEREAS, no municipal purpose is served by the participation of alternate board members in board discussions or deliberations unless serving as a certified replacement for a regular board member; and

WHEREAS, an alternate member who is unable to vote, yet participates in the discussion of an issue, is in a position to unfairly sway the board on an issue without ever having to undertake the exposure that comes with actually casting a vote; and

WHEREAS, the discussions of an issue are better focused and ultimately more efficiently resolved by ensuring that the members who discuss the issue are held accountable for their vote;

WHEREAS, it is proper to amend Fort Pierce Code of Ordinances, Chapter 2, Article XI, Section 2-201(a) to eliminate the participation of alternate board members in discussions or deliberations of boards, commissions or committees unless certified as a replacement for a regular board member.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Fort Pierce Code of Ordinances, Chapter 2, Article XI, Section 2-201(a) is hereby amended so that the same shall read as follows:

(a) *Generally.* The terms “board,” “commission” and/or “committee,” when used in this article, shall refer to any board, commission and/or committee to be appointed by the city commission and/or city manager, whether created by state statute, the charter of the city, by city commission action or whether appointed directly by the mayor-commissioner, now in existence or hereafter created. All members so appointed to serve on said boards, commissions, and/or committees shall be residents of the city except for officials or employees of the city who serve upon the same by virtue of their employment with the city. The city commission may appoint members to the gas board, electrical board, board of examiners of contractors and board of adjustment and appeals who are residents of the county who do not reside in the city. Any individual designated as an alternate member of a board ~~may participate freely in all board discussions or deliberations, except that such alternate member may not~~ shall neither discuss, deliberate on a matter nor vote unless certified by the board chair as a replacement for a regular board member at the meeting which such regular board member fails to attend, or has recused himself/herself from voting on a particular issue.

SECTION 2. 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 shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances, rules or regulations or parts of ordinances, rules or regulations in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

James M. Messer, Esq., City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No.17-015 was duly advertised by title only in the St. Lucie News Tribune on March 24, 2017; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on April 3, 2017; and was duly introduced, read by title only, and passed on second and final reading on April 17, 2017 by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 17th day of April, 2017.

MAYOR COMMISSIONER

CITY CLERK

(CITY SEAL)