



THE SUNRISE CITY  
**FORT PIERCE**  
CITY ATTORNEY'S OFFICE *Florida*



# **BOARDS OVERVIEW, ANALYSIS AND OPTIONS**

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# City of Fort Pierce Boards

- Mayor & City Commission
- (Zoning) Board of Adjustment
- Board of Examiners of Contractors
- Civil Service Appeals Board
- Code Enforcement Board
- Communitywide Council
- Construction Board of Adjustment & Appeals
- CRA Advisory Committee
- Fort Pierce Authentic Tours Advisory Board
- Fort Pierce Redevelopment Agency
- Fort Pierce Utilities Authority
- Historic Preservation Board
- Keep Fort Pierce Beautiful Advisory Board/City Tree Board
- Planning Board
- Police Officers Retirement Fund Board of Trustees
- Retirement Board
- Special Magistrate
- Sunrise Theatre Advisory Board

# Assumptions Underlying Options (1 of 2)

1. All members shall attend all meetings.
  - An attendance issue exists with some boards. Each member and alternate (if any) must accept the responsibility, barring unforeseen circumstances, of attending each meeting. Unneeded alternates may be excused from meetings.
2. All members shall be knowledgeable in the mission and jurisdiction of their respective boards.
  - Unless each member undertakes an effort to understand the mission and jurisdiction of the board, the ability to accomplish the purpose of the board is undermined by attention to issues that a board has no power to hear.
3. All members are familiar with the laws, City ordinances and rules governing their board.
  - Such knowledge is required to achieve judicially sustainable results.

# Assumptions Underlying Options (2 of 2)

4. All members have read and understand Robert's Rules of Order.
  - Robert's Rules guide the basic operation of the board meeting, and little, if any time, should be spent analyzing and discussing the intricacies of the Rules.
  - Members should be familiar with Robert's Rules for Committees and Small Boards.
5. All members are familiar with the Code of Ethics contained in the City Rules and Regulations.
6. All members understand that they may ask the City Attorney's Office for advice on any matter of law prior to a meeting.
7. For any hearing at which attorney representation exists on the opposite side of an issue, the City Attorney's office will ensure there is attorney representation for the City.

# Bases for Options

- Experience
- Statutory Authority
- Comparable Cities
  - Charter
  - Code of Ordinances
  - Website
  - Coordination with other City/County Attorney Offices

# Model Cities

City	Population*
<b>Fort Pierce</b>	<b>43,601</b>
Port St. Lucie	174,110
Palm Bay	105,838
Jupiter	60,681
Palm Beach Gardens	51,919
Riviera Beach	33,649
Sarasota	54,214

\*2014 data taken from [www.city-data.com](http://www.city-data.com)



# Options Applicable to All Boards

1. Eliminate compensation of board members.
2. Reduce number of board members.
3. Establish term limits.
4. Review residency requirements.
5. Eliminate potential dual office holding issues as a best practice.
6. Eliminate participation of alternates in board discussions and deliberations.
7. Change attorney representation model from one that imposes duty on City Attorney to represent board to one where duty of City Attorney is to represent City.

# General Option 1: Eliminate Compensation of Board Members

- As provided in the City Code, many of the board members are allowed de minimis compensation, usually \$10 or \$20 per meeting or per month, for attending meetings.
- Florida Statutes section 162.05(4) is an example supporting elimination of such compensation, and states that members of the code enforcement board shall serve without compensation. Additionally, the City Charter section 51 states that members of any advisory boards shall serve without compensation.
- Elimination of compensation reduces administrative costs and the burden of having to process such payments.
- Service on boards should be a matter of civic duty undertaken to move the City forward; not a matter of de minimis compensation.
- Most, if not all, municipalities do not compensate their board members. All of the model cities examined explicitly provide that no compensation shall be paid to their board members. (Palm Bay, Port St. Lucie, Jupiter, Palm Beach Gardens, Riviera Beach, and Sarasota).

## General Option 2: Reduce Number of Board Members

- Currently, many of the boards have seven (7) to ten (10) members, plus multiple alternates.
- All boards can be reduced to five (5) members.
  - One (1) member would be appointed by each Commissioner, and two (2) alternates, appointed by majority vote of the Commission.
- Reduction of board members enables each Commissioner to appoint a board member.
- Each member would be appointed for the term of the appointing Commissioner subject to removal at the pleasure of the appointing Commissioner.
- Such appointment more accurately reflects the demographics of the City.
- Reduction of board members establishes a more focused, manageable group of individuals that can conduct City business in an efficient and economical manner.
- As an example, in our civil justice system, a jury of six (6) members hears and decides the most complicated cases.

# General Option 3: Establish Term Limits

- A term limit restricts the number of terms a board member may serve.
- Currently, only one board, the Fort Pierce Utilities Authority (FPUA), has term limits of two (2) consecutive four (4) year terms.
- Benefits of imposing term limits include:
  - (a) continual replenishment of the boards by active and involved members of the community;
  - (b) contribution of fresh ideas and perspectives to the board discussions; and
  - (c) reduction in the concentration of power and institutional knowledge within a small group of members to the exclusion of fresh minds that might think “outside of the box.”
- As an example, the City might choose to adopt the FPUA standard and limit the term to no more than two (2) consecutive four (4) year terms. After a one (1) year period of non-membership, the board member would be eligible for reappointment.
- Most municipalities impose term limits on board members to a varying degree. (St. Lucie County, Palm Bay, Port St. Lucie, Palm Beach Gardens, Sarasota)

# General Option 4: Review Residency Requirements

- Depending on the specific board, the City either requires board members to reside within the City or allows members to reside outside of the City.
- Ch. 2, Article XI of the City Code states: “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.”
- Section 51 of the City Charter also provides: “The city commission may at any time appoint other advisory boards composed of men or women who are residents of the city...”
- However, the City Charter provision governing the Civil Service Appeals Board states: “Each member of the civil service appeals board shall be a resident of St. Lucie County...” Likewise, the ordinance governing the Historic Preservation Board states: “Each member of the board shall be a resident of the city or operate a business in the city during the term of appointment...”
- Changing residency requirements involves amendment of either the Charter or Ordinances.
- To amend the Charter, the City must submit any proposed amendments to the Supervisor of Elections by July 30, 2018, to be placed on the ballot for referendum approval by the voters on November 6, 2018, pursuant to Florida Statutes section 166.031.

# General Option 5: Eliminate Potential Dual Office Holding Challenges as a Best Practice

- Article II, section 5(a) of the Florida Constitution provides in part:

“No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers.”
- The Florida Constitution prohibits an individual from simultaneously holding more than one “office” under the government of the state, counties and municipalities.
- This prohibition is applicable to elected and appointed offices.
- Multiple boards exist that have potential dual membership issues and the best practice would be to make further appointments with this consideration in mind.
- This eliminates an appearance of a select group of people making decisions on behalf of the City.
- For example, Palm Beach Gardens prohibits service on more than one board or committee to avoid any dual office violations.

## General Option 6: Eliminate Participation of Alternates

- The Fort Pierce Code of Ordinances, Chapter 2, Article XI, Section 2-201(a) provides:

“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 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.”
- No valid reason exists for alternate board members to participate in board discussions or deliberations unless serving as a replacement for a regular board member. An alternate whose participation at a particular meeting is not required can be excused from attendance.
- An alternate 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. The discussion of an issue is better focused and ultimately more efficiently resolved by ensuring that the members who discuss the issue are held accountable for their vote.

## General Option 7: Change the Representation Model to Allow the City Attorney to Represent the City (1 of 2)

- Currently many of the boards are represented by the City Attorney.
- This creates a legal conflict that prohibits the City Attorney from representing the City in a legal proceeding in front of the board.
- An inherent ethical conflict exists in such representation because the rules regulating the Florida Bar prohibit the City Attorney from representing two clients with adverse interests at the same time, in this case the board and the City.
- The City Attorney cannot represent the real client, the City as exemplified through the Department Heads, because his ethical duty is to the board; not the City.
- For example, Florida Statutes section 162.05(5) prohibits the City Attorney from serving as both attorney for the City and attorney for the Code Enforcement Board.

## General Option 7: Change the Representation Model to Allow the City Attorney to Represent the City (2 of 2)

- In the rare and infrequent instance where a board requires legal advice on a matter of law or procedure, the board Chairman should inquire of the City Attorney's office for a resolution or referral by the City Attorney to outside counsel.
- Most cases that involve legal issues should be resolved by the City Attorney's office without resort to outside counsel. The job of the board is to resolve the facts; not the law.
- For example, the Civil Service Appeals Board and Retirement Board employ outside counsel. It is a valid debate exercise as to whether either of these boards needs to employ outside counsel.



# ANALYSIS OF BOARDS AND SPECIFIC OPTIONS

# Specific Options for the Highlighted Boards

- Mayor & City Commission
- **(Zoning) Board of Adjustment**
- **Board of Examiners of Contractors**
- Civil Service Appeals Board
- **Code Enforcement Board**
- Communitywide Council
- **Construction Board of Adjustment & Appeals**
- CRA Advisory Committee
- Fort Pierce Authentic Tours Advisory Board
- Fort Pierce Redevelopment Agency
- **Fort Pierce Utilities Authority**
- Historic Preservation Board
- Keep Fort Pierce Beautiful Advisory Board/City Tree Board
- **Planning Board**
- Police Officers Retirement Fund Board of Trustees
- Retirement Board
- **Special Magistrate**
- Sunrise Theatre Advisory Board

# CODE ENFORCEMENT BOARD

<b>Statutory Basis</b>	F.S. § 162; Code Ch. 2, Art. XIII
<b>Duties</b>	Conducts hearings and assesses fines against violators of the municipal codes and ordinances
<b>Composition</b>	7 members
<b>Current Composition</b>	7 members, 1 alternate
<b>Selection of Members</b>	Commission appoints members
<b>Term of Appointment</b>	3 years
<b>Current Meeting Schedule</b>	2 <sup>nd</sup> Wednesday of the month, 8 months/year, 9 am
<b>Compensation</b>	\$10/month, contingent upon attendance at a minimum of one meeting per month
<b>Representation</b>	City Attorney represents Board per Rules of Procedure.
<b>Regulations</b>	F.S. § 162; Code Ch.2, Art. XIII; Rules of Procedure, Code Enforcement Board and Special Magistrate

# Code Enforcement Board Specific Option

**Option: Eliminate Board and shift powers and duties to Special Magistrate.**

## Examples

<b>Port St. Lucie</b>	Special Magistrate System. Typically meets twice per month. Uses same Special Magistrates as Fort Pierce.
<b>Jupiter</b>	Special Magistrate System. Typically meets once per month.
<b>Palm Beach Gardens</b>	Special Magistrate System. Typically meets once per month.
<b>Riviera Beach</b>	Special Magistrate System. Typically meets once per month.
<b>Sarasota</b>	Special Magistrate System. Typically meets once per week.

## Most Compatible Option

The most compatible option followed by almost all of the model cities provides for elimination of the Board and use of a special magistrate system to hear all code enforcement matters.

# (Zoning) BOARD OF ADJUSTMENT

<b>Basis</b>	Code § 22-147
<b>Duties</b>	Hears appeals of rulings of administrative officers on zoning matters and requests for zoning variances
<b>Composition</b>	5 members, 2 alternates
<b>Current Composition</b>	5 members, 1 alternate
<b>Selection of Members</b>	Commission appoints members and alternates
<b>Term of Appointment</b>	3 years
<b>Current Meeting Schedule</b>	4 <sup>th</sup> Thursday of each month, 6 pm
<b>Compensation</b>	\$10/meeting
<b>Representation</b>	City Attorney represents Board
<b>Regulations</b>	Code § 22-147; Rules of Procedure for the Fort Pierce Board of Adjustment

# (Zoning) Board of Adjustment Specific Options

## **Option 1: Eliminate Board and shift powers and duties to a Special Magistrate.**

### **Examples**

#### **Riviera Beach**

About 3 years ago, Riviera Beach converted to a magistrate system whereby a land use attorney appointed through the City Attorney Office hears the matters its prior Zoning Board of Adjustment handled. Benefits reported by Riviera Beach include having an individual with the legal expertise and background to make rational decisions and elimination of pressure to keep board actively involved. Appeals of the decision of the Special Magistrate are heard by the circuit court.

#### **Madeira Beach**

Matters heard by the Board of Adjustment heard by a Special Magistrate for the past 15 years.

# (Zoning) Board of Adjustment Specific Options

## **Option 2: Eliminate Board and shift powers and duties to Planning Board.**

### **Examples**

<b>Port St. Lucie</b>	Zoning Variances heard by Planning and Zoning Board or Zoning Administrator for smaller variances. Appeals of Zoning Administrator and Planning and Zoning Board heard by City Council serving as Board of Zoning Appeals.
<b>Palm Bay</b>	Zoning variances and appeals of administrator heard by Planning and Zoning Board.
<b>Palm Beach Gardens</b>	Planning Board also serves as Board of Adjustment and Construction Board of Adjustment and Appeals.
<b>Jupiter</b>	Planning and Zoning Commission also serves as Zoning Board of Adjustment.

### **Most Compatible Option**

The most compatible option appears to be the Riviera Beach and Madeira Beach Models that provide for the elimination of the Board and use of a special magistrate system to hear zoning appeals and variances.

# BOARD OF EXAMINERS OF CONTRACTORS

<b>Statutory Basis</b>	F.S. §§ 489; Code § 5-19
<b>Duties</b>	Investigation of applicants for/issuance of certificates of competency for contractors; contractor discipline
<b>Composition</b>	10 members consisting of 1 director of building and community response, 3 consumer representatives, 6 licensed contractors
<b>Current Composition</b>	3 consumer representatives, 6 licensed contractors
<b>Selection of Members</b>	Majority vote of the Commission
<b>Term of Appointment</b>	4 years
<b>Current Meeting Schedule</b>	2 <sup>nd</sup> Tuesday of each month, 9 am
<b>Compensation</b>	\$20/meeting
<b>Representation</b>	City Attorney represents Board
<b>Regulations</b>	F.S. §§ 489; Code Ch. 5; Rules of Procedure for Disciplinary Matters; Rules of Procedure for Actions Against Unlicensed Contractors

# Board of Examiners of Contractors Specific Options

## **Option 1: Eliminate and combine the Board with the Construction Board of Adjustment & Appeals.**

### **Example**

#### **Sarasota**

Sarasota has one board that hears similar matters that Fort Pierce's Board of Examiners of Contractors and Construction Board of Adjustment & Appeals handle.

## **Option 2: Shift discipline of unlicensed contractors to a Special Magistrate.**

### **Authority**

#### **F.S. §§ 489.127**

Hearings on citations issued by a code enforcement officer against unlicensed contractors may be heard by a Special Magistrate.

# Board of Examiners of Contractors Specific Options

**Option 3: Shift investigation of applicants for/issuance of certificates of competency by reciprocity exclusively to the Building Official or his designee.**

<b>Authority/Example</b>	
<b>Fort Pierce, Florida Municipal Code §5-48</b>	Recently, the Fort Pierce Code was amended to allow the Building Official or his designee to grant certificates of competency by reciprocity without Board approval. The City only issues certificates of competency by reciprocity and does not administer any of its own contractor examinations to determine competency.
<b>Indian River County</b>	Issuance of certificates of competency currently handled by its Contractor Licensing Division and not a board. Certificates of competency are only issued by reciprocity.

# Board of Examiners of Contractors Specific Options

**Option 4: Reduce size of Board; impose term limits; and/or eliminate compensation.**

**Example**

<b>Port St. Lucie</b>	7 member board; term limits of 4 consecutive 2 year terms; no compensation.
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**Option 5: Eliminate Board and shift duties and powers to County. St Lucie County currently only handles the same matters relating to the unincorporated areas of the County.**

**Examples**

<b>Palm Beach Gardens</b>	The Palm Beach County Construction Industry Licensing Board was created by Special Act and is responsible for all matters currently heard by the Fort Pierce Board of Examiners of Contractors relating to contractors that work in its county. The individual cities in the county do not handle such matters.
<b>Jupiter</b>	Same.
<b>Riviera Beach</b>	Same.

# CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS

<b>Statutory Basis</b>	Code § 5-1.140; International Property Maintenance Code § 111
<b>Duties</b>	Hears appeals of decisions and interpretations of City Building Official and considers variances to the technical codes
<b>Composition</b>	7 - 9 members
<b>Current Composition</b>	9 members
<b>Selection of Members</b>	Appointed by Commission
<b>Term of Appointment</b>	4 years
<b>Current Meeting Schedule</b>	Last Tuesday of each month, 9 am
<b>Compensation</b>	N/A
<b>Representation</b>	City Attorney represents Board
<b>Regulations</b>	Code § 5-1.140; International Property Maintenance Code § 111; Rules of Procedure Fort Pierce Construction Board of Adjustment & Appeals for Disciplinary Matters

# Construction Board of Adjustment & Appeals Specific Options

## **Option 1: Eliminate and combine the Board of Examiners of Contractors with the Construction Board of Adjustment & Appeals.**

### **Example**

#### **Sarasota**

Sarasota has one board that hears similar matters that Fort Pierce's Board of Examiners of Contractors and Construction Board of Adjustment & Appeals handle.

## **Option 2: Reduce members and impose term limits.**

### **Example/Authority**

#### **Jupiter**

7 members

#### **International Property Maintenance Code § 111**

Appeals Board shall consist of a minimum of 3 members, 2 alternates.

#### **Sarasota**

Limited to 2 consecutive 3 year terms

# Construction Board of Adjustment & Appeals Specific Options

**Option 3: Eliminate Board. However, because the City's Code adopts the International Property Maintenance Code in its entirety, which requires an appeals board, the City's Code would have to be amended to exclude this requirement.**

## Example

<b>Port St. Lucie</b>	Port St Lucie created an informal board of surrounding building officials that are on standby, but has never had to use them.
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**Option 4: Eliminate Board and shift powers and duties to Planning Board.**

## Example

<b>Palm Beach Gardens</b>	Building Code is under the Land Development Code. Its Planning, Zoning & Appeals Board also serves as its Construction Board of Adjustment and Appeals which hears appeals of the decisions and interpretations of the building official and considers variances to its Building Code.
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<b>Palm Bay</b>	Building Code is under the Land Development Code. Its Planning and Zoning Board has the responsibility and authority to hear and make recommendations concerning variances and appeals from the terms of the Land Development Code.
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## Board of Examiners of Contractors and Construction Board of Adjustment & Appeals Specific Options

### Most Compatible Option

The most compatible option consistent with our board structure and established way of doing business would appear to be a combination of the following options:

- (1) Eliminate and combine the Board of Examiners of Contractors with the Construction Board of Adjustment & Appeals as exemplified by the Sarasota model which would effectively leave one (1) board, the Construction Board of Adjustment & Appeals;
- (2) Shift hearings on discipline of unlicensed contractors currently handled by the Board of Examiners of Contractors to the Special Magistrate as authorized by Florida Statutes section 489.127;
- (3) Shift investigation of applicants for/issuance of certificates of competency by reciprocity currently handled by both the Board of Examiners of Contractors and Building Official exclusively to the Building Official or designee as authorized by the City Code section 5-48 and exemplified by Indian River County; and
- (4) Reduce the board size, impose term limits and eliminate compensation as exemplified by the Jupiter, Sarasota and Port St Lucie models. The board must have at least three (3) residents of the city, at least two (2) of which are consumer representatives. (FS §§ 489.105(12); 489.131(10)). If the board has seven (7) or more members, at least three (3) must be consumer representatives. (FS § 489.131(10)). Additionally, the International Property Maintenance Code requires the board to have at least three (3) members qualified to pass on matters pertaining to property maintenance and two (2) alternate members. (IPMC § 111.2).

A combined Board of Examiners of Contractors and Construction Board of Adjustment & Appeals with discipline of unlicensed contractors handled by a Special Magistrate would leave one (1) Construction Board of Adjustment & Appeals with the following duties:

- (1) Discipline of locally licensed contractors\*; and
- (2) Consideration of appeals of the decision of the Building Official and variances to the technical codes.

\*Discipline of contractors would be handled as follows: Unlicensed contractors disciplined by a Special Magistrate; locally licensed contractors disciplined by City board; and state licensed contractors disciplined by state board (with limited exceptions as provided by section 5-52 of the Code).

# SPECIAL MAGISTRATE

<b>Statutory Basis</b>	F.S. §§ 162, 489.127; Code Ch. 2, Art. XIII.5
<b>Duties</b>	The code enforcement department is authorized in its discretion to refer code enforcement proceedings to a special magistrate which shall have the same status as the code enforcement board
<b>Composition</b>	2 attorneys that are members of the Florida Bar
<b>Selection of Members</b>	Appointed by Commission
<b>Term</b>	2 years
<b>Current Meeting Schedule</b>	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesdays of each month, 9 am
<b>Compensation</b>	\$95/hour
<b>Representation</b>	City Attorney represents the City
<b>Regulations</b>	F.S. §§ 162, 489.127; Code Ch. 2, Art. XIII.5; Rules of Procedure, Code Enforcement Board and Special Magistrate

# Special Magistrate Specific Option

**Option: Eliminate (Zoning) Board of Adjustment, Code Enforcement Board and some duties held by the Board of Examiners of Contractors and shift powers and duties to a special magistrate system. Depending on volume, hire an additional Special Magistrate or increase current hearing days/hours.**

## Examples/Authority

<b>Port St. Lucie</b>	Uses special magistrate system instead of Code Enforcement Board.
<b>Jupiter</b>	Uses special magistrate system instead of Code Enforcement Board.
<b>Palm Beach Gardens</b>	Uses special magistrate system instead of Code Enforcement Board.
<b>Riviera Beach</b>	Uses special magistrate system instead of Code Enforcement Board and (Zoning) Board of Adjustment.
<b>Sarasota</b>	Uses special magistrate system instead of Code Enforcement Board.
<b>F.S. §§ 489.127</b>	Hearings on citations issued by a code enforcement officer against unlicensed contractors may be heard by a Special Magistrate.

# Benefits of Transferring Matters to Special Magistrate

- Quasi-judicial matters are better handled by attorneys.
- Special Magistrates have legal expertise and background giving them a better understanding of the legal issues.
- More economical and efficient for the City to present case to a Special Magistrate because of legal training.
- Eliminates politicism.

# PLANNING BOARD

<b>Statutory Basis</b>	F.S. § 163.3174; Charter, Art. V, § 49; Code Ch. 2, Art. XII
<b>Duties</b>	Serves as advisory board to Commission and includes multiple powers and duties relating to planning and zoning matters as outlined in section 2-223 of the Code
<b>Composition</b>	10 members, 2 alternates
<b>Selection of Members</b>	Appointed by Commission
<b>Term of Appointment</b>	2 years
<b>Current Meeting Schedule</b>	2 <sup>nd</sup> Tuesday of each month, 6 pm
<b>Compensation</b>	\$10/month, contingent upon attendance at a minimum of one meeting per month
<b>Representation</b>	City Attorney represents Board
<b>Regulations</b>	F.S. § 163.3174; Charter, Art. V, § 49; Code Ch. 2, Art. XII; Planning Board Rules and Regulations

# Planning Board Specific Options

## Option 1: Reduce Members.

Examples	
<b>Port St. Lucie</b>	7 members, 2 alternates
<b>Palm Bay</b>	7 members
<b>Jupiter</b>	7 members, 2 alternates
<b>Palm Beach Gardens</b>	7 members, 2 alternates
<b>Riviera Beach</b>	Not less than 7 members
<b>Sarasota</b>	5 members, 6th member appointed by county school board

# Planning Board Specific Options

## Option 2: Impose Term Limits.

### Examples

<b>Port St. Lucie</b>	4 year terms, limited to 2 consecutive terms
<b>Sarasota</b>	3 year terms, limited to 2 consecutive terms

## Option 3: Increase scope of powers and duties.

### Examples

<b>Port St. Lucie</b>	Planning Board also serves as (Zoning) Board of Adjustment
<b>Palm Bay</b>	Planning Board also serves as (Zoning) Board of Adjustment
<b>Palm Beach Gardens</b>	Planning Board also serves as (Zoning) Board of Adjustment and Construction Board of Adjustment and Appeals

# Planning Board Specific Options

## Most Compatible Options

The most compatible option consistent with our board structure and established way of doing business appears to be a combination of the models examined as follows:

- (1) Reduction of the board members following the Sarasota example of appointment by each Commissioner of 1 member of the Board; and
- (2) Imposition of term limits following the Port St. Lucie and Sarasota examples of 4 year terms, limited to 2 consecutive terms.

# FORT PIERCE UTILITIES AUTHORITY

<b>Basis</b>	Charter, Article XII, §§ 169-170
<b>Duties</b>	Responsible for the development, production, purchase and distribution of all electricity, gas, water, sanitary sewer collection and disposal, and such other utility services as may be designated by resolution by the Commission
<b>Composition</b>	5 members, 1 of whom shall be the Mayor
<b>Selection of Members</b>	Majority vote of the Commission
<b>Term Limits</b>	4 years, no more than 2 consecutive terms
<b>Current Meeting Schedule</b>	1 <sup>st</sup> and 3 <sup>rd</sup> Tuesday of each month, 4 pm
<b>Compensation</b>	Each member shall be paid as set out in the budget and approved by the Commission
<b>Representation</b>	FPUA retains its own general counsel
<b>Regulations</b>	Charter, Article XII

# Fort Pierce Utilities Authority Specific Option

**Option: Each Commissioner appoints one member of the Board, excluding the Mayor who shall be a member of the Board.**

- Appointment in this manner more accurately reflects the demographics of the City.
- To change the method of appointment of members to the Fort Pierce Utilities Authority the City must submit any proposed amendments to the Supervisor of Elections by July 30, 2018, to be placed on the ballot for referendum approval by the voters on November 6, 2018, pursuant to Florida Statutes section 166.031.

	Fort Pierce	Palm Bay	Port St Lucie	Jupiter	Palm Beach Gardens	Riviera Beach	Sarasota
<b>Compensation</b>	Y	N	N	N	N	N	N
<b>Board Membership</b>	5-14	5-7* (*11 on Comm. Dev. Advis. Committee)	5-7	4-9* (*12 on Art Committee)	3-9	5-7* (*18 on Charter Review Committee)	2-12
<b>Term Limits</b>	FPUA Only	Y	Y	N	Y	N	Y
<b>Dual Office Holding Prohibitions</b>	N	N	Y	N	Y	N	Y
<b>Participation of Alternates</b>	Y	N	N	N	N	Y	N
<b>(Zoning) Board of Adjustment</b>	Y	N	N	N	N	N	Y
<b>Board of Examiners of Contractors</b>	Y	N	Y	N	N	N	Y (Combined with Construction Board of Adjustment & Appeals)
<b>Construction Board of Adjustment &amp; Appeals</b>	Y	N	N	Y	N	N	Y (Combined with Board of Examiners of Contractors)
<b>Code Enforcement Board</b>	Y	Y (Advocated use of Special Magistrate in future)	N	N	N	N	N
<b>Exclusive use of Special Magistrate for Code Enforcement Matters</b>	N	N (Not currently due to exclusive use of Code Enf. Board, but advocated for future adoption)	Y	Y	Y	Y	Y

# Summary of Options

1. Eliminate compensation of board members.
2. Reduce number of board members and change method of appointment.
3. Establish term limits.
4. Review residency requirements.
5. Eliminate potential dual office holding issues as a best practice.
6. Eliminate participation of alternates in board discussions and deliberations.
7. Change attorney representation model from one that imposes duty on City Attorney to represent board to one where duty of City Attorney is to represent City.
8. Eliminate certain boards and transfer duties to existing boards, departments and/or special magistrate system.
  - Eliminate (Zoning) Board of Adjustment and transfer duties to Special Magistrate;
  - Eliminate Code Enforcement Board and transfer duties to Special Magistrate;
  - Eliminate Board of Examiners of Contractors (BEC) and combine with Construction Board of Adjustment and Appeals, to make one (1) Board;
  - Shift duty of BEC to issue certificates of competency by reciprocity to Building Official or designee;
  - Shift duty of BEC to discipline unlicensed contractors to Special Magistrate.

# Implementation

- With the exception of the Fort Pierce Utilities Authority, most revisions contemplated can be achieved by amending City ordinances and regulations.
- To change the method of appointment of members to the Fort Pierce Utilities Authority, or any other matter prescribed by the Charter relating to appointive boards the City must submit any proposed amendments to the Supervisor of Elections by July 30, 2018, to be placed on the ballot for referendum approval by the voters on November 6, 2018, pursuant to Florida Statutes section 166.031.
- Reduction in board membership can be accomplished by removal of all current board members, and thereafter appointment by each Commissioner of one member for an initial term of the remainder of the appointing Commissioner's term.
  - Subsequent appointments shall coincide with the appointing Commissioner's term of office.
  - Should the board be comprised of two alternates, appointment can be made by majority vote of the Commission.
  - Appointed members serve at the pleasure of the appointing Commissioner and may be removed without cause by the appointing Commissioner.
  - Alternates may be removed by majority vote of the Commission.
  - Board bylaws shall be approved by the Commission (this authority may be delegated to the City Attorney).