

CITY OF FORT PIERCE

CITY COMMISSION AGENDA

City Commission Meeting - Monday, June 10, 2024 - 9:00 a.m.

City Hall - Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Proclamations**
 - a. City of Fort Pierce Youth Award Recognition Presentation
6. **Additions or deletions to agenda and approval of the agenda.**
7. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

8. **Miscellaneous Reports and Presentations**
 - a. National Community Survey Results Presentation
9. **Consent Agenda**
10. **City Commission**
 0. Resolution 24-R34 appointing Bob Burdge to Police Community Advisory Committee as Commissioner Broderick's appointee.

11. **New Business - City Commission Discussion Items**

- a. Discussion regarding establishing an optional "Hard Stop" at City Commission meetings.
- b. Discussion of the Historic Preservation Board
- c. Discussion of City Attorney's request for additional Assistant City Attorney position
- d. Annual evaluation of Linda Cox, City Clerk
- e. Annual evaluation of Sara Hedges, City Attorney
- f. Annual evaluation of Nick Mimms, City Manager

12. **City Commission Boards and Committees Updates**

13. **Adjournment**

Immediately following adjournment, please move toward the doors and exit the chambers. This allows for the safe and courteous exit of all persons, and those on the dais. Conversations after the meeting should be held outside of chambers, in the foyer or elsewhere, but not in the commission chambers where lights will be out as soon as the chambers are empty.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

City Commission Day Meeting 9:00 a.m.

5. a.

Meeting Date: 06/10/2024

Re: Youth Council Graduates

Submitted For: Linda Cox, City Clerk, City Clerk

SUBJECT:

City of Fort Pierce Youth Award Recognition Presentation

Attachments

Adrianna Spotts

Jaylyn Monds

Molly Grow

Form Review

Form Started By: Latoya Ransom

Started On: 05/30/2024 03:20 PM

Final Approval Date: 05/30/2024

CITY OF FORT PIERCE, FLORIDA

PROCLAMATION

WHEREAS, the youth in our city are the city’s most valuable resource; and

WHEREAS, the Mayor and City Commissioners recognize the future of our community depends upon the young people we raise to handle the affairs of tomorrow; and

WHEREAS, the City of Fort Pierce Youth Award Recognition Program seeks to showcase the achievements of our outstanding and talented youth; and

WHEREAS, Adrianna Spotts, a ninth grader at Fort Pierce Westwood Academy, is the recipient of the Outstanding Role Model Award, which recognizes youth who lend a helping hand to peers and younger youth; and

WHEREAS, Adrianna, a straight-A student enrolled in advanced classes, has actively participated in 4H for 8 years currently holding a Leadership/Role Model position, Girl Scouts for 10 years achieving the Bronze and Silver Awards, Future Farmers of America and a horse drill team since 2023 earning numerous awards and serving in multiple leadership positions; and

WHEREAS, Adrianna’s determination, willingness to help others, and commitment to her faith serves as an inspiration to all.

NOW, THEREFORE, I, Linda Hudson, Mayor of the City of Fort Pierce, Florida, do hereby issue this proclamation in recognition of:

Adrianna Spotts

and urge our citizens to recognize and celebrate the accomplishments of our youth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Fort Pierce, Florida, to be affixed this 10th day of June, 2024.



MAYOR/COMMISSIONER

CITY OF FORT PIERCE, FLORIDA

PROCLAMATION

WHEREAS, the youth in our city are the city's most valuable resource; and

WHEREAS, the Mayor and City Commissioners recognize the future of our community depends upon the young people we raise to handle the affairs of tomorrow; and

WHEREAS, the City of Fort Pierce Youth Award Recognition Program seeks to showcase the achievements of our outstanding and talented youth; and

WHEREAS, Jaylyn Monds, a graduating senior at Fort Pierce Westwood Academy is the recipient of the Outstanding Student Athlete Award, which recognizes student athletes who show excellence in the classroom through their behavior while maintaining their grades; and

WHEREAS, Jaylyn, a dedicated student enrolled in the school's Marine and Oceanographic Academy, has maintained a 4.0 GPA, while working two jobs, volunteering as a mentor for younger athletes and excelling in both baseball and football. He graduated with an AICE (Cambridge Advanced International Certificate of Education) diploma and signed a scholarship to play Division 1 college football; and

WHEREAS, Jaylyn's dedication to his education and his prowess as a student athlete serves as an inspiration to all.

NOW, THEREFORE, I, Linda Hudson, Mayor of the City of Fort Pierce, Florida, do hereby issue this proclamation in recognition of:

Jaylyn Monds

and urge our citizens to recognize and celebrate the accomplishments of our youth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Fort Pierce, Florida, to be affixed this 10th day of June, 2024.



MAYOR/COMMISSIONER

CITY OF FORT PIERCE, FLORIDA

PROCLAMATION

WHEREAS, the youth in our city are the city's most valuable resource; and

WHEREAS, the Mayor and City Commissioners recognize the future of our community depends upon the young people we raise to handle the affairs of tomorrow; and

WHEREAS, the City of Fort Pierce Youth Award Recognition Program seeks to showcase the achievements of our outstanding and talented youth; and

WHEREAS, Molly Grow, a seventh grader at the Creative Arts Academy of St. Lucie (CAST) is the recipient of the Outstanding Visionary Award, which recognizes youth who have turned creativity and knowledge into an entrepreneurial or economic venture; and

WHEREAS, Molly, a drummer and percussionist in CAST's concert and jazz bands and the owner of Rubber Band Bonanza, has demonstrated impressive sales skills, raising significant funds for the bands by selling chocolates and selling bracelets to raise money for the Florida Public Relations Association's Treasure Coast Chapter, where she is the only student member; and

WHEREAS, Molly's drive is evident in her various endeavors and her ambition serves as an inspiration to all.

NOW, THEREFORE, I, Linda Hudson, Mayor of the City of Fort Pierce, Florida, do hereby issue this proclamation in recognition of:

Molly Grow

and urge our citizens to recognize and celebrate the accomplishments of our youth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Fort Pierce, Florida, to be affixed this 10th day of June, 2024.

Linda Hudson

MAYOR/COMMISSIONER

City Commission Day Meeting 9:00 a.m.

8. a.

Meeting Date: 06/10/2024

Re: National Community Survey

Submitted For: Audria Moore, Special Projects Coordinator, City Manager

SUBJECT:

National Community Survey Results Presentation

Attachments

National Community Survey

Form Review

Inbox

City Manager

Form Started By: Audria Moore

Final Approval Date: 05/30/2024

Reviewed By

Nick Mimms

Date

05/30/2024 03:09 PM

Started On: 05/21/2024 04:46 PM

THE NCS™

THE NATIONAL COMMUNITY SURVEY™

Fort Pierce, FL

The National Community Survey™

2024 Results

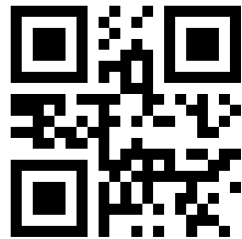




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Exclusive Partners



Resident Surveys in Local Governance



**Monitor trends
in resident
opinion**



**Measure
government
performance**



**Inform budget,
land use,
strategic
planning
decisions**



**Benchmark
against other
communities**

The NCS™ Facets of Community Livability



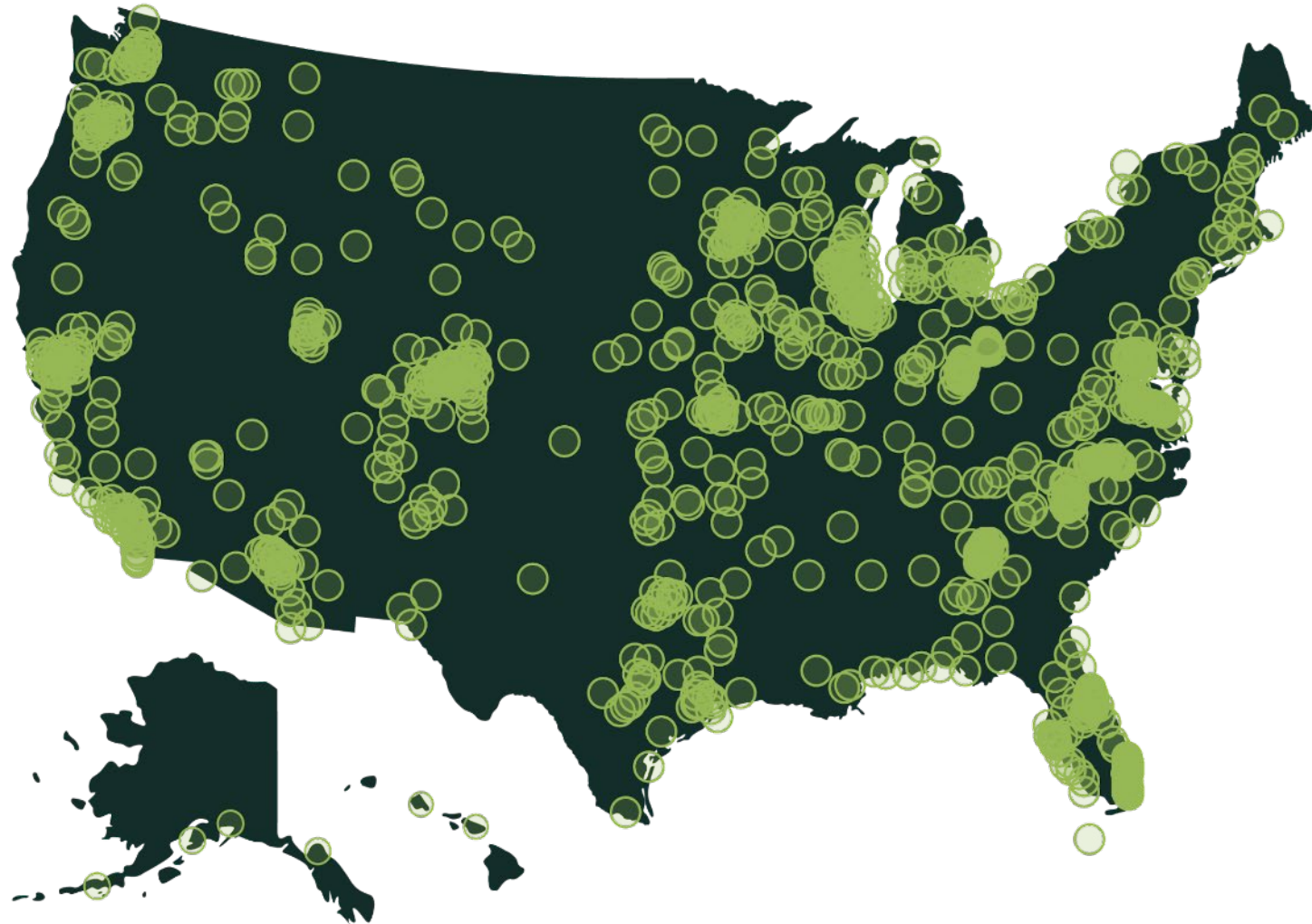
The National Community Survey™ in Fort Pierce



The NCS™ for Fort Pierce, FL

- First time conducting The NCS
- Survey conducted from February 19, 2024 – April 1, 2024
- Mailing approach employed:
 - Probability-based sample of 3,000 randomly selected households
 - 250 total responses received
 - 9% overall response rate
 - Non-probability, open-participation survey: 46 responses
- Results statistically weighted to reflect Fort Pierce overall
- 95% confidence interval with a +/- 6% margin of error

Polco's Benchmarking Database

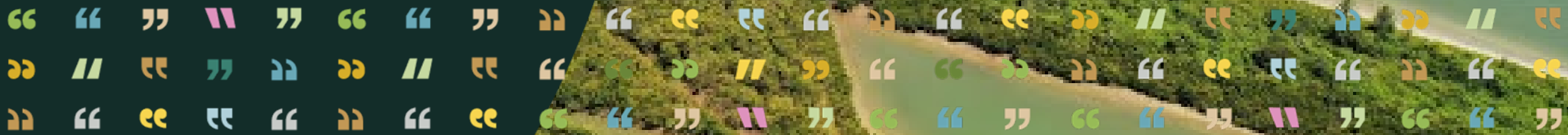


More than
500
comparison
communities
across the
nation.

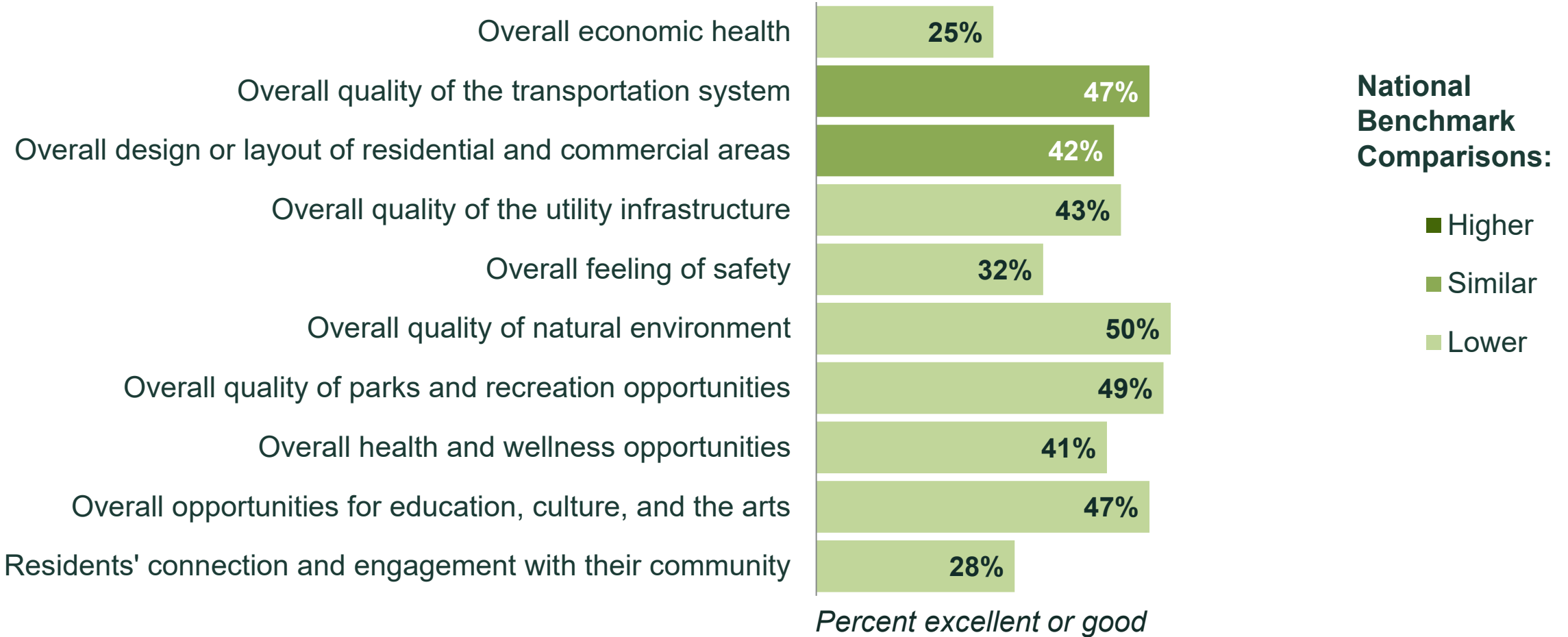
Representing
the opinions
of more than
50 million
residents.



Overview of Survey Results



Facets of Community Livability: Quality



Facets of Community Livability: Importance



National Benchmark Comparisons:

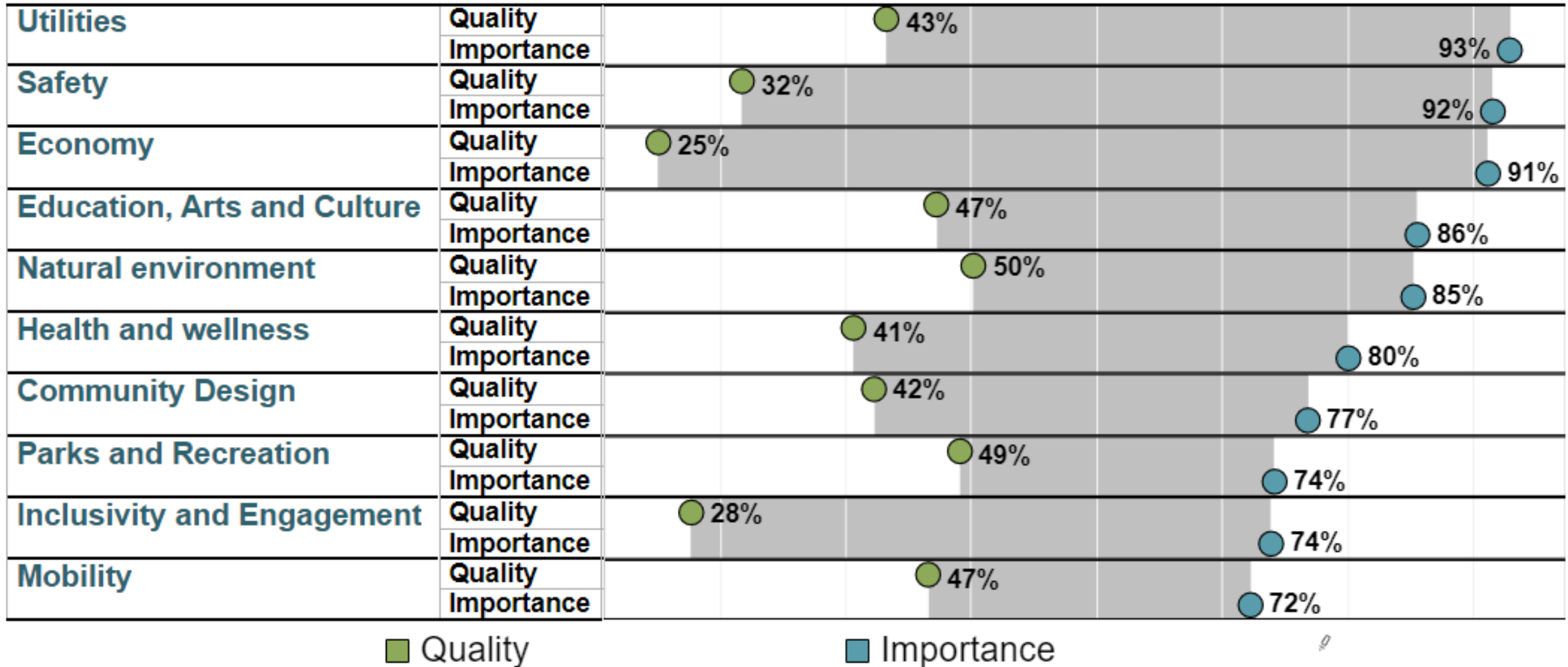
- Higher
- Similar
- Lower



Percent essential or very important



Balancing Quality and Importance





Comparisons to National Benchmarks



1 received **higher** ratings

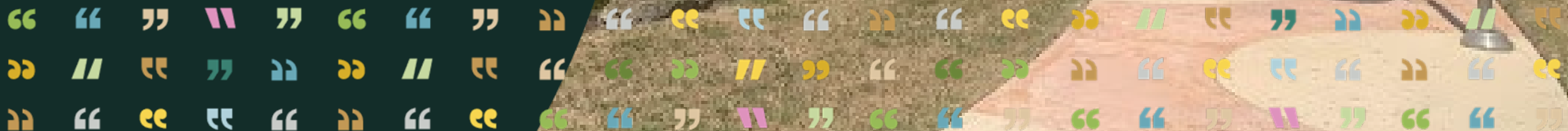
80 received **similar** ratings

41 received **lower** ratings





Key Findings

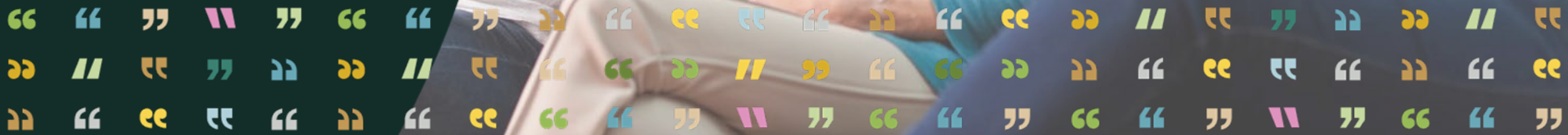




Residents appreciate many aspects of the City's leadership and governance.



1



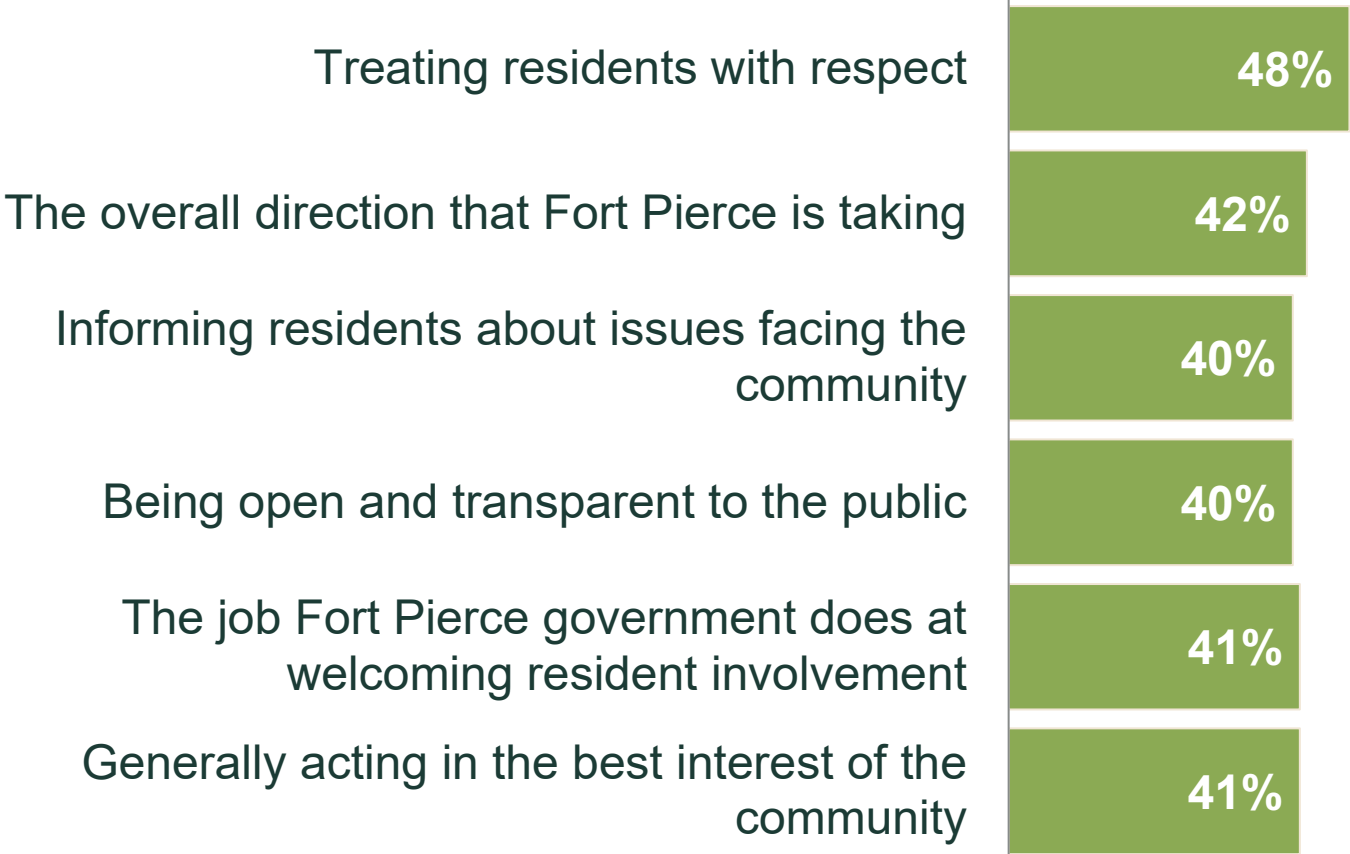
Governance in Fort Pierce



Please rate the following categories of Fort Pierce government performance.

**National
Benchmark
Comparison**

- Higher
- Similar
- Lower



Percent excellent or good

Governance in Fort Pierce



About

5 in 10

residents gave **excellent** or **good** ratings to:

- Overall customer service by Fort Pierce employees
- Public information services
- Quality of services provided by the City of Fort Pierce

**Around one-third
positively rated:**

- Overall confidence in Fort Pierce government
- Being honest
- Treating all residents fairly



Residents value the natural environment in Fort Pierce and support efforts to protect it.

2



Natural Environment in Fort Pierce



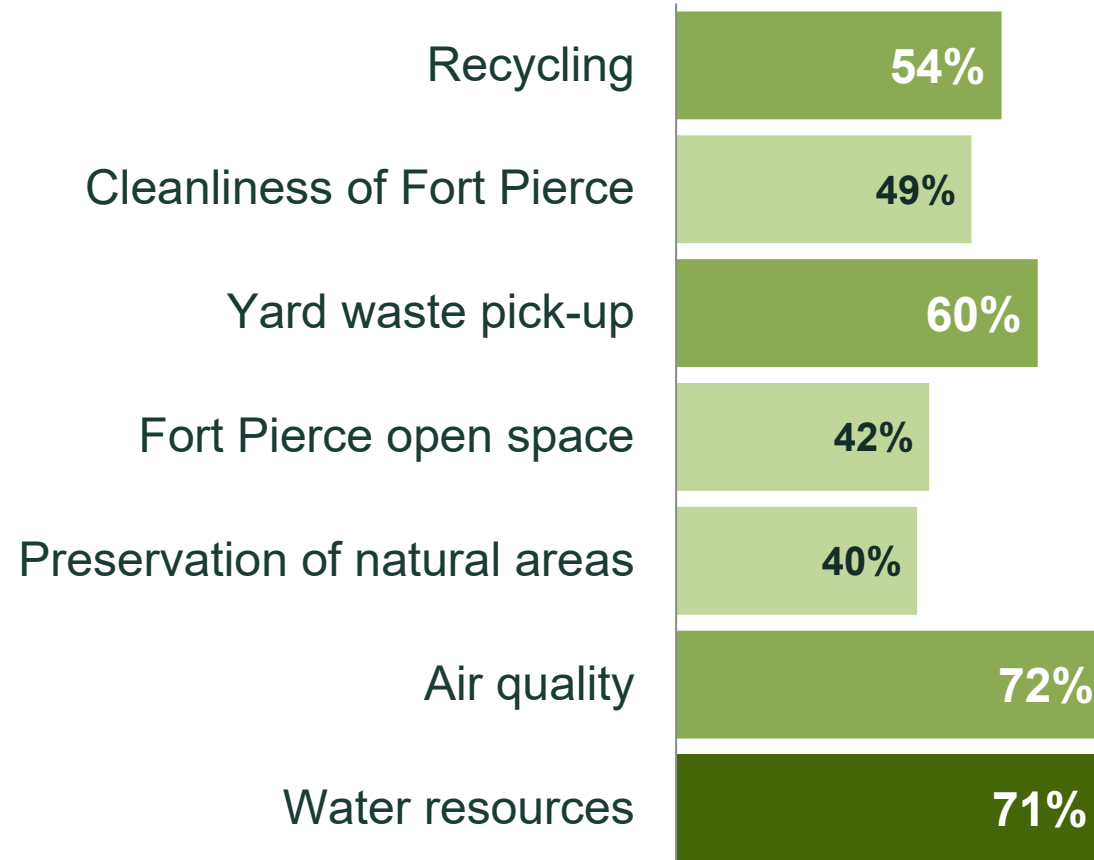
Please rate each of the following in the Fort Pierce community:

National Benchmark Comparison

■ Higher

■ Similar

■ Lower

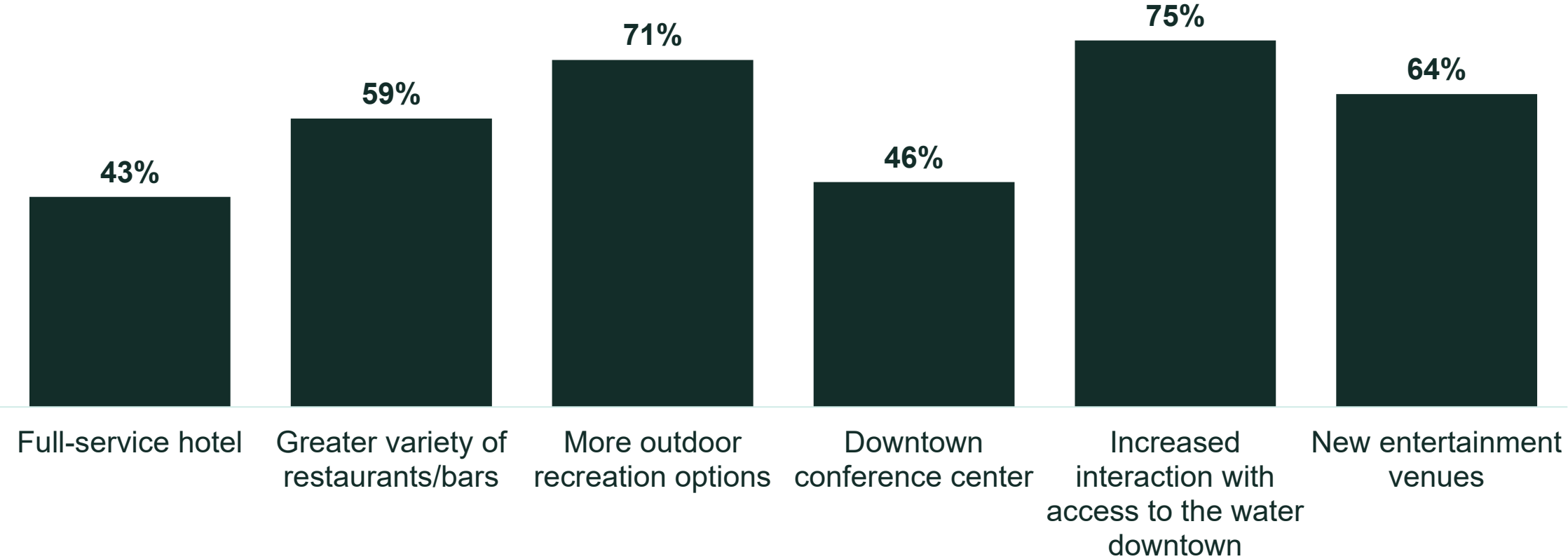


Percent excellent or good

Resident priorities



How important, if at all, are each of the following when thinking about additional amenities you would like to have in Fort Pierce?



Percent essential or very important



While safety services generally received strong ratings, feelings of safety leave room for improvement.

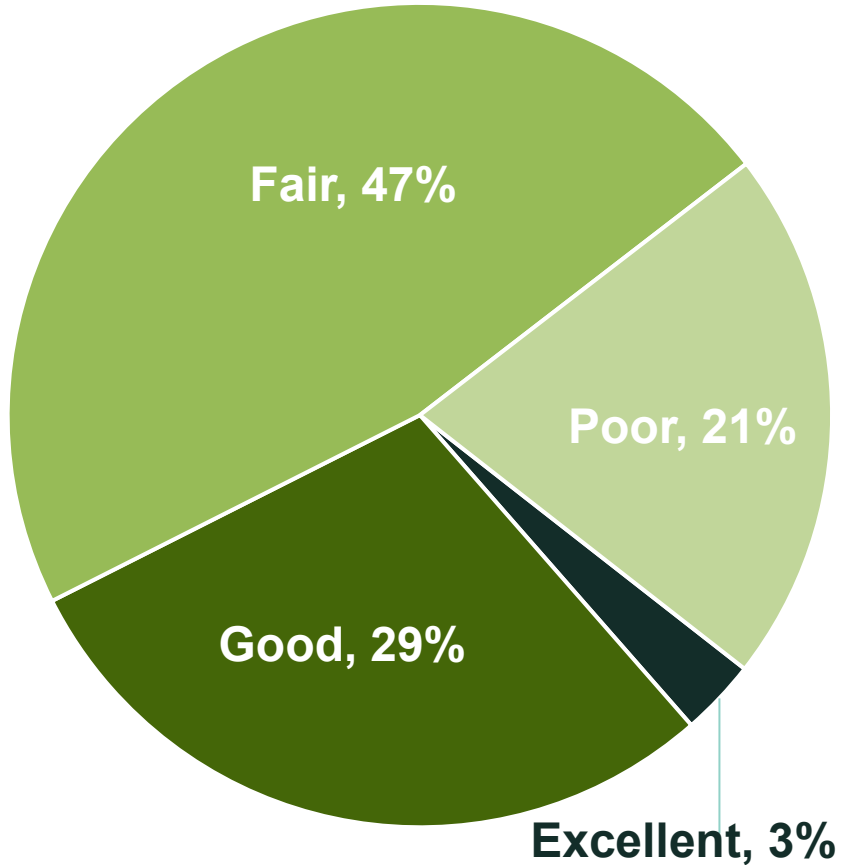
3



Feelings of Safety in Fort Pierce



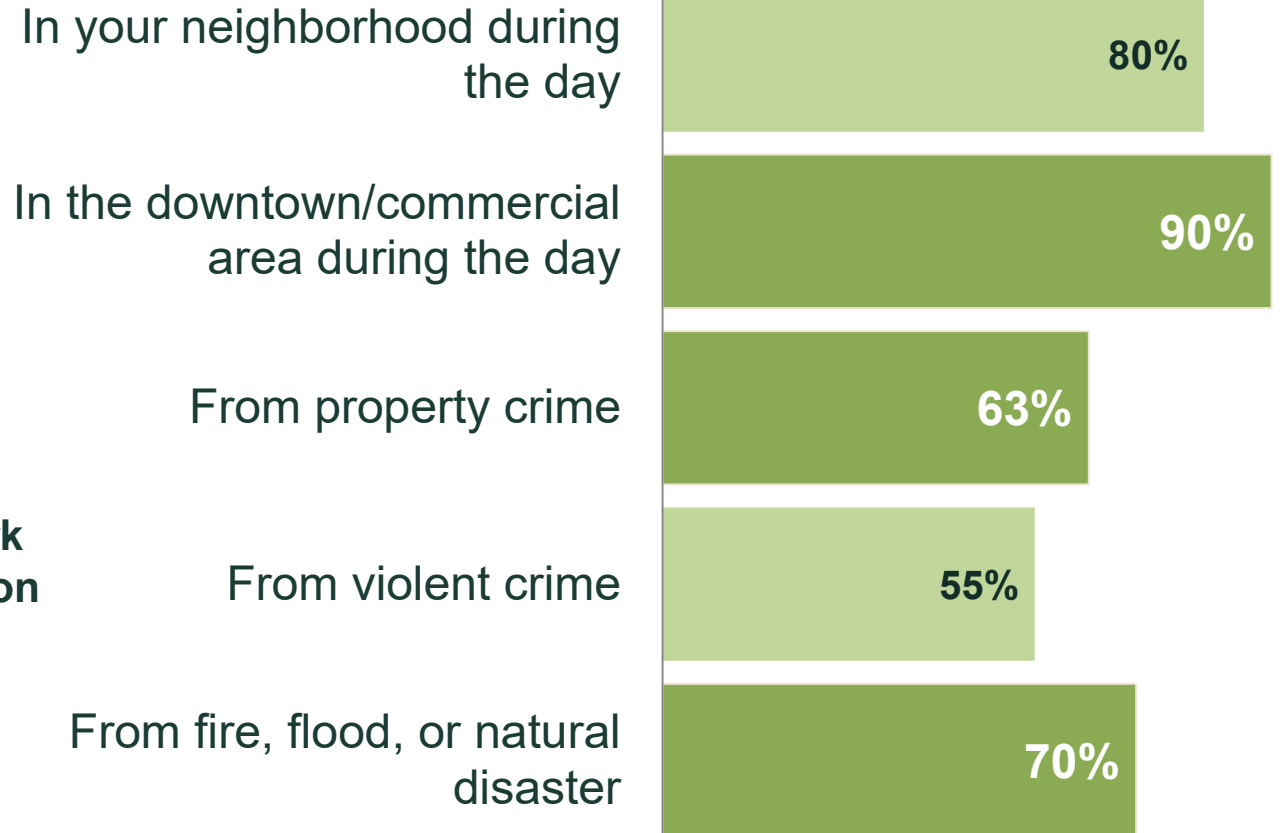
Overall feeling of safety



National Benchmark Comparison

- Higher
- Similar
- Lower

Please rate how safe or unsafe you feel:



Percent very or somewhat safe

Safety Services in Fort Pierce



84%

Fire services



75%

Ambulance/
Emergency
medical
services



61%

Police services



62%

Fire prevention/
education



63%

Emergency preparedness

Percent excellent or good

The Economy in Fort Pierce



Please rate each of the following in the Fort Pierce community:

National Benchmark Comparison

- Higher
- Similar
- Lower



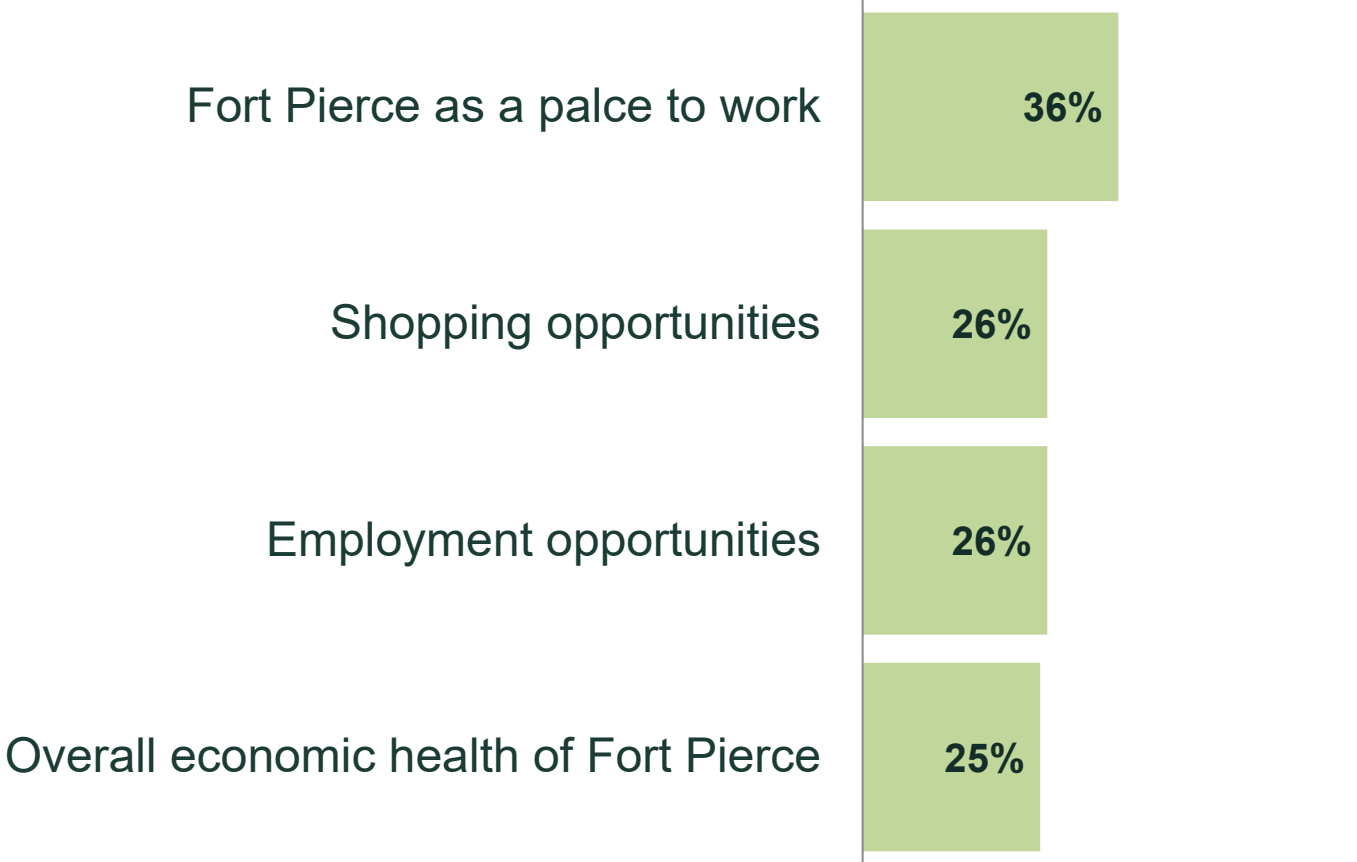
The Economy in Fort Pierce



Please rate each of the following in the Fort Pierce community:

National Benchmark Comparison

- Higher
- Similar
- Lower

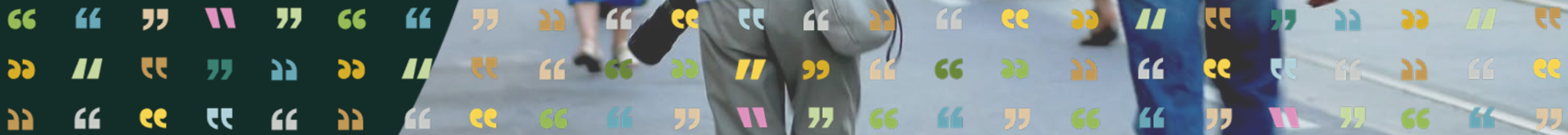


Percent excellent or good



Fort Pierce's educational and cultural opportunities are a valued aspect of community livability.

5



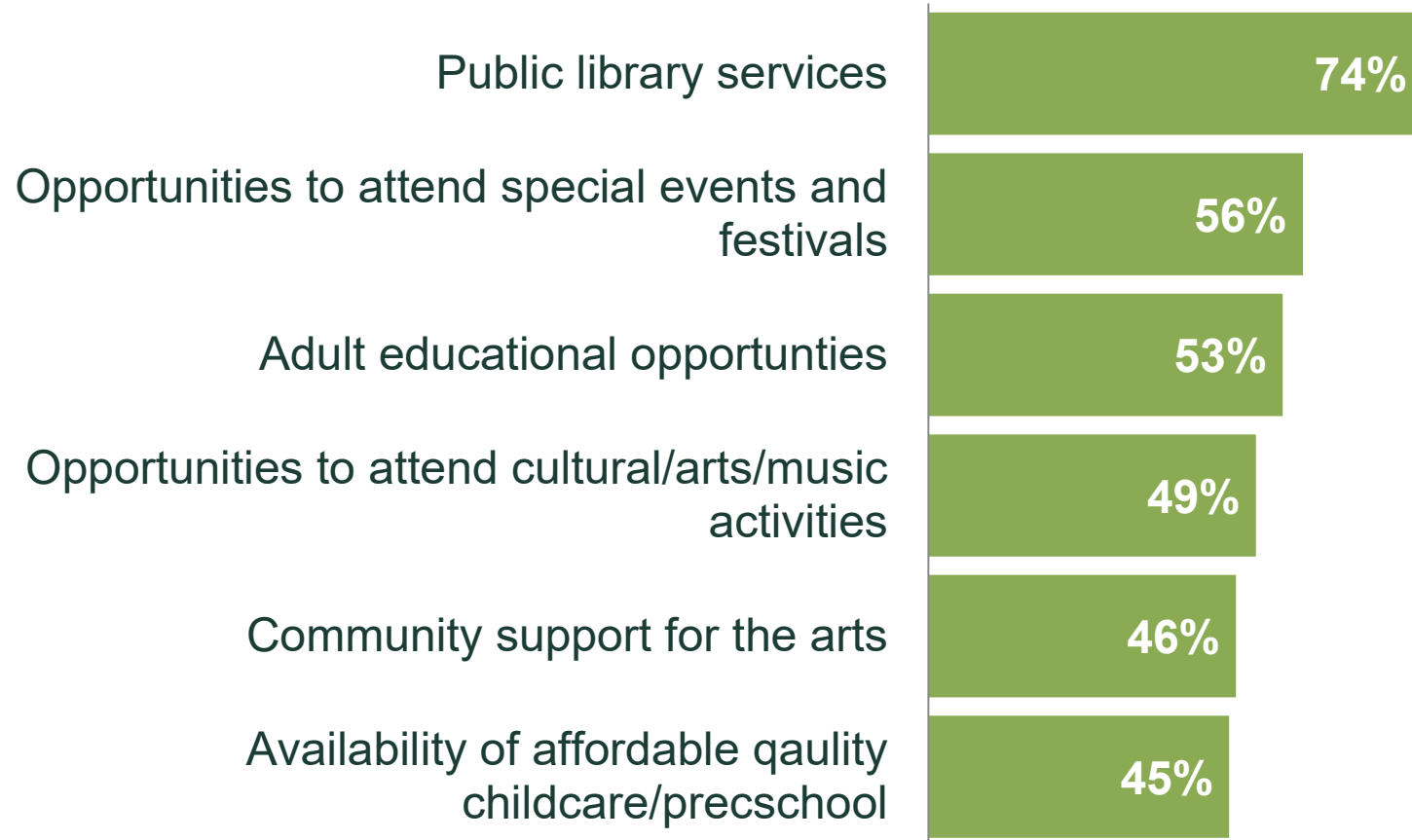
Education, Arts, and Culture in Fort Pierce



Please rate each of the following in the Fort Pierce community:

National Benchmark Comparison

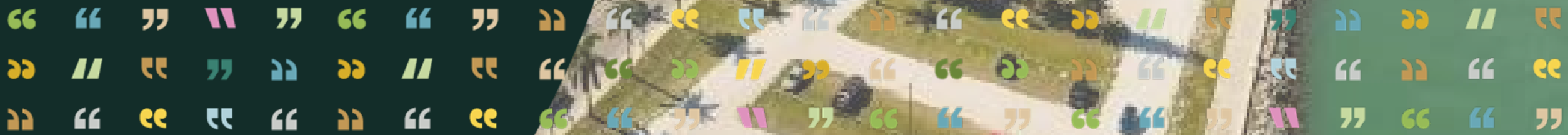
- Higher
- Similar
- Lower



Percent excellent or good



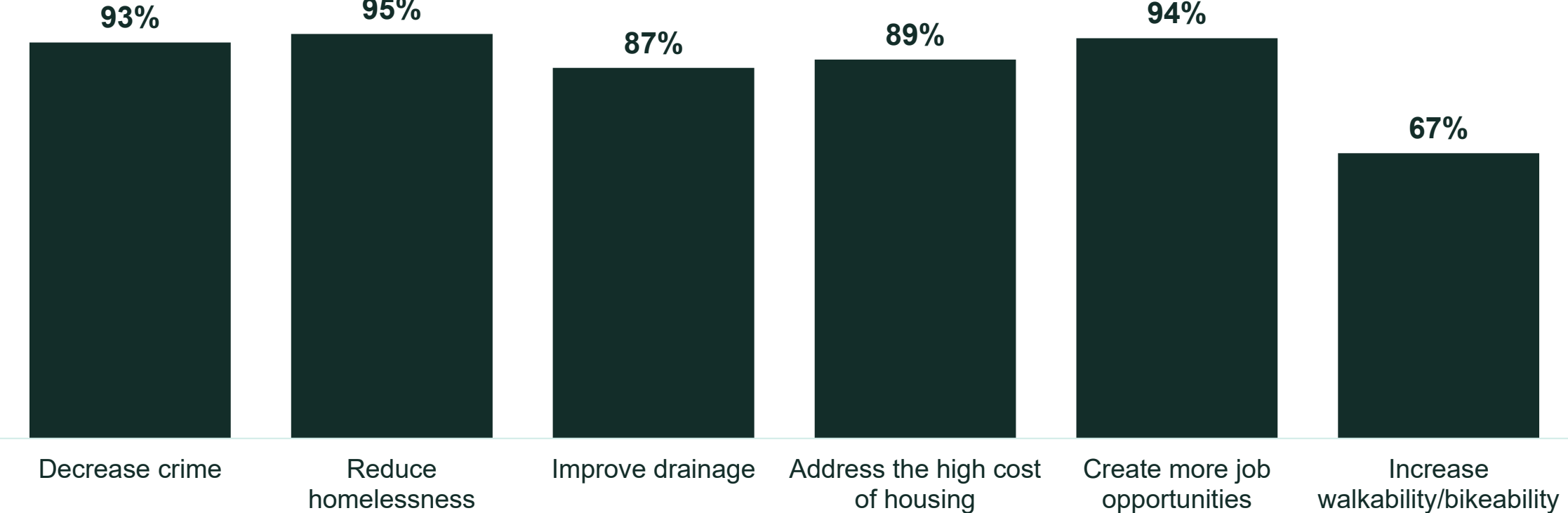
Additional Special Topics



Resident priorities



When thinking about current city initiatives, how much of a priority, if at all, are each of the following?



Percent major or moderate priority



Summary of Conclusions

1. Residents appreciate many aspects of the City's leadership and governance.
2. Residents value the natural environment in Fort Pierce and support efforts to protect it.
3. While safety services generally received strong ratings, feelings of safety leave room for improvement.
4. Ratings for the economy in Fort Pierce reflect both strengths and challenges.
5. Fort Pierce's educational and cultural opportunities are a valued aspect of community livability.



Next Steps: ENGAGE With Community Members



ENGAGE

Participants

Content

Outreach

Polco Library



This library contains curated surveys and polls created by survey scientists at National Research Center, Polco's dedicated research team. You can use these as they are, look around for inspiration, or make a copy and customize to fit your needs.

All content in the Polco Library is proprietary and is for exclusive use on the Polco platform. The use of Polco Library content in unsolicited ways is prohibited. Please refer to our [Terms of Use](#) for details.

We also have toolkits which cover a range of questions based around certain topics. The modules in our toolkit can be used individually by your organization over time to provide an environmental scan.

Available toolkits:

- COVID-19
- Libraries
- School Districts

Customizable surveys and polls created by survey scientists at Polco.



Fort Pierce currently has 259 subscribers on Polco.



Included in Current Subscription



Optional Add-on

Public Safety Communications

Governance Safety

As part of our ongoing efforts to better serve the community, we need input from you! Take this quick survey to share your feedback about the (XYZ)'s communication pertaining to public safety issues and news. Your responses will be kept confidential, and no identifying

communications governance safety outreach View

information public safety emergency communication

Emergency Communications

Safety Governance Used by 2 profiles

As we continue our efforts to meet the dynamic needs of (ABC) residents, we need your critical input. Please take this quick survey to share your thoughts on emergency preparedness and related (XYZ) communications. The results will help us improve our

information alert urgent public safety View

communications emergency preparedness alerts news

disaster emergency 311 disaster preparedness safety

communication governance

Search

Filter or search to find the content you are looking for.

Content Type

All

Domain

All

Text search

communication

Popular tags

communications government information communication news media customer service governance safety public safety

Clear all tags Search

State of Wisconsin | WI

Post

Do we need a new park?

Read Post

Contains: text, image, data points, survey, prioritization



Park Initiative Survey

Text about the new park initiative and a quick summary of what this entails or whatever message the city wants to provide for the residents to read. Text about the new park initiative and a quick summary of what this entails or whatever message the city wants to provide for the residents to read. Text about the new park initiative and a quick summary of what this entails or whatever message the city wants to provide for the residents to read. Text about the new park initiative and a quick summary of what this entails or whatever message the city wants to provide for the residents to read. Text about the new park initiative and a quick summary of what this entails or whatever message the city wants to provide for the residents to read.

Map of projected park



Next Steps: TRACK Fort Pierce's Data



Performance Summary

Score last updated December 2023

Benchmarking [Reset Filters](#)

My State
Compare my score to communities within my state

Population Size
Compare my score to communities with a similar population

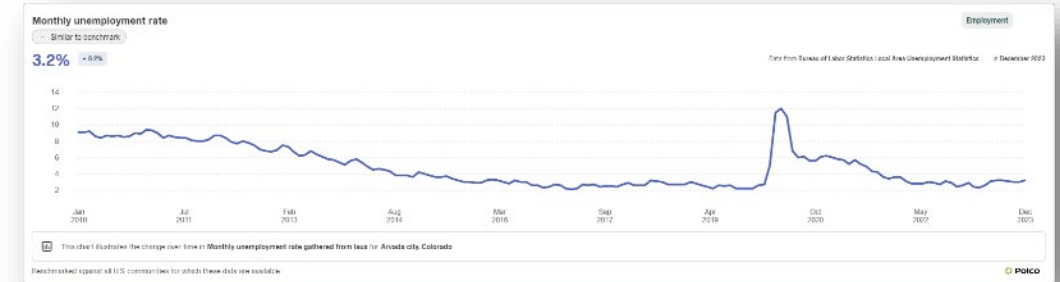
Domain Index Scores



Score last updated January 2023

Economy

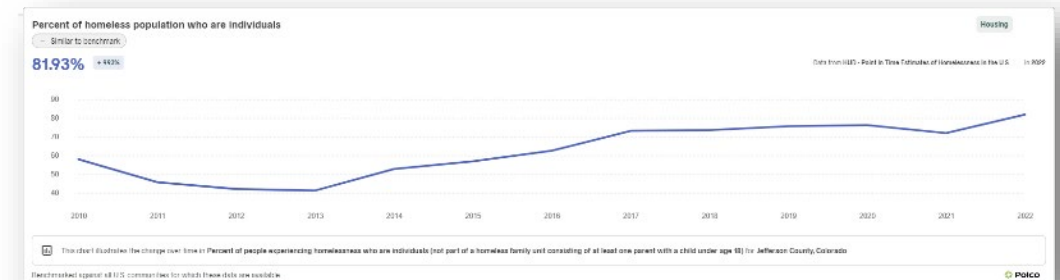
71 / 100 -1



Score last updated December 2023

Community Design

59 / 100 -3

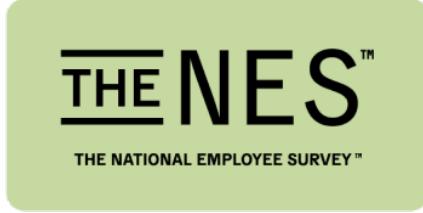


Included in Current Subscription



Optional Add-on

Additional Offerings: Continue to ASSESS



BalancingAct BY POLCO

You are balanced.

Where the Money Goes

Category	Amount
Police Department	\$810,000
Role of Civilians	\$90,000
Parks and Recreation	\$1.3m
Streets and Transportation	\$750,000
Fire	\$1.5m
Administrative Services	\$220,000
Governance	\$127,000

Revenue

Taxes	\$4.6m
Fines	\$435,000

More Information
Some research suggests that lower-cost, non-sworn officers could perform some services currently done by sworn officers, saving money that could be used in other parts of the budget.

Police Department \$810,000

Role of Civilians: \$90,000
Should civilians be used to take most police reports instead of sworn officers??

Continue to use sworn officers

Use civilians where appropriate

Submit

Reset all to start over

Please be sure to attend the budget open house on Friday, October 30 at 6:00. We will be using Meeting Mode so that everyone can see the entire group's responses. City staff will be on hand to answer questions and facilitate.

Questions?

Thank you!

Brandon Barnett
Senior Survey Associate
Polco/National Research Center
brandon@polco.us

City Commission Day Meeting 9:00 a.m.

10. 0.

Meeting Date: 06/10/2024

Re: PCAC -Burdge

Submitted For: Linda Cox, City Clerk, City Clerk

SUBJECT:

Resolution 24-R34 appointing Bob Burdge to Police Community Advisory Committee as Commissioner Broderick's appointee.

SUMMARY:

Commissioner Broderick's appointee resigned, creating a vacancy.

RECOMMENDATION:

Appoint Mr. Burdge.

ALTERNATIVES:

Continue to seek alternatives.

RESPONSIBLE STAFF:

Linda W. Cox, City Clerk

COORDINATED WITH:

Commissioner Michael Broderick

Attachments

24-R34

Form Review

Form Started By: Linda Cox
Final Approval Date: 05/22/2024

Started On: 05/22/2024 01:50 PM

RESOLUTION NO. 24-R34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **CERTIFYING THE APPOINTMENT OF MEMBERS TO THE POLICE COMMUNITY ADVISORY COMMITTEE**; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED By the City Commission of the City of Fort Pierce, Florida, that the following be and are hereby appointed or reappointed by the City Commission to serve as members of the Police Community Advisory Committee which was established via Resolution No. 18-R32 and amended by Resolution No. 18-R37; said terms to commence upon adoption of this resolution and to run concurrently with the appointing Commissioner's term of office, until removed or when a successor has been duly appointed.

<u>Name</u>	<u>Appointed by:</u>
Bob Burdge	Commissioner Michael Broderick

BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 10th day of June, 2024.

LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

SARA HEDGES, CITY ATTORNEY

City Commission Day Meeting 9:00 a.m.

11. a.

Meeting Date: 06/10/2024

Re: Hard Stop

Submitted For: Linda Cox, City Clerk, City Clerk

SUBJECT:

Discussion regarding establishing an optional "Hard Stop" at City Commission meetings.

Attachments

PSL Council Rules as Example

Form Review

Form Started By: Linda Cox
Final Approval Date: 05/16/2024

Started On: 05/16/2024 11:46 AM



RULES OF COUNCIL
(APPROVED BY RESOLUTION 23-R10)

SECTION 1. DECLARATION OF PUBLIC POLICY. It is the intent of these rules that the deliberations and actions of the Council be conducted and taken openly in order that the citizens may be fully informed, it being the finding of the Council that the citizens must be fully informed if they are to be intelligently advised as to the conduct of public business by the Council.

SECTION 2. DEFINITIONS. For the purpose of these rules, the following definitions shall prevail:

(a) A "meeting" is a gathering of a quorum of the membership of the Council for the purpose of receiving information relating to public business, or for discussion of public business, or for final action upon public business.

(b) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by the Council to enact ordinances and resolutions, conduct public hearings and otherwise discuss and act upon matters of public interest.

(c) A "special meeting" is a meeting held on the call of the Mayor or upon the request of a Councilmember to the City Manager with the concurrence of a majority of the members of the Council which shall be ascertained by the City Manager. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of the Council or for the purpose of addressing matters which the Council has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or members of the Council shall specifically state the purpose of the meeting, and the Council shall address only those matters for which the meeting was called.

(d) A "Workshop Meeting" is a meeting held for the study and discussion of affairs of the City, or other City business as needed. Workshop meetings will be held pursuant to a schedule of such meetings as approved by the Council. Workshop meeting may be for information only, may result in Council providing direction to staff, or may

result in a vote and final action by Council.

(e) The "Council" shall refer to the City Council of the City of Port St. Lucie.

(f) "Councilman (Councilmen), Councilwoman (Councilwomen) and Councilmember(s)" shall refer to the Mayor and members of the City Council of the City of Port St. Lucie.

(g) The word "present", as used in Section 166.041(4), Florida Statutes, shall mean attendance either physically or virtually,

(h) The word "virtually" or "virtual attendance" shall include, but not be limited to, use of a telephone or an audio/video connection such as Zoom, Teams, Chime, GotoMeeting, Skype or other similar teleconferencing or web-based platform.

(i) "State of Emergency" shall mean a declaration by any competent authority, whether federal, state or local, whose jurisdiction includes the City of Port St. Lucie, including an initial declaration made by the City Manager pursuant to Section 98.02 of the City Code of Ordinances (prior to ratification), and continuing thereafter until the state of emergency is terminated.

SECTION 3. MEETINGS.

(a) Location. All meetings of the Council shall be held in city hall, unless the Council indicates another location, and shall be open to the public as required by law.

(b) Regular Meetings. The Council shall hold regular monthly meetings on the second and fourth Monday night of each month beginning with the second Monday in January of each year. Meetings in November and December shall be set as agreed upon by the Council in consideration of the holiday schedule. Unless otherwise noticed, regular meetings shall commence at 6:30 p.m. When the day fixed for regular meetings falls on a day designated by law as a legal holiday, the meeting shall be held on the Tuesday following that Monday holiday or as otherwise designated by the Council.

(c) Public Notice. The Council shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting, or of any reconvened meeting, or of any emergency meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at City

Hall. The City shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the City Clerk for such notice. Cancellation of any meeting should be publically advertised as soon as possible.

SECTION 4. MINUTES, AGENDAS AND REPORTS.

(a) Minutes identifying all matters coming before the Council and setting forth the action, if any, thereof, shall be promptly recorded and transcribed by the City Clerk and such records shall be open to public inspection.

(b) At the direction of the City Manager, the City Clerk shall prepare an agenda for all regular and special meetings (and emergency meetings when practicable). The agendas for all meetings will be prepared and made available to the public, the press and to each Councilmember on the Wednesday preceding each regular meeting providing, however, that when Council meeting dates have been changed due to holidays, or otherwise, the preparation and distribution of the agenda shall be adjusted accordingly. A copy of the agenda shall be posted at the entrance to the meeting room or place prior to the commencement of such meeting.

SECTION 5. PRESIDING OFFICER. The Mayor shall preside at all meetings, if present, and if absent, the Vice-Mayor, and in his or her absence the Mayor Pro Tem of the Council shall preside.

SECTION 6. ORDER OF BUSINESS. All meetings of the Council shall be open to the public promptly at the hour set on the date of each meeting. The members of the Council, City Manager, City Clerk, and City Attorney shall take their regular stations and the business of the Council shall be taken up for consideration and disposition in substantially the following order:

- (a) Meeting called to order.
- (b) Roll call.
- (c) Invocation.
- (d) Pledge of Allegiance.
- (e) Proclamations and special presentations.

- (f) Public to be Heard.
- (g) Additions or deletions to agenda and approval of agenda.
- (h) Approval of consent agenda.
- (i) Second reading, public hearing of ordinances.
- (j) Other public hearings.
- (k) First reading of ordinances.
- (l) Resolutions.
- (m) Unfinished business.
- (n) New business.
- (o) City Manager's Report.
- (p) Councilmembers report on committee assignments.
- (q) Public to be heard (if necessary as determined by City Council at conclusion of Public to be Heard).
- (r) Adjourn.

The above form the headings for the agenda for regular meetings. Staff and Council members desiring to have a particular subject matter placed upon the agenda may make a request therefor to the City Manager. Members of the public must have a Councilmember or the Mayor agree to sponsor their request before submission to the City Manager. All requests shall be accompanied by any information or documentation supporting the subject matter of the request and shall indicate the approximate length of time required for any presentation to the Council. Except in unusual circumstances, no item shall be placed on the meeting agenda until the subject has been referred for comment to whatever department, advisory board or combination of them that has an interest in the subject matter. Any such request shall be promptly considered and placed upon the agenda without undue delay.

SECTION 7. PREPARATION OF ORDINANCES, RESOLUTIONS.

(a) No ordinance shall be prepared for presentation to the Council unless directed by a majority of the Council, requested by the City Manager, or prepared by the City Attorney on his or her own initiative, unless otherwise provided by ordinance or by

the City Charter.

(b) All ordinances and resolutions shall, before presentation to the Council, have been approved as to form by the City Attorney, or his or her authorized representative. All those instruments shall first be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance or resolution would be involved and shall be approved by the department head. If approval is not given, then the instrument shall be returned to the City Manager with a written memorandum of the reasons why approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection or the objection is not withdrawn and approval in writing given, then the City Manager shall so advise the Council and give the reasons advanced by the department head for withholding approval.

SECTION 8. VOTING. When a motion that is in order has been made and seconded, the Mayor or presiding officer formally places it before the Council by having the Clerk read the exact motion into the record. Thereafter the motion is open to debate.

Voting on motions shall be by voice vote, unless the vote is unclear at which point the Mayor may call for a roll call vote. Voice votes shall acknowledge both “yays” and “nays”. Any comments by Councilmembers as to the subject matter of a motion should be made during the debate thereon rather than at the time the Councilmember's vote is cast so that other members of the Council may have the benefit of those comments during the debate and before their vote is cast. The call of the roll shall be rotated as items come up for vote.

SECTION 9. CONDUCT OF MEETING.

(a) The Mayor or presiding officer shall preserve order and decorum at all meetings.

(b) When considering matters noticed for a public hearing, the applicable ordinances or resolution shall first be read by its title only. The Mayor or presiding officer shall declare the public hearing open and receive comments from the public.

(c) During Council meetings, Councilmembers shall maintain order and decorum. Every Councilmember desiring to speak shall address the Mayor or presiding

officer and, upon recognition by the Mayor or presiding officer, shall confine himself or herself to the question under debate. Each Councilmember desiring to speak shall be recognized once before a Councilmember shall be recognized a second time. Every Councilmember desiring to question the administrative staff shall address his or her question to the City Manager or attending Department representative. During Council discussion, Councilmembers may also, with leave of the Mayor or presiding officer, direct questions to others in attendance at the Council meeting. A Councilmember once recognized shall not be interrupted while speaking unless called to order by the Mayor or presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions of another member.

(d) City staff and citizens must be recognized by the Mayor or presiding officer before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.

(e) All comments must be made from the podium which is located at the front of the City Council Chambers or by other reasonable accommodations and shall address the subject of the agenda item. Individuals that appear before the City Council are required to state their name and their address for the public record. The purpose of this requirement is so that they are properly reflected in the Council minutes and are available for future reference.

(f) In order to address the Council regarding an agenda item citizens are required to complete a public participation card indicating the agenda item(s) they wish to address. Public comments will be limited to three (3) minutes per person so that all may be heard on the matter and the Mayor or presiding officer, or his or her designee, shall in such instances monitor the timing and give the speaker a thirty (30) second notice prior to the expiration of the time allotted. The Mayor or presiding officer may, at his or her discretion, or at the direction of a majority of the Council, extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes. After receiving public

comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the Council. One participant's allotted time for addressing the Council may not be donated to another participant.

(g) Those persons wanting to express his or her opinion on an agenda item noticed for public hearing without addressing the Council may do so on the appropriate color-coded participation card which the City Clerk shall make available, and when completed and returned to the City Clerk shall be made part of the public record of the proceedings. Individuals may express on the card that they are "FOR", "AGAINST", or "UNDECIDED" regarding the agenda item they reference on the card.

(h) As the Council considers agenda items, other than items noticed for public hearing, the Mayor or presiding officer shall accept comments from those who have presented public participation cards to the clerk at the commencement of the meeting and may, at his or her discretion, or at the direction of a majority of the Council, accept comments from those in attendance.

(i) The Council shall follow the order of business as established by the agenda for that meeting; however, in the event a Council meeting continues past the hour of 11:00 o'clock p.m. it shall be the policy of the Council to complete, if possible, the item then under consideration and thereafter table all other agenda items scheduled for that meeting to a meeting to be scheduled by the City Council for the purpose of completing those agenda items or, if the Council is unable to convene such a meeting, then the Council shall table the remaining agenda items to the next immediately available Council meeting. In the alternative, by a motion duly made, seconded, and carried, the Council may waive, pursuant to Rule 15, the provisions of this rule to complete any and all items on the agenda after 11:00 o'clock p.m.

(j) The Council may reconsider an item, that is, bring back for further consideration, a motion which has already been voted on. To provide usefulness, and protection against abuse, the motion to reconsider can only be made by a Councilmember who voted on the prevailing side of the original motion and must be made no later than the next regular meeting of the City Council.

SECTION 10. PUBLIC PARTICIPATION.

Avenues for Citizens to Participate in Decision Making Process:

- Public to be Heard
- Submission of Petitions
- Citizen Agenda Items
- Public Hearings
- Regular Agenda Items
- City Council Discussion items

(a) Public to be Heard

(i) The City Council also allocates thirty (30) minutes at the beginning of each Council meeting for citizens who wish to appear before the City Council to make a request of the City Council, voice a complaint or concern, express an opinion or for some other type of recognition but in no case may a citizen speak longer than (3) minutes. If an item brought forward under Public to be Heard requires a longer presentation by the citizen or will require staff research or materials, the item may be scheduled by the Mayor or presiding officer for a future City Council meeting as an Agenda item. Citizens who signed up to address the City Council but were unable to do so because of the expiration of the thirty (30) minute limitation will be given an opportunity to address the City Council at the conclusion of the regular Council business agenda.

(ii) During this item, citizens will not be permitted to address matters that are on the agenda for the regular portion of the meeting.

(iii) In order to address the Council on an agenda item, other than a Public hearing or to speak during Public to be Heard, the appropriate color-coded participation card must be completed prior to the beginning of the City Council meeting and given to the City Clerk. The City Clerk will be responsible for making sure that cards are located outside the City Council Chambers 30 minutes prior to the Council meeting. Citizens can also pick up cards during business hours prior to a City Council meeting at the City Clerk's office. The City Clerk, or a person designated by the City Clerk, will be responsible for assisting individuals in completing the card and presenting the cards to the Mayor or presiding officer prior to convening the City Council meeting.

(iv) During the Public to be Heard portion of the Council meeting, no dialogue will occur between Council members and the public. Council members may comment at the close of this item.

(v) Any email received by the City on a non-agenda topic, requesting it to be considered at Public to be Heard, shall be distributed to the Council members prior to the meeting and retained by the City Clerk as a public record. The email shall not be required to be read aloud at the meeting.

(b) Submission of Petitions to the City Council

(i) When submitting petitions to the City Council, the petition should state clearly its purpose. The person presenting the petition must provide it to the Mayor or presiding officer at the beginning of the presentation and state a brief overview of its purpose. If not submitted on an item already on the agenda, the City Council will accept the petition and may schedule the item for discussion on the next available agenda.

(ii) When petitions are received by the City by mail, a copy of the petition will be presented to the City Council and it will be placed on the next available City Council Meeting for discussion by the City Council.

(c) Citizen Agenda Items

(i) Agenda items proposed by citizens may be placed on the City Council Agenda under two (2) circumstances:

(A) An item brought before the City Council during Public to be Heard and is unable to be presented within the three (3) minute time frame or needs additional research or materials so that the City Council can properly respond, may be rescheduled by the Mayor or presiding officer for a future City Council meeting as an Agenda item.

(B) A citizen may request in writing to appear on the City Council Agenda and file such request with the City Clerk's office a minimum of two (2) weeks in advance of the City Council meeting. The letter shall state the nature of the request and ask that the item be placed on an upcoming City Council Agenda. A copy of the letter will be provided to the City Council on the day that it is received by Clerk's Office, but no action

will be taken by the Clerk until said copy is endorsed or sponsored by at least one (1) council member or the Mayor. Thereafter, a copy of the letter will be provided to the proper City department so that research can be conducted and information provided to the City Council.

(ii) Agenda items are to be considered like all other items on the City Council Agenda. The format for consideration will be as follows:

- Presentation by the individual asking to address the City Council
- Questions of the individual by the City Council
- Presentation by City staff, if necessary
- Questions of the City staff by the City Council
- Public comment
- Discussion by the City Council
- Motion and vote on the item, if necessary

(d) Public Hearings

Public Hearings are formal, legally-noticed hearings which the City Council conducts pursuant to State or Federal law. Some Public Hearings are advertised hearings for specific items scheduled on the City Council Agenda. Some hearings are quasi-judicial, while others are legislative in nature. Some public hearings have specific formats that must be followed and are established by law. All Second Readings of Ordinances are conducted as formal public hearings as a normal agenda item. In those cases, the Mayor or presiding officer will announce that this is a public hearing.

The applicant may have as much time as necessary to make the presentation before the City Council. City staff may have as much time as necessary to make a presentation on the subject before the City Council. As with all agenda items, persons wishing to address the issue should have completed an appropriate participation card prior to the beginning of the meeting.

The order of a Public Hearing that is not quasi-judicial will be as follows:

- Presentation by City staff
- Questions of the City staff by the City Council
- Presentation by the applicant, if applicable
- Questions of the applicant by the City Council, if applicable

- Public comments
- Questions of citizens by the City Council or applicant
- Final Comments by applicant, if applicable
- Discussion by the City Council (City Council members may request additional information from both the applicant and staff during this phase of discussion)
- Decision by the City Council

Public Hearings that are quasi-judicial in nature shall be governed by the rules for quasi-judicial proceedings which are adopted by the Council by Ordinance or Resolution. Those rules are incorporated by reference herein for all pertinent purposes. Quasi-judicial items will be identified on the agenda, and prior to the first quasi-judicial item, anyone giving testimony will be sworn-in by the Clerk. Councilmembers will make any required disclosures prior to each item. No formal script from the City Attorney will be necessary.

(e) Regular Agenda Items

The City Council provides an avenue for citizens to address all other agenda items. This allows citizens to speak in favor of, in opposition to, or ask questions about a normal agenda item. If the item is on Consent Agenda, the City Council may withdraw the item from the Consent Agenda. If the item is on Consent Agenda, the citizen will need to complete the appropriate color-coded participation card and give the card to the City Clerk prior to the beginning of the meeting. The Mayor or presiding officer will inform the City Council that a citizen has requested that an item be removed from the Consent Agenda. If the City Council desires to remove the item from the Consent Agenda, the City Council will need to remove the item for discussion purposes. If the item is removed from the Consent Agenda, the citizen is allowed to address the item. When an item is removed from the Consent Agenda, citizens will be allowed three (3) minutes to comment or ask questions about the item. If the citizen's questions cannot be answered quickly, the City Council may table the item and schedule it as a regular City Council Agenda item, or may take final action on the item.

If the item is on the non-Consent Agenda portion of the Agenda, citizens will be given up to three (3) minutes to comment or ask questions about the agenda item. The

Mayor or presiding officer must recognize all who wish to speak and have signed participation cards.

The order of consideration of an agenda item that has been removed from the consent agenda and all other regular agenda items will be the same as a regular public hearing item, above.

(f) City Council Reports and Comments

The City Council has scheduled an item where the Council reports on the various committees and groups on which they represent the City, and to make comments in general.

(g) Documents

All documents submitted to the City Council become public records when given to the City Council for their consideration and shall be maintained by the City Clerk in accordance with the public records law.

(h) Email Comments

Any email received by the City commenting upon an Agenda Item will be made part of the official file on the item being addressed; however, the email shall not be required to be read aloud at the meeting.

SECTION 11. DECORUM. The Mayor or presiding officer shall preserve strict order and decorum at all meetings.

(a) In conducting the public's business, the City Council is committed to the principles of civility, honor, and dignity. Individuals appearing before the City Council are expected to observe the same principles when making comments on items and issues presented to the City Council for their consideration.

(b) Staff members and citizens are required to use proper language when addressing the Council or the audience. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the City Council or other participants. All comments are directed to the Mayor or presiding officer and not to individual members of the City Council or to the audience. [City Council meetings are business meetings where the business of the City is conducted.] No personal verbal attacks

toward any individual will be allowed during the conduct of a City Council meeting. The Mayor or presiding officer may have individual(s) removed from the podium and/or City Council Chambers if such conduct persists after a warning has been issued.

(c) All members of the Council shall accord the utmost courtesy to each other, the City employees and the public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During Council meetings cell phones are to be turned off or silenced. Use of cell phones by Council members and City staff for talking, texting, emailing or otherwise will not be allowed during meetings while at the dais, except for emergency communications or while on breaks.

(d) In addition to the prohibitions in (c), above, Section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second degree, and may be arrested by police officers present.

(e) In the case that any person is declared out of order by the Mayor or presiding officer and ordered expelled, and does not immediately leave the Council Chambers, the following steps shall be taken:

(i) The Mayor or presiding officer shall declare a recess.

(ii) The person shall be approached by a police officer and advised that he has been ordered expelled.

(iii) In case the person does not remove himself or herself from the area he or she may be placed under arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

(iv) In the event any person who is ordered expelled leaves the Council Chambers voluntarily and then returns to the same meeting, he or she is subject to arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

The City Manager shall, during all public meetings, have a uniformed certified law enforcement officer present.

SECTION 12. BOARDS AND COMMITTEES. Members of the City Council have the opportunity and responsibility to represent the interest of the City on various boards and committees that may, from time to time, be established. Participation in these boards and committees is an opportunity for the City to present points of view that are beneficial to the City and an opportunity to participate in decision making processes that may be of significant importance to the City.

Each Councilmember shall be responsible to accept appointment to at least two (2) boards or committees and, once appointed, shall attend duly called meetings of these committees and report back to the Council the activities of and actions taken by the respective boards and committees.

SECTION 13. ATTENDANCE.

(a) Members in attendance at a Council meeting must be present when votes are taken and must cast a ballot or, pursuant to Section 28.012, Florida Statutes, declare that there is, or appears to be, a possible conflict of interest according to Florida law and thereupon comply with the disclosure requirements of Section 112.3143, Florida Statutes.

(b) A Councilmember may participate in a City Council meeting virtually if (1) there is a medical reason for unavailability, (2) there exists some extraordinary circumstance that prevents the Councilmember's attendance in person, or (3) the City is under a declared state of emergency.

(c) In the event of virtual attendance at times other than a declared state of emergency, virtual attendance shall not be permitted unless the Councilmembers in attendance physically at the meeting approve such attendance. A Councilmember who attends virtually shall not be counted as absent and shall be allowed to participate in the meeting as if he or she were physically present; provided, however, that Councilmember's attendance shall not be counted in ascertaining a quorum for the meeting.

(d) In the event of virtual attendance during a declared state of emergency, any or all members of Council may appear virtually as authorized by City Ordinance. A quorum will be a majority of Council, whether attending physically or virtually.

(e) All evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. Members of Council shall have all rights and privileges whether attending a meeting physically or virtually.

SECTION 14. COUNCILMEMBER CONDUCT. Members of the Council must at all times recognize that their actions, both public and private, may reflect upon the Council as a whole and further may reflect upon the City of Port St. Lucie. Conduct unbecoming of a public official may result in appropriate action taken by the City Council including, pursuant to Section 3.02 of the Charter of Port St. Lucie, forfeiture of the office of Councilmember.

SECTION 15. WAIVER OF RULES. The Council may, at any time, upon a motion and majority approval, waive all or a portion of these rules of procedure during the course of a meeting.

City Commission Day Meeting 9:00 a.m.

11. b.

Meeting Date: 06/10/2024

Re: Historic Preservation Board

SUBJECT:

Discussion of the Historic Preservation Board

Attachments

Historic Preservation Board Members
Sec. 111 - Historic Preservation Board
Board and Committee Overview

Form Review

Form Started By: Linda Cox
Final Approval Date: 05/08/2024

Started On: 05/07/2024 09:20 AM

HISTORIC PRESERVATION BOARD

The Board is created via Ordinance.

Andrea	Anicito		J Johnson Concurrent	4/1/2022	12/2/2024
KeAndrea	Davis		Gaines Concurrent	4/1/2022	12/7/2026
Patrece	Frisbee		Broderick Concurrent	3/18/2024	12/7/2026
Charlie	Hayek	Chairman	At-Large	12/16/2013	3/31/2026
Minnie	Spivey		CJohnson Concurrent	4/1/2022	12/2/2024
Betty Jo	Starke		Hudson Concurrent	4/1/2022	12/2/2024
Anthony	Westbury		At-Large	7/1/2019	3/31/2026

Subdivision II. - Historic Preservation Board

Sec. 111-88. - Established.

An historic preservation board is hereby created and established in and for the city. The board is hereby vested with the power, authority and jurisdiction to recommend designations, regulate and administer historical, cultural, archaeological and architectural resources in the city, as prescribed by this chapter under the direct jurisdiction and legislative control of the city commission.

(Code 1983, § 23-21; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-89. - Composition, qualification of members.

- (a) *Membership.* The historic preservation board shall consist of seven members. Each member of the city commission shall appoint one member, to serve concurrently with the appointing commissioner's term. Additionally, two at-large members shall be appointed by majority vote of the city commission. Each at-large member shall serve for a term of four years. To the extent available within the city, the commission shall appoint professional members from the disciplines of architecture, history, architectural history, planning, archaeology, real estate, law, engineering, construction, or any other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography and cultural anthropology. Alternatively, to the extent that professional individuals in such disciplines are not available, there may instead be appointed lay individuals that have substantial experience, interest, or knowledge in the fields mentioned above.
- (b) *Intent.* It is the intent of this section that members of the board shall be appointed on the basis of civic pride, integrity, and interest in the field of historic preservation. Board members shall be persons of mature and ethical judgment and background, having the ability and desire to act in the public interest and having the ability to make and form an equitable decision concerning the preservation and protection of the cultural environment.
- (c) *Residency requirements; terms of office.* Each member of the board shall be a resident of the city or operate a business in the city during the term of appointment. Members shall hold office until their successors have been duly appointed and qualified.
- (d) *Special advisers.* Special advisers may be appointed by the city commission upon recommendation by the historic preservation board. The board may also seek expertise on proposals or matters requiring evaluation by a profession not represented on the board.
- (e) *Removal.* Any member may be removed for cause by a majority vote of the city commission. Appointments for replacement of any member due to death, resignation or removal shall be made by the city commission for the un-expired term. Vacancies shall be filled within 60 days

except that an extension of 60 additional days may be requested of the state historic preservation office.

- (f) *Attendance.* Absence from three consecutive regular meetings, or 50 percent of all meetings of the board shall operate to vacate the seat of a member unless such absence is excused by the board setting forth the fact of such excuse duly entered upon the minutes.

(Code 1983, § 23-22; Ord. No. K-72, § 2, 4-16-2001; Ord. No. L-95, § 1, 11-16-2009; Ord. No. L-126, § 3, 7-6-2010; Ord. No. 22-004, § 1, 1-18-2022)

Sec. 111-90. - Reserved.

Editor's note— Ord. No. 22-004, § 2, adopted January 18, 2022, repealed § 111-90, which pertained to appointment procedure and derived from the Code of 1983; and Ord. No. K-72, adopted April 16, 2001.

Sec. 111-91. - Reserved.

Editor's note— Ord. No. 22-004, § 3, adopted January 18, 2022, repealed § 111-91, which pertained to member terms and derived from the Code of 1983; and Ord. No. K-72, adopted April 16, 2001.

Sec. 111-92. - Organization.

The members of the historic preservation board shall elect members to serve as board chair and vice chair, for a period of one year. The board may also create and fill such other offices as it may deem desirable. Nothing shall prevent the board from naming a chair for successive terms. The historic preservation officer or such officer's representative shall serve as staff liaison to the board with no vote. A secretary may be present to record minutes, take roll, swear in speakers at public hearings, and shall also have no vote.

(Code 1983, § 23-25; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-93. - Meetings, records.

- (a) *Meetings.* The historic preservation board shall be required to hold regular meetings but may also hold special meetings as the board may determine, or at the call of the chair or the officer thereof, for consideration of business before the board. The board shall hold a minimum of four regular meeting per year. All meetings of the board shall be publicly announced and shall be open to the public. Meetings will have a previously advertised agenda. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the board, and shall be available for public inspection.

(b)

Voting. All board decisions will be made in a public forum. A majority of the board shall constitute a quorum and an affirmative vote equal to a majority of the full board shall be necessary for the adoption of any motion thereof. No member of the board shall vote on any matter that may affect the property, income or business interests of that member. Any member who abstains from voting due to a conflict of interest shall not be considered as part of the total membership for that vote.

(c) *Minutes.* The board shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. Such records shall be filed in the office of the secretary of the board and shall be open for public inspection.

(Code 1983, § 23-26; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-94. - Compensation.

The members of the historic preservation board shall serve without compensation. When necessary, persons serving on the board may attend educational meetings or workshops to develop a special interest, expertise, experience or knowledge in preservation, architecture, or quasi-judicial boards. Board members may be reimbursed for these expenses, and for other expenses necessarily incurred in the performance of their duties, subject to the prior approval of the city manager.

(Code 1983, § 23-27; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-95. - Funding.

The city commission shall appropriate funds in the budget to the historic preservation board for expenses necessary in the conduct of its work. The historic preservation board may, in order to accomplish the purposes and activities required by this chapter, recommend to the city manager to expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants and other sources, provided acceptance of loans or grants shall be approved by the city commission.

(Code 1983, § 23-28; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-96. - Rules and regulations.

The historic preservation board shall make and prescribe such rules and regulations as are reasonably necessary and appropriate for the proper conduct of business. No such rules and regulations shall become effective unless or until a public hearing has been held before the board upon the proposed rules and regulations, and any amendments or modifications thereto, and the same has been approved by the city commission and filed with the city clerk. Upon approval by the city commission, such rules and regulations shall have the force and effect of law within the city. The historic preservation officer, with advice and consent of the board, shall devise forms for use by applicants in compliance with the provisions of this chapter.

(Code 1983, § 23-29; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-97. - Functions, powers and duties.

The historic preservation board, in addition to such other powers, duties and authority, as may be set forth elsewhere in this Code or in any other ordinance of the city, shall have the following powers and duties:

- (1) Maintain and update files from any previous historic survey within the city for the purpose of identifying those sites, districts and zones of special historic, aesthetic, architectural, archaeological, cultural, or social value or interest. The board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance.
- (2) Recommend to the city commission properties for designation as historic sites and historic districts, and monitor the administration and upkeep of the local register of historic sites and historic districts.
- (3) As a certified local government, participate in the National Register Program for properties within its jurisdiction as directed by the 36 CFR part 61, and provisions of this chapter.
- (4) Serve as a quasi-judicial instrument to approve or deny certificates of appropriateness pursuant to division 4 of this article.
- (5) Recommend zoning and building code amendments, pursuant to section 125-313(b).
- (6) Recommend as appropriate that certain provisions of the zoning code be varied, waived, or superseded when appropriate as a means of encouraging historic preservation.
- (7) Make recommendations to the city commission concerning facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.
- (8) Maintain a record of historically or archaeologically significant sites, districts or zones within the city. All inventory materials shall be compatible with the Florida Master Site File. Inventory materials shall be available to the public upon request, and copies of inventory materials shall be provided to the state historic preservation office.
- (9) Increase public awareness of the value of historic preservation by developing and participating in public information programs.
- (10) Make recommendations to the city commission concerning the utilization of grants from federal and state agencies or private groups and individuals, and utilization of city funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones.

- (11) Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archeologically, historically and aesthetically significant sites, districts and zones.
- (12) Contact public and private organizations and individuals and endeavor to arrange intervening agreements to ensure preservation of archaeologically, historically or aesthetically significant sites, districts and zones for which demolition or destruction is proposed.
- (13) In the name of the city, and subject to and with the approval of the city commission, apply for, solicit, receive or expend any federal, state, or private grant, gift or bequest of any funding, property or interest in property, in furtherance of the purposes of historic, archaeological, and cultural preservation.
- (14) Approve historic markers and plaques and issue certificates of recognition to designated historic sites and historic districts within the city.
- (15) Advise the city commission on all matters related to the use, administration and maintenance of city-owned designated historic sites and historic districts.
- (16) Consider the issuance of design guidelines for historic properties and districts to be used in addition to the Secretary of the Interior's Standards of Rehabilitation.
- (17) Recommend if and when appropriate to the commission that the commission consider adoption of an ordinance allowing ad valorem tax exemptions to historic properties, subject to requirements of this chapter and F.S. § 196.1997.
- (18) Recommend if and when appropriate to the commission that the commission consider adoption of an ordinance providing for the assessment of historic properties that are used for commercial or certain nonprofit purposes, as provided by F.S. § 193.503.
- (19) Coordinate with the State of Florida's Division of Historical Resources Certified Local Government program by satisfying the following requirements:
 - a. The division shall be given 30 days' prior notice of all meetings and within 30 days following such meetings the division shall be provided with the minutes and record of attendance of both the board and the public.
 - b. The division shall be notified of any change of board members within 30 days of their appointment.
 - c. Notify the state historic preservation officer immediately of all new historic designations or alterations to existing designations.
 - d. Any amendments to the ordinance shall be submitted to the state historic preservation officer for review and comment at least 30 days prior to adoption.
 - e.

The division of historical resources shall be provided with an annual report by November 1 covering activities of the previous October 1 through September 30 and shall include the following information:

1. Any changes in the board's rules of procedure;
2. All new National Register listings;
3. All new local historic designations and alterations to existing designations;
4. Any changes to board memberships and a copy of their resumes;
5. Revised resumes of board members as appropriate;
6. Any amendments to this chapter;
7. A review of survey and inventory activity with a description of the system used;
8. A program report on each grant-assisted activity; and
9. Number of projects reviewed.

(Code 1983, § 23-31; Ord. No. K-72, § 2, 4-16-2001)

Secs. 111-98—111-122. - Reserved.



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



BOARDS OVERVIEW, ANALYSIS AND OPTIONS

TABLE OF CONTENTS

List of Boards.....	3
Assumptions Underlying Options.....	4-5
Bases for Options.....	6
Model Cities.....	7-8
Options Applicable to All Boards.....	9
General Option 1: Eliminate Compensation of Board Members.....	10
General Option 2: Reduce Number of Board Members.....	11
General Option 3: Establish Term Limits.....	12
General Option 4: Review Residency Requirements.....	13
General Option 5: Eliminate Potential Dual Office Holding Challenges as a Best Practice.....	14
General Option 6: Eliminate Participation of Alternates.....	15
General Option 7: Change the Representation Model to Allow the City Attorney to Represent the City.....	16-17
Analysis of Boards and Specific Options.....	18-19
Code Enforcement Board.....	20-21
(Zoning) Board of Adjustment.....	22-24
Board of Examiners of Contractors.....	25-28
Construction Board of Adjustment & Appeals.....	29-32
Special Magistrate.....	33-35
Planning Board.....	36-39
Fort Pierce Utilities Authority.....	40-41
Summary Table.....	42
Summary of Options.....	43
Implementation.....	44

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

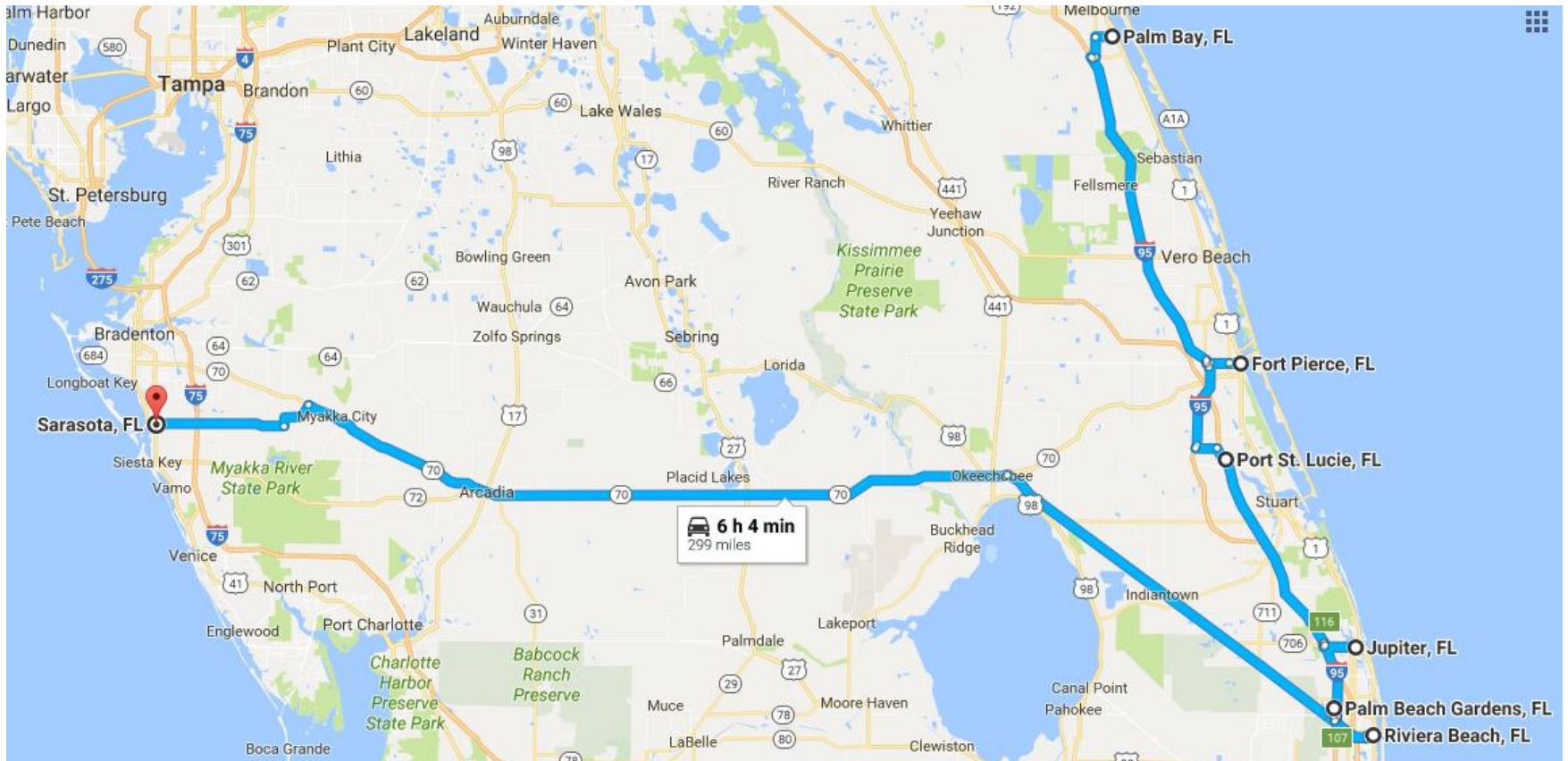
- Experience
- Statutory Authority
- Comparable Cities
 - Charter
 - Code of Ordinances
 - Website
 - Coordination with other City/County Attorney Offices

Model Cities

City	Population*
Fort Pierce	43,601
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

Model Cities



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

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

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

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

Port St. Lucie	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.
Palm Bay	Zoning variances and appeals of administrator heard by Planning and Zoning Board.
Palm Beach Gardens	Planning Board also serves as Board of Adjustment and Construction Board of Adjustment and Appeals.
Jupiter	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

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

Authority/Example	
Fort Pierce, Florida Municipal Code §5-48	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.
Indian River County	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

Port St. Lucie	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

Palm Beach Gardens	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.
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Jupiter	Same.
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Riviera Beach	Same.
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CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS

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

Port St. Lucie	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

Palm Beach Gardens	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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Palm Bay	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

Statutory Basis	F.S. §§ 162, 489.127; Code Ch. 2, Art. XIII.5
Duties	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
Composition	2 attorneys that are members of the Florida Bar
Selection of Members	Appointed by Commission
Term	2 years
Current Meeting Schedule	1 st and 3 rd Wednesdays of each month, 9 am
Compensation	\$95/hour
Representation	City Attorney represents the City
Regulations	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

Port St. Lucie	Uses special magistrate system instead of Code Enforcement Board.
Jupiter	Uses special magistrate system instead of Code Enforcement Board.
Palm Beach Gardens	Uses special magistrate system instead of Code Enforcement Board.
Riviera Beach	Uses special magistrate system instead of Code Enforcement Board and (Zoning) Board of Adjustment.
Sarasota	Uses special magistrate system instead of Code Enforcement Board.
F.S. §§ 489.127	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

Statutory Basis	F.S. § 163.3174; Charter, Art. V, § 49; Code Ch. 2, Art. XII
Duties	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
Composition	10 members, 2 alternates
Selection of Members	Appointed by Commission
Term of Appointment	2 years
Current Meeting Schedule	2 nd Tuesday of each month, 6 pm
Compensation	\$10/month, contingent upon attendance at a minimum of one meeting per month
Representation	City Attorney represents Board
Regulations	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	
Port St. Lucie	7 members, 2 alternates
Palm Bay	7 members
Jupiter	7 members, 2 alternates
Palm Beach Gardens	7 members, 2 alternates
Riviera Beach	Not less than 7 members
Sarasota	5 members, 6th member appointed by county school board

Planning Board Specific Options

Option 2: Impose Term Limits.

Examples

Port St. Lucie	4 year terms, limited to 2 consecutive terms
Sarasota	3 year terms, limited to 2 consecutive terms

Option 3: Increase scope of powers and duties.

Examples

Port St. Lucie	Planning Board also serves as (Zoning) Board of Adjustment
Palm Bay	Planning Board also serves as (Zoning) Board of Adjustment
Palm Beach Gardens	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

Basis	Charter, Article XII, §§ 169-170
Duties	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
Composition	5 members, 1 of whom shall be the Mayor
Selection of Members	Majority vote of the Commission
Term Limits	4 years, no more than 2 consecutive terms
Current Meeting Schedule	1 st and 3 rd Tuesday of each month, 4 pm
Compensation	Each member shall be paid as set out in the budget and approved by the Commission
Representation	FPUA retains its own general counsel
Regulations	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
Compensation	Y	N	N	N	N	N	N
Board Membership	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
Term Limits	FPUA Only	Y	Y	N	Y	N	Y
Dual Office Holding Prohibitions	N	N	Y	N	Y	N	Y
Participation of Alternates	Y	N	N	N	N	Y	N
(Zoning) Board of Adjustment	Y	N	N	N	N	N	Y
Board of Examiners of Contractors	Y	N	Y	N	N	N	Y (Combined with Construction Board of Adjustment & Appeals)
Construction Board of Adjustment & Appeals	Y	N	N	Y	N	N	Y (Combined with Board of Examiners of Contractors)
Code Enforcement Board	Y	Y (Advocated use of Special Magistrate in future)	N	N	N	N	N
Exclusive use of Special Magistrate for Code Enforcement Matters	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).

City Commission Day Meeting 9:00 a.m.

11. c.

Meeting Date: 06/10/2024

Re: Additional Asst. City Attorney Position Request

Submitted For: Nick Mimms, City Manager, City Manager

SUBJECT:

Discussion of City Attorney's request for additional Assistant City Attorney position

Attachments

Request

Form Review

Inbox

City Manager

Form Started By: Jennifer Robinson

Final Approval Date: 06/05/2024

Reviewed By

Nick Mimms

Date

06/05/2024 02:41 PM

Started On: 06/04/2024 11:44 AM



TO: NICHOLAS MIMMS, CITY MANAGER

FROM: SARA HEDGES, CITY ATTORNEY *SH*

RE: REQUEST FOR ADDITIONAL ASSISTANT CITY ATTORNEY POSITION

DATE: MAY 30, 2024

In the past, the City Attorney's Office has operated with up to four attorneys and multiple support staff positions. For approximately five years, the City Attorney's Office has operated with only one Assistant City Attorney. Despite the reduction in staff, the City's need for legal services has only increased, and continues to increase exponentially. It is necessary for the City Attorney's Office to add an additional attorney to properly serve the City's legal needs. As currently staffed, the City Attorney's Office cannot complete legal work in a thorough and complete manner in a timeframe sufficient to keep pace with the continually expanding needs of the City and its departments.

Since assuming the role of City Attorney, and as the Interim City Attorney, I have been evaluating the processes and workflow within the City Attorney's Office. Through working with the City Manager and the City Clerk, we have implemented numerous changes in the legal processes of the City to place us in a better legal position. This has also increased the amount of work received by the City Attorney's Office. As of today's date, the City Attorney's Office has received 236 formal Requests for Legal Services. Looking back over the last three years, this compares to 141 as of this day in 2023, 106 as of this day in 2022, and 118 as of this day in 2021. It should be noted, this number does not include untracked informal requests for legal services, hours spent in hearings and preparing for hearings with the Special Magistrate or other quasi-judicial boards, the hours spent preparing, filing, and presenting Risk Protection Order cases, weekly meetings attended by City Attorney's Office attorneys, time spent in court, etc.

I am requesting an additional Assistant City Attorney position be created within the City Attorney's Office immediately. I am requesting this position be created at the maximum level for a Senior Assistant City Attorney to allow for the ability to hire an exceptionally qualified candidate, should such a candidate be identified.

cc: Mayor and City Commissioners
DeVoshay Johnson, Deputy City Manager
Jared Sorensen, Human Resources Manager

City Commission Day Meeting 9:00 a.m.

11. d.

Meeting Date: 06/10/2024

Re:

SUBJECT:

Annual evaluation of Linda Cox, City Clerk

Form Review

Inbox

City Manager

Form Started By: Linda Cox

Final Approval Date: 05/08/2024

Reviewed By

Nick Mimms

Date

05/03/2024 07:06 AM

Started On: 05/02/2024 11:29 AM

City Commission Day Meeting 9:00 a.m.

11. e.

Meeting Date: 06/10/2024

Re: City Attorney Evaluation

SUBJECT:

Annual evaluation of Sara Hedges, City Attorney

Form Review

Inbox

City Manager

Form Started By: Linda Cox

Final Approval Date: 05/08/2024

Reviewed By

Nick Mimms

Date

05/03/2024 07:06 AM

Started On: 05/02/2024 11:30 AM

City Commission Day Meeting 9:00 a.m.

11. f.

Meeting Date: 06/10/2024

Re: City Manager Evaluation

SUBJECT:

Annual evaluation of Nick Mimms, City Manager

Form Review

Inbox

City Manager

Form Started By: Linda Cox

Final Approval Date: 05/08/2024

Reviewed By

Nick Mimms

Date

05/03/2024 07:06 AM

Started On: 05/02/2024 11:31 AM