

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 AT SECTION 2-202 ENTITLED, "MEMBERSHIP; TERMS; VACANCIES; REMOVAL," OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI, TO INCLUDE THE AUTOMATIC FORFEITURE OF MEMBERSHIP FROM THE PLANNING COMMISSION BY ANY COMMISSION MEMBER WITH THREE (3) CONSECUTIVE EXCUSED ABSENCES IN ONE YEAR; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on April 28, 2009 the Mayor and City Council adopted the Land Development Regulations ("LDRs") of the City of North Miami ("City") under Chapter 29 of the City of North Miami Code of Ordinances; and

WHEREAS, the LDRs include provisions governing the powers, membership and conduct of the Planning Commission; and

WHEREAS, the Planning Commission is desirous of amending Section 2-202 to revise the removal policy of Commissioners, in order to encourage consistent attendance and active participation amongst Commission members; and

WHEREAS, on October 6, 2009, the Planning Commission, after a duly noticed public hearing, recommended approval of the proposed ordinance for City Council consideration and adoption; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that approval and adoption of the proposed amendment to Section 2-202 of the City Code of Ordinances is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Chapter 29, at Section 2-202 entitled, "Membership; Terms; Vacancies; Removal," of the Code of Ordinances of the City of North Miami, is hereby amended to include the automatic forfeiture of membership from the Planning Commission by any commission member with three (3) consecutive excused absences in one year, as follows:

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CHAPTER 29
LAND DEVELOPMENT REGULATIONS OF THE
CITY OF NORTH MIAMI, FLORIDA

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Division 2. Planning Commission.

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Section 2-202. Membership; Terms; Vacancies; Removal.

A. Membership.

1. The Planning Commission shall be composed of seven (7) members and two (2) alternates. The members shall be appointed by a majority of the City Council.
2. Each member shall be a resident of the City and shall not hold any other elected public office or city employment within the City during the term of such appointment. Any member who ceases to reside within the city limits during the term of office shall be deemed to have resigned as of the date of moving from the City. No member or alternate shall serve if that person is obligated to the city for any recorded lien, fine, judgment or if there is a code enforcement violation against the member which has remained unresolved for sixty (60) days or more, without an appeal being taken by the member.

B. Terms. Members of the Planning Commission shall serve for staggered terms of two (2) years, unless sooner removed by the City Council. The terms of four members shall end on the second Tuesday in June of each odd numbered year. The terms of three members shall end on the second Tuesday in June of each even numbered year. The terms of the alternates shall not be staggered.

C. Vacancies. Appointments to fill any vacancies shall be made by the City Council and shall be for the remainder of the unexpired term.

D. Removal. Three (3) affirmative votes of the City Council shall be required in order to remove a Commission member, and no cause need be shown for removal. Any

Commission member who has two (2) unexcused absences or three (3) consecutive excused absences in one year shall automatically forfeit membership.

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council on first reading on the 27 day of October, 2009.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council on second reading on the 10 day of November, 2009.



ANDRE D. PIERRE
MAYOR

ATTEST:

Alix Desulme

ALIX DESULME
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

V. Lynn Whitfield

V. LYNN WHITFIELD
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Blynn

Seconded by: Vice Mayor Steril

Vote:

Mayor Andre D. Pierre	<u>X</u>	(Yes)	<u> </u>	(No)
Vice Mayor Marie Erlande Steril	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Michael R. Blynn	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Scott Galvin	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Jean Rodrigue Marcellus	<u>X</u>	(Yes)	<u> </u>	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.