

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 2, (ADMINISTRATION) OF THE CODE OF ORDINANCES, ARTICLE III (BOARDS, COMMITTEES AND COMMISSIONS), DIVISION 1 (GENERALLY), ADDING SECTION 2-65 (MEETINGS BY ELECTRONIC MEANS) TO 2-68 AND AMENDING CHAPTER 46 (LAW ENFORCEMENT); ARTICLE III (CRIMINAL JUSTICE ADVISORY COMMITTEE); SECTION 46-72 (MEETINGS AND ORGANIZATION) TO BE CONSISTENT WITH CHAPTER 2, ARTICLE III; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

** ** * ** * ** * ** * **

WHEREAS, the City Commission has the authority to adopt this Ordinance by virtue of its constitutional home rule authority codified in Chapter 166, Florida Statutes: and

WHEREAS, both the City has established numerous advisory boards and committees consistent with the authority provided in the City of West Palm Beach Charter; and

WHEREAS, the Attorney General has opined that a majority of a quorum of a board or committee must be physically present in order to take formal action unless otherwise permitted by law; and

WHEREAS, various City boards and committees have found that conducting virtual meetings are effective and efficient and have requested that they be permitted to meet virtually; and

WHEREAS, the Code of Ordinances of the City of West Palm Beach; and

WHEREAS, the City Commission of the City of West Palm Beach desires to amend the Code of Ordinances to permit boards and committees to meet in person or virtually through use of communication media technology.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: Chapter 2, (Administration), Article III, (Boards, Committees, and Commissions, Division 1 (Generally), of the Code of Ordinances of the City of West Palm Beach is hereby amended to add Sections 2-65 to 2-67 and shall read as follows:

Sec. DIVISION 1. – GENERALLY

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Sec. 2-65. - Definitions

Advisory Board – means the following City of West Palm Beach Boards, Committees, or Commissions: ArtLife; Audit Committee, Parks and Recreation Advisory Committee; Traffic Calming Advisory Committee; Golf Course Advisory Committee; Employee Defined Contribution

Deletions are indicated by ~~striketrough~~
Additions are indicated by underline

Administrative Committee; Employee Defined Benefit Retirement System Board of Trustees; Employee Defined Benefit Retirement System Board of Trustees; Firemen’s Pension Board of Trustees; Police Pension Board of Trustees; VEBA; Water Advisory Board; Education Advisory Committee; Sustainability Advisory Committee; Library Advisory Board; Community Redevelopment Agency Advisory Board; Criminal Justice Advisory Board; Small Business Committee; Nominating Advisory Committee; Special Events Advisory Committee; Traffic Calming Advisory Committee; Watershed Advisory Committee; any other Advisory Boards or Committees created by or identified by the Mayor as an Advisory Board.

Communication Media Technology – means the use Zoom (or another similar program capable of hosting virtual meetings) to hold virtual meetings. Zoom describes its service as a cloud platform for video and audio conferencing, collaboration, chat and webinars across mobile devices, desktops, telephones, and room systems.

Present – means members of an Advisory Board in attendance at a meeting whether the member’s attendance is in person or through Communication Media Technology.

Quorum – shall mean the majority of the members in attendance during the meeting whether the member’s attendance is in person or through Communication Medial Technology.

Sec. 2-66. Meetings

Advisory Boards may conduct their meetings in person or through the use of Communication Media Technology.

Sec. 2-67. Quorum.

All Advisory Board members present shall be counted for the purpose of establishing a quorum.

Sec. 2-68. Notice/Access.

Notice of all meetings held by Communication Media Technology shall state how persons interested in attending may do so including a link to the meeting and the location where Communications Media Technology will be available to the public for accessing the meeting.

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SECTION 2: Chapter 46 (Law Enforcement), Article III (Criminal Justice Advisory Committee), Section 46-72 (Meetings and Organization) of the Code of Ordinances of the City of West Palm Beach is hereby amended and shall read as follows:

** ** *

Sec. 46-72. - Meetings and organization.

(a) Meetings of the criminal justice advisory committee shall be held at the call of the chair or according to a meetings schedule adopted by the criminal justice advisory committee. Four members of the criminal justice advisory committee shall constitute a quorum and a majority of a quorum shall be sufficient to take action. The criminal justice advisory committee shall adopt such rules for its operations, meetings and proceedings as it deems desirable.

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ORDINANCE NO. 4974-21

(b) At the first meeting of the membership of the criminal justice advisory committee following the appointment by the mayor of all seven members, a chair shall be elected by the committee from among its members. The chair shall preside at all meetings of the committee. In the absence of the chair, then another member appointed for such purpose shall preside.

(c) ~~Meetings of the criminal justice advisory committee shall be held at city hall.~~ Meetings shall be subject to the Florida Open Meeting Law (F.S. § 286.011).

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SECTION 3: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder or this Ordinance as a whole or any part other than the part declared to be invalid.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby appealed.

SECTION 5: Specific authority is hereby granted to codify this Ordinance.

SECTION 6: This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

**FIRST READING THIS 18TH DAY OF OCTOBER, 2021.
SECOND READING AND PASSAGE THIS 1ST DAY OF NOVEMBER, 2021.**



ATTEST:

X *Hazeline F Carson*

CITY CLERK
Signed by: Hazeline F Carson

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X *Joseph Alfred Peduzzi*

PRESIDING OFFICER
Signed by: Joseph Alfred Peduzzi

**APPROVED AS TO FORM AND
LEGALITY:**

11/1/2021

X *Kimberly L. Rothenburg*

CITY ATTORNEY
Signed by: Kimberly L Rothenburg