

ORDINANCE NO. 2-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, ARTICLE X, SHORE PROTECTION BOARD, AT SECTION 6-236, RESCINDING THE PROVISION ALLOWING ONE OF THE SHORE PROTECTION BOARD MEMBERS TO BE A NONRESIDENT OF THE TOWN THEREBY REQUIRING ALL MEMBERS AND ALTERNATE MEMBERS TO BE RESIDENTS OF THE TOWN.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 2, Article X, of the Town's Code of Ordinances is hereby amended at Section 2-626,

"Sec. 3.01. – Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

(a) *Generally.* A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. Two of such board members shall hold office from the date of their appointment for a period of one year; two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by town council upon the expiration of one full year subsequent to their terms having expired. This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment, may serve one additional three year term. Members of the board shall be residents of the town; ~~however, one of the members may be a nonresident of the town provided said member has a special skill as it relates to shore protection.~~ If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.

(b) *Alternate members.* The town council shall appoint three alternate members to the shore protection board who shall serve when called upon by the chair of the board in the absence of any regular member. Alternate

members are required to attend all meetings of the board and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the board whether they are sitting as voting members or not. Alternate members of the board shall be residents of the town.

(c) *Removal provisions.* All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexecuted. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

(d) *Frequency of meetings.* The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.

(e) *Officers, rules of procedure.* The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.

(f) *Advisory capacity.* The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the

shore protection board's duties shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member

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