

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 18-166. - Membership; appointment.

- (a) The **architectural commission** shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are in the discretion of the town council, no bona tide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.
- (b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair and a vice-chair.

(Ord. No. 11-2015, § 1(Att.), 4-15-15; Ord. No. [07-2018](#), § 1, 6-12-18)

Sec. 18-171. - Alternate members.

The town council may, in its discretion, appoint three alternate members to the architectural commission, who shall serve when called upon by the chair of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission 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 commission whether they are sitting as voting members or not.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 2-401. - Organization.

- (a) The town council shall appoint a seven-member **code enforcement board** and legal counsel for the board. The members shall have the qualifications and terms of office specified in this section.
- (b) Members of the enforcement board shall be residents of the town. Appointments shall be made by the town council on the basis of experience or interest in the fields of zoning and building control. The membership of the enforcement board shall, whenever possible, include:
 - (1) An architect.
 - (2) A businessperson.
 - (3) An engineer.
 - (4) A general contractor.
 - (5) A realtor.
 - (6) A subcontractor.
 - (7) A general member.

In consideration of the appointment of a general member, or if it is not possible to fill a selection from any of the other categories set forth above, the town council shall give consideration to the appointment of a member to the code enforcement board with experience in the field of public health.

- (c) In addition, the town council may appoint two alternate members for the purpose of serving in the absence of any of the board members specified above. The alternate members shall be appointed for a term of three years and shall serve in the absence of any regular member of the enforcement board. Alternate members may be appointed from the general public and need not be selected from any specific category of profession, but must be a resident of the town.

(Code 1982, § 2-177(a); Ord. No. 14-95, § 1(2-177(a)), 9-12-95; Ord. No. 15-99, § 1, 11-9-99)

State Law reference— Similar provisions, F.S. § 162.05(1)—(3).

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 2-567. - **Investment advisory committee** created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

- (a) *Generally.* A committee of the town to be known as the "investment advisory committee" is hereby created; such committee to be composed of five members to be appointed by the town council. Three of such committee members shall hold office from the date of their appointment for a period of three years and two of such committee members shall hold office from the date of their appointment for two years. Thereafter, members of the investment advisory committee shall hold office for two year terms. Members of the committee shall be residents of the town and shall have prior fixed income investment experience. If a vacancy shall occur other than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) *Removal provisions; absences.* All members of the investment advisory committee serve at the pleasure of the town council and may be removed from the committee with or without cause. Members of the committee shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend two scheduled meetings in any 12-month period. 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 finance director 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 unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the committee 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 section.
- (c) *Conflicts of interest.* In the event of excessive conflicts of interest during any one calendar year, such committee member shall be automatically removed from the committee. Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2009 calendar year and shall be applicable, thereafter, on a calendar year basis.
- (d) *Related employment.* The town will not do business directly or indirectly with a committee member or a committee member's employer or business while they are serving on the committee and for at least two years after the member's term has expired.
- (e) *Frequency of meetings.* The committee shall hold at least four meetings per year and more if it is deemed necessary. The committee shall determine the dates on which it shall meet.
- (f) *Officers, rules of procedure.* The investment advisory committee shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings.

Three voting members of the committee shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the committee shall be necessary for it to take action.

- (g) *Duties, obligations and functions.*
 - (1) The investment advisory committee shall act in an advisory capacity and shall make recommendations to the town council on matters relating to the town's investment policy. The investment advisory committee shall advise the director of finance on the investment of the town's surplus funds. All recommendations must be made within the constraints and limitations of F.S. § 218.415.
 - (2) The investment advisory committee shall also act as a citizens' oversight committee in regard to the one-cent sale surtax which, by law, commences on January 1, 2017. The committee, acting as a citizen oversight committee, shall serve to review the revenues and expenditures of surtax proceeds by the town; and shall provide annually, a report to the town council relating to same.

ESTABLISHING ORDINANCES & RESOLUTION

(Ord. No. 4-04, § 1, 3-9-04; Ord. No. 18-04, § 2, 10-1-04; Ord. No. 13-09, § 3, 7-14-09; Ord. No. 11-10, § 11, 7-13-10; Ord. No. 16-2011, § 3, 9-13-11; Ord. No. [05-2017](#), § 1, 2-14-17)

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 54-36. - Created; appointment; qualifications; terms; compensation; filling vacancies; reappointment.

- (a) A **landmarks preservation commission** is created consisting of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the state, the town may solicit and appoint architects registered outside the state to fill one of the architect seats. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member shall be a registered voter in the town, however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise in historic landmarks preservation. Each member other than the individual, if any, appointed by the town council as an expert, shall be a registered voter in the town. The members shall serve staggered terms of three years, and each will serve without compensation, except in the event of the appointment of an outside expert who will serve a term of only one year, but who may be reappointed by the town council on an annual basis. Each member shall serve without compensation. The town council shall appoint the members. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) A member shall not be appointed for more than two consecutive three-year terms but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(a), 9-12-95; Ord. No. 8-99, § 1, 11-9-99; Ord. No. 7-00, § 1, 6-13-00; Ord. No. 6-01, § 1, 4-10-01; Ord. No. 19-01, § 1, 10-9-01; Ord. No. 19-2013, § 1, 10-8-13)

Sec. 54-37. - Alternate members.

- (a) *Appointment.* The town council may, in its discretion, appoint three alternate members with similar qualifications who shall serve when called upon the chair of the commission in the absence of any regular members.
- (b) *Attendance requirements.* Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements, as regular members with the same provisions relating to excused absences being applicable.
- (c) *Voting.* Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.
- (d) *Terms of office.* Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(b), 9-12-95; Ord. No. 8-99, § 2, 11-9-99; Ord. No. 6-01, § 2, 4-10-01)

ESTABLISHING ORDINANCES & RESOLUTION

1.003. - Public employees relations commission.

- (1) There is hereby created and established a public employees relations commission, hereinafter referred to as the "commission." The commission shall be composed of a chairman and two other members to be appointed by the town council from a list of persons submitted by an independent "blue ribbon" panel appointed by the town council. Effective October 1, 1980, one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations; and one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is not or has not been classified as representative of employers or of employees or employee organizations. The chairman and all members shall be appointed for four-year staggered terms. Neither the chairman nor any member shall be employed by, or hold any commission with, any governmental unit in the state or any employee organization while serving in such office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office in the same manner as herein provided for an original appointment. Once appointed, the chairman shall serve as chairman for the duration of his term. Nothing contained herein shall prohibit the chairman or commissioner from serving multiple terms.
- (2) The chairman and other members shall devote such time as is necessary to the performance of their commission duties and shall not engage in any other business, vocation or employment which would interfere with the responsible, independent and objective performance of their duties. The chairman or any member shall be entitled, upon application to the finance committee of the town council, to receive an honorarium in amount determined by the finance committee as reasonable remuneration for services performed, based upon existing standards applicable to persons holding positions of similar nature. The chairman and other members shall also be reimbursed for reasonable expenses directly related to the performance of their duties under this ordinance as provided for in F.S. § 112.061. The chairman shall be responsible for the administrative functions of the commission and shall have the authority, subject only to reasonable financial limitations deemed necessary by the town council, to employ such personnel as may be necessary to carry out the provisions of this ordinance.
- (3) The deliberations of the commission in any proceeding before it shall be exempt from the provisions of F.S. ch. 286. Provided, however, that any hearing or oral argument held by the commission pursuant to F.S. ch. 120, F.S. ch. 447, or this ordinance shall be open to the public. All draft orders developed in preparation for or preliminary to the issuance of a final written order shall be exempt from the provisions of F.S. ch. 119.

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 2-326. - Created; membership; requirements; term.

- (a) There is created a town **planning and zoning commission** consisting of seven members to be appointed by the town council, each member of which shall be a resident of the town.
- (b) Four voting members of the commission shall constitute a quorum; however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.
- (c) The commission shall be deemed to be, in all events and in all transactions, directly under the supervision of the town council, which shall have power to alter, modify or change any action or ruling of the commission.
- (d) The persons initially appointed to the commission shall forthwith assemble and determine by lot:
 - (1) The two members who shall hold office until the first Tuesday after the first Monday in February next thereafter;
 - (2) The two members who shall hold office until the first Tuesday after the first Monday in the second February thereafter;
 - (3) The two members who shall hold office until the first Tuesday after the first Monday in the third February thereafter;
 - (4) The one member who shall hold office until the first Tuesday after the first Monday in the fourth February thereafter.

Thereafter, members of the commission shall serve for terms of three years. All persons appointed pursuant to subsections (d)(1)—(4) shall hold office until October 1 of the year in which their term expires.

- (e) The commission shall elect a chair and vice-chair in March of each year. The chair shall approve the agenda for each meeting and conduct the meetings of the commission pursuant to Robert's Rules of Order, Newly Revised, the latest edition. The vice-chair shall serve as chair in the absence of the chair.

(Code 1982, § 16-1(a); Ord. No. 13-95, § 1(a), 9-12-95; Ord. No. 13-03, § 1, 8-12-03; Ord. No. 25-07, § 1, 1-8-08; Ord. No. 11-10, § 3, 7-13-10)

Sec. 2-327. - Alternate members.

The town council may, in its discretion, appoint three alternate members to the planning and zoning commission, who shall serve when called upon by the chair of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission 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 in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.

(Code 1982, § 16-1(b); Ord. No. 13-95, § 1(b), 9-12-95; Ord. No. 13-03, § 1, 8-12-03)

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 74-1. - Recreation advisory commission created; appointments; terms; qualifications; advisory function; alternates; requirements; officers; procedure.

- (a) *Generally.* An agency of the town to be known as the recreation advisory commission is hereby created; such commission to be composed of seven members to be appointed by the town council. Two of such commission members shall hold office from the date of their appointment for a period of one year; two of such commission members shall hold office from the date of their appointment for a period of two years; and three of such commission members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the recreation advisory commission shall hold office for three year terms. Members of the commission shall possess a knowledge or interest in town recreation programs and facilities. Preference shall be given to candidates who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a town recreation department facility. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) *Alternate members.* The town council may, in its discretion, appoint three alternate members who shall serve when called upon by the chairman in absence of any regular member. Preference shall be given to candidates who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a town recreation department facility. Alternate members are required to attend all meetings of the commission 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 in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.
- (c) *Registered voter requirement.* Each member of the recreation advisory commission is required to be a registered voter in the town.
- (d) *Removal provisions.* All members of the recreation advisory commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is 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. In order for an absence to be excused, the member must notify the director of recreation by letter no later than noon on the Friday prior to a regularly scheduled meeting, unless the absence is an emergency. Failure to notify the director of recreation via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the commission 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.
- (e) *Conflicts of interest.* In the event of excessive conflicts of interest during any one calendar year, such commission member shall be automatically removed from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2009 calendar year and shall be applicable, thereafter, on a calendar year basis.
- (f) *Consecutive terms.* No member of the recreation advisory commission may serve more than two consecutive three-year terms. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two consecutive three-year terms, provided said person has ceased to be a member of said commission for a period of time not less than nine months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than 50 percent of a full two-year term, that person shall not be precluded from then serving two successive three-year terms. Additionally, although an alternate member may

ESTABLISHING ORDINANCES & RESOLUTION

not serve more than two three-year terms as a alternate, said alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-year terms thereafter.

- (g) *Officers, rules of procedure.* The recreation advisory commission shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings.

Four voting members of the commission shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.

- (h) *Advisory capacity.* The recreation advisory commission shall act in an advisory capacity and shall make recommendations to the town council on matters relating to town recreation programs and facilities.

(Ord. No. 18-98, § 2, 1-12-99; Ord. No. 10-99, § 1, 11-9-99; Ord. No. 21-00, § 1, 8-8-00; Ord. No. 10-01, § 1, 5-8-01; Ord. No. 18-04, § 5, 10-1-04; Ord. No. 13-09, § 6, 7-14-09; Ord. No. 12-2012, § 1, 8-14-12)

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 82-57. - Board of trustees; administrative duties; investment of retirement system assets.

- (a) Effective upon the adoption of the ordinance from which this section derives, a new board of trustees shall be established in accordance with subsection (b) below. Effective April 1, 2012, the firefighter board of trustees, police officer board of trustees and general employee/lifeguard board of trustees shall be abolished, and the board of trustees established in accordance with subsection (b) below shall be responsible for administering the retirement system and investing all assets of the system in accordance with subsections (c) through (k) below, for all employee benefit groups.
- (b) The board of trustees (the "board") shall consist of nine members selected as follows:
 - (1) One employee who is a member of benefit group general or benefit group lifeguard elected by the members of those benefit groups.
 - (2) One employee who is a member of benefit group firefighter elected by the members of that benefit group.
 - (3) One employee who is a member of benefit group police officer elected by the members of that benefit group.
 - (4) Five residents of the town who are not officers or employees of the town, retirants or beneficiaries of the retirement system, appointed by the town council.
 - (5) The town's finance director, who shall serve as a voting ex-officio member.
- (c) The board shall meet at least quarterly, shall adopt its own rules of procedure and shall keep records of its proceedings. Five trustees shall constitute a quorum at any meeting of the board, and a vote of the majority of the quorum present at any meeting shall be necessary for a decision of the board. Each trustee shall be entitled to one vote on each question before the board. The trustees shall not receive any compensation but may receive expenses and per diem as provided by town ordinance.
- (d) Trustees other than the town manager or acting town manager shall serve staggered three-year terms, and may succeed themselves in office. To implement the staggered terms, the first elected trustee who is a member of benefit group police officer shall serve a one-year term; the first elected trustee who is a member of benefit group firefighter shall serve a two-year term; and the first elected trustee who is a member of benefit group general or benefit group lifeguard shall serve a three-year term. The staggered terms for the appointed trustees shall be implemented as follows: two appointed trustees shall serve an initial term of one year; two appointed trustees shall serve an initial term of two years; and one appointed trustee shall serve an initial term of three years; as determined by the town council. Trustees who are elected or appointed following the initial terms shall serve a term of three years. Each trustee shall, before assuming the duties of trustee, qualify by taking an oath of office to be administered by the town clerk.
- (e) A vacancy shall occur on the board if:
 - (1) A member-elected trustee ceases to be a member or ceases to be included in the appropriate benefit group;
 - (2) A resident appointed by the town council fails to maintain town residency as determined by the town council; or
 - (3) Any trustee resigns or is removed from office.
 - (4) A trustee fails to attend more than two scheduled meetings in any 12-month period without an excused absence. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the plan administrator in writing no later than noon on the Friday prior to a scheduled meeting, unless the absence is an emergency. Failure to timely notify the plan administrator in writing of an absence will result in an unexcused absence, unless the absence is an emergency. Excused and unexcused absences shall be recorded in

ESTABLISHING ORDINANCES & RESOLUTION

the minutes of the meeting at which the absence occurred. The plan administrator may excuse an absence at the next regularly scheduled meeting for good cause shown.

- (f) If a vacancy occurs on the board, the vacancy shall be filled within 90 days, for the unexpired term, in the same manner as the position was previously filled.
- (g) The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description, and to administer the retirement system for the benefit of its members, retirants and beneficiaries.
- (h) The officers and advisors of the board shall be as follows:
 - (1) *Chair.* The board shall annually elect a chair and a chair pro tem from its members.
 - (2) *Secretary.* The board shall annually elect a secretary from among its members.
 - (3) *Finance director and treasurer.* The town finance director and treasurer shall be finance director and treasurer of the board.
 - (4) *Legal advisor.* The town attorney or an attorney designated by the town attorney shall be legal advisor to the board.
 - (5) *Actuary.* The board shall appoint an actuary who shall be the technical advisor to the board regarding the operation of the retirement system on an actuarial basis and who shall perform such services as are required in that connection. The term "actuary" as used in this article shall mean an enrolled actuary as defined in F.S. § 112.625. A partnership or corporation may be appointed actuary if the duties of the actuary are performed by or under the direct supervision of an individual who meets the preceding qualifications.
 - (6) *Services.* The board is authorized and empowered to employ such professional and other services as are required for the proper administration of the retirement system at the fund's expense.
 - (7) *Plan administrator.* The board is authorized to contract for the professional services of a plan administrator. In the event the board does not contract for the professional services of a plan administrator, or in the event of any lapse in such services, the human resources director shall be the plan administrator.
- (i) The board shall direct the investment of retirement system assets in accordance with the following provisions:
 - (1) The board shall adopt an investment policy in accordance with F.S. § 112.661, and shall regularly review, evaluate and, if deemed in the best interest of the retirement system, revise the investment policy, subject to the approval of the town council.
 - (2) In exercising its discretionary authority with respect to the management of the moneys and assets of the retirement system, the board shall exercise the care, skill, prudence and diligence under the circumstances then prevailing, that a person of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims.
 - (3) The board shall have full power and authority to invest and reinvest the moneys and assets held for the benefit of the members, retirants and beneficiaries of the system, subject to all terms, conditions, limitations and restrictions imposed by law on the investments of public employee retirement system assets, and subject to investment policy adopted by the board.
 - (4) The board may invest in securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 USC § 80A-1 et seq., and in such other investments authorized by law and by the board's investment policy, including alternative investments.
 - (5) a. The Retirement Board may, unless restricted by law, transfer all or any portion of the assets of the Retirement Fund to a collective or common group trust, as permitted under Revenue Ruling 81-100, Revenue Ruling 2011-1, and Revenue Ruling 2014-24 (or

ESTABLISHING ORDINANCES & RESOLUTION

subsequent guidance), that is operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the Internal Revenue Code, individual retirement accounts that are exempt under section 408(e) of the Internal Revenue Code, eligible governmental plans that meet the requirements of section 457(b) of the Internal Revenue Code, and governmental plans under section 401(a)(24) of the Internal Revenue Code. For this purpose, a trust includes a custodial account or separate tax-favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the Internal Revenue Code.

- b. Any collective or common group trust to which assets of the retirement fund are transferred pursuant to subsection (a) above shall be adopted by the retirement board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.
 - c. The separate account maintained by the group trust for the plan pursuant to subsection (a) above shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
 - d. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.
- (6) The board shall retain an independent consultant professionally qualified to advise the board on all investment matters and evaluate the performance of professional money managers. The independent consultant shall assist the board in developing and revising its investment policy, and make recommendations regarding the selection of money managers. These recommendations shall be considered by the board at its meetings.
- (j) The date, time, place and subject of regular board meetings shall be posted at least ten days prior to the date of such meetings.
 - (k) If a claim for benefits is denied by the board, the claimant shall be notified of the denial, in writing, within 30 days following the board's action. The notification shall set forth the reasons for denial. The claimant may appeal the denial and request a hearing before the board. The appeal shall be in writing to the town clerk and filed within 90 days of the board's denial. The request shall contain a written statement of the claimant's position regarding the claim. The board shall schedule a hearing within 60 days of receipt of the appeal. The hearing shall be conducted in accordance with rules adopted by the board. The board's action following the hearing shall be final and binding on all affected parties.

(Ord. No. 21-04, § 1, 10-1-04; Ord. No. 4-2012, § 2, 3-14-12; Ord. No. 14-2012, § 1, 8-14-12; Ord. No. 7-2013, § 1, 7-9-13; ; Ord. No. [14-2018](#), § 1, 8-15-18; Ord. No. [35-2019](#), § 2, 9-10-19)

Editor's note— Ord. No. 4-2012, § 2, adopted March 14, 2012, changed the title of section 82-57 from "Investment of retirement system assets" to "Board of trustees; administrative duties; investment of retirement system assets." The historical notation has been preserved for reference purposes.

ESTABLISHING ORDINANCES & RESOLUTION

Sec. 2-636. - **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. 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.

(Ord. No. 1-08, § 1, 6-10-08; Ord. No. 16-2011, § 4, 9-13-11; Ord. No. 17-2014, § 1, 11-13-14; Ord. No. [06-2017](#), § 1, 2-14-17; Ord. No. 2-2018, § 1, 3-20-18)

RESOLUTION NO. 46-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 23-2016, REESTABLISHING THE UNDERGROUND UTILITIES TASK FORCE TO REVIEW MATTERS RELATED TO THE UNDERGROUNDING OF UTILITIES; MEMORIALIZING THE CITIZENS OVERSIGHT FUNCTION OF THE UNDERGROUND UTILITIES TASK FORCE DURING THE DESIGN AND CONSTRUCTION PHASES OF THE PROPOSED PROJECT; PROVIDING FOR SEVEN SEATS ON THE UNDERGROUND UTILITIES TASK FORCE, CREATING ONE ALTERNATE POSITION, IMPLEMENTING TERM LIMITS AND PROVIDING FOR METHOD OF APPOINTMENT, PROVIDING FOR SUNSETTING 10 YEARS FROM THE EFFECTIVE DATE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council pursuant to the terms of resolution 23-2016 established the underground utilities task force to review matters related to the undergrounding of utilities; and

WHEREAS, the Town Council wishes to rescind Resolution 23-2016 and re-establish the underground utilities task force to use the expertise and advice of a committee of town residents in regard to the undergrounding of utilities and to advise the Town Council in regard to undergrounding.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA AS FOLLOWS:

Section 1. Resolution Number 23-2016 which created the underground utilities task force is hereby rescinded.

Section 2. The Town Council hereby re-establishes the underground utilities task force with the charge to investigate and review possibilities of underground utilities throughout the town and to make recommendations to the Town Council on matters pertaining to the undergrounding of utilities.

Section 3 The Task Force shall also function in a citizen oversight capacity for the proposed project during the design and construction phases of the project to ensure timely receipt of project related deliverables, review of proposed budgets for elements of the project and in total, monitoring of budget adherence, establishment of staff, design team and contractor project related reporting requirements and to make recommendations to the Town Council deemed necessary by the Task Force to provide for a project with minimal disruption to the property owners of Palm Beach at the lowest cost possible while complying with the ordinances, rules and standards of the Town and all applicable county, state and federal requirements related thereto.

Section 4. The underground utilities task force shall consist of seven (7) members and one (1) alternate member who shall be appointed by the Town Council from a list of interested residents. Appointees are required to be registered electors and residents of the Town, however, one of the members may be a non-resident of the Town provided said member has a special skill as it relates to undergrounding. Appointees shall not be a member of another Town board or commission, however, any member who is reappointed who also serves on the retirement board may remain until their term of expiration. Those members of the task force originally appointed and now serving are hereby re-appointed.

Section 5. The expiration of currently appointed task force members shall occur alphabetically, A – Z, by last name. The first two task force members, alphabetically, shall hold office from the effective date of their appointment for a period of one year. The subsequent two 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, newly appointed members shall hold

office for three year terms. Any regular voting member who has served a full term 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. 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.

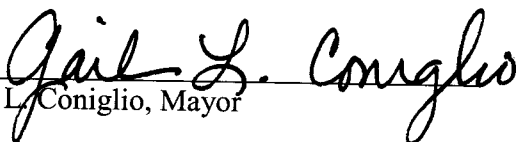
Section 6. The members of the Underground Utilities Task Force shall elect from among themselves a Chair and Vice Chair. The term of office of the members of the Underground Utilities Task Force shall cease upon a date to be determined by Town Council, once it is determined that the purpose of such Underground Utilities Task Force has been accomplished. Upon that date, the Underground Utilities Task Force shall automatically dissolve.

Section 7. The Task Force shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the Chairman and Town Manager or at the direction of the Town Council.

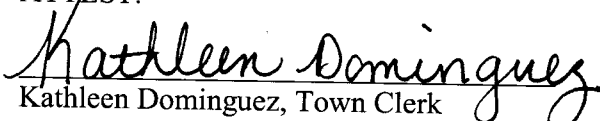
Section 8. The Task Force created hereby shall be sunset ten years from the adoption of this resolution unless terminated sooner by the Town Council.

Section 9. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of June 2019.


Gail L. Coniglio, Mayor

ATTEST:


Kathleen Dominguez, Town Clerk

Res No.46-2019

Page 3 of 3

