Agenda Item #:

5C-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: Apr	il 6, 2021	==== [] []	Consent Ordinance		
Department: Submitted By: Submitted For:	Administration Administration Administration				
	<u>I. EX</u>	ECUTI	VE BRIEF		:=========
COUNTY COMMISPALM BEACH COCOMMISSIONS, ET A CONFLICTING P	C nearing on April SIONERS OF PA UNTY CODE, CHA IC., ADDING AN IN ROVISIONS CLAU E CODE OF LAWS	20, 20 LM B APTER I-PERS JSE; P	21: AN ORDIN EACH COUNT 2, ARTICLE SON QUORUM ROVIDING SE ORDINANCES	ANCE 「Y, FL V, DIV STAN	iminary reading and OF THE BOARD OF ORIDA AMENDING ISION 1BOARDS, IDARD; PROVIDING BILITY; PROVIDING VIDING CAPTIONS;
boards created by S conflict with quoru Establishing a stand	rds, commissions, on the Floor of the Floor	commi orida L state c ovide c olve a	ttees and simila egislature, as lo r federal law, onsistency in q arowing probl	ar entit ong as rule, uorum em of	requirements for all ies, including County the provisions do not regulation or code. definitions in County- achieving in-person
ni-person quorums poards of school d emergency has exa volunteer committee and public access	are necessary for listricts and local gacerbated the probes, it has also creat to advisory board about and Webex.	meeti govern lem o ted a ι and si This o	ngs of special ments. While f achieving in- unique opportu milar committe rdinance will al	comn the operson nity to	s have confirmed that nittees and advisory current public health quorums of largely expand participation tings through virtual eetings to occur with
Attachments: 1) Proposed	Ordinance				
Recommended by:	Deputy Cou	nty Ac	======================================		3/29/202/ Date
Approved By:	County Admi	inistra	tor		3/31/2021 Date
	. 1				

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fi	iscal Impact				
Fiscal Years	<u>2021</u>	2022	2023	<u>2024</u>	<u>2025</u>
Personal Services					
Operating Costs					
Capital Expenditures					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	0				
# ADDITIONAL FTE					
	0	0	0		
Is Item Included In Curre Does this item include t Budget Account Exp No Rev No	ne use ot tedei	ral funds?	Yes N	xxx Prog xxx	<u>x</u> <u>x</u>
B. Recommended Sources	of Funds/Sum	nmary of Fisc	al Impact:		
There is no fiscal impac	t associated w	ith this item.			
C. Departmental Fiscal Rev	/iew:				
		W COMMEN			
A. OFMB Fiscal and/or Conf	tract Dev. and	Control Com	ments:		
OFMB B. Legal Sufficiency:	Ja 121	(h) 3/29	Contract Dev.	And Control	3/29/2
Assistant County	Attorney				
C. Other Department Review	v:				
Department Dire	ctor	-			

This summary is not to be used as a basis for payment.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING PALM BEACH COUNTY CODE, CHAPTER 2, ARTICLE V, DIVISION 1. - BOARDS, COMMISSIONS, ETC., ADDING AN IN-PERSON QUORUM STANDARD; PROVIDING A CONFLICTING CLAUSE; **PROVISIONS PROVIDING** SEVERABILITY; PROVIDING INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Charter and Florida Statutes provide broad authority to the Board of County Commissioners to establish boards, commissions, committees and similar entities to assist with the conduct of business of County government and support of County government operations; and

WHEREAS, Chapter 2, Article V, Division 1 of the Palm Beach County Code is the appropriate location to define requirements and provisions related to various boards, commissions, committees and similar entities established by the Board of County Commissioners; and

WHEREAS, the boards, commissions, committees and similar entities established by the Board of County Commissioners are typically established by resolution or County ordinance; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the County to standardize the in-person quorum requirements for all County-created boards, commissions, committees and similar entities, including County boards created by Special Act of the Florida Legislature, as long as the provisions do not conflict with quorum definitions in State or federal law, rule, regulation or code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA THAT:

Section 1. THE FOLLOWING LANGUAGE IS ADDED TO CHAPTER 2, ARTICLE V, DIVISION 1 OF THE PALM BEACH COUNTY CODE:

In-Person Quorum Standard

Unless otherwise restricted by Florida or federal law, rule, regulation or code, 25% of the appointed members shall constitute a quorum for the purpose of defining in-person participation for any meeting of a County-created board, commission, committee, or similar entity.

Section 2. <u>CONFLICTING PROVISIONS IN PRIOR ORDINANCES AND RESOLUTIONS</u> <u>ARE SUPERSEDED</u>

It is intended that the quorum provisions of this ordinance apply to all County-created boards, commissions, committees and similar entities that are not otherwise restricted by Florida or federal law, rule, regulation or code. To the extent that any prior ordinance or resolution or similar instrument contains quorum provisions inconsistent with this Ordinance, such provisions are superseded as to those inconsistencies.

Section 3. <u>SEVERABILITY</u>

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word Ordinance may be changed to section, article, or other appropriate word.

Section 5. <u>CAPTIONS</u>

The captions, section headings, and section designations used in this Ordinance are for convenience only and have no effect on the interpretations of the provisions of this Ordinance.

Section 6. <u>EFFECTIVE DATE</u>

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board	l of County Commissioners of Palm Beach
County, Florida on	·
ATTEST: CLERK & COMPTROLLER	PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS
Ву:	By: Mayor
APPROVED AS TO LEGAL SUFFICIENCY	
By:County Attorney	