

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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<b>Meeting Date: April 20, 2021</b>	<input type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Regular</b>
	<input type="checkbox"/>	<b>Ordinance</b>	<input checked="" type="checkbox"/>	<b>Public Hearing</b>

**Department: Administration**  
**Submitted By: Administration**  
**Submitted For: Administration**

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**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to adopt:** 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 provisions clause; providing severability; providing inclusion in the code of laws and ordinances; providing captions; and providing for an effective date.

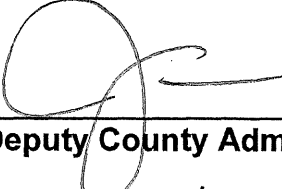

**Summary:** This ordinance will standardize the in-person quorum requirements for all County-created boards, commissions, committees and similar entities, including County boards created by Special Act of the Florida Legislature, as long as the provisions do not conflict with quorum definitions in State or federal law, rule, regulation or code. Establishing a standard definition will provide consistency in quorum definitions in County-created boards. It will also help resolve a growing problem of achieving in-person quorums that satisfy statutory requirements. On April 6, 2021, the BCC held a preliminary reading of this Ordinance and authorized advertising for public hearing. **Countywide (RB)**

**Background and Policy Issues:** Recent Florida Attorney General opinions have confirmed that in-person quorums are necessary for meetings of special committees and advisory boards of school districts and local governments. While the current public health emergency has exacerbated the problem of achieving in-person quorums of largely volunteer committees, it has also created a unique opportunity to expand participation and public access to advisory board and similar committee meetings through virtual platforms such as Zoom and Webex. This ordinance will allow meetings to occur with defined in-person quorums along with virtual participation.

**Attachments:**

- 1) Proposed Ordinance

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<b>Recommended by:</b>		<u>4/7/21</u>
	<b>Deputy County Administrator</b>	<b>Date</b>
<b>Approved By:</b>		<u>4/8/21</u>
	<b>County Administrator</b>	<b>Date</b>

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact**

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Personal Services	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Capital Expenditures	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>0</u>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Does this item include the use of federal funds? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account Exp No: Fund xxxx Dept. xxx Unit xxxx Obj. xxxx **Prog. xxxx**  
 Rev No: Fund xxxx Dept. xxx Unit xxxx Rev. xxxx **Prog. xxxx**

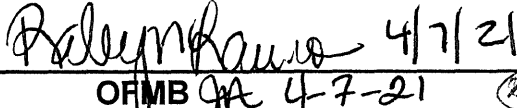
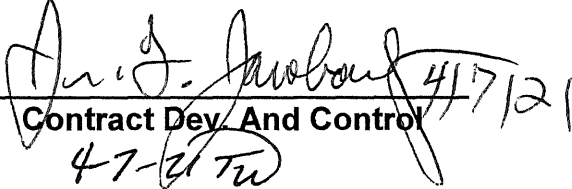
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

There is no fiscal impact associated with this item.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

 Kellyn Rawls 4/7/21 _____ OFMB 47-21	 David Jacobson 4/7/21 _____ Contract Dev And Control 47-21 TW
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**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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

ORDINANCE NO. 20 \_\_\_\_\_ - \_\_\_\_\_

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 PROVISIONS CLAUSE; 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 defining in-person participation for any meeting of a County-created board, commission, committee, or similar entity.

**Section 2. CONFLICTING PROVISIONS IN PRIOR ORDINANCES AND RESOLUTIONS ARE SUPERSEDED**

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. SEVERABILITY**

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. CAPTIONS**

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. EFFECTIVE DATE**

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

**APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach**

**County, Florida on \_\_\_\_\_.**

**ATTEST:  
CLERK & COMPTROLLER**

**PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS**

By: \_\_\_\_\_

By: \_\_\_\_\_  
**Mayor**

**APPROVED AS TO  
LEGAL SUFFICIENCY**

By:   
**County Attorney**