

## DIVISION 1. GENERAL PROVISIONS

Sec. 1-233. Terms of appointees to Broward County agencies, authorities, boards, committees, commissions, councils, and task forces; quorum.

All appointments to advisory boards, committees, commissions, councils, and task forces established by Broward County ordinance or resolution (collectively, "advisory boards"), and all appointments to agencies, development and redevelopment authorities, and regulatory and adjustment boards established pursuant to federal or state law, the Broward County Charter, or interlocal agreements (collectively, "other boards"), shall be subject to the following requirements except where inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such advisory or other boards:

(a) (1) A fixed-term appointment shall expire on the last day of the fixed term unless the appointee is removed for cause under applicable law.

(2) If the appointment is not for a fixed term, the appointee shall serve until:

a. He or she is removed by the appointing/nominating Commissioner or other appointing/nominating authority; or

b. The sooner of 1. or 2. below:

1. A successor is appointed, or the incumbent appointee is reappointed, by a newly-elected or newly-appointed Commissioner; or

2. Six (6) months after the official date on which a newly-elected or newly-appointed Commissioner enters office.

If a newly-elected or newly-appointed Commissioner fails to appoint a successor, or reappoint the incumbent appointee, within six (6) months of entering office, the County Administrator or his or her designee shall notify the appointee of the expiration of his or her term, and the board seat shall remain vacant until filled.

(3) Best efforts shall be employed to ensure that the membership of all advisory and other boards will fairly represent the diverse population and demographics of the County.

(4) The provisions of this subsections shall be applied prospectively.

(b) (1) A person appointed to an advisory or other board, shall be a resident of Broward County and shall maintain residency in Broward County during the term of appointment.

(2) No person may be appointed by the Broward County Commission to more than one (1) advisory or other board, except that an elected County or municipal officer appointed in an official capacity may serve on more than one (1) advisory or other board to which at least one (1) such elected official is required to be appointed. In addition to serving in an official capacity, an elected County or municipal officer may serve on one (1) advisory board in an individual capacity so long as such appointment does not otherwise violate the dual-office holding provision of the Florida Constitution.

(3) A County employee may serve as a voting member on an advisory or other board, as long as he or she is appointed by a body other than the County Commission. No County employee shall be appointed by a County Commissioner to a board.

(c) Any advisory or other board appointee who fails to meet the requirements of his or her appointment of including residency if required to live in the district, is automatically disqualified and his or her appointment shall immediately cease and be deemed vacant.

(d) Advisory and other boards shall meet quarterly unless any such board determines that meetings are required more or less frequently.

(e) Removal from boards based upon attendance: When an advisory board, or other board whose enabling enactment or bylaws adopt the attendance requirements of this subsection, meets on a quarterly or less frequent basis, an appointee shall be automatically removed as a member if he or she has two (2) consecutive unexcused absences or misses two (2) properly noticed meetings in one (1) calendar year because of unexcused absences. If any such board meets more frequently than quarterly, an appointee shall be automatically removed as a member if he or she has three (3) consecutive unexcused absences or misses four (4) properly noticed meetings in one (1) calendar year because of unexcused absences.

(1) The automatic removal of an appointee is deemed effective when written notice of the reason for the removal has been sent by the County Administrator or his or her designee to the appointee.

(2) The automatic removal provisions of this subsection do not apply to Water Advisory Board members appointed by non-County entities, or to members of the HIV Health Services Planning Council whose absences are related to the members' HIV status.

(3) The absence of an advisory or other board member shall be deemed excused under the following circumstances:

a. When the member is performing an authorized alternative activity relating to outside board business that directly conflicts with the properly noticed meeting;

b. The death of an immediate family member, who is defined in **Section** 14.231 of the Broward County Administrative Code as a spouse, father, mother, one who has stood in the place of a parent (in loco parentis), child, and stepchild domiciled in the employee's household;

c. The death of a member's domestic partner; or

d. The member's hospitalization.

(4) Attendance records for appointees to advisory boards, and attendance records for appointees to other boards whose enabling enactments or bylaws adopt the attendance requirements of this subsection, shall be submitted by the board coordinators to the County Administrator or his or her designee within two (2) weeks after each meeting to determine attendance compliance. Such appointees shall notify the board coordinator at least two (2) business days prior to the scheduled meeting date as to whether they will or will not attend the meeting, unless the occurrence of an event specified in Subsections (e)(3)b. - d. makes such notice impracticable. Failure to notify the board coordinator within that time period shall be considered an absence. This notification requirement will allow ample time for cancellation if it is determined the meeting will not have a quorum present. Appointees who have notified the board coordinator that they cannot attend the meeting will be considered absent even if the meeting is cancelled due to lack of a quorum. The chair of the board, shall, in his or her discretion, determine whether the appointee's absence meets any of the criteria for an excused absence set forth in this subsection.

(5) If an appointee is automatically removed under this subsection for violating the attendance requirements, the appointing/nominating Commissioner or other appointing/nominating authority may reappoint the appointee when extenuating

circumstances, as determined by the appointing/nominating authority, are found to exist for the appointee's absences.

(f) To ensure that members of advisory and other boards do not have to choose between attending meetings or observing religious holidays, members may request that meetings not be scheduled on religious holidays, and the chairs of such boards must honor those requests.

(g) The number of members needed to constitute a quorum on any advisory or other board shall be a majority of the total appointed board members. Once a quorum has been established by members who are physically present at a meeting, members who are not physically present may attend and participate in such meeting by telephone.

(h) Following notification of the occurrence of a vacancy on any advisory or other board due to any reason whatsoever, the County Administrator or his or her designee shall follow the procedures set forth in the Broward County Administrative Code relating to said vacancy.

(i) Advisory boards created by resolution rather than ordinance may continue to be amended by resolution.

(Ord. No. 79-36, § 1, 6-20-79; Ord. No. 89-19, § 1, 5-9-89; Ord. No. 92-4, § 1, 3-10-92; Ord. No. 92-13, § 1, 5-12-92; Ord. No. 92-46, § 1, 11-10-92; Ord. No. 95-18, § 1, 4-11-95; Ord. No. 1999-06, § 1, 2-23-99; Ord. No. 2001-01, § 1, 1-9-01; Ord. No. 2001-10, § 1, 3-27-01; Ord. No. 2002-10, § 1, 3-18-02; Ord. No. 2003-21, § 1, 6-10-03; Ord. No. 2005-01, § 1, 1-11-05; Ord. No. 2005-16, § 1, 6-28-05; Ord. No. 2006-17, § 1, 6-13-06; Ord. No. 2008-36, § 1, 9-9-08; Ord. No. 2009-39, § 1, 6-23-09)