

ITEM #50

(Proposed Ordinance)

ADDITIONAL MATERIAL

**Regular Meeting
DECEMBER 8, 2020**

**SUBMITTED AT THE REQUEST OF
OFFICE OF THE COUNTY ATTORNEY**

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO QUORUMS FOR ADVISORY BOARDS AND OTHER BOARDS; AMENDING SECTION 1-233 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 1-233 of the Broward County Code of Ordinances establishes quorum requirements for advisory boards, committees, commissions, councils, and task forces established by Broward County ordinance or resolution (“advisory boards”) and 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”), except where the provisions of Section 1-233 are inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such advisory boards or other boards;

WHEREAS, during a declared state of emergency, it may be unsafe or otherwise difficult for advisory boards and other boards to meet in person to conduct their regular business;

WHEREAS, the Broward County Board of County Commissioners (“Board”) desires to allow advisory boards and other boards to meet during a declared state of emergency using communications media technology, including telephonic or video conferencing, without establishing a quorum of members who are physically present; and

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1 WHEREAS, the Board has determined it is appropriate to amend Section 1-233 of
2 the Broward County Code of Ordinances, pertaining to quorum requirements,

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4 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
5 BROWARD COUNTY, FLORIDA:

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7 Section 1. Section 1-233 of the Broward County Code of Ordinances is hereby
8 amended to read as follows:

9 **Sec. 1-233. Terms and process of appointment to Broward County agencies,**
10 **authorities, boards, committees, commissions, councils, and task forces; quorum.**

11 . . .

12 (g) The number of members needed to constitute a quorum on any advisory or
13 other board shall be a majority of the total appointed board members. Except as provided
14 in Section 1-233(g)(1), ~~Once~~ a quorum has been established by members who are
15 physically present at a meeting, members who are not physically present may attend and
16 participate in such a meeting by ~~telephone~~ using communications media technology
17 ("CMT"), such as telephonic or video conferencing or other electronic transmission of
18 audio, video, or printed matter.

19 (1) During a declared state or local emergency, both members physically
20 present and members participating in the meeting using CMT shall be
21 counted in determining whether a quorum is present.

22 (2) During a declared state or local emergency, Section 1-233(g)(1)
23 supersedes any contrary provision of the Broward County Administrative
24 Code or the Broward County Code of Ordinances with respect to any

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1 requirement that members be physically present to establish a quorum.
2 This provision shall not be construed to increase or decrease the number
3 of members required to establish a quorum for any advisory board or other
4 board.

5 . . .

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7 Section 2. Severability.

8 If any portion of this Ordinance is determined by any court to be invalid, the invalid
9 portion will be stricken, and such striking will not affect the validity of the remainder of this
10 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
11 legally applied to any individual, group, entity, property, or circumstance, such
12 determination will not affect the applicability of this Ordinance to any other individual,
13 group, entity, property, or circumstance.

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15 Section 3. Inclusion in the Broward County Code of Ordinances.

16 It is the intention of the Board of County Commissioners that the provisions of this
17 Ordinance become part of the Broward County Code of Ordinances as of the effective
18 date. The sections of this Ordinance may be renumbered or relettered and the word
19 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
20 phrase to the extent necessary in order to accomplish such intention.

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 underscored type are additions.

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Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Kristin M. Carter 11/30/2020
Kristin M. Carter (date)
Assistant County Attorney

PROPOSED

By /s/ Annika E. Ashton 11/30/2020
Annika E. Ashton (date)
Deputy County Attorney

KMC/mdw
Advisory Board Quorums During Emergency
11/30/2020

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