

PROPOSED ORDINANCE NO. 2009-14

ORDINANCE NO. 1647

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING CHAPTER 30 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "CITY COMMISSION"; SPECIFICALLY AMENDING SECTION 30.01, ENTITLED "PRESIDING OFFICER; SEATING ARRANGEMENTS"; PROVIDING FOR CLARIFICATION TO THE CITY COMMISSION'S PROTOCOLS AND PROCESSES FOR THE SELECTION OF THE VICE MAYOR ON AN ANNUAL BASIS AND THE METHOD BY WHICH COMMISSION MEMBERS ARE SEATED ON THE DAIS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 3.06 of the City Charter provides that at the first meeting in April of each year the City Commission, by majority vote, shall elect a vice mayor; and

**WHEREAS**, Section 30.01 of the City of Pembroke Pines' Code of Ordinances, also known as the City Commission's process and procedures ordinance, further provides for an elected vice mayor and sets forth certain parameters for the election thereof, as well as for the appointment of the vice mayor designate; and

**WHEREAS**, the vice mayor role is deemed to be significantly important,

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Words in underlined type are additions.

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but also a largely ceremonial, where the vice mayor is tasked with assuming certain privileges, powers and duties of the mayor in the mayor's absence; and

**WHEREAS**, it is the desire of the City Commission to afford all of the members of the City Commission an equal opportunity and access to serve as vice mayor in a rotating capacity; and

**WHEREAS**, it is further the intent of the City Commission to implement a seating arrangement on the dais that is predictable and which also facilitates an orderly process whereby the members of the City Commission each take turns serving as vice mayor; and

**WHEREAS**, the City Commission recognizes its obligation to annually elect a vice mayor in accordance with Section 3.06 of the City Charter, and seeks to create a better-developed method to ensure that, notwithstanding this requirement, each member of the Commission has an equal chance to represent the City of Pembroke Pines as its vice mayor; and

**WHEREAS**, the City Commission deems that affording each member an equal opportunity to serve as vice mayor is in the best interests of the citizens and residents of the City of Pembroke Pines.

**NOW, THEREFORE, BE IT OR BY THE CITY COMMISSION OF THE**

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**CITY OF PEMBROKE PINES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** The City Commission of the City of Pembroke Pines hereby amends Chapter 30 of the City of Pembroke Pines Code of Ordinances, entitled "City Commission", by specifically amending Section 30.01, entitled "Presiding Officer; Seating Arrangements", as follows:

**§ 30.01 PRESIDING OFFICER, SEATING ARRANGEMENT.**

(A) The presiding officer of the City Commission shall be the Mayor, in his absence the Vice-Mayor, in his absence the Vice-Mayor Designate, or in his absence a member of the Commission selected by a majority vote of those members of the Commission present.

(B) The Vice-Mayor shall be selected in accordance with the Charter of the city and shall be a member of the City Commission who has not just recently served as the Vice-Mayor or the Vice-Mayor Designate, where possible. To the extent possible that the members of the City Commission deem it appropriate, the regular order of nominating a member of the City Commission to serve as Vice Mayor is presumed to be as follows: Commissioner from District 4, Commissioner from District 2, Commissioner from District 3, and Commissioner from District 1. Beginning with the second regularly scheduled meeting of the City Commission in April of each year, upon the election of a new Vice-Mayor in accordance with the Charter, the Vice-Mayor shall become the

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Vice-Mayor Designate for the following year. If a general election has been held and the Vice-Mayor has not been re-elected by the electorate or is otherwise no longer a member of the City Commission, the City Commission shall elect by majority vote, immediately after the new Vice-Mayor is elected, the Vice-Mayor Designate who shall have the privileges, powers and duties of the Vice-Mayor in the Vice-Mayor's absence or disability.

(C) There are nine seats established on the dais within the Commission Chambers, and said seats shall be referred to as Seats 1 through 9, from one's right to left when seated on the dais. When the City Commission meets in the City Commission Chambers, the seating arrangement shall be as follows:

Seat 1 - City Clerk

Seat 2 - City Attorney

Seat 3 - City Manager

Seat 4 - Vice-Mayor

Seat 5 - Mayor

Seat 6 - Vice-Mayor Designate

Seat 7 - City Commissioner

Seat 8 - City Commissioner

Seat 9 - Not assigned

(2) At the second regularly scheduled meeting of the City Commission in April of each year and immediately after the election of Vice-Mayor and Vice-Mayor Designate at that meeting, the individuals serving in the

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above offices shall move to their respective designated seats as set forth above, and the departing Vice-Mayor Designate shall move to and be seated at Seat 8.

**SECTION 4. Codification.** It is the intention of the City Commission of the City of Pembroke Pines, that the provisions of this Ordinance shall become and made a part of the Charter of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

**SECTION 5. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 6. Severability.** Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

**SECTION 7. Effective Date.** This Ordinance shall become effective on upon adoption.

**Revision 1**

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 20<sup>TH</sup> DAY OF MAY, 2009.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 17 DAY OF JUNE, 2009.

CITY OF PEMBROKE PINES, FLORIDA

By: [Signature]  
MAYOR FRANK C. ORTIS

ATTEST: [Signature] 6/23/09  
JUDITH A. NEUGENT, CITY CLERK

ORTIS	<u>AYE</u>
CASTILLO	<u>AYE</u>
McCLUSKEY	<u>AYE</u>
SHECHTER	<u>AYE</u>
SIPLE	<u>AYE</u>

APPROVED AS TO FORM:  
[Signature] 6/23/09  
OFFICE OF THE CITY ATTORNEY

