

**ORDINANCE NO. 2023-48**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE VIII, BOARDS, SECTION 2-382, ENVIRONMENTAL ADVISORY BOARD, SECTION 2-383, PUBLIC ART ADVISORY BOARD, AND CHAPTER 46, PARKS AND RECREATION, ARTICLE I, IN GENERAL, SECTION 46-3, MASTER PLAN FOR DEVELOPMENT OF PARKS SYSTEM, SECTION 46-4, APPROVAL OF DEVELOPMENT OR CHANGE IN USE OF PARK LANDS, AND ARTICLE II, PARKS AND RECREATION ADVISORY BOARD, BY DISSOLVING THE ENVIRONMENTAL ADVISORY BOARD, THE PUBLIC ART ADVISORY BOARD, AND PARKS AND RECREATION ADVISORY BOARD AND ESTABLISHING A CITIZEN ADVISORY BOARD; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Venice utilizes advisory boards to assist the City Council with the review of certain topics and items as assigned to the boards by the City Code of Ordinances or City Council; and

**WHEREAS**, advisory boards have experienced issues with obtaining applicants and quorums or having sufficient duties for regular meetings; and

**WHEREAS**, the City Council finds that the transition of the Environmental Advisory Board, Public Art Advisory Board, and Parks and Recreation Advisory Board to a Citizen Advisory Board will provide a more meaningful experience for Board members and greater functionality for City Council and the City as a whole; and

**WHEREAS**, a Citizen Advisory Board will be able to handle a broad range of topics and duties of interest and use to the City Council; and

**WHEREAS**, the City finds it is in the best interest of the public to dissolve the Environmental Advisory Board, Public Art Advisory Board, and Parks and Recreation Board and establish a Citizen Advisory Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1.** The Whereas clauses above are ratified and confirmed as true and correct.

**SECTION 2.** Chapter 2, Administration, Article VIII, Boards, Section 2-382, Environmental Advisory Board, is hereby deleted in its entirety and replaced with the following:

Sec. 2-382 – Citizen Advisory Board.

(a) Establishment and Purpose. The Citizen Advisory Board (CAB) is hereby established. The CAB shall make advisory recommendations regarding specific topics of interest as determined and requested by the city council. The CAB may be directed by city council to research specific topics to provide information to council; provide feedback on programs to preserve and enhance quality of life in Venice; assist the council with promoting or educating the public on matters of importance; or other special activities in keeping with council's adopted Strategic Plan. All topics under CAB consideration are as directed by council body approval.

(b) Membership. The CAB shall be composed of nine members. At least seven members shall be city residents or the owners of real property located within the city. One member should be from a Venice area high school student body recommended by the principal or its designee. One member should be an employee of the Venice Art Center. Members should represent a broad cross-section of the city and have an interest in the overall betterment of the community. Applicants with experience or backgrounds in environmental policy, education, parks and recreation, art, cultural policy, or related fields will be prioritized.

(c) Appointment and Removal. CAB members shall be appointed by city council. Any member of the CAB may be removed from office by a majority vote of the entire city council unless otherwise provided by the city charter.

(d) Terms and Reappointments. Members of the CAB shall have overlapping terms for three years, except the student member shall be appointed for a one-year term with a possible reappointment not to exceed two consecutive terms allowing for two years maximum. Non-student members may be re-appointed no more than two consecutive times, except appointment to less than half a term shall allow re-appointment no more than three consecutive times. Reappointments shall follow the same process as the initial appointment. A member shall hold over after the expiration of his or her term until a successor is duly appointed.

(e) Compensation and Expenses. Members of the CAB shall receive no salaries or fees for their services. With advance approval, they may receive per diem and reimbursement for other expenses while on official business for the city.

(f) Conflicts of Interest. No person shall be appointed with private or personal interest likely to conflict with the general public interest. If any member finds they have a voting conflict pursuant to F.S. § 112.3143 in any matter coming before the CAB, they shall recuse themselves from participation in the matter.

(g) Officers. The CAB shall annually select a chair and vice chair from its membership consistent with the approved rules of procedure.

(h) Meetings. All meetings shall conform to the requirements of F.S. Ch. 286. Meetings shall be held as necessary to meet the general duties and responsibilities set out herein. Unexcused absence of a member from more than three consecutive meetings or from a total of six

meetings in a 12-month period shall be cause for the member's replacement.

(i) Quorum Requirements. A majority of the CAB shall constitute a quorum.

(j) Rules of Procedure. The CAB may adopt rules of procedure necessary for governance and transaction of its business.

(k) General Duties and Responsibilities. The CAB shall have the following duties and responsibilities:

- (1) Carry out specific research for the purpose of making recommendations to city council on topics of city interest as directed by city council or through the council's legislative referral process.
- (2) Assist in public educational programs as directed by city council.
- (3) Serve as the bicycle advisory committee.
- (4) Make recommendations to city council on matters pertaining to parks, public spaces, and recreational systems in the city.
- (5) When directed by or authorized by city council, make recommendations to city council on environmental sustainability and pollution prevention as it pertains to public spaces.
- (6) Make recommendations to city council with regards to the approval and placement of public art in public spaces.
- (7) Make recommendations to city council with regards to the approval and placement of donated amenities, memorials, or any proposed improvement onto public spaces.

**SECTION 3.** Chapter 2, Administration, Article VIII, Boards, Section 2-383, Public Art Advisory Board, is hereby deleted in its entirety.

Sec. 2-383. Reserved.

**SECTION 4.** Chapter 46, Parks and Recreation, Article I, In General, Section 46-3, Master plan for development of parks system, is hereby amended as follows:

Sec. 46-3. - Master plan for development of parks system.

The city council shall adopt and keep current a master plan to serve as a guide for development of the parks system, taking into consideration the recommendations of the planning commission and the ~~citizen parks and recreation~~ advisory board regarding the content of the master plan and specific proposals for development.

**SECTION 5.** Chapter 46, Parks and Recreation, Article I, In General, Section 46-4, Approval of development or change in use of park lands, is hereby amended as follows:

Sec. 46-4. - Approval of development or change in use of park lands.

- (a) *Generally.* The further development or change in use from the master plan referred to in section 46-3 of lands within the parks system shall only be made after compliance with the following procedure:
- (1) *Recommendation by planning commission and ~~citizen advisory parks and recreation board~~.* Any proposed change shall be first certified in writing by the city council to the planning commission and ~~citizen parks and recreation~~ advisory board, whereupon the commission and board shall, within 30 days after certification thereto, recertify the proposed change, with recommendations, to the city council for approval, disapproval or modification in whole or in part.
  - (2) *Hearing.* The city council shall thereafter hold a public hearing on the proposed change. Notice of such hearing shall be advertised at least 15 days prior thereto in a newspaper of general circulation in the city. The notice shall contain the legal description of the parcel under consideration for change, a short explanation of the proposed change, and the time and place of the scheduled hearing thereon.
  - (3) *Action by city council.* The city council may thereafter approve the development or change of use as proposed, and such approval or authorization shall be made by ordinance.
- (b) *Referendum required for permanent change to nonpark use.* Whenever the city council proposes to permanently utilize lands within the parks system for something other than a public park, the city council shall follow the procedure described in subsections (a)(1) and (2) of this section and, in addition, shall provide for a referendum election by the qualified electors of the city on the question of the proposed change in use.

**SECTION 6.** Chapter 46, Parks and Recreation, Article II, Parks and Recreation Advisory Board is hereby deleted in its entirety.

Article II. Reserved.

Secs. 46-31—46-60. - Reserved.

**SECTION 7.** All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 8.** If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or

invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

**SECTION 9.** This ordinance shall take effect on January 1, 2024.

**PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 28TH DAY OF NOVEMBER 2023.**

First Reading: October 24, 2023

Final Reading: November 28, 2023

ADOPTION: November 28, 2023



Nick Pachota, Mayor

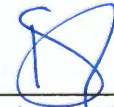
ATTEST:



Kelly Michaels, MMC, City Clerk

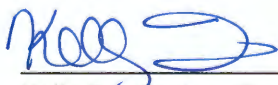
I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 28<sup>th</sup> day of November 2023, a quorum being present.

**WITNESS** my hand and the official seal of said City this 28<sup>th</sup> day of November 2023.



Kelly Michaels, MMC, City Clerk

Approved as to form:



Kelly Fernandez, City Attorney