

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION" OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR THE PROHIBITION OF BOARD, COMMITTEE, OR TASK FORCE MEMBERS FROM CONDUCTING ANY BUSINESS TRANSACTIONS WITH THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.9 of the Town Charter provides that the Town Council may establish Town advisory boards or committees as well as procedures and regulations governing such boards; and

WHEREAS, the Town Council adopted procedures and regulations relating such boards; and

WHEREAS, the Town's adopted Strategic Master Plan (via Resolution No. 14-71 in October 2014) guides the Town to abide by its Core Values, in which we believe in leading by example; and

WHEREAS, another Core Value included in the Strategic Master Plan is the Town will have no substitute for honesty and ethical conduct; and

WHEREAS, consistent with the Strategic Master Plan's Core Values, the Town Council desires to amend its regulations to clarify that board, committee, or task force members are not permitted to conduct any business transaction with the Town; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, the Town Council finds that this Ordinance is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA:¹

Section 1. Recitals. The recitals set forth above are true and correct and incorporated herein by this reference.

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **yellow highlighted** ~~double-strikethrough~~ and double underline.

Section 2. Amending Chapter 2 of the Town Code. The Town Council of the Town of Cutler Bay hereby amends Chapter 2, "Administration" of the Town Code by creating Section 2-281 as follows:

Chapter 2 – Administration
Article VI – Boards, Committee Members, Commissions

DIVISION 1. GENERALLY.

Sec. 2-281. Prohibition of Conducting Business with the Town

No board, committee, or task force member shall be allowed to conduct any business transactions with the Town.

Section 3. Codification. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading on the _____ day of April, 2019.

PASSED AND ADOPTED on second reading on the ___ day of _____, 2019.

TIM MEERBOTT
Mayor

ATTEST:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF
THE TOWN OF CUTLER BAY:

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

First Reading:

Moved by: _____
Second by: _____

Second Reading:

Moved by: _____
Second by: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____
Vice Mayor Sue Ellen Loyzelle _____
Council Member Robert "BJ" Duncan _____
Council Member Michael P. Callahan _____
Council Member Roger Coriat _____