

ORDINANCE NO.2021-046

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE III. - BOARDS, COMMISSIONS AND COMMITTEES, DIVISION I. - GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR SECTION 2-583 – REMOVAL OF BOARD MEMBERS; IMPOSING A PENALTY UPON A PLANNING AND ZONING MEMBER FOLLOWING A THIRD ABSENCE UNLESS GOOD CAUSE IS SHOWN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, communication among members of the Planning and Zoning Board is prohibited by law, except at a duly noticed public meeting; and

WHEREAS, consequently a quorum and the need to communicate among members of the Planning and Zoning Board at a duly noticed public meeting is all the more imperative; and

WHEREAS, the goals of running any organization, and in particular local government in order to be efficient, secure the common good, the health, safety and welfare of its citizenry necessitates attendance; and

WHEREAS, attendance demonstrates leadership and a commitment in every meeting, to discuss, debate, and determine what must be done, encourage moral suasion among employees, and instill confidence in the citizenry.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA THAT:

Section 1: Chapter 2 entitled "Administration", Article III. - Boards, Commissions and Committees, Division I. - Generally, of the Code of Ordinances of the City of Hialeah, Section 2-583. – Removal of board members, is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

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ARTICLE III. - BOARDS, COMMISSIONS AND COMMITTEES

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DIVISION I. - GENERALLY

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Sec. 2-583. - Removal of boardmembers.

(a) The provisions of section 4.07(d) of the Charter shall govern the removal of boardmembers for absenteeism and/or just cause.

(b) Absenteeism; Penalty. All planning and zoning members shall be present in person at City Hall for planning and zoning meetings. A member shall not be absent more than three meetings. After a member's fourth absence a \$75.00 penalty of forfeiture shall be levied for each absence, unless good cause is shown, after a forfeiture hearing. The allotment of absences from board meetings shall be renewed each fiscal year.

(c) Good cause. Good cause is a reason deemed by reasonable persons sufficiently valid to excuse attendance at the meeting and not indicative of caprice, indifference, or unwillingness to appear at the meeting. Good cause may be an illness, injury or other unanticipated, or unplanned occurrence or emergency requiring the member's immediate and indispensable attention such that when faced with deciding whether to tend to the matter or attend the meeting, a reasonable person would choose to tend to the matter without doubt or hesitation.

(d) Agenda. Upon a member's fourth absence in any calendar year, the planning and zoning clerk shall report to the city clerk the dates in which the member was absent who shall place the matter on the agenda for official action by the council at their next meeting. The matter shall be heard as first order of business and shall require the attendance of the full council. The absentee

member shall be given notice of the city's intent to consider whether the member as provided in this section 2-583 has good cause for an absence or shall suffer the penalty of \$75.00. A 5/7 vote shall be required to determine if good cause exists or a penalty is warranted.

(e) Waiver. Failure of the full City Council to appear at the meeting for which the penalty of \$75.00 has been scheduled shall be deemed a waiver of the penalty and shall excuse the member's absence.

(f) Absentee-Member's Due Process. The member against whom a penalty hearing is scheduled shall be entitled to speak and oppose the forfeiture and to establish good cause.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

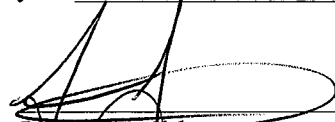
Section 5: Inclusion in Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

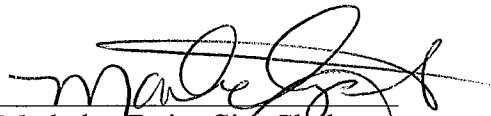
PASSED and ADOPTED this 11 day of May, 2021.



Jesus Tundidor
Council President

Attest:

Approved on this 21 day of May, 2021.

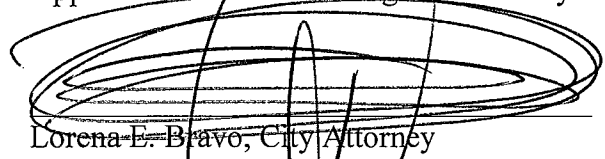


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-2-1 vote with Councilmembers, De la Rosa, Hernandez, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez and Council Member Garcia-Roves voting "No" and Council Member Cue-Fuente absent.

~~Strikethrough~~ indicates deletion. Underline indicates addition.