

ORDINANCE NO. 2022-004

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE III. ENTITLED "BOARDS, COMMISSIONS AND COMMITTEES", DIVISION 3 "CULTURAL AFFAIRS COUNCIL" SECTIONS 2-641 "ESTABLISHED", 2-642 "COMPOSITION AND TERM OF SERVICE", 2,643 "MEETINGS", 2-644 "DUTIES AND POWERS", AND CREATING A NEW SECTION 2-645 "MEETINGS; QUORUM AND VOTING; ATTENDANCE REQUIREMENTS; RULES OF PROCEDURES; MINUTES"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the cultural affairs council shall serve to advise and to recommend to the City Council and Mayor cultural and artistic activities, entertainment, fine arts, sporting events and other exhibitions that impact or originate or can be brought to the City; and

WHEREAS, the public shall be encouraged to participate; and

WHEREAS, the cultural affairs council shall consist of persons with expertise in matters relating to cultural and artistic activities, entertainment, fine arts, sporting events and exhibitions.

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

Section 1: Chapter 2, Entitled "Administration", Article III, entitled "Boards, Commissions and Committees", Division 3 entitled "Cultural Affairs Council" and Sections 2-641 "Established", 2-642 "Composition and term of service", 2-643 "Meetings", 2-644 "Duties and Powers" are hereby amended and Section 2-645 "Meetings; Quorum and Voting; Attendance Requirements; Rules of Procedures; Minutes" is hereby created as follows:

Chapter 2 - ADMINISTRATION

ARTICLE III. – BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 3. - CULTURAL AFFAIRS COUNCIL

Sec. 2-641. - Established.

The City establishes a cultural affairs council to make recommendations to the City Council and Mayor pertaining to commercial special events as defined in Chapter 18, Article II, Special Events of the Hialeah code of ordinances in matters relating to cultural and artistic activities, entertainment, fine arts programs, and sports.

Sec. 2-642. - Composition and term of service.

The cultural affairs council shall consist of ~~eight~~ five voting members. All voting members shall have the experience and knowledge in the matters for which the council was established as provided for in § 2-641. Nominations for members shall be considered by the ~~Each city council member~~ and the mayor, and shall be selected as follows: (1) one member appointed by the mayor, and (2) the remaining members by a majority vote of the city council. ~~a member~~. Members shall serve without compensation but may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the city council. The supporting department of the cultural affairs council is the Communications and Special Events Department. Members shall serve for a term of two years. A Chair and Vice-Chair shall be elected by the cultural affairs council. Vacancies shall be filled by the party, mayor or city council, which selected the departing member, and serve out the term of the member replaced.

Sec. 2-643. - Meetings.

The cultural affairs council shall establish the date, time and place and procedures for the conduct of its meetings. ~~The council may schedule joint meetings at its discretion with the~~ in coordination with the city clerk ~~historie preservation board~~ to ensure proper notice of the meeting, and availability of a space for the meeting.

Sec. 2-644. - Duties and powers.

The enumerated powers and duties of the cultural affairs council are to:

- (1) Advise the city council and mayor on significant and pertinent matters relating to cultural activities, and events in the matters for which the council was established as provided for in § 2-641 that impact or originate within the city; or can be brought to the city, to identify and serve as a voice and in a responsive capacity to the artistic, cultural, and sporting needs of the community, to encourage artistic and sporting opportunities for the residents, citizens and visitors of the city and to foster a positive and creative liaison between the city and the arts, entertainment and sports community for the benefit of the city.
- (2) Promote and encourage public participation in cultural, artistic, entertainment, sporting and fine arts activities, events and exhibitions, and programs.
- (3) Promote, attract and obtain public and private sponsorship of cultural, artistic, entertainment, sporting and fine arts activities, events, programs and exhibitions in the City and in City facilities.
- (4) Advise on methods of promoting the growth and stability of cultural, sporting or artistic activities.
- (5) Propose and participate with the city and in events approved by the city to better events, the community, and improve the quality of events.
- (6) Nominate artists, entertainers or other knowledgeable individuals in cultural, entertainment, artistic, sporting and fine arts as ex officio honorary non-voting council members, who shall advise and assist the cultural affairs council in the furtherance of its duties, subject to approval by the city council, to serve as “Friends of the Cultural Affairs Council”.
- (7) Educate and assist special events applicants, promoters, event planners, entertainment vendors in assuring that all events follow proper city protocols, and assisting in the application process.
- (8) Assist in the development of long-range strategic plans to establish comprehensive vision for the city’s cultural, sporting and artistic initiatives.
- (9) No member may recommend their own entertainment, entertainers, artistic creations, artists, cultural or fine art exhibits, displays, sporting or performances to the city either directly or indirectly; engage in private gain and remuneration in any matter upon which a recommendation is made; have any interest, financial or otherwise, directly or indirectly in matters

recommended; engage directly or indirectly in any business transaction or activity upon which a recommendation is made; accept remuneration, payment or compensation of any kind, except for reimbursement by the city as provided by law from any party; engage in conflict obstructing the proper discharge of his or her duties in the public interest; solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor; engage directly or indirectly in business with the city; nor engage in any activity prohibited as provided by ethics law.

Sec. 2-645. - Meetings; quorum and voting; attendance requirements; rules of procedure; minutes.

(a) Meetings. The cultural affairs council shall hold at least one regularly scheduled meeting each month. Other meetings of the council may be scheduled at the call of the council's chairperson through the city clerk. The meetings shall be held at City Hall, or another space available as determined by the city clerk. All meetings shall be open to the public and are subject to the Florida Sunshine Law and Florida Public Records Law.

(b) Quorum and voting. A quorum shall consist of no less than three voting members.

(c) Attendance requirements. Following three unexcused absences, a member shall forfeit its membership in the council. The cultural affairs council shall determine by majority vote if the absence is unexcused or not.

(d) Minutes. Copies of minutes of all council meetings shall be kept by the city clerk.

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 violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed 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 Code Amendments provided for in this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, Florida.

Section 6: Effective Date.

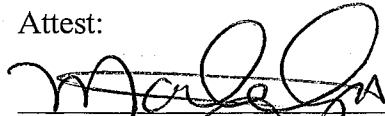
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8 day of February, 2022.



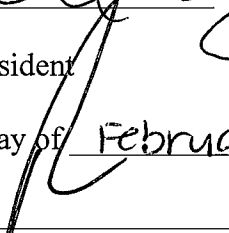
Carl Zogby
Council President

Attest:



Marbelys Fatjo, City Clerk

Approved on this 22 day of February, 2022.



Mayor Esteban Bovo, Jr.

Ordinance was adopted by 7-0 with Councilmembers Calvo, Casals-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes."

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.

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OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.