

## ORDINANCE NO. 1551

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO PLANNING BOARD ATTENDANCE; AMENDING THE PROCEDURE AND ALLOWING FOR THE REMOVAL OF A PLANNING BOARD MEMBER FOLLOWING THREE ABSENCES IN A ROLLING 12 MONTH PERIOD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 8.02.04 of the Land Development Code of the City of Panama City Beach related to Qualifications, Removal, and Vacancy of Boards, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

### **8.02.04 Qualifications, Removal and Vacancy**

- A. Each Board member shall be a resident and a qualified elector of the **City**. Current members who reside outside the City limits may remain on the Board until they resign or are replaced.
- B. Each Board member, except Planning Board members, serves at the pleasure of the City Council and may be removed at any time without cause.
- C. **Cause:** Any one or more of the following shall constitute sufficient cause for dismissal of any member of the Planning Board and shall be determined by majority vote of the City Council, after notice and opportunity for hearing given to that member:
  - 1. Violation of state or federal law, excluding civil infractions;
  - 2. Willful failure to perform the member's duties or responsibilities;
  - 3. Failure to attend three Planning Board meetings **in a period of twelve (12) consecutive months per calendar year which are not excused by the Planning Board**. The Chairman of the Planning Board shall report to the City Council the third ~~unexcused~~ absence in any **period**

~~of twelve (12) consecutive months calendar year and the Chairman's recommendation either that the member be removed for cause or that the Chairman makes no recommendation.~~

4. Violation of the Florida Code of Ethics for Public Officers (FS Chapter 112) applicable to a Planning Board member, which Code is incorporated herein by reference;
5. Giving any private party any unwarranted benefit, advantage or preference in the discharge of the member's official duties through partiality, evident bad faith or gross negligence;
6. Publicly misrepresenting the position of the Planning Board or the City or representing personal positions as positions of the Planning Board or the City; or
7. Engaging in conduct unbecoming a public official that damages the reputation or credibility of the Planning Board or the City, or failure to conduct himself or herself in a civil manner with respect to any matter within the purview of the Planning Board.

(Ord. # 1249, 12-13-12)

- D. When any vacancy occurs, the City Council shall appoint a new member to serve the unexpired term of the member whose death, resignation, incapacity or removal creates the vacancy.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 24<sup>th</sup> day of June, 2021.



MARK SHELDON, MAYOR

ATTEST:



LYNNE FASONE, CITY CLERK

EXAMINED AND APPROVED by me this 24<sup>th</sup> day of June, 2021.



MARK SHELDON, MAYOR

Published in the News Herald on the 8<sup>th</sup> day of June, 2021.

Posted on pcbfl.gov on the 1<sup>st</sup> day of June, 2021.