

ORDINANCE NO. 1392

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE; AMENDING CHAPTER 8 RELATED TO CITY BOARDS TO REDUCE THE SIZE OF THE CITY'S PLANNING BOARD TO FIVE MEMBERS; PROVIDING FOR THE NOMINATION OF ONE MEMBER BY EACH COUNCIL MEMBER; PROVIDING FOR MEMBER TERMS TO RUN CONCURRENT WITH THE TERM OF THE COUNCILPERSON NOMINATING THE MEMBER; PROVIDING THAT UNEXCUSED ABSENCE TWICE OR MORE IN A CALENDAR YEAR SHALL BE CAUSE FOR REMOVAL; PROVIDING FOR REAPPOINTMENT OF A VACANT SEAT BY THE COUNCILPERSON WHO FIRST NOMINATED THE SEAT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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, Sections 8.02.00 and 8.03.00 of the Land Development Code of the City of Panama City Beach related to the Planning Board, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

**8.02.00 ALL BOARDS**

...

**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 ~~two~~ **three** Planning Board meetings per calendar year which are not excused by the ~~nominating Councilmember~~ **Planning Board**. The ~~Clerk~~ **Chairman** of the Planning Board shall report to the ~~nominating~~ **City Councilperson** the ~~third unexcused~~ absence **of any member**, ~~in any 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.

## **8.03.00 PLANNING BOARD**

### **8.03.01 Authority**

The Planning Board, which was originally established pursuant to Ordinance No. 200A, adopted on July 28, 1977, as amended, is hereby confirmed and continued.

### **8.03.02 Membership and Terms**

- A. The Planning Board shall consist of ~~five (5)~~ **seven (7)** members who shall be appointed by the City Council and who shall be entitled to receive such compensation as the City Council may determine. **Each Councilperson shall nominate one member to the Planning Board.**
- B. The members shall serve **a term concurrent with the term of the Councilperson nominating the member** ~~staggered terms of four (4) years each, with three (3) or four (4)~~

~~new members appointed every two (2) years, alternatively.~~ **A member whose term expires shall continue to serve until a successor is appointed.**

- C. The chairman of the Planning Board shall be appointed by the City Council annually.
- D. When any vacancy occurs on the planning board, the City Council **person who first nominated the seat** shall appoint a new member to serve the unexpired term of the member whose death, resignation or incapacity creates the vacancy.
- E. Any member of the Planning Board may be removed by the City Council for good cause shown, ~~but only upon request to the council of a majority of the members of the board. Any such request shall be made by an official letter from the planning board to the City Council, stating the facts of the case and requesting removal of the member for cause.~~ Removal shall create a vacancy which shall be filled as provided in subsection D.
- F. In addition to the foregoing members, the ***City Manager*** shall serve as an ex officio member of the Planning Board. He shall not be entitled to vote and shall not be included in the determination of a quorum.
- G. In addition to the foregoing members, a representative of the Bay County School Board, a representative of Naval Support Activity Panama City and a representative of the Airport Authority for the Northwest Florida Beaches International Airport shall serve as an ex officio member of the Planning Board. He/she shall not be entitled to vote and shall not be included in the determination of a quorum.
- H. All members of the Planning Board shall be residents and qualified electors of the ***City***.

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 on January 1, 2017.

PASSED, APPROVED AND ADOPTED at the regular meeting of the  
City Council of the City of Panama City Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

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