

**RESOLUTION NO. 2016-009**

**A RESOLUTION OF THE CITY OF OCOEE, FLORIDA AMENDING RESOLUTION NO. 2015-14 RELATING TO THE HUMAN RELATIONS DIVERSITY BOARD BY CLARIFYING THE PROCESS WHERE OFFICERS MAY SERVE MORE THAN ONE YEAR; REMOVING REDUNDANT LANGUAGE; REPEALING THE ABILITY FOR NON-MEMBERS TO SERVE ON SUBCOMMITTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article II, Section C-8.C of the Charter of the City of Ocoee, Florida, provides that the City of Ocoee has the power to create boards, commissions and committees to advise and assist the City in carrying out municipal functions; and

**WHEREAS**, the City Commission of the City of Ocoee adopted Resolution 2003-21 on September 16, 2003 creating the Human Relations Diversity Board and adopting its Bylaws; and

**WHEREAS**, the City Commission subsequently modified Resolution 2003-21 through the action of Resolutions 2004-11, 2010-10, 2013-7, and 2015-14; and

**WHEREAS**, the City Commission believes it is in the best interest of the city and the Board to amend Article 4 of the Bylaws of the Human Relations Diversity Board entitled "Officers" in order to clarify the conditions by which the existing officers may be elected to serve a subsequent year; remove the provision that allows non-members to serve on Board subcommittees; remove redundant language that presently appears in the enabling legislation and the Bylaws; and providing a general reorganization of content to improve readability.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA:**

**SECTION 1. Authority.** The City Commission of the City of Ocoee has the authority to adopt this Resolution pursuant to Article VIII of the Constitution of the State of Florida, Article II, Section C-8.C of the Charter of the City of Ocoee, Florida and Chapter 166, Florida Statutes.

**SECTION 2. Purpose.** The language of the enabling legislation and Bylaws contained in Resolution 2015-14 is hereby revised, as shown on Exhibit "A" to this Resolution. Deletions from the original content are shown in strikethrough text; additions are shown in underlined text.

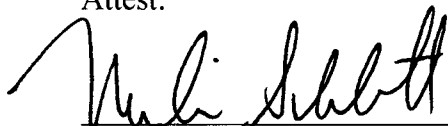
**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION 4. Effective Date.** This Resolution shall become effective immediately upon passage and adoption.

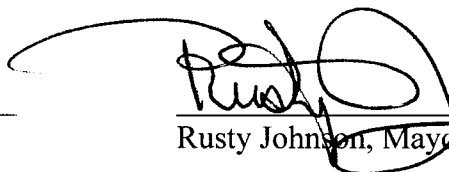
PASSED AND ADOPTED this 21<sup>st</sup> day of June, 2016.

**CITY OF OCOEE, FLORIDA**

Attest:



Melanie Sibbitt, Acting City Clerk



Rusty Johnson, Mayor

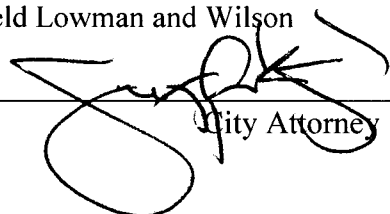
(SEAL)

READ AND ADOPTED THIS 21<sup>st</sup> DAY OF June, 2016, UNDER AGENDA ITEM NO. 10

FOR USE AND RELIANCE ONLY  
BY THE CITY OF OCOEE, APPROVED  
AS TO FORM AND LEGALITY THIS  
21<sup>st</sup> DAY OF JUNE, 2016

Shuffield Lowman and Wilson

By:



City Attorney

## **EXHIBIT "A"**

### **I. PURPOSE:**

The general purpose of the Human Relations Diversity Board ("HRDB") is to promote understanding, respect, goodwill, and equality among all citizens and businesses of the City of Ocoee. In no event shall the HRDB by itself possess any decision-making authority or be authorized to bind the City of Ocoee.

### **II. Objectives:**

- A. Foster mutual understanding and respect among all persons emphasizing the positive impact that diversity brings to the City of Ocoee;
- B. Facilitate communication between the City Commission and citizen groups, individuals, and businesses;
- C. Assist the City Commission in educating the community through projects devoted to the elimination of prejudice, racial tension, intolerance, or discrimination;
- D. Provide suggestions and encouraging equality of treatment for, and preventing discrimination against, any persons or businesses by Ocoee City government;
- E. Serve as an informational conduit to the community at large; and
- F. Assist the City Commission and staff, as requested.

### **III. Membership:**

A. The HRDB shall consist of no less than seven (7) and no more than thirteen (13) voting members. The City Commission shall designate one member of the City Commission and the City Manager shall designate one member of staff, both of whom will serve as ex officio non-voting members. HRDB members will be appointed by the City Commission from a list of interested and eligible persons who have completed the application form for membership on City

boards and committees, and who are representative of the diversity of the community, including race, sex, age, religion, disability, sexual orientation, and ethnic group. Members are expected to attend Board meetings and participate in Board-sponsored events. Applicants for membership should anticipate that participation will require considerable devotion of personal time. Effective May 2014, all members shall serve a three (3) year term and may be reappointed, irrespective of the number of terms previously served; however, to ensure that approximately one-third of the authorized membership positions become vacant in any given year, the City Commission may make appointments of one, two, and three years of service.

B. All persons who reside in Ocoee, who own real property in Ocoee, or who are owners of businesses located in Ocoee shall be eligible for membership. Persons who were convicted of a felony or a misdemeanor involving moral turpitude are ineligible. The City Commission reserves the right to waive the foregoing membership qualifications when the City Commission deems it appropriate. In deciding whether to waive the basic membership requirements, the City Commission shall consider whether the applicant can provide:

1. Representation of an ethnic or cultural group not present on the Board;
2. Skills or perspectives not presently available from Board members; and/or
3. Strong links to groups with a similar mission or tangible support of Board activities.

The maximum number of non-residents on the Board at any time may not exceed three (3) persons, and no non-resident may be appointed to fill the final vacant seat. Any applicant for appointment to the Board who does not meet the general basis for membership must include a personal statement explaining the reason for seeking appointment. The statement must contain supporting evidence relevant to one or more of the three criteria for consideration in granting a waiver.

C. Members of the HRDB shall meet as determined by, and in accordance with, the provisions of the Bylaws for the HRDB and/or at such other times as may be called by the Chairman thereof. Notice of each meeting shall be provided to all members of the HRDB within a reasonable time prior to the meeting. All meetings of the HRDB will be open to the public with notice of the place, day, and hour of the meeting posted at Ocoee City Hall at least forty-eight (48) hours in advance of any such meeting.

D. Members shall be subject to the Florida Sunshine Law.

E. The members of the HRDB may not vote upon a matter at a meeting unless 50% plus one of the members (a quorum) is present. Ex officio members, because they are non-voting, are not to be included in a count of the members for the purpose of determining whether a quorum is present.

F. All members serve at the pleasure of the City Commission and may be removed for cause at any time. In no event will the HRDB have the authority to remove any member. Any member who misses three consecutive regular meetings or five regular meetings in a 12-month period shall be deemed to have resigned unless one or more of the absences was approved by the HRDB. Any member submitting a voluntary resignation must do so in writing to the City Clerk.

**IV. Officers:**

~~A. The officers of the HRDB shall be a Chairman, a Chairman Elect, and a Past Chairman, and any such other officers and assistant officers as may be deemed necessary by affirmative vote of a majority of the members present at a meeting at which a quorum is present. A secretary shall be provided by the City of Ocoee.~~

~~B. The Chairman shall in general supervise and control the affairs of the HRDB and perform all other duties incident to the office of Chairman. In the absence of the Chairman or in the event of his or her death or inability to act, the Chairman Elect shall perform~~

~~the duties of the Chairman, and when so acting, shall have all the powers of the Chairman. In the absence of the Chairman and Chairman-Elect, the Past Chairman shall perform the duties of the Chairman, and when so acting, shall have all the powers of the Chairman.~~

~~C. — The Chairman-Elect shall be elected by the affirmative vote of a majority of the members present at a meeting at which a quorum is present. At the end of his or her term, the Past Chairman shall cease to hold office, the Chairman shall become the Past Chairman, and the Chairman-Elect shall become the Chairman.~~

~~D. — Each officer shall hold office for a term of one (1) year commencing upon his or her appointment to office or until his or her expiration of membership, death, resignation, or removal.~~

#### **IV. Bylaws:**

A. — The Bylaws for the HRDB shall be as set forth below, which are attached hereto and incorporated herein by reference.

~~B. — Unless otherwise provided in its Bylaws, the HRDB shall follow Robert's Rules of Order (latest edition).~~

**CITY OF OCOEE HUMAN RELATIONS/ DIVERSITY BOARD**

**BYLAWS**

**ARTICLE 1**

**(Name of Organization)**

The official name of this organization shall be the City Of Ocoee Human Relations Diversity Board (“HRDB”).

**ARTICLE 2**

**(Purpose and Objectives)**

1. Purpose. The general purpose of the HRDB is to promote understanding, respect, goodwill, and equality among all citizens and businesses of the City of Ocoee. In no event shall the HRDB by itself possess any decision-making authority or be authorized to bind the City of Ocoee.
2. Objectives. The objectives of the HRDB are:
  - A. Foster mutual understanding and respect among all persons, emphasizing the positive impact that diversity brings to the City of Ocoee;
  - B. Facilitate communication between the City Commission and citizen groups, individuals, and businesses;
  - C. Assist the City Commission in educating the community through projects devoted to eliminating prejudice, racial tension, intolerance, or discrimination;
  - D. Provide suggestions and encourage equality of treatment for, and prevent discrimination against, any persons or businesses by Ocoee City government;
  - E. Serve as an informational conduit to the community at large; and
  - F. Assist the City Commission and staff, as requested.

**ARTICLE 3**  
**(Membership)**

1. ~~Number of Members. The HRDB shall consist of no less than seven (7) and no more than thirteen (13) voting members.~~

2. ~~Qualifications for Membership. Only those persons who are legal residents of the City of Ocoee, or who own real property in Ocoee, or who are owners of a business located in Ocoee shall be eligible for membership. Persons who were convicted of a felony or a misdemeanor involving moral turpitude are ineligible. The City Commission reserves the right to waive the foregoing membership qualifications when the City Commission deems it appropriate. Members are expected to attend Board meetings and participate in Board-sponsored events. Applicants for membership should anticipate that participation will require considerable devotion of personal time.~~

3. ~~Manner of Selection of Members. The City Commission shall designate one member of the City Commission and the City Manager shall designate one member of staff, both of whom will serve as ex-officio non-voting members. Other HRDB members will be appointed by the City Commission from a list of interested and eligible persons who have completed the application form for membership on City boards and committees, and who are representative as to the diversity of the Community including race, sex, age, religion, disability, sexual orientation, and ethnic groups.~~

4. ~~Term of Appointment. All members shall serve three (3) year terms and may be reappointed, irrespective of the number of terms previously served.~~

5. ~~Termination of Membership. All members serve at the pleasure of the City Commission and may be removed for cause at any time. Any member who misses three consecutive regular~~



~~meetings or five regular meetings in a 12-month period shall be deemed to have resigned unless one or more of the absences was approved by the HRDB. Any member submitting a voluntary resignation must do so in writing to the City Clerk. In the event that a member is removed by action of the City Commission or is deemed to have resigned through excessive unapproved absences, a notice of termination shall be promptly sent by the HRDB secretary.~~

**ARTICLE 43**  
**(Officers)**

1. The HRDB shall be governed by four officers: Chairman, Chairman-Elect, Past-Chairman, and Secretary. The HRDB shall elect from among its members a Chairman-Elect and any such other officers and assistant officers as may be deemed necessary by affirmative vote of a majority of the members present at a meeting at which a quorum is present. At the end of his or her term as Chairman-Elect, the incumbent shall become Chairman and the former Chairman shall become the Past-Chairman. The City Clerk shall assign a person to serve as secretary of the HRDB. Said person need not be a member of the HRDB. There is no specific term for this office; the City Clerk may appoint a new person to fulfill this role as the need arises.

2. Elected HRDB officers ~~Officers~~ shall each serve for a term of one (1) year or until their successors are elected. Officers shall not be limited in the number of terms they serve. At each election, the members may vote to retain the current slate of officers in their present positions rather than allow the progression of officers to occur. Vacancies which occur among the officers of the HRDB during the term of service may be filled by the HRDB at its next regular meeting, provided that there is at least one week's notice of the election prior to the meeting; however, no election of a substitute person.

**ARTICLE 54**  
**(Duties of Officers)**

1. Duties of the Chairman. The Chairman shall in general supervise and control the affairs of the HRDB and perform all other duties incident to the office of Chairman. The Chairman shall preside at all meetings of the HRDB and shall hold ex-officio membership on all subcommittees. The Chairman shall perform all other duties ordinarily pertaining to the office and shall appoint all subcommittees ~~whose composition or method of selection is not provided for elsewhere in these Bylaws.~~
2. Duties of the Chairman-Elect. The Chairman-Elect shall perform the duties of the Chairman in the absence of the Chairman, chair one or more subcommittees, or undertake additional duties assigned by the Chairman.
3. Duties of the Past-Chairman. The Past-Chairman shall perform the duties of the Chairman in the absence of the Chairman and Chairman-Elect, chair one or more subcommittees, or undertake additional duties assigned by the Chairman.
4. Duties of the Secretary. ~~The City Clerk shall assign a person to serve as secretary of the HRDB. Said person~~ The Secretary shall have the duties normally assigned to such a position, including the duty of preparing minutes of each regular or special meeting of the HRDB, preparing correspondence, and making and posting announcements of HRDB and subcommittee meetings.
5. The duties of any office created by the HRDB shall be those assigned in the motion creating the office but cannot conflict with the duties assigned to any office established by these Bylaws.

**ARTICLE 65**  
**(Subcommittees)**

1. The HRDB may create such subcommittees as may be required to attain its objectives, as set forth in Article 2. Subcommittee Chairmen shall be selected by the members of each subcommittee. ~~Members of subcommittees need not hold membership in the HRDB, however, any person serving as a Subcommittee Chairman must be an HRDB member.~~

2. Subcommittee Meetings. Subcommittees may meet with such frequency as they deem appropriate for the assigned task. Notification of all subcommittee meetings shall be provided to all members no less than five (5) days prior to each meeting. All meetings of any subcommittee shall be open to the public with notice of the date, place, and time posted at Ocoee City Hall at least forty-eight (48) hours in advance of any such meeting. Subcommittee meetings shall be conducted in the same manner as a regular meeting but shall be limited to the conduct of business according to the scope of the subcommittee. Subcommittee meeting minutes need not be prepared, but if they are prepared, may be created by any person designated by the Subcommittee Chairman.

**ARTICLE 76**  
**(HRDB Meetings)**

1. Regular Meetings. Regularly scheduled meetings shall be held throughout the year. The frequency and specific calendar shall be determined by consensus at the first meeting of the year and shall include a first meeting date for the following calendar year. Notification of all regular meetings shall be provided to all members no less than seven (7) days prior to each meeting. All meetings of the HRDB shall be open to the public with notice of the date, place, and time posted

at Ocoee City Hall at least forty-eight (48) hours in advance of any such meeting. The secretary shall prepare minutes of each regular meeting.

2. Special Meetings. Special meetings may be called by the Chairman or the Chairman-Elect or by a majority of the HRDB members. Notification of all special meetings shall be posted in the same manner as regular meetings, but with not less than five (5) days' prior notice. Special meetings shall be conducted in the same manner as a regular meeting but shall be limited to the conduct of business specifically set forth in the notice. The Secretary shall prepare minutes of each special meeting.

~~3. Subcommittee Meetings. Subcommittees may meet with such frequency as they deem appropriate for the assigned task. Notification of all subcommittee meetings shall be provided to all members no less than five (5) days prior to each meeting. All meetings of any subcommittee shall be open to the public with notice of the date, place, and time posted at Ocoee City Hall at least forty eight (48) hours in advance of any such meeting. Subcommittee meetings shall be conducted in the same manner as a regular meeting but shall be limited to the conduct of business according to the scope of the subcommittee. Subcommittee meeting minutes need not be prepared, but if they are prepared, may be created by any person designated by the Subcommittee Chairman.~~

## **ARTICLE 87**

### **(Quorum and Voting)**

1. Quorum. For the purpose of conducting the regular business of the organization, 50% plus one of the total of all currently ~~duly qualified~~ members shall constitute a quorum. Ex officio members cannot be counted when determining the presence of a quorum.

2. Voting. Voting shall be done by voice vote or by show of hands at the discretion of the Chairman. Votes may only be taken at a properly noticed meeting at which a quorum is present. Unless otherwise provided in these Bylaws, the passage of any item shall require a simple majority vote of those in attendance. Each duly qualified member in attendance, including officers, shall be entitled to one vote. Voting by proxy, absentee ballot, electronic mail, or by telephone shall not be permitted.

**ARTICLE 98**  
**(Parliamentary Authority)**

The parliamentary procedural rules found in the current edition of Robert's Rules of Order shall govern HRDB meetings and actions in all cases where they are not in conflict with these Bylaws.