



**CITY OF TAMARAC**  
**NOTICE OF WORKSHOP MEETING**  
**CITY COMMISSION OF TAMARAC, FL**  
**City Hall - Conference Room 105**  
**January 9, 2017**

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**CALL TO ORDER:**

**9:30 a.m.**

**ROLL CALL:**

**PLEDGE OF ALLEGIANCE:**

**Commissioner Julie Fishman**

**1. Legislative Update - Ronald L. Book**

Legislative Update - Ronald L. Book

**2. TR12897: Zoning in Progress – Cultivation, Processing, Dispensing or Retail Sale of Cannabis**

Item No. 6 (e) on the Consent Agenda. (TR12897) A Resolution of the City Commission of the City of Tamarac, Florida, confirming and ratifying the City Manager's Administrative Order dated December 13, 2016, attached hereto as Exhibit "1" and incorporated herein, declaring Zoning in Progress and prohibiting the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis within the City of Tamarac, in accordance with Chapter 24, Article II, Division 6, Section 24-91 of the City of Tamarac Code of Ordinances; authorizing and directing the City Manager to undertake study and review of the City's regulations relating to the number and locations of uses that involve the cultivation, processing, dispensing or retail sale of cannabis in the City of Tamarac; providing that upon the adoption of this resolution confirming the Administrative Order, no permits shall be issued for any use that involves the cultivation, processing, dispensing or retail sale of cannabis during the time period covered by this Resolution; providing for conflicts; providing for severability; and providing for an effective date. - ***Community Development Director Maxine Calloway***

Commission District(s): Citywide

**3. TR12885 - Amending Charitable Entities**

Item No. 6 (c) on the Consent Agenda. (TR12885) A Resolution of the City Commission of the City of Tamarac, Florida, amending Resolution R-2016-10, by specifically adding to and deleting from the list of charitable entities with whom the City of Tamarac recognizes a formally approved relationship; providing for an Amended Exhibit "A", attached hereto and incorporated herein, as may be amended from time to time, for the expressed purpose of compliance with Section 1-19(c)(5)(a)(4) of the Broward County Code of Ordinances; providing for conflicts; providing for severability and providing for an effective date. - ***Financial Services Director Mark Mason***

Commission District(s): Citywide

#### **4. Boards and Committees Update**

##### **Boards and Committees Update - *City Clerk, Patricia Teufel***

The City Commission may consider and act upon such other business as may come before it. In the event this agenda must be revised, such revised copies will be available to the public at the City Commission meeting.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

The City of Tamarac complies with the provisions of the Americans with Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the City Clerk's Office at (954) 597-3505 of such need at least 48 hours (2 days) in advance. Additionally, if you are hearing or speech impaired and need assistance, you may contact the Florida Relay Service at either of the following numbers: 1-800-955-8770 or 1-800-955-8771.

A handwritten signature in blue ink that reads "Patricia Teufel". The signature is fluid and cursive, with the first name "Patricia" and last name "Teufel" clearly legible.

Patricia Teufel, CMC  
City Clerk



**Title - 9:30 a.m.**

9:30 a.m.



**Title - Commissioner Julie Fishman**

Commissioner Julie Fishman



**Title - Legislative Update - Ronald L. Book**

Legislative Update - Ronald L. Book



## **Title - TR12897: Zoning in Progress – Cultivation, Processing, Dispensing or Retail Sale of Cannabis**

Item No. 6 (e) on the Consent Agenda. (TR12897) A Resolution of the City Commission of the City of Tamarac, Florida, confirming and ratifying the City Manager's Administrative Order dated December 13, 2016, attached hereto as Exhibit "1" and incorporated herein, declaring Zoning in Progress and prohibiting the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis within the City of Tamarac, in accordance with Chapter 24, Article II, Division 6, Section 24-91 of the City of Tamarac Code of Ordinances; authorizing and directing the City Manager to undertake study and review of the City's regulations relating to the number and locations of uses that involve the cultivation, processing, dispensing or retail sale of cannabis in the City of Tamarac; providing that upon the adoption of this resolution confirming the Administrative Order, no permits shall be issued for any use that involves the cultivation, processing, dispensing or retail sale of cannabis during the time period covered by this Resolution; providing for conflicts; providing for severability; and providing for an effective date. -

***Community Development Director Maxine Calloway***

Commission District(s):

Citywide

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
❑ Memo	1/3/2017	Cover Memo
❑ Resolution	1/3/2017	Resolution
❑ Exhibit 1 - Administrative Order	12/28/2016	Exhibit

**CITY OF TAMARAC  
INTEROFFICE MEMORANDUM  
COMMUNITY DEVELOPMENT**

**TO: Michael Cernech,  
City Manager**

**DATE: December 28, 2016**

**FROM: Maxine Calloway,  
Director of Community  
Development**

**RE: City of Tamarac ("City") / Zoning  
in Progress – Cultivation,  
Processing, Dispensing or  
Retail Sale of Cannabis**

**Temp. Reso. No. 12897**

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**Recommendation:** The Director of Community Development recommends that the Mayor and City Commission ratify the Administrative Order signed by the City Manager on December 13, 2016 and approve the associated Temporary Resolution 12897 declaring "Zoning in Progress" and prohibiting the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis within the City of Tamarac at its January 11, 2017 meeting.

**Issue:** On December 13, 2016, the City Manager issued an Administrative Order to implement zoning in progress pursuant to City of Tamarac Code of Ordinance Section 24-91 ("Administrative Order"). A copy of the Order is attached to this memorandum.

**Background:** In 2014, the Florida Legislature approved Senate Bill 1030, providing for the growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to qualified patients for the treatment of certain medical conditions codified as Section 381.986, Florida Statutes ("Senate Bill 1030"). The Florida Department of Health (DOH) adopted Chapter 64-4 of the Florida Administrative Code to implement Senate Bill 1030. In 2016, the Florida Legislature approved House Bill 307, which amended Senate Bill 1030 and provided for the growing, processing, and distributing of specific forms of medical (euphoric) cannabis to qualified patients for the treatment of certain medical conditions, which became effective on March 25, 2016. In November 2016, Florida voters voted to approve an amendment to the Florida Constitution to allow for broader medical use of marijuana ("Amendment 2").

Amendment 2 will become effective on January 3, 2017. Section 381.986, Florida Statutes remains in effect and the Florida Department of Health ("DOH"), physicians, dispensing organizations, and patients are still bound by it. Following Amendment 2's effective date, the DOH is directed to promulgate rules to implement Amendment 2 within six (6) months, and to implement such regulations within nine (9) months. Pursuant to Amendment 2, the DOH shall register and regulate centers that produce and distribute marijuana for medical purposes.

House Bill 307 provides that all matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the State.

City Manager

City of Tamarac ("City") / Zoning in Progress – Cultivation, Processing, Dispensing or Retail Sale of Cannabis

Temp. Reso. No. 12897

December 28, 2016

However, House Bill 307 specifically allows a municipality to determine, by ordinance, the criteria for the number and location of dispensaries, and other permitting requirements that do not conflict with State law or the DOH rules. Since the City's ability to regulate marijuana dispensaries is limited by the DOH regulations, and the full body of DOH regulations does not yet exist, it is not possible, at this time, to determine the full scope of the City's authority. Therefore, any attempts to pass ordinances or regulations beyond the scope of the plain language of the existing law may be premature.

The zoning in progress relates to the processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis within the City. As explained in the Administrative Order, the zoning in progress is intended to allow staff sufficient time to study the provision and location of these uses to ensure that there is a balance between the existing residential uses and the projected demand for the location of Medical Marijuana Treatment Centers (MMTCs), and to further create an application process and placement criteria for the number and locations of dispensaries, and other permitting requirements that are not in conflict with State Law or the DOH rules, once they are implemented.

**Analysis:** The authority for the City Manager to issue an Administrative Order to implement zoning in progress is provided in Section 24-91(a) of the City's Code, which states as follows:

Whenever it shall appear to the City Manager that it is in the public interest to make a comprehensive determination as to whether existing zoning districts and regulations applying to a portion of the area of the city are appropriate, and it further appears to the City Manager that the said existing zoning districts and regulations may be detrimental to the said area, using the criteria set forth herein, should they continue to remain applicable and building permits are issued predicated thereon, the City Manager shall immediately issue an Administrative Order delineating the area(s) in question and prohibiting the issuance of any permits except as provided in this section.

Once the City Manager issues an Administrative Order, Section 24-91(c) of the City's Code provides that the City Manager must place the Order on the next Commission agenda for review and adoption of a resolution confirming the administrative order. If the City Commission finds that the Administrative Order should be validated, then the City Commission should adopt a resolution affirming the Administrative Order, direct that no permits shall be issued in the affected area during the period of time covered by the resolution, and request that the City Manager report back to the City Commission, at a duly notice public hearing, any recommendations relating to appropriate zoning regulations for the affected area. At the public hearing, the City Commission may then initiate the actions required to implement any recommended changes to the City's Land Development Regulations.



City Manager

City of Tamarac ("City") / Zoning in Progress – Cultivation, Processing, Dispensing or Retail Sale of Cannabis

Temp. Reso. No. 12897

December 28, 2016

Following a review of the Administrative Order and the proposed resolution, if the City Commission finds the zoning in progress is warranted, then the City Commission should adopt the resolution. The adoption of the resolution will provide staff with sufficient time to research and evaluate the City's obligations and regulatory options relative to the approval and placement of MMTC's. The City Commission will then be able to review the recommended land use regulations, applications, and enforcement actions for consideration of approval.

**Summary of Recommendation:** Staff recommends that the Mayor and City Commission review the Administrative Order signed by the City Manager on December 13, 2016 and approve the associated Temporary Resolution 12897 ratifying the City Manager's actions and declaring "Zoning in Progress" for the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis within the City of Tamarac.

The Zoning in Progress is consistent with City of Tamarac Comprehensive Plan Future Land Use Element Objective 1 by reviewing and adopting appropriate land development code revisions, amending them as needed to respond to changing conditions. In addition, the proposed resolution also supports the City's Strategic Goal #5 "A Vibrant Community" by updating the City's Code to provide for clear definitions and uses that are appropriate in certain zoning designations, thereby preserving the environment.

It is therefore necessary and in the public's best interest to study these uses that involve the cultivation, processing, dispensing or retail sale of Cannabis and create a long term strategy to ensure the appropriate placement and regulation of these uses to protect the public's health, safety and welfare.

**Fiscal Impact:** There will be no direct budgetary impact.



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Maxine A. Calloway,  
Director of Community Development

MAC/ATJ/alg

Attachment: Temporary Resolution No. 12897  
Exhibit "1": Administrative Order

CITY OF TAMARAC, FLORIDA

RESOLUTION NO. 2017 - \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, CONFIRMING AND RATIFYING THE CITY MANAGER'S ADMINISTRATIVE ORDER DATED DECEMBER 13, 2016, ATTACHED HERETO AS EXHIBIT "1" AND INCORPORATED HEREIN, DECLARING ZONING IN PROGRESS AND PROHIBITING THE SUBMISSION, PROCESSING, APPROVAL OR ISSUANCE OF ANY NEW LICENSES, BUSINESS TAX RECEIPTS, DEVELOPMENT ORDERS OR PERMITS FOR ANY USE THAT INVOLVES THE CULTIVATION, PROCESSING, DISPENSING OR RETAIL SALE OF CANNABIS WITHIN THE CITY OF TAMARAC, IN ACCORDANCE WITH CHAPTER 24, ARTICLE II, DIVISION 6, SECTION 24-91 OF THE CITY OF TAMARAC CODE OF ORDINANCES; AUTHORIZING AND DIRECTING THE CITY MANAGER TO UNDERTAKE STUDY AND REVIEW OF THE CITY'S REGULATIONS RELATING TO THE NUMBER AND LOCATIONS OF USES THAT INVOLVE THE CULTIVATION, PROCESSING, DISPENSING OR RETAIL SALE OF CANNABIS IN THE CITY OF TAMARAC ; PROVIDING THAT UPON THE ADOPTION OF THIS RESOLUTION CONFIRMING THE ADMINISTRATIVE ORDER, NO PERMITS SHALL BE ISSUED FOR ANY USE THAT INVOLVES THE CULTIVATION, PROCESSING, DISPENSING OR RETAIL SALE OF CANNABIS DURING THE TIME PERIOD COVERED BY THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, In 2014, the Florida Legislature approved Senate Bill 1030, providing for the growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to qualified patients for the treatment of certain medical conditions codified as Section 381.986, Florida Statutes ("Senate Bill 1030"); and

WHEREAS, In 2016, the Florida Legislature approved House Bill 307, which amended Senate Bill 1030 and provided for the growing, processing, and distributing of specific forms of medical (euphoric) cannabis to qualified patients for the treatment of certain medical conditions codified at Sections 391.986 and 499.0295, Florida Statutes ("House Bill 307"); and

WHEREAS, In November 2016, Florida voters voted to approve an amendment to the Florida Constitution to allow for broader medical use of marijuana ("Amendment 2"); and

WHEREAS, the approval of Amendment 2 to the Florida Constitution provides for an effective date of January 3, 2017; and

WHEREAS, Section 381.986(8) F.S. provides that all matters regarding the regulation of the cultivation and processing of medical cannabis by dispensing organizations/facilities are preempted to the state; and

WHEREAS, the state's Department of Health (DOH) has been directed to promulgate rules to implement Amendment 2 within six (6) months, and to implement such regulations within nine (9) months; and

WHEREAS, the state's Department of Health regulations have not been established for the cultivation and processing of medical cannabis by dispensing organizations/facilities; and

WHEREAS, the City's ability to regulate marijuana dispensaries is limited by Department of Health regulations; and

WHEREAS, Section 381.986(8) F.S. provides that a municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or DOH rules for, dispensing facilities located within its municipal boundaries; and

WHEREAS, the City Manager and the City's professional staff continuously monitors and reviews the City's Comprehensive Plan and Land Development Regulations to ensure appropriate development in the City, and from time to time recognizes the need to study and amend aspects of the same; and

WHEREAS, it appears to the City Manager that the existing zoning districts and regulations is not sufficient in content and may be detrimental to the public interest if not studied and improved; and

WHEREAS, on December 13, 2016, the City Manager signed an Administrative Order instituting "Zoning in Progress" in order to study the City's ability to regulate cannabis dispensaries within the City, a copy of which is attached hereto as Exhibit "1", and incorporated herein by reference; and

WHEREAS, pursuant to Section 24-91 of the City of Tamarac Code of Ordinances, the City Manager, subject to the confirmation by the City Commission pursuant to this Resolution, has imposed a prohibition on the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis within the City of Tamarac's corporate boundaries for a period of one hundred and eighty (180) days from the date of the Administrative Order; and

WHEREAS, such a prohibition for one hundred and eighty (180) days is the minimum reasonable time based upon the time needed to enable the City's professional staff to properly study the issues associated with the placement, number and locations of dispensaries, and other permitting requirements that are not in conflict with State Law or the Department of Health rules; ; and

WHEREAS, the City Commission approves of and confirms the City Manager's Administrative Order, and hereby finds that the ratification of same is in the best interest of the citizens and residents of the City.

NOW, THEREFORE, be it resolved by the City Commission of the City of Tamarac, Florida, that:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution; all exhibits referenced and attached hereto are incorporated herein and made a specific part of this resolution.

Section 2. That pursuant to Section 24-91 of the City of Tamarac Code of Ordinances, ("Zoning in Progress"), the City Commission confirms and ratifies the City Manager's December 13, 2016, Administrative Order prohibiting the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis within the corporate limits of the City of Tamarac.

Section 3. The Zoning in Progress shall cease at the earliest of the expiration of one hundred and eighty (180) days from the issuance of the Administrative Order, upon the effectiveness of an Ordinance addressing the subject matter of the Administrative Order, or upon the adoption of a resolution terminating the Zoning in Progress.

Section 4. That the City Commission hereby directs the City Manager to study and review regulations governing uses that involve the cultivation, processing, dispensing or retail sale of cannabis within the City of Tamarac.

Section 5. The City Commission hereby authorizes and directs the appropriate City Officials to do all things necessary and expedient to effectuate the intent of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF TAMARAC,  
FLORIDA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

CITY OF TAMARAC FLORIDA

\_\_\_\_\_  
HARRY DRESSLER,  
MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA TEUFEL, CMC  
CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR DRESSLER  
DIST 1: COMM. BOLTON  
DIST 2: COMM GOMEZ  
DIST 3: COMM. FISHMAN  
DIST 4: VM. PLACKO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I HEREBY CERTIFY THAT I HAVE  
APPROVED THIS RESOLUTION  
AS TO FORM:

\_\_\_\_\_  
SAMUEL S. GOREN,  
CITY ATTORNEY

## **CITY OF TAMARAC, FLORIDA**

### **ADMINISTRATIVE ORDER**

#### **ORDER DECLARING ZONING IN PROGRESS AND PROHIBITING THE SUBMISSION, PROCESSING, APPROVAL OR ISSUANCE OF ANY NEW LICENSES, BUSINESS TAX RECEIPTS, DEVELOPMENT ORDERS OR PERMITS FOR ANY USE THAT INVOLVES THE CULTIVATION, PROCESSING, DISPENSING OR RETAIL SALE OF CANNABIS IN THE CITY OF TAMARAC.**

#### **BACKGROUND**

In 2014, the Florida Legislature approved Senate Bill 1030, providing for the growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to qualified patients for the treatment of listed medical conditions, which is codified as Section 381.986, Florida Statutes ("Senate Bill 1030"). The Florida Department of Health adopted Chapter 64-4 of the Florida Administrative Code to implement Senate Bill 1030. In 2016, the Florida Legislature approved House Bill 307, which amended Senate Bill 1030 and provided for the growing, processing, and distributing of specific forms of medical (euphoric) cannabis to qualified patients for the treatment of listed medical conditions, which became effective on March 25, 2016, and is codified at Sections 391.986 and 499.0295, Florida Statutes ("House Bill 307"). In November 2016, Florida voters voted to approve an amendment to the Florida Constitution to allow for broader medical use of marijuana ("Amendment 2").

Amendment 2 will become effective on January 3, 2017. Section 381.986, Florida Statutes remains in effect and the Florida Department of Health ("DOH"), physicians, dispensing organizations, and patients are still bound by it. Following Amendment 2's effective date, the DOH is directed to promulgate rules to implement Amendment 2 within six (6) months, and to implement such regulations within nine (9) months.

The City's 2007 adopted Comprehensive Plan, *Future Land Use Element*, Objective 1 requires the City to administer and adopt appropriate land development code revisions, amending them as needed to respond to changing conditions. The existing City of Tamarac Code of Ordinances ("Code") lack clear direction on uses that involve the cultivation, processing, dispensing or retail sale of cannabis, and how an application for these uses are formally processed, relative to the placement, location, parking, signage and a myriad of similar issues that are not defined or listed in the City's Code.

It is therefore necessary and in the public's best interest to study these uses and create a long term strategy to ensure adequate placement and access to such uses and services are provided. The "zoning



in progress” is intended to allow staff sufficient time to study the provision and location of these uses to ensure that there is a balance between the existing residential uses and the projected demand for the location of MMTCs, and to further create an application process and placement criteria for the number and locations of dispensaries, and other permitting requirements that are not in conflict with State Law or the DOH rules, once they are implemented.

#### **ORDER**

Pursuant to Chapter 24, Article II, Division 6, Section 24-91 of the Code of Ordinances of the City of Tamarac, Florida, the City Manager hereby issues an Administrative Order declaring “Zoning in Progress” on the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any use that involves the cultivation, processing, dispensing or retail sale of cannabis, within the City’s municipal boundaries. Furthermore, the City Manager declares “Zoning in Progress” for a period of one hundred and eighty (180) days from the date of this Administrative Order to allow Staff to develop an application, approval, and revocation process and associated development standards for the placement of MMTCs located within the City of Tamarac; providing that the Administrative Order shall be complied with by all city personnel and shall be effective immediately upon execution, subject to affirmation by resolution of the City Commission, unless reversed, modified or superseded by resolution passed by the City Commission.

In accordance with Section 24-91(c) of the City of Tamarac Code of Ordinances, this matter shall be placed on the next available City Commission agenda of January 11, 2017, for review and adoption of a Resolution confirming this administrative order.

**Effective date: December 13, 2016**

**Expiration date: June 13, 2017**

**Contact: Frank Zickar, Assistant Director  
Community Development Department  
Planning and Zoning Division  
(954) 597-3530**

Approved by 

Michael Cernech, City Manager  
City of Tamarac, Florida





## **Title - TR12885 - Amending Charitable Entities**

Item No. 6 (c) on the Consent Agenda. (TR12885)A Resolution of the City Commission of the City of Tamarac, Florida, amending Resolution R-2016-10, by specifically adding to and deleting from the list of charitable entities with whom the City of Tamarac recognizes a formally approved relationship; providing for an Amended Exhibit "A", attached hereto and incorporated herein, as may be amended from time to time, for the expressed purpose of compliance with Section 1-19(c) (5)(a)(4) of the Broward County Code of Ordinances; providing for conflicts; providing for severability and providing for an effective date. - ***Financial Services Director Mark Mason***

Commission District(s):

Citywide

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
▣ TR #12885 Amending Charitable Entities Memo	11/18/2016	Cover Memo
▣ TR12885 - Resolution - Revised	1/5/2017	Resolution

**CITY OF TAMARAC**  
**INTEROFFICE MEMORANDUM**  
**FINANCE DEPARTMENT**  
**ADMINISTRATION DIVISION**

**TO: Michael C. Cernech**  
**City Manager**

**DATE: November 18, 2016**

**FROM: Mark C. Mason,**  
**Director of Financial Services**

**RE: TR #12885 – Amending**  
**Charitable Entities**

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**Recommendation:**

I recommend that TR #12885 amending the list of charitable entities with which the City of Tamarac recognizes a sponsorship or co-sponsorship relationship be placed on the December 14, 2016 regular agenda for approval by the City Commission.

**Issue:**

Staff has received a request by the elected officials to amend the list of charitable entities that is recognized as having a sponsorship or co-sponsorship relationship by the City of Tamarac.

**Background:**

The City of Tamarac has a rich history of sponsoring charitable organizations within the community. On October 11, 2011, the Board of County Commissioners of Broward County, Florida, adopted Ordinance No. 2011-19 (the “Code of Ethics”), which implemented a Code of Ethics for elected municipal officials.

The Code of Ethics establishes certain conditions and disclosure obligations on elected officials who engage in fundraising on behalf of charitable organizations. Specifically, Section 1-19(C)(5)(A)(4) of the Code of Ethics provides that the additional obligations shall not apply to an elected official who raises funds for those charities and events which are sponsored by the elected official’s municipality.

So, on May 9, 2012, the City Commission approved Resolution No. R-2012-61 adopting a list of entities with which the City has sponsorship relationships.

On November 14, 2012, Resolution R-2012-61 was subsequently amended by R-2012-125 by adding to the list of charitable entities with whom the City of Tamarac recognizes a sponsorship or co-sponsorship relationship.

Resolution No. R-2012-125 was subsequently amended by Resolution No. R-2016-10 on January 13, 2016 by adding to the list of charitable entities with whom the City of Tamarac recognizes a sponsorship or co-sponsorship relationship.

Over the course of the past two months, the City Commission has reviewed the existing list of charitable entities approved as part of Resolution No. R-2016-10 and there has been a requested addition to the list of charitable entities as follows.

Addition:

- Junior Achievement of South Florida

In addition, following the approval of Resolution R-2016-10, it was determined that the Tamarac Theater Performing Arts was no longer in operation and had closed. As such, staff recommends removing that entity from the list of approved charitable entities.

Deletion:

- Tamarac Theater Performing Arts

**Fiscal Impact:**

There is no fiscal impact to the city.

**CITY OF TAMARAC, FLORIDA**

**RESOLUTION NO. R - 2017 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING RESOLUTION R-2016-10, BY SPECIFICALLY ADDING TO AND DELETING FROM THE LIST OF CHARITABLE ENTITIES WITH WHOM THE CITY OF TAMARAC RECOGNIZES A FORMALLY APPROVED RELATIONSHIP; PROVIDING FOR AN AMENDED EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN, AS MAY BE AMENDED FROM TIME TO TIME, FOR THE EXPRESSED PURPOSE OF COMPLIANCE WITH SECTION 1-19(C)(5)(A)(4) OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on October 11, 2011, the Board of County Commissioners of Broward County, Florida, adopted Ordinance No. 2011-19 (the "Code of Ethics"), which implemented a Code of Ethics for elected municipal officials; and

**WHEREAS**, the Code of Ethics establishes certain conditions and disclosure obligations on elected officials who engage in fundraising on behalf of charitable organizations; and

**WHEREAS**, Section 1-19(C)(5)(A)(4) of the Code of Ethics provides that the additional obligations shall not apply to an elected official who raises funds for those charities and events which are formally approved by elected official's municipality; and

**WHEREAS**, on May 9, 2012, the City Commission approved Resolution No. R-2012-61 adopting a list of entities with which the City has formally approved relationships; and

**WHEREAS**, on November 14, 2012, the City Commission approved Resolution No. R-2012-125 amending Resolution R-2012-61 by adding to the list of charitable entities with whom the City of Tamarac recognizes a formally approved relationship; and

**WHEREAS**, on January 13, 2016, the City Commission approved Resolution No. R-2016-10 amending Resolution R-2012-61 by adding and deleting from the list of charitable

entities with whom the City of Tamarac recognizes a formally approved relationship; and

**WHEREAS**, the City of Tamarac has a rich history of formally approving charitable organizations within the community and seeks to amend the previously adopted list of entities with which the City of Tamarac has a formally approved relationship with to include those entities listed in Amended Exhibit "A", attached hereto and incorporated herein, as may be amended from time to time, to ensure compliance with the Code of Ethics; and

**WHEREAS**, the City Commission finds that the formally approved charities and events organized by and promoted by those entities listed on Amended Exhibit "A" is in the best interest of the health, safety, and welfare of the residents and citizens of the City of Tamarac; and

**WHEREAS**, the City Commission deems it beneficial to amend Resolution No. R-2016-10 to include the entities listed in Amended Exhibit "A".

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

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof. All Exhibits attached hereto are incorporated herein and made a specific part hereof.

**Section 2.** The City Commission of the City of Tamarac, Florida, hereby amends Resolution No. R-2016-10 to hereby amend the City of Tamarac's list of entities with which it has a formally approved relationship to include those entities listed in Amended Exhibit "A", attached hereto and incorporated herein, as may be amended from time to time, for the expressed purpose of ensuring compliance with Section 1-19(C)(5)(A)(4) of the Code of Ethics for elected municipal officials.

**Section 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
HARRY DRESSLER, MAYOR

\_\_\_\_\_  
PAT TEUFEL, CMC CITY CLERK

I HEREBY CERTIFY that I have approved  
this RESOLUTION as to form.

\_\_\_\_\_  
SAMUEL S. GOREN, CITY ATTORNEY

AMENDED EXHIBIT A

ORGANIZATION
Aging & Disability Resource
Alzheimer's Association
American Cancer Society
American Red Cross
ARC Broward
Art Serve
Broward Coalition -Homeless
Broward Education Foundation
Broward Health (Gold Coast Hospice)
Broward Homebound Program
Broward Outreach Center
Family Central
First Call for Help
Florida Special Arts Center
Gilda's Club
Humane Society of Broward County
<u>Junior Achievement South Florida</u>
Kids in Distress
Kids Voting Broward
Lakes Alzheimer's Foundation
Lighthouse of Broward
Mental Health Association of Broward
Nine Muses Art Center of Broward County
Social Services
Susan G. Komen for the Cure
Tamarac Bulldogs
Tamarac Challenger Baseball
Tamarac Chamber of Commerce
Tamarac Cougars
Tamarac Historical Society
Tamarac Parks & Rec Foundation
<del>Tamarac Theater Performing Arts</del>
United Managed Care, Alzheimer's Support Group, Inc.
United Way
Women In Distress of Broward County
Wounded Warriors

Coding: Words in strike through type are deletions from existing law;  
Words in underscored type are additions.



## **Title - Boards and Committees Update**

Boards and Committees Update - ***City Clerk, Patricia Teufel***

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
▣ Boards and Committee Memo	1/5/2017	Cover Memo
▣ Board and Committee Memo Attachments	1/5/2017	Backup Material
▣ Board and Committee Time Line	1/5/2017	Backup Material



**CITY OF TAMARAC  
INTEROFFICE MEMORANDUM  
CITY CLERK**

**TO: Honorable Mayor and  
Commissioners**

**DATE: January 5, 2017**

**THRU: Michael C. Cernech, City Manager**

**FROM: Patricia Teufel,  
City Clerk**



**RE: Appointment of Members to the  
Parks & Recreation Board,  
Public Art Committee and  
Planning Board**

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**Recommendation:** That Commissioner Bolton and Commissioner Fishman appoint one member each from their district to the Parks and Recreations Board, the Planning Board and the Public Art Committee. That the Mayor make an appointment to fill his vacancy on the Planning Board.

**Issue:** Appointments of one member each from Districts 1 and 3 to the Parks & Recreation Board, the Public Art Committee and Planning Board and the Mayor to make an appointment to fill his vacancy on the Planning Board. Commission members may elect to retain the current appointee or make new appointments.

**Background:** Appointments to the Parks & Recreation Board and the Public Art Committee each consist of five (5) members and each Commissioner appoints one (1) individual from their district who meets the qualification requirements for the specific board or committee. The Mayor has an At-Large appointment whose term runs concurrent with that of the Mayor. Each appointee's term runs concurrent with the Commission member making the appointments or until new appointments are made.

Other than residency there are no specific qualifications for the Park & Recreation Board. Recommended qualifications for the Public Art Committee include: individuals chosen from the following disciplines: landscape architecture, urban planning, engineering or related design discipline; professional artist; citizen knowledgeable in the field of public art, education or community affairs and a representative from the development community.

The Planning Board is comprised of five regular members and two alternate members. Each Commission member appoints one (1) regular member from their district who meets the qualification requirements for the Planning Board. Each appointee's term runs concurrent with the Commission member making the appointment or until new appointments are made. The Mayor has an appointment whose term runs concurrent with that of the Mayor. A vacancy presently exists and the Mayor must make an appointment.

Recommended qualifications for the Planning Board include: Architecture or Landscape Architecture, Law, Environmental Science, Real Estate Development or Sales, Urban Planning, Engineering and Neighborhood, Condominium or Homeowners Association Activist.

Attached are copies of the Ordinances which further outline the member qualifications for the above mentioned Boards and Committee.

The City of Tamarac will be running advertisements in the Sun-Sentinel on January 15, 2017, January 22, 2017 and January 29, 2016 seeking residents to serve on the Parks & Recreation Board, Public Art Committee and the Planning Board, and asking interested parties to send their application to the City Clerk's office by 5:00 p.m. on Thursday, February 2, 2017 for consideration. Applications are available on the City's website or in the City Clerk's Office. The Notice will also be placed on the City's website and Facebook. Commission Members should encourage interested parties to file applications with the City Clerk.

**Fiscal Impact:** There is no fiscal impact.

cc: Assistant City Manager Diane Phillips  
City Attorney Samuel S. Goren

## DIVISION 2. - PARKS AND RECREATION BOARD<sup>[2]</sup>

*Footnotes:*

*--- (2) ---*

*Cross reference— Appointed boards, commissions, committee to elect officers, provisions regarding absenteeism of members, § 2-31; conflicts of interest, § 2-261 et seq.*

### Sec. 15-41. - Creation.

There is hereby created the parks and recreation board which shall consist of five (5) regular members appointed by the city commission.

(Code 1975, § 18A-8(a); Ord. No. 2002-25, § 2, 10-23-02; Ord. No. 2010-17, § 3, 9-7-10)

### Sec. 15-42. - Powers and duties.

The parks and recreation board shall make recommendations concerning recreational needs for the entire city, implementation of a means for achieving the goals, and make recommendations on existing and proposed programs. The board shall also undertake any project assigned by the city commission.

(Code 1975, § 18A-8(b); Ord. No. 88-42, § 1, 12-28-88)

### Sec. 15-43. - Membership.

The members of the parks and recreation board shall be appointed by the city commission on an annual basis and serve at the pleasure of the commission without compensation. The chairman of the board shall be appointed by the city commission.

(Code 1975, § 18A-8(c); Ord. No. 88-18, § 1, 8-10-88)

### Sec. 15-44. - Rules of procedure; quorum.

The parks and recreation board shall conduct its meetings pursuant to Robert's Rules of Order, Newly Revised, and all applicable laws. A quorum shall consist of a majority of the membership.

(Code 1975, § 18A-8(d))

### Sec. 15-45. - Meetings.

The parks and recreation board shall meet at least once a month at a regularly scheduled time which is to be approved by the city clerk. The board may determine its own vacation period not to exceed more than one (1) cancelled meeting per year.

(Code 1975, § 18A-8(e))

Sec. 15-46. - Commission liaison.

The parks and recreation board may have a city commission liaison pursuant to the provisions of section 2-33.

(Code 1975, § 18A-8(f))

Sec. 15-47. - Staff liaison.

The parks and recreation board may have a staff person assigned to it by the city manager to serve in an advisory capacity. Any requests on the part of the board for information or services from the administration shall be made by the chairman of the board to the city manager or through the staff liaison if one is assigned.

(Code 1975, § 18A-8(g))

Sec. 15-48. - Removal of members.

A parks and recreation board member appointed by the city commission serves at the pleasure of the commission and shall be removed at any time by majority vote of the commission.

(Code 1975, § 18A-8(h))

Sec. 15-49. - Resignation of members.

A resignation by a parks and recreation board member made either orally or in writing will be deemed accepted by the city commission when the board member announces his resignation to the board, city manager or city commission. The city commission need not take any formal action to accept the resignation. Failure to attend three (3) consecutive meetings without being excused by the chairman shall be deemed a resignation.

(Code 1975, § 18A-8(i))

*Planning Bd.*

Sec. 24-61. - Created; members.

(a) There is hereby created a planning board consisting of five (5) regular members, plus an additional two (2) alternate members. Each regular member shall serve a term of four (4) years to coincide with the term of the nominating member of the city commission or until such time as new appointments are made; the appointment of the regular members shall be in accordance with subsection 2-58(g) of the City of Tamarac Code. The two (2) alternate members shall be appointed by a majority vote of the mayor and commissioners. The term of the alternate members shall coincide with the election of the mayor, and shall expire upon the term expiration of the mayor, or until such time as new appointments are made. The term of the regular members shall be staggered to concur with the election of commissioners from odd numbered districts and commissioners from even numbered districts and the mayor, and shall expire upon the term expiration or the vacation of office of the nominating member of the city commission in accordance with section 2-59 of the Tamarac Code or until such time as new appointments are made. The board shall also consist of an ex officio, non-voting member designated by the school board of the county in accordance with F.S. § 163.3174, as may be amended from time to time. The school board-appointed member may participate in all matters related to land use and zoning matters which, if approved, would increase residential density.

(b) Each member of the board shall be a resident of the city. Any interested citizen may be appointed to the board, but those with experience or interest in the following areas shall receive special consideration:

Architecture or Landscape architecture

Law

Environmental Science

Real Estate Development or Sales

Urban Planning

Engineering

Neighborhood, Condominium or Homeowners Association Activist

(Code 1975, § 28-19; Ord. No. 90-23, § 1, 6-13-90; Ord. No. 91-21, §§ 1, 2, 5-22-91; Ord. No. 99-03, § 2, 2-10-99; Ord. No. 2005-01, § 2, 1-26-05; Ord. No. 2010-17, § 5, 9-7-10; Ord. No. 2014-16, § 2, 11-12-14)

Sec. 24-62. - Removal of members.

Notwithstanding anything in this division to the contrary, any member of the planning board may be removed in the manner prescribed by F.S. section 163.180(2) or by four-fifths vote of the city commission if no written notice or public hearing is granted to the member.

(Code 1975, § 28-20; Ord. No. 99-03, § 2, 2-10-99)

Sec. 24-63. - Duties of secretary.

The secretary shall keep the minutes of the meetings of the planning board, take and receive all applications for changes in zoning and place the same upon the agenda of the commission, receive the required application fees and disburse the same to the city clerk, and send out all notices required by this chapter.

(Code 1975, § 28-21; Ord. No. 99-03, § 2, 2-10-99)

Sec. 24-64. - Powers and duties.

- (a) The planning board shall have, in addition to the powers prescribed in this division, all powers and duties of a planning board as provided by part II of F.S. chapter 163. Nothing in this article shall grant to the planning board any power or duty which is inconsistent with or prohibited by the provisions of state law with respect to planning boards. The planning board shall be responsible for all duties and powers as they relate to considering and hearing variances and appeals, as defined in this chapter.
- (b) In addition to those powers and duties provided herein, the planning board shall advise and recommend to the city commission action to be taken on the following matters as they concern beautification and conservation factors:
  - (1) The overall appearance of the city;
  - (2) Long-range plans for beautification projects;
  - (3) Review of site plan landscaping;
  - (4) Conservation programs;
  - (5) Sign review as set forth in chapter 18 of this Code.
- (c) Upon the adoption of this section by the city commission, the planning board shall have all powers and duties previously vested in the city's beautification committee by any provision of this Code.

Sec. 5-305. - Public art committee.

(a) There is hereby established a committee to be known as the "public art committee."

(1) *Public art committee mission.* The mission of the public art committee is to expand cultural opportunities for residents and visitors and to enhance the appearance of the city through the selection and integration of artwork in a public environment.

(2) *Committee membership.*

- a. The public art committee consists of five (5) members, who live or conduct business in the city, with a strong commitment to the objectives of the public art program, who shall be appointed by the city commission. Membership of the public art committee may include:
  1. Two (2) individuals chosen from the following disciplines: landscape architecture, urban planning, engineering, or a related design discipline;
  2. One (1) professional artist;
  3. One (1) private citizen, knowledgeable in the field of public art, education, or community affairs; and
  4. One (1) private citizen from the development community.
- b. The city manager designates a city staff member to act as the city's liaison with the board. The liaison will be responsible for budget development and monitoring.
- c. The committee shall elect a chairperson and vice-chairperson each year.

(3) *Membership terms.*

- a. The membership terms shall be staggered to run concurrently with the election of commissioners from odd numbered districts, and commissioners from even numbered districts, and the mayor, and shall expire upon the term expiration or the vacation of office of the nominating member of the city commission in accordance with section 2-59 of the City of Tamarac Code or until such time as new appointments are made.
- b. The staff liaison member's term is not limited.
- c. Reserved.
- d. The appointment of members shall be in accordance with subsection 2-58(g) of the City of Tamarac Code of Ordinances.
- e. Consecutive reappointments are permissible.

(4) *Vacancies.* Vacancies shall be handled in accordance with section 2-59 of the City's Code of Ordinances.

(5) *Meetings and attendance.*

- a. The public art committee shall meet at least once per quarter or on an as needed basis.
- b. Other meetings will be held as necessary to carry out the duties and responsibilities of the committee.
- c. A committee member is required to attend a majority of meetings scheduled within each twelve-month time period of his or her appointed term. Failure of a committee member to regularly attend meetings could result in removal from the position at the discretion of the city commission.
- d. Public art committee meetings will be open to the public and conducted pursuant to Robert's Rules of Order, Newly Revised, and all applicable state and local laws.

(6) *Quorum.* A quorum shall be a majority of committee members, which is a minimum of three (3) members present.

(7) *Voting.*

- a. In all matters coming before the committee, the affirmative vote of a majority of those present and voting is the action of the committee, provided a quorum is present.
- b. In the event that any members have personal interests in matters of acquisition or commissioning of artwork before the committee that constitutes a conflict of interest, those members shall excuse themselves from voting.

(8) *Conflict of interest.* If any member of the public art committee shall find that his private or personal interests are involved in the matter coming before the committee, he shall disqualify himself from all participation in that matter. No member of the public art committee shall have his or her work of art considered or approved by the public art committee during their term of service on the committee or for one (1) year thereafter.

(9) *Expenses.* Members shall serve without compensation.

(b) The public art committee shall have the following powers and duties:

- (1) Recommendations to the commission on revisions to the public art guidelines.
- (2) Recommendations to the commission on revisions to the public art master plan, to be adopted by resolution by the city commission.
- (3) Recommendations to the commission on art and artist selection.
- (4)



The public art committee is responsible for submitting an annual report to the city commission on or before May 1 of each year. The report will describe the committee's accomplishments over the past year, give the status of current projects, provide information on any future plans, and include an inventory of public art in the city.

(Ord. No. 2004-15, § 2, 5-26-04; Ord. No. 2010-17, § 4, 9-7-10; Ord. No. 2014-19, § 2, 12-10-14)

## **2017 Board and Committee Appointments**

### **Parks & Recreation Board**

- 1 Appointment for District 1
- 1 Appointment for District 3

### **Planning Board**

- 1 Appointment for District 1
- 1 Appointment for District 3
- 1 Appointment for Mayor-at-Large

### **Public Art Committee**

- 1 Appointment for District 1
- 1 Appointment for District 3

### **Proposed Time Line:**

- Letters to appointees whose terms have expired sent out 1/4/17
- Advertise in newspaper on January 15<sup>th</sup> and January 22<sup>nd</sup>
- Application deadline 5:00 p.m. on Thursday, 2<sup>nd</sup>
- Books given to Commissioners Fishman and Bolton on February 8<sup>th</sup>
- Selections due back to CCO on February 15<sup>th</sup>
- Book with remaining applications for the Planning Board given to Mayor on February 16<sup>th</sup>
- Selection due back to CCO on February 22<sup>nd</sup>
- Clerk to prepare legislation making appointments for placement on the March 8<sup>th</sup> meeting agenda.