

ORDINANCE 2025-09

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING A CITIZENS BUDGET ADVISORY BOARD FOR THE PURPOSE OF ASSISTING AND MAKING RECOMMENDATIONS TO CITY COUNCIL ON THE ANNUAL CITY BUDGET; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 16, 2025, the City Council of the City of Palm Bay determined that citizen input on the annual budget is desirable, and

WHEREAS, the City Council of the City of Palm Bay directed the preparation of an ordinance to formally establish a Citizens Budget Advisory Board, and

WHEREAS, it is the intent of this Ordinance to establish a Citizens Budget Advisory Board to provide the City Council with annual budgetary advice that is supplementary and complimentary with that of the City' Council's principal budget advisor as specified in the City Charter, the City Manager.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. ESTABLISHMENT.

The City Council of the City of Palm Bay, Florida hereby establishes and creates a Citizens Budget Advisory Board hereinafter referred to as the "CBAB" or "Board".

SECTION 2. PURPOSE AND INTENT.

The purpose of the Citizens Budget Advisory Board is to provide impartial and independent overview, analysis and advice to the City Council regarding the City's budget and to assist the City Council in its goals of fiscal responsibility and efficient and effective

spending The Board fulfills this purpose by reviewing and making recommendations to City Council regarding proposed budgets submitted by the City Manager.

SECTION 3. COMPOSITION.

(A) The Board shall consist of five (5) voting members and one (1) at-large non-voting member appointed by the City Council. The City Manager or Finance Director or their respective designee(s) shall serve as ex-officio members who shall have no voting rights.

(B) *Appointment.* One (1) appointment by each councilmember, and (1) at-large appointment by a majority of Council. The at-large appointment is not required to be a resident of the City of Palm Bay. The members shall be selected by using the City Council's process for filling board positions.

(C) *Initial at Large Member Term.* The initial and subsequent terms, for the one single at-large member shall be two (2) years. The remaining five (5) members shall serve staggered terms coinciding with the term of the councilmember who made the appointment.

(D) *Initial Individual Councilmember-appointed Board Terms.* The terms of all initial Board members shall commence May 1, 2025. The members initially appointed by Councilmembers in Seats 1, 2 and 3 shall serve until November 2028 when the Mayor and Councilmembers' seats come up for re-election; members initially appointed by Councilmembers in Seats 4 and 5 shall serve until November 2026 when the Councilmembers' seats come up for re-election. Thereafter, all subsequent terms shall convene with the appointing Councilmember's term of election.

(E) *Term Limitation.* Board members shall serve no more than eight total years lifetime.

(F) *Vacancies.* Vacancies for unexpired terms shall be filled in the same manner the original appointments are made. City Council Members shall attempt to fill the vacancy within thirty (30) days after the vacancy occurs. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term.

(G) *Board Member requirements.* Board members must be a resident of the City of Palm Bay for at least one (1) year and/or be the owner of a business located within the City of Palm Bay for at least one (1) year with a valid business tax receipt. A member must remain a City of Palm Bay resident and/or the owner of a business located within the City of Palm Bay throughout the term of the member's appointment. The at-large member does not have to be a resident of the City nor hold a valid business tax receipt in the City of Palm Bay.

(H) *Mandatory training.* The Board members shall attend mandatory trainings regarding the budget process, basic governmental accounting practices, review of budgeting policies and the Government-in-the-Sunshine and Public Records Laws of the State of Florida.

(I) *Compensation.* The members of the board shall serve without compensation.

SECTION 4. RULES OF PROCEDURE.

(A) *Officers.* The Board shall select its own Chairperson and Vice Chairperson. Elections shall be held at the first regularly scheduled meeting each calendar year, or as soon thereafter as practical. The elected Chairperson shall preside and conduct meetings of the Board. The elected Vice Chairperson shall act in the absence of the Chairperson. The Chairperson and Vice Chairperson shall serve for a term of one year. The Vice Chairperson shall automatically succeed the chairperson. Any vacancy in the office of Chairperson or Vice Chairperson shall be filled at the earliest possible date by the Board through an election of one of its members to fill the unexpired term of the vacant position.

(B) *Meetings.*

(1) Regularly scheduled Citizens Budget Advisory Board meetings shall be held beginning each July in advance of the City Manager's budget submission to the City Council and shall conclude before the first reading of the budget ordinance each September. Meeting agendas shall be published at least 48 hours in advance. Meetings shall be properly noticed and open to the public.

(2) Special or workshop meetings may be called by the Chairperson, a majority of the members of the Board or a majority of the City Council. Special or workshop meeting agendas shall be published at least 48 hours in advance. Special or workshop meetings shall be properly noticed and open to the public.

(3) Any meeting date may be changed by a majority vote at a regularly scheduled meeting.

(C) *Quorum.* A majority of the appointed Board members shall constitute a quorum for the transaction of business. Neither the City Manager nor the Finance Director count towards the quorum requirement. No official action shall be taken by the Board without the concurring vote of a majority of all members present at such meeting.

(D) *By-laws.* The Board shall make and adopt such bylaws, rules, and regulations for its own guidance as it may deem expedient and not inconsistent with law or this Ordinance.

(E) *Absences.* Members who fail to attend three (3) consecutive regular meetings or a total of five (5) meetings of any type within a twelve (12) month period, shall automatically forfeit their appointments. The Chairperson shall notify the Office of the City Clerk of any vacancy, at which time the process to fill the vacancy shall be implemented.

(F) *Removal.* Members of the Board may be removed at any time without cause by a majority vote of the City Council.

(G) The Board shall comply with the "Government in the Sunshine Law" and "Public Records Act", pursuant to Florida Statutes. City staff shall be responsible for recording the minutes of all meetings of the Budget Advisory Board. Minutes of the meeting and records shall be filed with the City Clerk and shall constitute public records.

SECTION 5. DUTIES AND RESPONSIBILITIES.

(A) *Required Annual Report.* The Board shall submit to the City Council, no sooner than concurrently with the City Manager's proposed budget and no later than fourteen calendar days after the City Manager's proposed budget is submitted to the City Council, its written annual report containing the Board's budget recommendations to the City Council. The Chairperson or a member selected by the Board may give a

presentation to the City Council summarizing the Board's annual report recommendations.

(B) *Additional Optional Tasks.* As part of its annual report, the Board may elect to provide recommendations to the City Council on improving transparency and communication of the budget to the public. The Board may provide recommendations to the City Council regarding the development of the annual budget. The Board may advise the City Council on service levels, priorities, critical needs and emergencies. The Board may specifically advise the City Council how it believes the proposed budget would foster economic development, job creation and retention. The Board may advise the City Council on potential cost savings and revenue-generating opportunities.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 7. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances, and the sections may be renumbered to accomplish such intention.

SECTION 8. If any portion, clause, phrase sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid inapplicable inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance the City Council would have enacted the valid constitutional portions thereof.

SECTION 9. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2025-XX, held on _____, 2025; and read in title only and duly enacted at Meeting 2025-XX, held on _____, 2025.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____