

MEMORANDUM

TO: MAYOR JOANN M. FAIELLA  
CITY COUNCIL

FROM: JERRY A. BENTROTT, CITY MANAGER 

SUBJECT: CONTRACTORS' EXAMINING BOARD

DATE: OCTOBER 3, 2011

As shown on the attached documents, the City Council by a Motion in 1991 set the maximum number of years citizens could serve on boards or committees at eight years. The ordinance for the Contractors' Examining Board (150.504.2 Members Terms) sets the terms for its members at three years. If both documents are reviewed together, it limits the Contractors' Examining Board members to only two terms of three years for a total of six years. A third term would extend the total years served to nine years or one more than allowed by the Motion in 1991.

A member of the Contractors' Examining Board is currently completing a second term and is willing to serve for a third term, but the above situation needs to be clarified. This situation could also arise with the Civil Service Appeals Board as seen from the attached list of all active boards and committees.

Please review the documents for discussion at the October 10, 2011 City Council meeting. Options include:

- Make no changes to the existing ordinances or Council directive and staff will proceed in accordance with the existing documents.
- Direct staff to amend existing ordinances to have two or four year terms for the Civil Service Appeals Board and the Contractors' Examining Board.
- Make a Motion to allow board and committee members to serve for nine years maximum.
- Direct staff to make changes to any variety of other options.

JAB:mv  
Attachment

CC: Roger G. Orr, City Attorney  
Gregory J. Oravec, Assistant City Manager  
Karen Phillips, City Clerk

RECEIVED

SEP 30 2011

City Manager's Office



---

# MEMORANDUM

---

**TO:** Jerry A. Bentrott, City Manager

**FROM:** Karen A. Phillips, City Clerk *KAP*

**DATE:** September 29, 2011

**RE:** **Contractors' Examining Board  
Member Term(s) of Office**

---

The Building Department requested the reappointment of a current member of the Contractors' Examining Board. In reviewing the request, I ran into a direct conflict between City Council Policy and City Code.

City Code Section 150.504.2 establishes a single term of office for a Contractors' Examining Board member at three (3) years.

City Council Policy limits the number of years a member can serve on any board or committee to a maximum of eight (8) years.

The current member they are asking to have reappointed has already served two terms, or 6 years. To reappoint this member to an additional three year term would be in direct violation of Council Policy by allowing the member to serve nine years on a board.

I've attached the City Code, the City Council minutes creating the policy/directive, and the City Manager's memo advising board/committee members and staff of Council's direction. Please review and advise. Thank you.

*Primary qualifying agent.* A persons who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the contracting activities of the business organization with which he is connected; who has the responsibility to supervise, direct, manage, and control construction on a job for which he has obtained the building permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this subchapter, as attested by the board.

*Probable cause.* A finding by the board that there is cause to believe that a contractor holding a certificate of competency issued by the City of Port St. Lucie is guilty of misconduct justifying disciplinary actions.

*Respondent.* A contractor holding a certificate of competency issued by the City of Port St. Lucie who is accused of misconduct and whose conduct is under investigation.

*Secondary qualifying agent.* A person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the board.

*Specialty contractor.* A contractor whose scope of work and responsibility is limited to a particular scope of work and responsibility is limited to a particular phase of construction.  
(Ord. 90-43, passed 5-14-90)

#### **Sec. 150.504. Contractors examining board.**

[See below sections 150.504.1—150.504.5.]

##### **Sec. 150.504.1. Created; members.**

The city council shall appoint a contractor's examining board. The contractor's examining board shall consist of seven (7) members: one (1) shall be a general contractor or building contractor, one (1) shall be a swimming pool contractor, one (1) shall be an electrical contractor, one (1) shall be a plumber, and three (3) shall be consumer mem-

bers who are not or ever have been engaged in the construction industry or any closely related profession. All contractors serving on the board shall hold either a current Florida state contractor's license or a certificate of competency issued by the city and shall also carry valid insurance and workers' compensation, as required by law. The city building official, or its designee, shall serve as an ex officio member and shall not vote.

(Ord. 90-43, passed 5-14-90; Am. Ord. 93-25, passed 6-14-93; Am. Ord. 93-72, passed 12-20-93; Ord. No. 99-26, § 1, 5-24-99; Am. Ord. 02-87, § 1, passed 8-26-02)

##### **Sec. 150.504.2. Members; terms.**

The term of office of each appointed member of the board shall be for three (3) years, except for the first three (3) consumer members appointed to the board after October, 1998, whose terms shall be as follows: one (1) member shall be appointed for a three (3) year term, one (1) member shall be appointed for a two-year term, and one (1) member shall be appointed for a one-year term. Thereafter, all appointees shall serve a three (3) year term. The city council may remove any member of the board without cause, notice, or hearing. Members appointed to fill vacancies caused by death, resignation, or removal shall serve during the unexpired term of their predecessors. The members of the board, with the exception of the building official, shall serve without compensation.

(Ord. 90-43, passed 5-14-90; Ord. No. 99-26, § 2, 5-24-99)

##### **Sec. 150.504.3. Officers.**

The board shall elect a chairperson, a vice-chairperson, a secretary, and any other officers as may be necessary from among its members.  
(Ord. 90-43, passed 5-14-90)

##### **Sec. 150.504.4. Meetings.**

The board shall hold not less than four (4) regular meeting each year. The meetings shall be called by the chairperson of the board, and in his absence, by the vice-chairperson of the board.  
(Ord. 90-43, passed 5-14-90; Am. Ord. 91-29, passed 6-10-91)

APPOINTMENTS

MEMORANDUM

TO: ALL MEMBERS OF BOARDS AND COMMITTEES OF THE  
CITY OF PORT ST. LUCIE

FROM: DONALD B. COOPER, CITY MANAGER *DBC*

DATE: MAY 23, 1991

SUBJECT: LIMITATION OF TERMS OF MEMBERSHIP



Please be advised, pursuant to direction from the City Council given to this office on May 13, 1991, henceforth terms for all members of boards and committees will be limited to a maximum of eight years.

If you have any questions, please feel free to contact this office at your convenience.

DBC: eg  
Attachment (Excerpt of minutes of May 13, 1991 City Council meeting)

CITY COUNCIL REGULAR MEETING MINUTES

MAY 13, 1991

There being no further discussion, the City Clerk restated the motion as follows: Motion by Councilman Davis that Mr. Orr continue in his role as co-counsel with the firm that has been selected (Richeson and Brown). Vice-Mayor Riley seconded the motion. The roll call vote was as follows:

Councilman Kramer	Yes
Vice-Mayor Riley	Yes
Councilman Perry	Yes
Councilman Davis	Yes
Mayor Lawless	Yes

**COMMITTEE TERMS OF OFFICE AND NUMBER OF TERMS**

The City Attorney referenced the submittal of a report, formulated by the Clerk's office, which detailed the different committee and boards operating under the purview of the City, their current membership, the date of initial appointment, the date of term expirations and the various ordinances and authorities for those boards and committees. This was on the agenda because there was some discussion with regards to placing a maximum number and length of terms on some of these boards. This information was being provided in an effort to detail how these terms were constructed. If this Council wanted to make these changes, this will ultimately require a separate ordinance for each board and committee to adjust the terms as this Council sees fit. In such a review, transition schedules will also have to be envisioned in order to adjust the gap that may be created between what the current terms were and what was being proposed.

The Vice-Mayor questioned if it was permissible for this Council to direct the City Manager to send a letter to all of the committees detailing that this Council is looking at a maximum number of years and identify these years so that these committees, in their interviewing and appointment process, will be apprised that the Council was acting to change all of these ordinances. The City Manager said that there would be no problem with such a suggestion. However, until these changes were undertaken, this letter would not be binding but will detail this Council's indication in this matter. The submitted report had been provided for an evaluation of the terms for these terms vary greatly from board to board. This, therefore, proved to be informational and a starting point.

The Vice-Mayor said, "I would move that the City Manager write such a letter to the various Boards advising them that the direction of this Council is a maximum of eight years that may be served." Councilman Perry seconded the motion.

Mr. Jeff Rimer suggested that efforts be made to appoint individuals to the various boards following district representation. The suggestion was that there be a two year term with a maximum of one reappointment or a maximum of four years. The City currently

had nearly one hundred representatives volunteering their time and energies on these various committees and boards. However, some of these individuals have been doing so since 1983 and this proved to be excessive for new blood was needed in order to generate new ideas. The mentioned committee letter should, therefore, provide information on the length of Board's members, and whether these members were representing districts.

Councilman Davis said that he understood the intent of the motion but what was being discussed was a limitation in the number of years with some of these committees now not even having a term.

Councilman Kramer noted that the motion seemed to detail a restriction in the length of time that an individual was able to serve on these various boards and committees with the suggestion being eight years.

There being no further discussion, the City Clerk restated the motion as follows: Motion by Vice-Mayor Riley that the City Manager write a letter to the various boards and committees indicating that the Council desires to set a maximum of eight years to be served on each board and committee. Councilman Perry seconded it and the roll call vote was as follows:

Vice-Mayor Riley	Yes
Councilman Perry	Yes
Councilman Davis	Yes
Councilman Kramer	No
Mayor Lawless	Yes

#### APPOINTMENT OF CITY REPRESENTATIVES TO THE FULL SCHOOL UTILIZATION COMMITTEE.

The City Manager referenced Mr. Proulx' memorandum in this matter and advised that he had nothing further to add.

The Mayor advised that there were no appearance requests submitted to speak on this particular agenda item.

There being no further discussion, the Vice-Mayor moved to accept the recommendation of the appointments. Councilman Davis seconded the motion.

There being no discussion, the City Clerk restated the motion as follows: Motion is to accept the recommendation of the appointments. The roll call vote was as follows:

Councilman Perry	Yes
Councilman Davis	Yes
Councilman Kramer	Yes
Vice-Mayor Riley	Yes
Mayor Lawless	Yes

Affordable Housing Advisory – 1 yr term – until project complete – set by Bylaws

Budget Advisory Committee – 2 yr term – set by Resolution

Civil Service Appeals Board – 3 yr term – set by City Code

Contractors' Examining Board - 3 yr term – set by City Code

Districting Commission - no term limit - until project complete – set by City Code

Keep Port St. Lucie Beautiful - 2 yr term – set by Bylaws

Planning & Zoning Board - 4 yr term – set by City Code

Police Pension Board – 2 yr term – set by City Code

Public Art Advisory Board – no term limit – set by Ordinance confirmed in Bylaws