



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 1288-93

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RELATING TO THE CREATION OF THE STUART INDEPENDENT REVIEW BOARD; CREATING ARTICLE IX. STUART INDEPENDENT REVIEW BOARD OF CHAPTER 2 (ADMINISTRATION) OF THE CITY CODE OF ORDINANCES, AS AMENDED, TO PROVIDE DEFINITIONS AND FOR THE CREATION, MEMBERSHIP, MEETINGS, REVIEW PROCESS, AND POWERS AND DUTIES OF THE BOARD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA

that:

SECTION 1: ARTICLE IX. STUART INDEPENDENT REVIEW BOARD of Chapter 2 (ADMINISTRATION) of the City Code of Ordinances, as amended, is created to read:

Chapter 2 ADMINISTRATION

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ARTICLE IX. STUART INDEPENDENT REVIEW BOARD

Sec. 2-131. Definitions.

As used in this article, the following words shall have the following meanings:

Affected department means the department of City government in which the employee whose conduct is being reviewed is employed.

Board means the Stuart Independent Review Board.

City means the City of Stuart, Florida.

City Manager means the City Manager of the City.

Complaint means a written allegation of improper conduct of an employee of the City made by any person including the City Manager.

Employee means any person employed by the City except a member of the City Commission, the City Manager, the City Attorney and the City Auditor.

Suspension means a temporary cessation of work of an employee mandated by the City Manager for disciplinary reasons either with or without pay.

Written reprimand means a written criticism by the City Manager or department director of the conduct of an employee.

Sec. 2-132. Stuart Independent Review Board created.

The Stuart Independent Review Board is hereby created for the purpose of providing independent public review of the conduct of employees of the City.

Sec. 2-133. Membership.

(a) The Board shall consist of seven members appointed by the City Commission who shall serve without compensation. Three of the initial appointees shall serve a term

of one year and the remaining four shall serve a term of two years. Thereafter all terms shall be two years.

(b) In making its appointments the City Commission shall consider the racial, ethnic and cultural characteristics of the residents of the City of Stuart. A prospective member shall:

- (1) be not less than 18 years of age;
- (2) be a resident of or hold employment within the City for at least one year prior to appointment;
- (3) never have been convicted of a crime;
- (4) not be an employee of the City;
- (5) not be a candidate for elective office; and
- (6) not be a party in any pending litigation against the City or any employee of the City.

(c) All appointees to the Board shall complete a training program provided by the City prior to participating in a review as provided in this article.

(d) A Board member may be removed by majority vote of the City Commission for failing to maintain the qualifications for membership or for failing to attend three consecutive meetings of the Board or four such meetings in a calendar year.

(e) A vacancy on the Board shall be filled by the City Commission within 60 days.

Sec. 2-134. Meetings.

(a) All meetings of the Board shall be held at City Hall in Stuart, Florida at the call of the Chairperson or at such times as the Board elects. The Board shall meet as

needed but not less frequently than every three months.

(b) At its first meeting the Board shall elect a Chairperson and a Vice-Chairperson to serve for a term of one year. The Board shall adopt by-laws for the conduct of its business.

(c) A quorum of the Board is four members. All action of the Board shall be taken by four or more affirmative votes.

(d) The City Manager shall provide all necessary clerical assistance to the Board. Board meetings shall be tape recorded and minutes summarizing each meeting shall be promptly prepared. An agenda for each meeting of the Board shall be prepared not less than 48 hours in advance of the meeting.

(e) The City Attorney shall be legal advisor to the Board.

Sec. 2-135. Powers and duties.

(a) The Board shall review:

- (1) disciplinary action proposed by the City Manager in the form of a written reprimand or a suspension; and
- (2) investigations conducted by the City Manager of complaints made by any person regarding the conduct of an employee including but not limited to the use of deadly force, the alleged use of excessive force, action resulting in death or serious bodily injury, and alleged racial or sexual harassment.

(b) Proposed disciplinary action and completed investigations shall be submitted to the Board in the form of a written report prepared by the City Manager. The report shall include the complaint, if any, any evidence received by the City Manager in the form

of written documents and audio or video recordings, the proposed disciplinary action, if any, and the factual basis for the proposal.

(c) No employee shall be disciplined by written reprimand or suspension until the Board has filed a written recommendation thereon with the City Manager as provided in this article.

(d) The recommendation of the Board shall specifically set forth its grounds and shall recommend, as appropriate, approval, disapproval or modification of any proposed discipline. The Board may also recommend a modification of policies, procedures, rules and regulations pertaining to the subject matter of a review.

(e) The recommendation shall be signed by the Chairperson as approved by four or more affirmative votes of the entire Board membership. Any dissenting recommendations shall be signed by the dissenting member and shall be forwarded with the recommendation of the Board.

Sec. 2-136. Board review procedure.

(a) Upon receipt a report from the City Manager, the Chairperson shall call a meeting of the Board to consider the report and to make a responsive recommendation thereon to the City Manager. The meeting shall be held not more than 15 days nor less than 5 days after receipt of the report by the Chairperson.

(b) To assist the Board in its review, the City Manager may appoint an advisor to the Board who is familiar with the policies and operations of the affected department. The advisor shall factually respond to questions of Board members but shall not render opinions nor comment upon the content of the report. The Board may request additional information of the City Manager who shall respond promptly.

(c) The Board shall prepare a written recommendation which shall be based exclusively upon the report of the City Manager, and any other material provided to the Board by the City Manager.

(d) The written recommendation of the Board shall be advisory to the City Manager and shall be filed with the City Manager within ten days of the meeting.

Sec. 2-137. Governing statutes.

All action of the Board shall be taken in accordance with applicable law, including but not limited to, Chapter 119, Florida Statutes, Chapter 286, Florida Statutes, s. 112.531-112.534, Florida Statutes, and s. 112.80-112.84, Florida Statutes.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any section, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed and held to be valid.

SECTION 4: The provisions of this ordinance shall be codified.

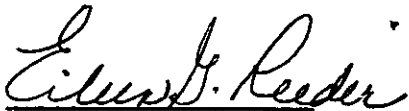
SECTION 5: This ordinance shall take effect immediately upon adoption at second reading.

PASSED on first reading at a duly called meeting of the City Commission of the City of Stuart, Florida, held on the 12th day of April, 1993.

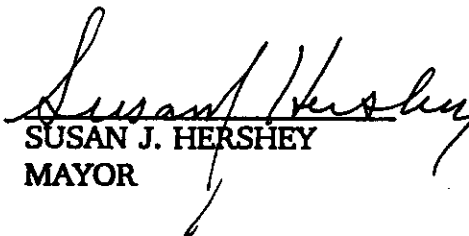
ADOPTED on second reading at a duly called meeting of the City Commission of the

City of Stuart, Florida, held on the 26th day of April, 1993.

ATTEST:



EILEEN G. REEDER
CITY CLERK



SUSAN J. HERSHEY
MAYOR

APPROVED AS TO FORM AND
CORRECTNESS:



CARL V. M. COFFIN
CITY ATTORNEY