



PERSSON, COHEN, MOONEY, FERNANDEZ & JACKSON, P.A.  
ATTORNEYS AND COUNSELORS AT LAW

**M E M O R A N D U M**

**TO:** Mayor Schneier and Town Commissioners  
**CC:** Howard Tipton, Town Manager  
**FROM:** Maggie D. Mooney, Esq., Town Attorney  
Amy Farrington, Esq.  
**REPORT DATE:** October 24, 2025  
**MEETING DATE:** November 3, 2025  
**SUBJECT:** Ordinance 2025-09 Affirming the Town Commission's Authority to Remove  
Advisory Board and Committee Members

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**Background**

In the Memorandum discussing the recommended adoption of Ordinance 2025-08 (which establishes an email and communication policy within the Town's Code of Ordinances), the Town Attorney recommended that a separate ordinance be considered by the Town Commission that specifically enumerates the Town Commission's authority to remove members of the Town's Advisory Board. The Town Charter refers to the Town Commission-created boards as "Advisory Boards," and this term applies to the Planning and Zoning Board, Zoning Board of Adjustment, and Consolidated Retirement System Board of Trustees. While it is implicit that the Town Commission has the authority to remove individual members of the boards and committees that the Town Commission appoints members to, it is recommended that the Town Commission enumerate that power within the relevant sections of the Town Code governing those advisory boards. Additionally, we recommend that the Town Code specifically set forth the removal authority for any other boards or committees that the Town Commission currently has in place, or will create in the future (i.e., Finance Committee, Charter Review Board, etc.). It is also recommended that the Town Commission specifically delegate to the Town Manager the power to remove individual members of those Boards and Committees so the Town Manager can implement and administer any removal or enforcement provisions that exist within the Code.

Accordingly, this Ordinance adds substantially the same board member removal language to each of the following Sections 33.20, 34.101, and 158.010 of the Town Code:

The Town Commission may remove any appointed member from the appointed position for knowing, intentional, or repeated violations of applicable local or state laws, rules, regulations, or ordinances. This authority may be delegated to the Town Manager, subject to the Town Commission's oversight and pursuant to any procedural requirements established by the Town Code.

There is an additional new Section 33.50 of the Town Code, entitled "All Other Boards and Committees," that will be applicable to any other Boards or Committees that the Town has in place now or will create in the future. The language provided is intended to reaffirm the Town Commission's removal powers and aid in any future challenges by board members or committee members who are removed from their positions.

**Staff Recommendation**

Based upon the foregoing, the Town Attorney and Town Manager recommend that the Town Commission pass Ordinance 2025-09 on first reading and forward the Ordinance to second reading and public hearing.

**Attachments (Available in the Town Clerk's Office)**

- A. Ordinance 2025-09
- B. Business Impact Estimate

**End of Agenda Item**