



AGENDA

SPECIAL COMMISSION MEETING

7:00 PM - Monday, April 15, 2024

Commission Chambers

Page

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. DELETIONS OR WITHDRAWALS TO THE AGENDA
5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS / GOOD & WELFARE
6. PRESENTATIONS
 - 6.1. Charter Review Committee Recommendations - Town Attorney Horowitz 3 - 16
[CHARTER REVIEW RECOMMENDATIONS](#)
7. ORDINANCES
 - 7.1. **Ordinance No. 2024-004** - Clerk Commissioner Hodgkins 17 - 22
AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA,
**SUBMITTING TO REFERENDUM AN AMENDMENT TO THE
CHARTER OF THE TOWN OF PEMBROKE PARK AT SECTION 9,
ENTITLED "TOWN COMMISSION;" PROVIDING FOR THE
ELIMINATION OF COMMISSION DISTRICTS AND THE ELECTION
OF FIVE (5) AT-LARGE COMMISSION MEMBERS; PROVIDING
THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED
TO THE QUALIFIED ELECTORS OF THE TOWN OF PEMBROKE
PARK, ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT
AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW;
PROVIDING FOR THE ADVERTISING OF THE REFERENDUM
ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING
FOR AN EFFECTIVE DATE.**
[2024-004 Elimination of Districts](#)
8. ATTORNEY COMMENTS
9. TOWN MANAGER COMMENTS
10. COMMISSIONER COMMENTS
Commissioner Jacobs
Acting Clerk Commissioner Kashem
Clerk Commissioner Hodgkins
Vice Mayor Morrisette
Mayor Mohammed

11. ANNOUNCEMENTS

- 11.1. Special Magistrate Hearing, Wednesday, April 17, 2024 at 9:00 AM
Workshop Commission Meeting, Wednesday, April 24, 2024 at 6:00 PM

12. ADJOURNMENT

IN ACCORDANCE WITH THE PROVISIONS OF F.S. SECTION 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE, HE OR SHE 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 TO BE BASED.

ANY PERSON REQUIRING AUXILIARY AIDS AND SERVICES AT THIS MEETING MAY CALL THE TOWN CLERKS OFFICE AT 954-966-4600 AT LEAST TWO CALENDAR DAYS PRIOR TO THE MEETING. IF YOU ARE HEARING OR SPEECH IMPAIRED PLEASE CONTACT THE FLORIDA RELAY SERVICES BY USING THE FOLLOWING NUMBERS: 1-800-955-8770 (VOICE) OR 1-800-955-8771 (TDD)

DECORUM - ALL COMMENTS MUST BE ADDRESSED TO THE COMMISSION AS A BODY AND NOT TO INDIVIDUALS. ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS, OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION IS GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR IN OPPOSITION TO A SPEAKER OR HIS/HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PLEASE MUTE OR TURN OFF YOUR CELL PHONE OR PAGER AT THE START OF THE MEETING. FAILURE TO DO SO MAY RESULT IN BEING BARRED FROM THE MEETING. PERSONS EXITING THE CHAMBER SHALL DO SO QUIETLY.

Marlen D. Martell
Town Clerk

PART I CHARTER

PREAMBLE

The citizens of the Town of Pembroke Park, in order to protect the health, welfare and safety of its residents, and promote honorable, efficient and responsive government, hereby adopt this charter in accordance with the Constitution and Laws of Florida. The Town of Pembroke Park shall be organized as the "commission-manager" form of government.

ARTICLE I. POWERS OF THE TOWN

Section 1.01. Creation and powers.

A municipal corporation to be known as the Town of Pembroke Park was created and established in Broward County, Florida, on June 20, 1959 via Chapter 59-1722, Laws of Florida, and as such shall have perpetual succession. Said municipal corporation shall have and use a common seal and may change the same at its pleasure. A Home Rule Charter for the Town of Pembroke Park was adopted by Ordinance No. _____ on _____, and approved by the voters of the town on pursuant to the requirements and provisions of F.S. Ch. 166, (the Municipal Home Rule Powers Act).

The Town of Pembroke Park shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law, pursuant to Section 166.021, Florida Statutes and Article VIII of the State Constitution.

Section 1.02. Intergovernmental relations.

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, including Florida and its civil divisions and agencies, or the United States or any agency thereof.

Section 1.03. Extraterritorial powers.

All extraterritorial powers conferred upon the Town of Pembroke Park by general or special act prior to the adoption of this charter shall remain in full force and effect until repealed by ordinance or by amendment to this charter.

Section 1.04. Legal construction.

The powers of the town shall be construed liberally in favor of the town, limited only by the Constitution, general law and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by this town shall be considered amendments to this charter, and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to this charter.

Section 1.05. Preservation of Mobile Home Communities

Mobile home communities provide a unique living environment which is enjoyed by numerous residents in the Town. It is the intention of the Town residents that the mobile home communities shall continue to exist in perpetuity under the current zoning regulations. No amendment to the Town Ordinances that changes the actual zoning map designation of a parcel or parcels of land, changes the actual list of permitted, conditional or prohibited uses, or in any manner modifies the zoning regulations within the T-1 Mobile Home Park Zoning District shall become effective unless the amendment shall be approved by Sixty-Five Percent (65%) of the electors of the Town voting in an election called for the purpose of amending the T-1 Mobile Home Park Zoning District.

Notwithstanding the foregoing conditions for amendment of the T-1 Mobile Home Park Zoning District, this section shall not require the approval of the electors of the Town for the Town Commission to change the zoning classification of a parcel or parcels of real property located in the T-1 Mobile Home Park Zoning District to a classification other T-1 Mobile Home Park Zoning District when the request for change of the zoning classification has been submitted by the owner of the parcel or parcels of real property.

ARTICLE II. CORPORATE LIMIT

Section 2.01. Description of corporate limits.

The territorial boundaries of said Town of Pembroke Park shall be as follows:

[The territorial boundaries of the Town are on file in the Town Clerk's office.]

ARTICLE III. LEGISLATIVE

Section 3.01. Town commission, composition and term.

- (1) There shall be a town commission, with all the legislative powers of the town vested therein, consisting of five (5) members, one of whom shall be the mayor, who shall be electors of the town. Commencing with the election in March 2027, candidates shall qualify and run at-large for the offices of Mayor, Commissioner Seat 1 and Commission Seat 2, Commission Seat 3 and Commission Seat 4.
- (2) Any individual seeking election as the mayor or commissioner shall pay a filing fee and shall file with the Town Clerk a written notice of candidacy stating the position on the commission to which the individual seeks to be elected, in accordance with Section 3.07 of this Charter. Candidates for mayor and each commissioner shall be electors and residents of the town and shall have resided continuously within the town for at least one (1) year prior to qualifying as a candidate for office. All qualified voters of the town may cast one (1) vote for a candidate for mayor and one (1) vote for a candidate for election for each commission seat. The individuals receiving the highest number of votes for mayor and for each commission seat shall be duly elected to serve as a member of the town commission.

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- (3) *Term.* Commencing with the election in March 2027, the individual elected to serve as mayor, the individual elected to represent Commission Seat 1 and the individual elected to represent Commission Seat 2 shall be elected to a four (4) year term. In order to provide for staggered terms on the Town Commission, commencing with the election in March 2027, the individual elected to represent Commission Seat 3 and the individual elected to represent Commission Seat 4 shall be elected to a two (2) year term. Commencing with the election in March 2031, the term of office for all members of the Town Commission shall be four (4) years or until his/her successor shall be qualified and elected.

Section 3.02. Elections.

- (1) *General Municipal Elections.* General municipal elections shall be held on the first Tuesday following the first Monday in March, commencing with the year 2027, and every four (4) years thereafter.
- (2) *Special Elections.* Special town elections may be held to fill vacancies on the town commission, to submit to referendum proposed amendments to the Town Charter, bond proposals, initiative and referendum proposals and other issues requiring the expression of voter opinion; and to comply with the recall provisions of general law.
- (3) Except as otherwise provided by this charter, the provisions of the general and special election laws of the State of Florida and Broward County shall apply to elections held under the charter. All elections provided for by the charter shall be conducted in accordance with the Florida Election Code and by the election authorities established by law.
- (4) For the conduct of town elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the commission may adopt, by ordinance, other election regulations which it considers desirable, consistent with law and this charter.

Section 3.03. Oath of office.

Before entering upon the duties of their respective office, all elected officers shall each take and subscribe to the following oath: "I do solemnly swear or affirm that I am a registered voter and a resident in the Town of Pembroke Park, as shown by public records of Broward County, Florida. I further swear that I will support, protect and defend the Constitution and Government of the United States, and the Constitution of the State of Florida, and the charter and ordinances of the Town of Pembroke Park, and that I will well and faithfully perform the duties of my office of the said town upon which I am about to enter, so help me God."

Section 3.04. Mayor.

- (1) *Mayor.* The mayor shall be an elector of the town elected to a four (4) year term by the electors of the town. The mayor shall have equal voice and vote in the proceedings of the town commission, shall preside at commission meetings, shall be recognized as head of town government for all ceremonial purposes, by the Governor for purposes of military law, for service of process, signing of contracts, deeds and other documents except as otherwise provided, and as the town official designated to represent the town in all agreements with other governmental entities or certifications to other governmental entities as approved by the town commission; but shall have no administrative duties except as required to carry out the responsibilities herein.
- (2) *Mayoral Absence.* During the absence or disability of the mayor the vice mayor shall act as mayor. In case of the death, resignation or removal of the mayor, the vice mayor, shall serve as mayor until such time as the office shall be filled according to the provisions set forth in Section 3.08 for vacancies.

Section 3.05. Vice Mayor.

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The town commission, at the first regularly scheduled meeting in April of each year, shall elect, by majority vote a member of the commission to serve a vice mayor. The vice mayor shall have the privileges, powers and duties of the mayor in the mayor's absence or disability. A vacancy on the commission created by the death, resignation, removal or elevation of the vice mayor to mayor shall be filled in accordance with the provisions of Section 3.08 of this Town Charter.

Section 3.06. Compensation; expenses.

- (1) The town commission may determine any change in the monthly salary of the mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of commissioners elected at the next regular municipal election.
- (2) Any benefit plans to be provided to the mayor and commissioners shall first be established by ordinance, said ordinance to be effective immediately upon its passage and final adoption.
- (3) The mayor and commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 3.07. Filing fees and notice of candidacy.

Any candidate seeking election as a member of the town commission shall file with the town clerk a written notice of candidacy, stating the designated commission seat to which they seek to be elected, and a statement that the candidate will serve if elected. The filing of such notice shall be done pursuant to the same timeframes as candidates who qualify for county offices as provided in F.S. § 99.061(2). At the time of filing such notice, the candidate shall pay a non-refundable filing fee of twenty-five (\$25.00). Candidates shall also be required to pay the state election assessment as required by F.S. § 99.093.

Section 3.08. Vacancies, forfeitures of office, filling of vacancies.

- (1) *Vacancies.* The office of Mayor a Commission member shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the Commission.
- (2) *Forfeiture of office.* A member of the commission shall forfeit his/her office if said person, (a) lacks any qualifications for the office prescribed by this Charter or other applicable law including § 100.361, Florida Statutes, (1989) as may be amended from time to time; or (b) is convicted of a felony while in office, or (c) fails to attend four consecutive regular meetings of the Commission, unless such absences are each excused by motion setting forth the reason for the absence duly entered upon the minutes. A member charged with conduct constituting grounds for forfeiture of his/her office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing.
- (3) *Filling of vacancies.* Unless otherwise provided by law, if a vacancy occurs on the Town Commission, the remaining members of the Town Commission may, by majority vote, appoint a qualified individual to fill the vacancy on an interim basis. The Town Commission shall adopt a resolution setting forth the process of appointing an interim member of the Town Commission pursuant to this section.
 - (a) *Appointment.* If there are less than one hundred eighty (180) days before the next general municipal election, then the interim commission member appointed to fill the vacancy shall serve until the next general municipal election. If there are more than one hundred eighty (180) days before the next general municipal election, then the Town Commission shall conduct a special election to fill the vacancy. The special election shall take place as soon as practicable, but no more than one hundred

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eighty (180) days from the date that the vacancy occurred, subject to the concurrence of the Broward County Supervisor of Elections. The individual elected to fill the vacancy at either the next general municipal election or a special election called for that purpose shall only serve the remaining unexpired term of the Commission member whose position became vacant.

- (b) In the event of a vacancy in the position of Mayor, the Vice Mayor shall forthwith commence to serve as acting Mayor until the Mayor's position is filled pursuant to this section. When the Vice Mayor becomes acting Mayor, the remaining members of the Town Commission shall appoint a qualified individual to serve as interim Commissioner. Once the vacancy in the position of Mayor is filled, the Vice Mayor shall return to his or her seat on the commission and the individual appointed to serve as interim Commissioner shall be removed from office.
- (c) In the event of the death, resignation, or removal of the Vice Mayor, the commission shall, by majority vote, elect one (1) of the commissioners to serve the remaining balance of the Vice Mayor's term, and the vacancy on the commission shall be filled in accordance with this section.
- (4) *Extraordinary vacancies.* In the event that a majority of the members of the commission are removed by death, disability, law or forfeiture of office, the governor shall make interim commission appointments and the commission shall call a special election as provided in Subsection 3(a) above and such election shall be held in the same manner as the election held pursuant to the previous Town Charter.

Section 3.09. Prohibitions.

- (1) *Holding other office.* Except where authorized by law, no mayor or commissioner shall hold the position of town manager or any other town office, town employment, or other elected public office during the term for which said person was elected mayor or to the commission, and no former mayor or commissioner shall hold any compensated appointive town office or town employment until one (1) year after the expiration of the term for which said person was elected as mayor or to the commission.
- (2) *Oversight of administration.* Except for the purpose of inquiries and investigations, the commission or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the commission nor its members shall give orders to any such officer or employee, publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the commission from examining by question and personal observation all aspects of Town government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the commission and assure the implementation of such policies as have been adopted. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the regular municipal operations of the Town and that recommendations for change or improvement in Town government operations be made to and through the Town Manager.

Section 3.10. Procedure and meetings.

- (1) *Organization.* At the first regular meeting of the Town Commission following the receipt of certified election results from the Supervisor of Elections the newly-elected commissioners shall take the Oath of Office and assume the duties of their office.
- (2) *Regular.* The commission shall meet regularly at such times and places as shall be specified by resolution. The commission shall endeavor to meet no less than monthly; however, a majority of the commission may establish the commission's regular meeting schedule. All meetings, formal or informal, of the town commission, all committees and all boards, elective or appointive, administrative or advisory, shall be conducted in open session and the press and public shall be permitted to attend any of such meetings, except such private, executive sessions as may be permitted by law.

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- (3) *Special.* Special meetings may be held on the call of the mayor or of a majority of the members of the commission upon no less than forty-eight (48) hours' notice to each member, the town manager, town clerk, town attorney and the public.
 - (4) *Workshop.* In addition to regular and special meetings, the commission may decide to hold workshop meetings for information on, and discussion of, municipal and related matters, which meetings may be conducted like regular meetings except that no resolutions or ordinances may be adopted or other action taken at a workshop meeting. The quorum of the commission is not required for the holding of a workshop meeting.
 - (5) *Emergency.* Emergency meetings may be held on the call of the mayor or of a majority of the members of the commission, whenever there is a public emergency affecting life, health, property or the public peace, and whenever practicable, upon no less than four (4) hours' notice to each member and the public.
 - (6) *Rules and journal.* The commission shall determine its own rules and order of business and shall provide for keeping a written record or journal of its proceedings. In the absence of rules and procedures established by the town Commission, meetings of the commission shall be subject to Robert's Rules of Order, as may be amended from time to time.

Section 3.11. Initiative, referendum, recall.

Citizens of the town shall have the power to propose ordinances, excluding any which may extend to the budget or capital program or any ordinance relating to the appropriation of money, levy of taxes or salaries and/or terms and conditions of employment of town officers or employees, bond resolutions, bond ordinances, and to seek the removal of elected officials, and to adopt or reject such ordinances or removal of elected officials at a town election. Such proposals for initiative, referendum and recall shall be made in accordance with the provisions of F.S. Ch. 100, as same may be amended from time to time.

ARTICLE IV. ADMINISTRATION

Section 4.01. Town manager.

There shall be a town manager who shall be the chief administrative officer of the town, who shall serve at the will and pleasure of the town commission. The town commission shall, by ordinance, resolution, or employment contract, establish a job description for the office of town manager and shall provide standards for the work schedule and terms and conditions of employment of the town manager, which shall be consistent with the town manager's duties and responsibilities under the town charter and with the town manager's exempt status as a full-time, salaried, executive employee under the federal Fair Labor Standards Act.

- (1) *Appointment and removal.* The town manager shall be appointed or removed by motion or resolution adopted by at least a four-fifths (4/5) supermajority of the full commission.
- (2) *Qualifications.* The town manager shall have a combination of a Bachelor's degree in Public Administration, Business Administration, or other related fields from an accredited college or university and three (3) years' public administration experience; or ten (10) years' experience in public administration, with at least three (3) years' experience in a town manager or assistant town manager position, which is credentialed by the International City Management Association. For purposes of this section "other related field" shall mean the type of degree possessed by any department head who reports to the town manager, including, but not limited to a degree in engineering or public finance.
- (3) *Acting town manager.* By letter filed with the commission the town manager shall designate, subject to approval of the commission, a qualified town administrative officer to exercise the powers and perform the duties of manager during his/her temporary absence or disability. During such absence or

disability, the commission may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or their disability shall cease.

- (4) *Powers and duties.* The town manager shall be the chief administrative officer of the town. The manager shall be responsible to the commission for the administration of all town affairs placed in his or her charge by or under this charter. The manager shall have the following powers and duties:
- (a) The Town Manager is in charge of and responsible for overseeing the Town's compliance with including, but not limited to, all federal, state, county and local laws, statutes, ordinances, resolutions, policies and procedures.
 - (b) To see that the policies and directions of the Commission with respect to the administration and operation of the Town are followed.
 - (c) To attend all meetings of the Commission.
 - (d) To oversee the agenda for all meetings of the Commission including, but not limited to, special and workshop meetings.
 - (e) To keep the Commission fully advised as to the financial condition, management, governance and related needs of the Town.
 - (f) To recommend to the Commission for its consideration such measures as he or she may deem necessary, expedient or otherwise in the Town's best interests.
 - (g) The Town Manager is in charge of, responsible for, and accountable to the Town Commission for the day to day operations of all departments, and shall prepare a written monthly report to the Town Commission as to the operations of same.
 - (h) To perform research and prepare reports as may be assigned by the Commission.
 - (i) To conduct management and cost studies on Town activities and make recommendations for revision where necessary.
 - (j) To serve as the affirmative action program coordinator.
 - (k) To assist the Town staff and Town consultants in making application for Federal and State grants as directed by the Commission.
 - (l) To maintain liaison and communication with other local governments and other levels of government as directed by the Town Commission.
 - (m) To coordinate the activities of all department and division heads to ensure the efficient operation of the Town government as directed by the Commission.
 - (n) To keep the Town Commission fully advised as to the financial conditions and needs of the Town at such times and in such detail as necessary, but at a minimum on a monthly basis.
 - (o) The Town Manager shall prepare and submit an annual budget to the Town Commission for its consideration.
 - (p) To investigate and determine whether purchases of current supplies and contractual services are made in accordance with regulations prescribed by state law, Town charter and ordinance,

and whether competitive procurement procedures are maintained in a fair and impartial manner.

- (q) To hold such staff meetings and perform such other functions as are required to carry out the duties as outlined above.
- (r) To perform such other duties as may be required of him or her by ordinance, resolution, or other direction of the Commission.

Section 4.02. Town clerk; appointment and duties.

- (1) *Appointment.* The town manager shall appoint the town clerk when a vacancy exists.
- (2) *Duties.* The town clerk shall be the official custodian of the town 's seal and of all town records and papers of an official character; the town clerk shall give notice of commission meetings as provided by law; shall attend all meetings of the town commission; shall keep minutes of its proceedings, the correctness of which shall be approved by the commission and certified by the town clerk and the presiding officer at such meeting; sign all ordinances and resolutions and record them in full in books kept for such purposes, and shall perform such other duties as are required by law, this charter or the town manager.

Section 4.03. Town attorney

- (1) There shall be a Town Attorney of the Town, appointed or removed, by at least a four-fifths (4/5) supermajority affirmative vote of the Town Commission, who shall serve as chief legal advisor to the commission, the town manager and all town departments, office and agencies and who shall assure that the town is represented in all legal proceedings and perform any other duties prescribed by this Charter or by ordinance. The Town Attorney may be an individual employed in such capacity or a law firm retained for the purpose of representing the town as Town Attorney.
- (2) *Qualifications and Compensation:* The Town Attorney shall be a member in good standing of the Florida Bar with at least ten (10) years of experience and practice in the courts of the State of Florida. The Town Attorney shall receive such compensation as the Town Commission may fix by resolution. Neither the Town Attorney nor any of his or her assistants shall receive any compensation in connection with the performance of the duties of the office other than the amounts paid directly by the Town for services rendered to the Town. The Town Commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel.
- (3) *Duties:* The Town Attorney or his or her designee shall:
 - (a) To act as legal counsel and advisor to the Town Commission and Town Manager, as well as to Town departments, boards, and committees, and to provide legal opinions where warranted in the performance of such function.
 - (b) To prepare or review ordinances, resolutions, contracts, and other legal instruments, and to approve as to form and legal sufficiency.
 - (c) To file, prosecute or defend, for and on behalf of the Town, all complaints, suits, code violations, enforcement actions, offenses and controversies to which the Town is a party, or to which it is in the Town's interests to become a party, before any court or other tribunal; to file suit where expressly authorized by the Pembroke Park Code of Ordinances. The approval of the Town Commission shall be sought before filing suit, except where immediate action is warranted, in which case the Town

PART I - CHARTER
ARTICLE V. FINANCIAL PROCEDURES

Attorney, with the approval of the Town Manager, may act in the best interest of the Town, and will promptly notify the Town Commission of such legal action.

- (d) To file amicus curiae briefs or intervene in actions already pending on behalf of the Town where the Town Attorney determines that the Town has an interest in such proceedings and where such action is warranted to protect the Town's interests.
- (e) To represent or provide for the representation of Town officers and employees where required by law or where otherwise appropriate, and where such officers and employees are sued based on actions taken in their official capacities. This authority does not limit any right to indemnification as established elsewhere in this Code.
- (f) To settle disputes and sign settlement agreements on behalf of the Town consistent with settlement authority as designated by applicable law or by resolution of the Town Commission unless such authority is provided to the Town Manager or another Town officer under the Town Charter, this Code, or zoning code.
- (g) To attend and speak at meetings of the Town Commission or any Town board.
- (h) To interpret the Town Charter, this Code, and zoning code on behalf of the Town.
- (i) To renumber or make corrections to ordinances, resolutions, this Code and the zoning code where appropriate to address scrivener's and typographical errors, to delete provisions that have been superseded or preempted by applicable law, and to improve the format by moving provisions within and between the ordinances, resolutions and code.
- (j) To issue cease and desist letters in accordance with the provision of this Code relating to cease and desist letters.
- (k) To act as parliamentarian and to make rulings on matter of parliamentary law.
- (l) To prosecute municipal ordinance violations, to coordinate with prosecutorial entities, and to name a Town Prosecutor to carry out those functions.
- (m) To exercise all other authority granted to the Town Attorney in the Town Charter, this Code, and zoning code.

Section 4.04. Commission Auditor

The Town Commission shall appoint or retain, by an affirmative vote of at least four-fifths (4/5) of the full Commission, a charter officer of the Town who shall have the title of Commission Auditor. The Commission Auditor shall serve at the pleasure of the Commission. The Commission Auditor shall submit an Annual Audit Plan at the beginning of each fiscal year which shall be adopted by a majority vote of the Town Commission and which may be amended from time to time by a majority vote of the Town Commission. The Commission Auditor shall, from time to time, perform independent and objective audits or reviews of financial, compliance and operational activities of the Town and the Town's contractors, licensees and franchisees. Audits or reviews performed by the Commission Auditor shall analyze and evaluate financial management systems and operational controls and procedures of the Town to develop recommended policies and procedures. The Commission Auditor shall also respond to questions by the Town Commission or the Town Manager and perform such other duties as may be

PART I - CHARTER
ARTICLE V. FINANCIAL PROCEDURES

imposed or required by ordinance, resolution or direction of a majority of the Town Commission. In furtherance of their duties and responsibilities under this section, the Commission Auditor shall have unrestricted access to the Town's records and staff. Nothing contained in this section shall adversely impact the position of the Town Manager, as set forth in Section 4.01 of the Town Charter.

ARTICLE V. FINANCIAL PROCEDURES

Section 5.01. Fiscal year.

The fiscal year shall begin annually on the first day of October and shall end on the last day of September. Unless the fiscal year is changed by general law at which time the town 's fiscal year will change to reflect conformance with general law.

Section 5.02. Submission of budget and message.

The manager shall, on or before July 30 of each year, submit to the commission a budget for the ensuing fiscal year, together with a message, which shall outline proposed financial policies; describe important features of the budget; explain any major changes from the current year in financial policies, expenditures and revenues; summarize the town 's current and overall financial and debt position and include such other material as he deems desirable, and as the commission or Charter may require.

Section 5.03. Form and content of budget.

- (1) The general fund budget shall be presented on an accrual basis for expenditures and on a modified accrual basis for revenues, and shall provide a complete financial plan of all funds and activities for the ensuing fiscal year, and shall contain such details and be in such form as may be required by law and by the commission. Also, it shall show comparative figures of expenditures and revenues for the current and past fiscal year detailed to show the increase and decrease in dollars. The total of estimated expenditures shall not exceed the total of estimated revenue and appropriated fund balance.
- (2) No more than five (5) percent of expenditures of the general fund budget may be included in the budget for contingencies that may not have been included or which may have been underestimated in the proposed expenditures. This figure does not include unappropriated surplus.
- (3) The town shall adopt formal budgets for all other funds when it deems such budgeting to be consistent with generally accepted accounting principles or when required by law.

Section 5.04. Capital program.

The Town of Pembroke Park shall prepare and maintain a capital program pursuant to F.S. Ch. 163, the "Local Government Comprehensive Planning and Land Development Regulation Act."

Section 5.05. Commission action on budget.

The town commission is hereby required to comply with State law in the preparation of and the adoption of the annual budget. Specifically, the commission is to follow all requirements set forth in Chapters 200, "Determination of millage", and 218, "Financial matters pertaining to political subdivisions."

Section 5.06. Public records.

Copies of the budget and the capital program as adopted shall be public records, and shall be made available to the public in accordance with State law.

Section 5.07. Deposit and investment of town funds.

- (1) *Town depositories.* The commission shall, from time to time, in its discretion, designate banks or trust companies as town depositories. The commission may, as provided by law, establish rules and regulations governing the deposits, withdrawals of funds, security to be deposited by the depository and other safeguards.
- (2) *Deposit of town funds.* All fees and monies collected and received by officers and employees shall on the date of receipt be given to an appropriate town officer for deposit in the town depositories no later than the next working day.
- (3) *Investment of town funds.* Any town funds on deposit not currently needed for public purposes, shall be invested in instruments or institutions as authorized by Florida Statutes.

Section 5.08. Signatures to bonds and checks issued by the town.

All bonds and checks which are issued by the town shall be signed by the mayor and town manager, or as may be determined by ordinance.

Section 5.09. Independent audit of town accounts.

The town commission shall provide for an independent annual audit of all town accounts, as required by F.S. § 218.39, as amended, and may provide for more frequent or special purpose audits as the town commission deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of town 's officers. No certified public accountant or partner at a firm of such accountants who is responsible for the town's audit shall participate in the town's audit if that individual has performed audit services for the town in each of the five (5) previous fiscal years. The certified public accountant or firm of such accountants shall report directly to and communicate directly with the town commission. Upon completion, such independent audits shall be furnished directly to the town commission. The town commission may by resolution provide further requirements for an independent audit.

Section 5.10. Appropriation amendments.

- (1) The town manager shall report promptly to the town commission concerning the probability of funds in excess of appropriations or the probability of funds insufficient to cover appropriations, together with recommendations for suitable action.

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- (2) The commission may utilize excess funds for supplemental appropriations or transfer such funds to the general account.
 - (3) With regard to deficits, the commission shall take action as empowered by law, including but not limited to reduction in staff and/or services, deferment or abandonment of capital projects, borrowing of adequate funds or amendment of the budget.
 - (4) The town manager may transfer funds within a department, and with the approval of the commission, may transfer funds between departments, as is permitted by law.

Section 5.13. Requirements for public bidding, Contracts.

- (1) The town commission shall adopt an ordinance establishing a procurement code for the Town of Pembroke Park. When public competitive bidding is required, the commission shall award the contract to the lowest fully responsive and responsible bidder; provided, however, that the commissions shall have the right to reject all bids received. The commission may require bidders to provide a legally binding, faithful performance bond.
- (2) Contracts for the services of professionals, including but not limited to architects, engineers and attorneys, may, with the approval of the commission, be entered into without public competitive bidding. Qualifications, work history, and other relevant data shall be reviewed before entering into such contracts.
- (3) All contracts to which the town is a party shall be subject to review and approval by the town attorney prior to execution by the Town.

Section 5.14. Bonds and municipal borrowing; referendum required

The Town of Pembroke may borrow money, contract loans and issue bonds payable from ad valorem taxes and maturing more than twelve months after issue only to finance or refinance capital projects authorized by law and only when approved by a vote of the electors of the town. The town shall have full power and authority to issue municipal bonds or to borrow funds for municipal purposes to the extent authorized by and subject to the limitations provided in the Constitution of the State of Florida, the Municipal Home Rule Law, other applicable statutes and this charter.

Section 5.15. Franchises.

- (1) Granting franchises: The commission may, by ordinance, grant a non-exclusive franchise to any individual, company, firm, or corporation to exercise public functions in the town and to construct and operate any and all public utilities in the town and in, under, or over the streets and public places of the town, and to use such public property in connection therewith; but no franchise or renewal thereof shall be for a longer period than forty (40) years. All franchises or rights to extend the services of any public utility shall be subject to such terms and conditions as the commission shall impose.
- (2) Rates and conditions of franchises: The commission shall set forth in detail the consideration for such franchise, the rates, kind and quality of use, service or product to be furnished, the manner in which public streets and public places shall be used and occupied, and such other terms and conditions as are required by law.

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- (3) No franchise, or renewals thereof, shall be leased, assigned or otherwise alienated, except with the consent of the commission expressed by ordinance, and evidenced by a formal instrument and consent to same, recorded in the Public Records of Broward County.
- (4) Franchises subject to regulation by the town: All franchises shall be subject to town control at all times in respect to the use in, over, across, or under all streets, alleys, public grounds or other public places, occupied by public utility fixtures, and when, in the opinion of the commission, the public interest so requires, it may cause such fixtures to be reconstructed, relocated, altered or discontinued at the expense of the holder of the franchise; and the town shall at all times have the power to enact all regulatory ordinances affecting utilities which in the opinion of the commission are required in the interest of public health, safety or welfare.

ARTICLE VI. OFFICIAL CONDUCT

Section 6.01. Standards of ethics.

All elected officials and employees of the town shall be subject to the standards of conduct for public officers and employees set by general law.

ARTICLE VII. CHARTER AMENDMENTS

Section 7.01. Amendments.

The commission and/or the electors of the town may propose amendments to this charter in accordance with F.S. § 166.031.

Section 7.02. Charter Review Board.

For the purpose of assuring the regular review and update of this Charter, commencing in 2030 and every six (6) years thereafter, the town commission shall appoint a Charter Review Board consisting of five (5) members, who are qualified to serve on an advisory board pursuant to applicable provisions of this charter and the town code. The mayor and commissioners shall each select one (a) members. The members of the board shall review the town charter, as set forth in the scope of work determined by the town commission in the resolution appointing such members. The board shall submit to the town commission within twelve (12) months of their appointment such alterations, revisions, and amendments, if any, to the charter, as in its judgment are desirable. The town commission, in its sole and exclusive discretion, may permit the board an extension of six (6) months' time if the commission determines that the scope of work will require additional time.

The town commission shall have the sole and exclusive discretion to determine which recommendations, if any, for alterations, revisions or amendments made by the board shall be presented to the electors of the Town of Pembroke Park for consideration.

The town commission may appoint a Charter Review Board as set forth above at any time it determines that there is a need to make such an appointment.

ARTICLE VIII. TRANSITION SCHEDULE

Section 8.01. Continuation of former charter provisions.

All provisions of Chapter 59-1722, Laws of Florida, and any amendments or additions thereto as amended by special law or otherwise, which are not embraced herein and which are not inconsistent with this charter, shall become ordinances of the town, subject to modification or repeal in the same manner as other ordinances of the town in accordance with general law.

Section 8.02. Ordinances preserved.

All ordinances and resolutions in effect upon the adoption of this charter, to the extent not inconsistent with it, shall remain in force until repealed or amended.

Section 8.03. Rights of officers and employees.

Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of adoption.

Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected and take office.

Town employees at the time this charter takes effect who were serving in the same or comparable position at the time of its adoption shall not be subjected to competitive tests as a condition of continued employment in the same positions, but all town employees in all other respects shall be subject to the personnel policies of the town, and such ordinances as may be adopted by the town commission.

Section 8.04. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the town shall continue except as modified pursuant to the provisions of this charter.

Section 8.05. Severability clause.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

ORDINANCE NO. 2024-004

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF PEMBROKE PARK AT SECTION 9, ENTITLED “TOWN COMMISSION;” PROVIDING FOR THE ELIMINATION OF COMMISSION DISTRICTS AND THE ELECTION OF FIVE (5) AT-LARGE COMMISSION MEMBERS; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF PEMBROKE PARK, ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Pembroke Park, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Commission of the Town of Pembroke Park, Florida, in an ordinance format; and

WHEREAS, after careful deliberation and the consideration of public input, the Town Commission seeks to propose an amendment to the Charter providing for the elimination of single-member commission districts and the election of five (5) at-large commission members; and

WHEREAS, the Town Commission has held a public hearing in accordance with Florida law; and

WHEREAS, the Town Commission deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, 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 Ordinance upon adoption hereof.

Section 2. Section 9, entitled "Town Commission," of the Charter of the Town of Pembroke Park, shall be revised as set forth in Exhibit "A," attached hereto and incorporated herein.

Section 3. The Ballot Title shall be as follows:

ELIMINATION OF SINGLE-MEMBER COMMISSION DISTRICTS AND THE
ELECTION OF AT-LARGE COMMISSION MEMBERS

Section 4. At the General Municipal Election on November 5, 2024, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Pembroke Park, Florida, and shall read as follows:

The Pembroke Park Charter currently provides for five (5) commission members elected from five (5) separate geographic districts within the Town. Shall the Town Charter be amended to provide for the elimination of single-member commission districts and the election of five (5) commission members elected at-large by the electors of the entire town?

This proposed Charter amendment will have no financial impact to the Town.

YES ☐ NO ☐

Section 5. **Advertisement.** The Town Clerk of the Town of Pembroke Park is hereby authorized and directed to advertise the referendum election contemplated herein all in

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accordance with the Code of Ordinances of the Town of Pembroke Park, Florida, as well as the State of Florida Election Code.

Section 6. **Codification.** It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 7. **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 9. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED on First Reading this ____ day of _____, 2024.

**PASSED AND FINAL ADOPTION on Second Reading this __ day of _____,
2024.**

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existing law; words in underlined type are additions

ASHIRA MOHAMMED
Mayor

ATTEST:

MARLEN MARTELL
Town Clerk

Approved As To Legal Form:

JACOB G. HOROWITZ
Town Attorney

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EXHIBIT “A”

CHARTER AMENDMENT

Sec. 9. – Town Commission.

Election of Commissioners: The government of the Town of Pembroke Park shall be vested in a Commission consisting of five (5) members elected at-large by the electors of the Town. Commencing with the election in March 2027, candidates shall qualify and run at large for the offices of Commission Seat 1, Commission Seat 2, Commission Seat 3, Commission Seat 4 and Commission Seat 5. Candidates shall identify the position on the commission that they are seeking to fill at the time of qualifying. Any individual seeking election as a Commissioner shall file with the Town Clerk a written notice of candidacy for Town Commission. The individual must reside within the geographic boundaries of Town. All qualified voters of the Town may cast one vote for a candidate for election for each commission seat. The individuals receiving the highest number of votes cast for each seat shall be duly elected to the office of Commissioner. The term of office for Commissioner so elected shall be for four (4) years or until his or her successor shall be elected and qualified. Regular elections under this Charter shall be held on the first Tuesday following the first Monday in March, commencing with the year 2003, and every four (4) years thereafter.

The Commission shall be composed of a Mayor-Commissioner, Vice-Mayor Commissioner, Clerk-Commissioner, and two (2) other Commissioners. At the first regular meeting of the Commission following every election as herein provided, the Commission shall, by Resolution, appoint one of its members as and to be Mayor of said municipality and another of its members as and to be Vice-Mayor of said municipality, and another of its members as and to be Clerk-Commissioner of said municipality.

Qualifications of Commissioners: To be eligible to hold the office of Commissioner of the Town of Pembroke Park or to qualify as a candidate for Commissioner of the Town of Pembroke Park, a person shall be a permanent resident of the Town of Pembroke Park for more than one (1) year prior to the date of the election, a registered voter of Broward County, Florida, a citizen of the State of Florida and of the United States of America, and shall be over the age of eighteen (18) years. Candidates for nomination to the office of Commissioner shall comply with all rules and regulations set out in the Charter as to their conduct. Any Commissioner who shall cease to possess the qualifications required herein shall forfeit his or her office.

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Qualifications of Electors: Electors, in order to participate in municipal elections of the Town of Pembroke Park, shall be registered voters of Broward County, Florida, residing within the territorial limits of the Town of Pembroke Park.

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