

2.11 ESTABLISHING THE CITY COUNCIL MEETING AGENDA

The City Manager shall establish a preliminary City Council meeting agenda based on the policy direction of the Mayor and City Council and specific items of business that require action by the City Council. The City Manager shall review the preliminary agenda with the Mayor's Committee prior to finalizing the final meeting agenda. If an individual Councilmember wants to place an item on the City Council meeting agenda, a written request may be made to the Mayor accompanied by the written support by at least one other Councilmember for the placement of that item on the agenda. The item requested by the Councilmember shall be placed on a City Council agenda within sixty (60) days after the date of such written request.

3. ORDER OF BUSINESS

3.1 GENERAL ORDER

City Council meetings will be generally conducted in the following order, unless otherwise specified. An Executive Session may be held at any time during a workshop, regular or special called meeting consistent with applicable State law.

WORKSHOP AGENDA

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT
QUESTIONS ON CURRENT AGENDA
ITEMS OF INTEREST
ADJOURN TO REGULAR MEETING

REGULAR MEETING AGENDA

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT
PLEDGE OF ALLEGIANCE
PUBLIC RECOGNITION/CITIZENS' COMMENTS
CONSENT AGENDA/APPROVAL OF MINUTES
REGULAR AGENDA
OTHER BUSINESS
EXECUTIVE SESSION (*AS NEEDED*)
ADJOURNMENT

3.2 NUMBERING AND INDEXING OF AGENDA ITEMS

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

3.3 PUBLIC RECOGNITION

All special presentations and announcements will be calendared and coordinated through the City Secretary. A period of time, not to exceed fifteen minutes at each City Council meeting, will be set aside for public recognition.

3.4 CONSENT AGENDA

The Consent Agenda shall contain routine, non-controversial items that require City Council action but need little or no further City Council deliberation.

Agenda items may be removed from the Consent Agenda at the request of a Councilmember or City staff and will be considered after approval of the entire Consent Agenda without the item requested to be removed and the requested item removed from the consent agenda then considered for a separate vote of the City Council.

3.5 ITEMS OF COMMUNITY INTEREST / COMMUNICATIONS

Members of the City Council have the opportunity to briefly comment and notify others of items community interests including; expressions of thanks, congratulations or condolences; holiday schedule information; an honorary or salutary recognition of a public official, public employee, or other citizen; information about a City organized or sponsored event or other social, ceremonial, or community event; announcements involving an imminent threat to the public health and safety of the citizens that has arisen after the posting of the agenda.

3.6 STANDARD ADJOURNMENT

The City Council establishes 11:30 p.m. as the hour of adjournment and will not continue beyond that time without a majority vote of the City Council. To assist in making the determination to continue an item under consideration, the City Council should find that discussion, deliberation and action on the item could be concluded by 12:00 midnight. If agenda items remain after the 11:30 p.m. adjournment, a special meeting may be scheduled, or the items deferred until the next regular meeting. Deferred items will appear first on the regular agenda of the next meeting.

4. RULES OF CONDUCT

4.1 GENERAL PROCEDURE

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council.

4.2 AUTHORITY OF THE CHAIR

Subject to appeal to the full City Council, the Mayor shall have the authority to prevent the misuse of motions, the abuse of any privilege, or the obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

Any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.

4.3 MAYOR TO FACILITATE COUNCIL MEETINGS

In the role of facilitator, the Mayor will assist the City Council in focusing agenda discussions and deliberations.

4.4 COUNCIL DELIBERATION AND ORDER OF SPEAKERS

The Mayor has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

4.5 LIMIT DELIBERATIONS TO ITEM AT HAND

Councilmembers will limit their comments to the subject matter, time or motion being currently considered by the City Council.

4.6 LENGTH OF COUNCIL COMMENTS

Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will advise a Councilmember who has been speaking for over five minutes. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers in their efforts to communicate concisely.

4.7 OBTAINING THE FLOOR

Any member of the City Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.

4.8 MOTIONS

Motions may be made by any member of the City Council, including the Mayor or the then presiding officer, provided that before the Mayor or the then presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the City Council. Any member of the City Council, other than the person offering the motion, may second a motion.

4.9 PROCEDURES FOR MOTIONS

The following is the general procedure for making motions:

- a. Before a motion can be considered or debated it must be seconded.
- b. A Councilmember who wishes to make a motion should do so through a verbal request to the Mayor.
- c. A Councilmember who wishes to second a motion should do so through a verbal request to the Mayor.
- d. Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor.

- e. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Councilmembers may be allowed to explain their vote.
- f. The following motions are as examples of possible motions. Councilmembers may word motions in any common manner provided such motions and intended action is clear. The Mayor or then presiding officer will confirm that each of the Councilmembers understand the motion prior to calling for a vote on the motion.
- g. When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

MOTION TO APPROVE OR DENY

A motion to approve or deny is a proposal to take a specific action. The maker of the motion may state “I make a motion to approve /deny Agenda Item #” or may state the recommended motion (under state law, certain motions require specific language in which case staff will provide the specific motion in the packet that the specific language must be used), or such person may state the agenda caption although it is not necessary.

MOTION TO APPROVE WITH AMENDMENTS

A motion to approve a specific action may include amendments recommended by a board, city attorney, another Councilmember, or staff. The maker of the motion may state “I make a motion to approve Agenda Item # with the following amendment(s)...” or state recommended motion or the agenda caption with the amendment included.

MOTION FOR RECONSIDERATION

A motion for reconsideration indicates a councilmember wants the City Council to reconsider a prior action of the City Council and if successful, for the City Council to consider taking different action. A motion to reconsider may be made at the same meeting or at the next succeeding meeting following the relevant City Council action, provided the reconsideration request complies with the requirements of the Texas Open Meetings Act and applicable law. If the motion to reconsider a prior action is not made at the same meeting such motion and the related agenda item must be posted on the agenda for the meeting at which the motion is to be reconsidered. The maker of the motion may state: “I make a motion to reconsider Agenda Item #” or may state the full agenda caption. If that motion fails, then the matter is not finally concluded. If the motion to reconsider passes, then a motion is then made for the different action.

A motion for reconsideration may only be made by a Councilmember who voted with the majority of the City Council on the action proposed to be reconsidered by the City Council. Any member of the City Council may second a motion for reconsideration.

MOTION TO ADJOURN

A motion to adjourn is to end a meeting. The maker of the motion may state “I make a motion to adjourn the meeting.”

WITHDRAWAL OF MOTION

A withdrawal of motion indicates a motion may be withdrawn or modified by the Councilmember who originally made the motion at any time prior to its passage. If a motion is withdrawn the Councilmember who originally made the motion, or another Councilmember may then make motion to be seconded by another Councilmember.

MOTION TO SET ASIDE STANDARD ADJOURNMENT

A motion to set aside the standard adjournment time of 11:30 p.m. allows the City Council to finish the agenda items before midnight. The maker of the motion may state: “I make a motion to set aside the standard adjournment time to complete business before City Council by midnight.”

MOTION TO CONTINUE A PUBLIC HEARING

The City Council may continue a public hearing to a date time certain unless state law provides otherwise. The maker of the motion may state “I make a motion to continue the public hearing to xxx date at xxx time”. This motion will avoid the City of paying the cost of having to re-advertise or publish notice of the public hearing in the newspaper.

MOTION TO REFER OR POSTPONE

The City Council may not be able to complete its discussion of an agenda item, may require the City staff to provide further information or require the matter to be reconsidered by the planning and zoning commission or other applicable board. In such event the City Council may postpone consideration of the agenda item to a date time certain or subsequent council meeting (or for example until such time as City staff can provide the requested information) or refer the matter back to the planning and zoning commission or other applicable board to reconsider the agenda item.

4.10 VOTING

Abstention

- a. If a Councilmember abstains because of a legal conflict of interest, such member is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present.”
- b. When the Mayor or a Councilmember abstains because of a legal conflict of interest, the Mayor or such Councilmember must file an affidavit with the City Secretary stating the nature and extent of the conflict before the agenda item is announced by the Mayor. The Mayor or City Secretary shall briefly state, on the record, the nature of the conflict of the Councilmember. State law requires the inclusion of this information in the public record. A Councilmember with a legal conflict of interest shall excuse themselves from the dais

for that portion of the Council meeting and may return once the Council has completed action on the agenda item.

Tie Votes

A tie vote results in a lost motion. In such an instance, any member of the City Council may offer a motion for further action. If there is not an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

Charter or Statute Voting Requirements

Some actions taken by the City Council require more than a simple majority vote of the Councilmembers present for approval as may be required by either the Charter or State statutes.

a. Charter Amendment – Two-thirds Vote

An Ordinance submitting a proposed Charter amendment must be adopted by a two-thirds vote of the entire City Council.

[Texas Local Government Code, Article XI, Section 5, Texas Constitution, Section 9.002(a)]

b. Protested Changes in Zoning Ordinance – Three-fourths Vote

If a proposed change to a zoning regulation or boundary is protested by owners of twenty percent or more of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet there from in accordance with Chapter 211 of the Texas Local Government Code, as amended, the affirmative vote of at least three-fourths of the entire City Council is required for the proposed change to take effect

An affirmative vote of at least three-fourths of the entire City Council is required to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a zoning be denied.

(Texas Local Government Code, Section 211.006(d); Allen Land Development Code)

If a Councilmember has abstained because of a legal conflict of interest and, filed the required affidavit, the number of the members of full City Council is reduced by the number of such conflicted Councilmembers.

4.11 NON-OBSERVANCE OF RULE

Rules adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

5. PUBLIC HEARINGS

5.1 GENERAL PROCEDURE

The City Council procedure for the conduct of Public Hearings is generally as follows:

- a. Staff presents its report.
- b. Councilmembers may ask questions of staff.
- c. The applicant or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called upon first to provide comments or testimony. The applicant or appellant shall have a total of fifteen minutes for a presentation when recognized by the Mayor or presiding officer. The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.
- d. Councilmembers may ask questions of the applicant and/or appellant.
- e. The Mayor opens the Public Hearing.
- f. Members of the public are provided with the opportunity to ask questions or make comments relevant to the matter being heard. All individuals addressing the Council shall state their name and address for the record.
- g. The Mayor closes the Public Hearing.
- h. The City Council deliberates on the issue.
- i. If the City Council raises new issues through deliberation and seeks to take additional public testimony, the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
- j. The City Council deliberates and takes action.
- k. The Mayor announces the final decision of the City Council.

5.2 CONTINUANCE OF HEARINGS

Any Public Hearing being held by the City Council may by motion, be continued to a subsequent meeting date and time certain.

5.3 PUBLIC DISCUSSION AT HEARINGS

When a matter for Public Hearing comes before the City Council, the Mayor will open the Public Hearing. Upon opening the Public Hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter. A Public hearing no matter what the subject matter is not a question-and-answer period. Speakers must address their comments to

the City Council. Councilmembers should not address members of the public (other than the applicant or the applicant's representative) during a public hearing. After all members of the public who requested to speak have spoken, the City staff, Mayor or Councilmembers may respond to any questions or issues raised by members of the public.

a. ***Public Member Request to Speak***

Any person wishing to speak at a Public Hearing scheduled on the agenda shall complete a Public Meeting Appearance Card prior to the matter being reached and present it to the City Secretary. Upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. All persons wishing to speak on the matter shall be limited to three minutes each and there shall be a cumulative limit of sixty minutes for all those speaking in favor of an item and a like limit for those speaking in opposition. The time limit may be extended by the Mayor or by a majority vote of the City Council.

b. ***Time Limits***

The Mayor, with the concurrence of the City Council, may extend or limit any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

c. ***Materials for Public Record***

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Secretary's Office as part of the record of the hearing, in accordance with the requirements of State law.

d. ***Germane Comments***

During the Public Hearing, no person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor but may be appealed to the City Council.

5.4 COMMUNICATIONS AND PETITIONS

Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor or City Secretary. A reading in full shall take place if requested by any member of the City Council.

6. ADDRESSING THE CITY COUNCIL

6.1 STAFF PRESENTATIONS

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council.

6.2 ORAL PRESENTATIONS BY MEMBERS OF THE PUBLIC

The following procedures will guide oral presentations by members of the public at City Council meetings:

- a. Prior to the meeting or during the meeting prior to a matter being reached, persons wishing to address the City Council should complete a Public Meeting Appearance Card and present it to the City Secretary.
- b. When called upon, the person should come to the podium state such person's name and address for the record, and, if speaking for an organization or other group, identify the group represented.
- c. All remarks should be addressed to the City Council as a whole, not to individual members.
- d. Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.

6.3 CITIZENS' COMMENTS; AND RIGHT TO SPEAK

Citizens Comments. This portion of the City Council meeting is set aside for members of the public to address the City Council on any item of business that is not formally scheduled on the agenda or scheduled as a Public Hearing. Members of the public should complete a Public Meeting Appearance Card prior to the commencement of the meeting and present it to the City Secretary.

a. *Timing*

Citizens' Comments are generally permitted at the beginning of the regular City Council meeting, as specified on the agenda. Presentations shall be limited to three minutes each, but may be extended for an additional two minutes with approval of the Mayor or by a majority of the City Council. Citizens' Comments shall be limited to a cumulative total not to exceed fifteen minutes for all speakers.

b. *City Business*

Presentations under Citizens' Comments are limited to items within the subject matter jurisdiction of the City.

c. *No Council Deliberations*

In compliance with the Texas Open Meetings Act, the City Council may not deliberate or vote on any matter raised in Citizens' Comments, except for the purpose of determining whether such matter should be placed on a future City Council agenda. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the full City Council, the public at large and to the citizen making the comment.

Right to Speak. Texas Government Code Section 551.007 requires the City Council to allow a citizen to address the City Council prior to the City Council taking action on an item listed on the

meeting agenda for action. The right of the public to speak does not include items on the agenda for a workshop or discussion items listed on the meeting agenda. A person who wants to speak and address the City Council regarding an item listed on the agenda for action shall complete a Public Meeting Appearance Card prior to the commencement of the meeting and present it to the City Secretary. The citizen may either speak during the Citizen Comments portion of the meeting or when the item is reached on the agenda after being recognized by the Mayor or presiding officer.

6.4 POWERPOINT PRESENTATIONS

Members of the public may present a PowerPoint software presentation to the City Council utilizing the City's audio/visual equipment.

- a. All PowerPoint presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.
- b. All PowerPoint presentations must be submitted to the City Secretary already formatted in PowerPoint no later than 5:00 p.m. the day before the City Council meeting via email or flash drive.
- c. Any files or flash drives submitted believed to contain viruses or are unable to be scanned for viruses by City equipment will not be permitted.
- d. If compatibility or viruses are at issue, a member of the public may provide a printed hard copy of the PowerPoint presentation to be projected onto the screen via a visual projector during the presentation or may make the PowerPoint presentation on their own equipment.

6.5 PUBLIC MEETING APPEARANCE CARDS

Public Meeting Appearance Cards may be used by members of the public who do not wish to or cannot verbally address the City Council during a meeting. A person may indicate such person's comments and support or opposition for an agenda item on a Public Meeting Appearance Card. During the public hearing regarding the item or prior to taking action on an item on the agenda, the Mayor will indicate that the City Council has received written comments from (name of persons) in support of the project or issue and from (name of persons) in opposition. The minutes will reflect the City Council's receipt of written comments in support or opposition of the project or issue.

6.6 REPETITIOUS COMMENTS PROHIBITED

- a. A speaker shall not present the same or substantially the same items or arguments to the Council repeatedly or be repetitious in presenting their oral comments. Nothing in the foregoing precludes submission of comments to the City Council in writing, for such action or non-action as the Council, in its discretion, may deem appropriate.
- b. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the Council on the same subject matter, those individuals are encouraged to designate a spokesperson to address the City Council. With the consent of the City Council, the Mayor may extend the time allocation for a designated spokesperson.

6.7 WAIVER OF RULES

Any of the foregoing rules may be waived or suspended by a majority vote of the Councilmembers present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

6.8 NON-EXCLUSIVE RULES

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

7. COUNCILMEMBER ADMINISTRATIVE SUPPORT

7.1 MAIL

All general mail will be opened and date stamped and distributed to individual Councilmembers.

a. *Letters Addressed to the Mayor and City Council*

All letters addressed to the Mayor and City Council requiring a response from staff will be copied to all Councilmembers with a note as to which staff person will be preparing a response for the Mayor's signature. A copy of the response, along with the original letter, will be provided to each Councilmember.

Letters addressed to the Mayor and City Council that do not require a response but provide information on City Council agenda items or like matters are copied to the full City Council.

b. *Letters Addressed to Individual Councilmembers*

All letters addressed to individual Councilmembers requiring a response from staff are copied to all Councilmembers with a note as to which staff person will be preparing a response for the addressee's signature. Copies of the responses, along with the original letters, are provided to the full City Council.

Letters addressed to individual Councilmembers that do not require a response from staff but provide information on City Council matters are copied to the full City Council.

Cards and other Councilmember mail marked "personal" will not be opened and will not be copied to the full City Council.

7.2 CITY COUNCIL CORRESPONDENCE

All Councilmember correspondence prepared with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full City Council, not individual Councilmember's positions.

Personal Correspondence

City Councilmembers will be provided individual stationery and envelopes to use for official communications reflecting their individual position as a Councilmember.

7.3 CLERICAL SUPPORT

The City Secretary's Office will coordinate the typing of correspondence requested by individual Councilmembers. All correspondence typed for Councilmembers will be on City letterhead and will reflect the position of the full City Council and will be copied to the full City Council.

7.4 MASTER CALENDAR

A master calendar of City Council events, functions or meetings will be maintained by the City Secretary's Office and provided to the full City Council.

Functions, events or meetings to be attended by individual Councilmembers will only be included on the master calendar at the request of individual Councilmembers.

7.5 REQUESTS FOR RESEARCH OR INFORMATION

Councilmembers may request information or research from staff on a given topic through the City Manager. Requests for policy direction will be brought to the full City Council at a regular meeting for consideration. All written products will be copied to the full City Council. The City Manager will determine if extensive staff time and resources are required to accomplish the request. If so, the City Manager may present that request to the full City Council prior to proceeding. Councilmembers may similarly request information from the City Attorney, City Secretary and Municipal Judge. If significant resources are required, the City Attorney, City Secretary or Municipal Judge will ask the City Manager to place the request on a City Council agenda for approval prior to any action.

7.6 CITY COUNCIL NOTIFICATION OF SIGNIFICANT INCIDENTS

In conjunction with the City's public safety departments and the Public and Media Relations Director, the City Manager's Office will coordinate the notification to the City Council of major crime, fire or other disasters or incidents.

8. PROCEDURES ADMINISTRATION

8.1 BIENNIAL REVIEW OF CITY COUNCIL PROCEDURES

The City Council will review and revise the City Council Rules of Order and Procedure as needed, and at a minimum, every two years.

8.2 ADHERENCE TO PROCEDURES

During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's adopted procedures.

8.3 CITY ATTORNEY AS PROCEDURE ADVISOR

The City Attorney assists the Mayor and City Council as a resource and as an advisor for interpreting the City Council's adopted rules and procedures.

8.4 APPLICABILITY OF PROCEDURES

The City Council Rules of Order and Procedures shall also apply to the City Council when sitting as other entities or agencies. The role of Mayor and Mayor Pro Tem shall be interchangeable with the Chair and Vice Chair, or President and Vice President when sitting as another entity.

AGENDA ITEM REPORT



To: Town Commission
Subject: Commission Chambers Renovation
Meeting: 05 24 2023 DRAFT AGENDA WORKSHOP COMMISSION MEETING - May 24 2023
Department: Clerk
Staff Contact: Marlen Martell, Town Clerk

BACKGROUND INFORMATION:

The chairs in the chambers are damaged and the area can not be open for future events. The rug can no longer be cleaned.

FINANCIAL IMPACT:

Not to exceed \$80,000.00

RECOMMENDATION:

Staff recommends to approve the renovations for the Commission Chambers which are: Flooring, smoothing/paint walls, redo the dais and chairs. Additional changes: change ceiling tiles and soffit, remove handicap equipment and construct handicap ramp

ALTERNATIVES:

Combination of renovation based on price and priority.

Town of Pembroke Park

Commission Chambers Renovation

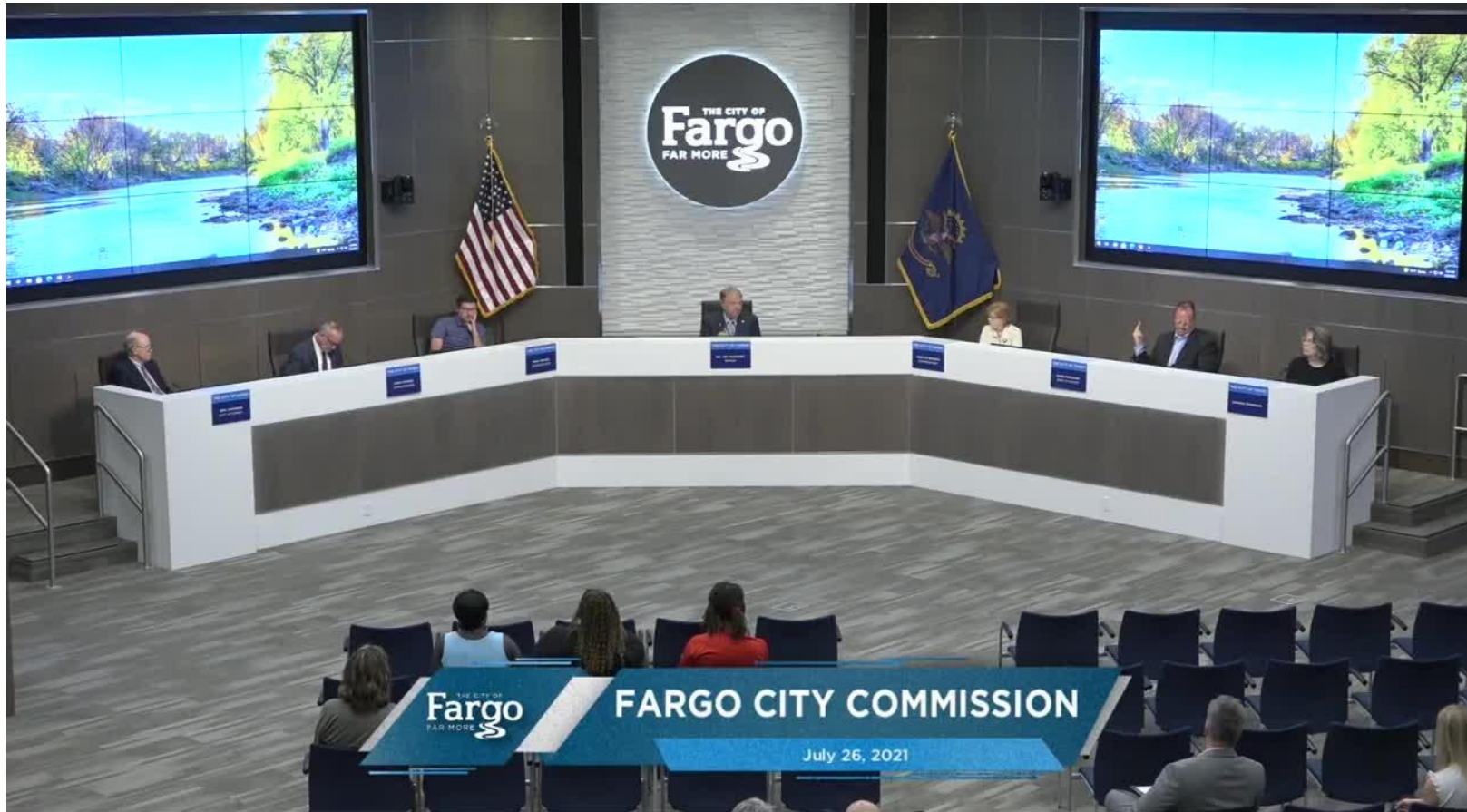
May 24, 2023



Chamber Examples













City Commission Meeting
Tuesday, February 21, 2023

Local
10
NEWS
abc

7:34:14 PM



The Small Town that Means Big Business



Chair Options



[Flash Furniture Mesh Stackable Steel Side Chair With Arms, Black](#)

Item # 8282541

Delivery

Estimated delivery 3-5 business days

Qty

\$5,999.50

\$119.99



[Flash Furniture HERCULES Series Plastic Stack Chair With Titanium Frame, Black/Gray](#)

Item # 2685912

Delivery

Estimated delivery 3-5 business days

Qty

\$2,749.50

\$54.99





[Boss Diamond Padded Vinyl Seat, Vinyl Back Stacking Chair, 18" Seat Width, Black Seat/Black Frame, Quantity: 1](#)

Item # 346548

Delivery

Estimated delivery 7-10 business days

Qty

\$3,199.50

\$63.99

/ each



[Boss B9503-BK Fabric Seat, Fabric Back Stacking Chair, 18" Seat Width, Black Seat/Black Frame, Quantity: 1](#)

Item # 1825741

Delivery

Estimated delivery 7-10 business days

Qty

\$5,199.50

\$103.99

/ each





[Flash Furniture HERCULES Square-Back Stacking Banquet Chair, Black/Silver](#)

Item # 8928453

Delivery

Estimated delivery 3-5 business days

Qty

\$4,809.00

\$96.18

/ each



[Flash Furniture HERCULES Series Stackable Church Chair, Dark Gray/Silvervein](#)

Item # 9078206

Delivery

Estimated delivery 3-5 business days

Qty

\$7,499.50

\$149.99





[Flash Furniture HERCULES Series Sled-Base Stack Chair With Air-Vent Back, Black](#)

Item # 5752943

Delivery

Estimated delivery 3-5 business days

Qty

\$2,899.50

\$57.99

/ each



[Mammoth Office Products Mesh-Back Stackable Guest Chair, Flack](#)

Item # 811406

Delivery

Estimated delivery 4-7 business days

Qty

\$10,499.50

\$209.99

/ each



Previous Chamber Renovation Quotes

Quotes:

Saltz Michelson - \$163,688

Full top of the line changes to the dais

Gordian - \$159,500

Modern full renovation

Maceda Contractors LLC - \$21,855

Removal of chairs and flooring

Install flooring

Smoothing wall and painting the chambers

Plus other cosmetic changes



Town of Pembroke Park –Options 1

Option 1 – This summer remove flooring and chairs. Install new flooring, purchase stackable chairs and smooth and paint the walls. Depending on cost the ceiling can be removed and reinstalled.

Cost is less than \$25,000

Go out for RFP for the removal of the dais and rebuild a new dais with permits and electrical contractor.

Cost might exceed \$25,000



Option 2

Do nothing and start the RFP process to redo the entire chambers at a cost between \$80,000 and \$120,000 depending on materials.

The work would take place next summer.



Option 3

Find a compromise between options 1 and 2



Questions?



PART I
CHARTER¹

CHAPTER 59-1722

HOUSE BILL NO. 2477

AN ACT to abolish the present municipality of the Town of Pembroke, and to create, establish and organize a municipality to be known and designated as the Town of Pembroke Park, Broward County, Florida, to define its territorial boundaries, to provide for its government, jurisdiction, powers, franchises, immunities, privileges and means for exercising the same: Confirming its title to all city property and validating all taxes, assessments and levies heretofore made; and prescribing the general powers to be exercised by said city, and providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

¹Editor's note(s)—Printed herein is the charter of the Town of Pembroke Park, Laws of Fla., Chapter 59-1722, as amended. The charter appears as originally adopted. The absence of a history or editor's note indicates the section is unchanged from the original Act. All amendments have been included as indicated in the history note immediately following the amended section. Style and capitalization have been made uniform. Sections superseded by state law and those sections which were converted to ordinances have been editorially deleted or transferred to the Code as indicated in the editor's note immediately following the section.

Sec. 1. Abolishment of present municipality.

That the present municipal government existing under the name of the Town of Pembroke be and the same is hereby abolished.

Sec. 2. Ordinances remain in effect.

All existing ordinances and resolutions of the present municipality of said Town of Pembroke regularly passed, promulgated and enrolled on the date of the passage of this Act shall remain in effect and unimpaired until repealed, amended or modified by the new municipality, which is hereby organized and created, provided such ordinances and resolutions be not inconsistent with the provisions of this Act.

Sec. 3. Officers hold [respective offices] until successors qualify.

That all officers heretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof and receive the emoluments thereof until their successors are elected and/or appointed and confirmed under the provisions of this Act.

Sec. 4. Title to property reserved to new municipality.

That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the Town of Pembroke shall pass to, and be vested in the municipal corporation organized under this Act to succeed the municipality abolished.

Sec. 5. Contracts remain binding.

That all valid and enforceable indebtedness, obligations and contracts of the said Town of Pembroke, including all bonds issued and outstanding, shall remain valid and enforceable, notwithstanding the passage of this Act, and such indebtedness, obligations and contracts shall be imposed upon and shall be binding upon the new municipality, which is hereby organized and created.

Sec. 6. Establishment of new municipality.

The inhabitants of the Town of Pembroke Park, Florida, as its limits are hereinafter established shall be a body politic and corporate to be known and designated as the "Town of Pembroke Park" and as such shall have perpetual succession. Said Town shall have and use a common seal and may change the same at its pleasure; the municipality may sue and be sued, may plead and be impleaded in all courts and places, in all matters and proceedings, and may contract and be contracted with in regard to all matters and things.

Sec. 7. Boundaries.

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

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

(Laws of Fla., Ch. 63-1772, § 1; Laws of Fla., Ch. 67-1893, § 1; Laws of Fla., Ch. 67-1894, § 1; Laws of Fla., Ch. 70-878, § 1; Laws of Fla., Ch. 70-879)

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Sec. 8. Powers of the city.

The Town of Pembroke Park shall have the following powers:

6th. To acquire by grant, purchase, gift, devise, condemnation, exchange, or in any other manner similar and/or dissimilar, property, real or personal, or any estate or interest therein, within or without the municipality, and to improve, sell, lease, mortgage, pledge, exchange or otherwise dispose of the same or any part thereof or interest or estate therein.

8th. To hold, use, and enjoy any of said property, real or personal, whether within or without the territorial limits of the municipality, for parks, playgrounds, roads, golf courses, aviation fields, stadiums, art museums, cemeteries, gymnasiums, schools, court houses, fire and police stations, houses of detention and correction, hospitals, infirmaries, asylums, dispensaries, poor-houses, crematories, markets, lighting and power plants, water works, municipal buildings, works, quarries, edifices, libraries, swimming pools, auditoriums, aquariums, cultural and educational institutions and structures of every character.

13th. To purchase, hire, construct, own, maintain, operate or lease, local public utilities, including street railways, buses, boats, and aircraft, and all other kinds of transportation systems by land, air and water, electric light, telephone and telegraph systems, and works for supplying the municipality and its inhabitants with water, ice, gas for illuminating and heating purposes, and also all other manner of utilities; to sell the services of such utilities to consumers both within and without the limits of the Town of Pembroke Park.

15th. To acquire by the exercise of the right of eminent domain or in any lawful manner within or without the municipality in any county of the State, or without the State, such water, lands and lands under water as the municipality may deem necessary for the purposes of providing an adequate water supply for the municipality and/or piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water-shed tributary to any such supply wherever such lands may be located in this state; to impose and enforce adequate penalties for violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands or materials for any such use to exercise within the state all powers of eminent domain. For any of the purposes aforesaid the City may acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The said City may sell or supply to persons, firms, industries, or municipal corporation residing or located outside of the city limits, any surplus water it may have over and above the amount required to supply its own inhabitants.

19th. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, inside and outside the limits of the municipality, and to acquire and operate reduction, cremation, neutralization or other plants for the utilization of such materials, or for any of them, inside and outside the limits of the municipality; and to contract for and regulate the collection and disposal thereof.

20th. To compel the abatement and removal of all nuisances within the City or upon property owned by the City beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the City to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses, fat rendering plants, canning factories, or other noisome or offensive businesses within the City; to provide for inspecting and regulating the sanitary conditions of all dairies, butcher pens and slaughter houses within and without the city limits where the products of the same are sold within the city limits and to provide penalties for the violation of such regulations; to regulate or prohibit the keeping of

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animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the City; to compel the abatement of smoke and dust, to prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed and generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City.

29th. To acquire by purchase, gift, devise, condemnation or otherwise, lands, either within or without the City, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary and/or reasonable rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead.

41st. To license, control, tax and regulate traffic and sales upon the street, sidewalks and public places, within the City and the use of space in such places, and to regulate, suppress and prohibit hawkers and peddlers and beggars upon such streets, sidewalks and public places; and to license, cause to be registered, control, tax, regulate or prohibit in designated streets, or parts of streets, carriages, omnibuses, motor buses, cars, wagons, drays, jitney buses and other vehicles; to license, tax, cause to be registered and control the drivers thereof; to fix the rate to be charged for the carriage of persons and property within the City and to the public works beyond the limits of said City; to make and promulgate regulations for traffic on the streets, or part of the streets during such hours as may be necessary or convenient; to provide for parking spaces on the streets and public places; to regulate or vacate or discontinue the use of such places; to require all vehicles for the carriage of persons for hire to execute a bond to be conditioned as required by ordinance for the protection of passengers and of the public and to make such bond inure to the benefits of persons or property which may be injured or damaged by the operation of such vehicle for hire; and to require such bond with such surety to be furnished by all vehicles for hire operating upon the streets of the City, whether such operation be wholly within the limits of the City, or between the Town of Pembroke Park and other cities and towns and places outside of the Town of Pembroke Park.

44th. To furnish police protection within one-half mile of the corporation limits, provided that this extension of power shall not extend into any other municipal corporation.

47th. To purchase, acquire, construct, improve, build, repair, lease, establish, maintain and operate fishing piers (within or without the limits of said City), golf courses, tennis courts, ball grounds and stadiums, gymnasiums, recreational centers and playgrounds.

52. To provide for the registration of electors qualified under this act, and the maintenance of record relating thereto.

52A. In addition to any other powers of municipalities as provided by general law, to construct, erect, maintain, operate and otherwise contribute to the support of street lights and recreational facilities and other related recreational programs to be located both inside the corporate limits and within five (5) miles from any boundary of the corporate limits. The city is authorized to provide by ordinance for the creation of a recreation advisory board which shall consist of not less than five (5) nor more than seven (7) members, which members may or may not be residents of the city; and to provide for their duties, terms, responsibilities, and appointment.

(Laws of Fla., Ch. 63-1771, § 1)

Editor's note(s)—All powers except extraterritorial powers have been editorially deleted in recognition of the broad home rule powers granted to municipalities in Article VII, § 2 of the Florida Constitution and F.S. Ch. 166. Extraterritorial powers were not deleted as they may only be amended by general or special law. They have not been renumbered.

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 from five (5) separate geographic districts. For the purpose of

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representation upon and election of the Commissioners, the Town of Pembroke Park Commission shall, by ordinance, prior to December 1, 2002, apportion the Town in accordance with the Constitutions of the State of Florida and of the United States into five (5) consecutively numbered geographic districts. Thereafter, by subsequently enacted ordinances, the Town of Pembroke Park Commission shall adjust the boundary lines of said districts as may be required from time to time in order that the apportionment of the Town shall continue to be in accordance with the Constitution of the State of Florida and of the United States, but in any event not less frequently than within the first calendar year following each decennial census.

Any individual seeking election as a Commissioner shall file with the Town Clerk a written notice of candidacy stating the designated district to which the individual seeks to be elected. The individual must reside within the geographic boundaries of the district for which he or she is seeking election. All qualified voters of the Town may cast one vote for a candidate for election from each district. The individuals receiving the highest number of votes cast for each district 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.

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.

(Laws of Fla., Ch. 70-877, §§ 1, 2; Ord. No. 87-2-2, § 2, 2-11-87; Ord. No. 88-8-3, §§ 5, 6, 8-10-88; Ord. No. 98-2-1, § 1, 11-3-98, effective 12-1-98; Ord. No. 02-05-02, § 1, 5-28-02, approved by electors 9-10-02)

Editor's note(s)—Municipal election dates are established by Laws of Florida, Ch. 75-350, as amended by Chs. 76-336, 77-507 and 81-349. The registration and qualifications of electors is pursuant to F.S. §§ 166.032, 98.041, 98.091. Ord. No. 88-8-3, §§ 5, 6, adopted Aug. 10, 1988, and approved at referendum Nov. 8, 1988, amended qualifications of commissioners and electors to read as herein set out. Provisions of Sec. 9 pertaining to the date and time of commission meetings have been deleted pursuant to Ord. No. 87-2-2, § 2, adopted Feb. 11, 1987, enacted in accordance with F.S. § 166.021; and, the user's attention is directed to Part II, Code of Ordinances, § 2.42, et al.

Sec. 9A. [Composition of Commission in the event of certain annexations]

- (1) If any one (1) or more of the three (3) areas of unincorporated land adjacent to the Town of Pembroke Park, Broward County, generally referred to as "Carver Ranches and West Hollywood Hills," "Miami Gardens," and "Lake Forest" are annexed into and made a part of the Town of Pembroke Park either under the provisions of general law through a special law or laws, the composition of the Town Commission on the Town of Pembroke Park shall be as follows:

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- (a) A Mayor-Commissioner, who must be a registered voter of the Town of Pembroke Park and who must be elected from the Town at-large; and
 - (b) Four (4) Commissioners, each of whom must be a registered voter of the Town of Pembroke Park and each of whom, except as provided in subsection (2), must reside in, and be elected by the voters of, one of the following districts:
 - 1. District 1, comprising the area of the Town of Pembroke Park as it existed on March 1, 1986;
 - 2. District 2, comprising the area generally referred to as "Carver Ranches and West Hollywood Hills";
 - 3. District 3, comprising the area generally referred to as "Miami Gardens"; and
 - 4. District 4, comprising the area generally referred to as "Lake Forest."
 - (2) If only one (1) or two (2) of the three (3) areas of unincorporated land are annexed to the Town of Pembroke Park, the Commissioner or Commissioners designated to be elected from the District or Districts for the area or areas not annexed to the Town must be elected from the Town at-large.
 - (3) This section applies beginning with the general election following the annexation of any of the three (3) areas of unincorporated land referred to in this act.

(Laws of Fla., Ch. 86-366, § 1)

Sec. 10. [Oath of office.]

Each Commissioner, before entering upon the discharge of the duties of his or her office, shall take and subscribe the following oath before some judicial officer of the state, viz: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same, and that I am entitled to hold office under the Constitution of the United States and the Constitution of the State of Florida, and that I will faithfully perform all of the duties of the office of Commissioner on which I am about to enter, so help me God."

State law reference(s)—Oath of office, F.S. § 876.05.

Sec. 11. [Filling vacancy for unexpired term.]

In case of a vacancy in the Commission, the remaining Commissioners may fill such vacancy within sixty (60) days by resolution, until the next regular general election, by vote of a majority of the remaining members of the Commission. In the event the remaining Commissioners fail to fill the vacancy by appointment as aforesaid, upon application of any Commissioner ten (10) days' notice shall be given for the purpose of holding a special election to fill said vacancy for said unexpired term, in accordance with the terms of this Charter.

Sec. 12. Appointing powers.

The City Commission shall have the power to designate or create such offices, departments or divisions, other than those provided herein as may be necessary for the administration of the affairs of the City; to provide the duties and powers of the officers and employees of such office, department or division; [to] provide for the appointment and fix the salary or compensation of such officers or employees.

Sec. 13. Powers enumerated.

All powers of the City, except such as are vested in the Mayor and except as otherwise provided by this Charter or the Constitution of the State of Florida are hereby vested in the Commission. The Commission may, by ordinance or resolution, prescribe the manner in which any power of the City may be exercised. The Commission shall be the judge of the election and a qualification of its own members. The Commission may determine its own rule of procedure and may punish its own members for misconduct. A majority of the members of the Commission shall constitute a quorum.

MUNICIPAL ORGANIZATION AND OFFICERS**Sec. 14. [Duties of officers.]**

The Mayor-Commissioner, Vice-Mayor-Commissioner, Clerk-Commissioner and the two (2) other Commissioners shall each perform the duties of his or her office until his or her successor is duly elected and qualified. The Mayor shall have the same voice and vote as the other members of the Commission. In the absence or disability to act as the Mayor, the Vice-Mayor shall perform all the duties of the office, including the judicial functions herein enumerated; and in the absence or disability of both, then the members of the Commission shall designate one of its members to act as Mayor by resolution, and when so designated, such Commissioner shall serve as Mayor and perform the duties of the office, including its judicial functions.

Sec. 15. [Creation of departments.]

For the purpose of systematically handling the government, the Commission shall create the following departments, and one Commissioner shall have charge of each department: Executive Department, in charge thereof to be ex-officio the Mayor; Department of Taxes, the Commissioner in charge thereof to be the Clerk; Department of Finance, the Commissioner in charge thereof to be the Vice-Mayor; Department of Health and Zoning, one of the other Commissioners as is designated by resolution of the Commission; and Department of Public Works and Water, one of the other Commissioners as is designated by resolution of the Commission.

State law reference(s)—Departments may be abolished by unanimous vote of the governing body, F.S. § 166.031(5).

Sec. 16. [Additional compensation for Commissioners.]

Each of the Commissioners is authorized to hold any office or perform any duties or functions necessary for the government of the municipality, but he or she shall receive no additional compensation for such service except as to the Public Works Director. The Commissioners may in case of necessity appoint suitable persons to assist them in performing the duties of their respective departments, and the compensation of such persons shall be determined by the Commission.

Sec. 17. Deleted.

(Laws of Fla., Ch. 70-880, § 1)

Editor's note(s)—This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially deleted.

Sec. 18. [Officer of treasurer; fiscal matters.]

The Commission shall designate some person as treasurer who shall receive all the public monies of the municipality, and who shall give bond equal to the largest amount thereof that may come into his or her hands at any time, such bond to be approved by the Commission and to be annually renewed and approved. The Clerk may act also as treasurer upon giving the bond required of the treasurer.

All public monies shall be deposited in the name of Pembroke Park, in a bank or banks in Broward County to be designated by the Commission and all public monies shall be disbursed only on check to be signed by the Mayor or in the absence or the disability of the Mayor by the Vice-Mayor and counter-signed by the Clerk Commissioner. Any person performing any duties in which he or she collects, receives or handles any public monies shall give bond to faithfully account for the same.

But all monies derived from the sale of municipal bonds shall be received by the treasurer and kept by him or her on deposit in a special fund in the name of the municipality in a bank in Broward County to be designated by the Commission and shall be disbursed only upon resolution and order of the Commission, upon checks or drafts to be signed by a majority of the Commissioners.

Accurate books of account of all monies received and disbursed in all departments of the municipality shall be kept and audited and approved by the Commission or by an independent auditor and an annual statement thereof shall be published by posting a copy thereof at the City Hall.

(Laws of Fla., Ch. 65-2436, § 1)

State law reference(s)—Fiscal audits and other fiscal matters, F.S. Ch. 218.

Sec. 19. [Bond requirements.]

The Commission may require that any bond shall be made by a responsible surety company duly authorized to do business in the State of Florida, and may pay the premium thereof from the municipal funds.

Sec. 20. Deleted.

Editor's note(s)—This section on municipal courts was editorially deleted as municipal courts were abolished by Article V, § 20(d)(4) of the Florida Constitution.

ORDINANCES AND RESOLUTIONS**Sec. 21. Procedure for adoption of ordinances and resolutions.**

The Commission shall have the right to adopt such ordinances and resolutions authorized by the powers granted under this Act and the general laws of the State of Florida, as are deemed necessary or advisable for the good government and general welfare of this municipality.

The procedure for adoption of an ordinance by the Town Commission shall be the same as the procedure set forth in Chapter 166, Florida Statutes, in effect at the time of the adoption of the ordinance. The enacting clause of all ordinances shall be "Be It Ordained by the Commission of Pembroke Park"; and all ordinances shall become effective five (5) days after final passage, unless otherwise provided therein. Any proposed ordinance may be amended upon either reading.

Any resolution may be introduced and passed by three (3) affirmative votes at any regular or special meeting of the Commission. The adopting clause of all such resolutions shall be "Be It Resolved by the Commission of Pembroke Park", and all such resolutions shall become effective immediately unless otherwise specified therein".

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(Ord. No. 02-05-03, § 1, 5-28-02, approved by electors 9-10-02)

State law reference(s)—Uniform minimum procedure for the adoption of ordinances is mandated by F.S. § 166.041.

MISCELLANEOUS

Sec. 21[A]. [Streets and roads; laws; suits, etc.]

The territory contained within the corporate limits of Pembroke Park is hereby declared to be and the same is hereby constituted an independent road district, provided however, that the County of Broward and State of Florida shall continue to maintain and build, at no expense to Pembroke Park, all of the existing and future county and State roads within the limits of Pembroke Park.

The Commission shall have complete control and supervision of all the streets, roads, and alleys and signal lights and safety signs within the corporate limits of the municipality and shall by ordinance prescribe the method and manner maintaining the same, not inconsistent with the laws of the State of Florida, except those roads built and maintained by the County of Broward and State of Florida as set out above.

No digging, quarrying operations, mining or excavations shall be permitted within one hundred (100) feet of any county or state road right-of-way, unless the Commission shall require that any such digging, quarrying, mining or excavation be refilled or backfilled to the grade existing prior to the digging, quarrying, mining or excavation within six (6) months of the cessation of the digging, quarrying, mining or excavation. Provided, further, that all quarrying operations, mining or excavations commenced after the effective date of this Act shall be in conformity with the then existing county-wide regulations of the Broward County Building and Zoning Department as to set-back requirements.

All laws now in force for the government of cities and towns, except insofar as they conflict with the provisions of this Act, shall apply to the said Pembroke Park and the officers thereof.

No suit or any cause of action of whatsoever kind or nature against Pembroke Park shall be instituted later than six (6) months after date such cause of action shall have accrued.

No suit or action for the recovery of damage upon any claim or demand, arising either ex contract or ex delicto shall be instituted against Pembroke Park, unless written notice of the intention to sue by giving a written statement of the particulars of the cause of action and containing a notice of intention to sue, and filing same with the Commission at least thirty (30) days before the suit or action is instituted, and within thirty (30) days of the cause of action.

The certificate of the Clerk under the seal of Pembroke Park as to the publication or posting of any notice required under or provided for by this Act shall be conclusive evidence as to such publication or posting.

State law reference(s)—Tort suits are pursuant to F.S. § 768.28.

[Sec. 21B.] 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.

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Notwithstanding the foregoing conditions for amendment of the T-1 Mobile Home Park Zoning District, this article 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.

(Ord. No. 00-6-1, § 1, 6-14-00, approved by electors 11-7-00)

Sec. 22. [Severability.]

The provisions of this Act are severable and if any section, part of section, paragraph, sentence or clause of this Act shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any portion thereof but shall be restricted and limited in its operation and effect to that specific portion hereof invalid in the decision rendered.

Sec. 23. [Repeal of conflicting laws.]

All laws and parts of laws in conflict herewith be and the same are repealed to the extent of such conflict.

Sec. 24. [Effective date.]

This Act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1959.

TOWN OF PEMBROKE PARK COMMISSION VOTING SHEET 2023

①

Persons in Attendance: _____

Meeting Title: Regular Commission Meeting

Call to Order: _____

Meeting Date: 05 10 2023

Adjourned: _____

Agenda No.	SUBJECT	Commissioner Jacobs	Acting Clerk-Commissioner Kashem	Clerk Commissioner Hodgkins	Vice Mayor Morrisette	Mayor Mohammed
		✓	✓			
	Proclamation					
	Broward					
	Rebuilding Broward					
	Agenda as amended	✓	2 ✓	1 ✓	✓	✓
	Item Read by					
	Public Comment					
9.2	Chief Howard - ②	NO	2 ✓	✓	1 ✓	✓
	① Call the question	NO	2 ✓	✓	1 ✓	✓
	8:10 - Recess -					
	18:20 - 8:24					
	Call the question is the first vote. Firing Howard is second vote.					
	* BB - 8:25 pm - investigation					
	Acting Assistant Administration					
	Acting Operations Police Chief - ^{yes} Dauty		2 ✓	✓	1 ✓	✓

TOWN OF PEMBROKE PARK COMMISSION VOTING SHEET 2023

②

Persons in Attendance: _____

Meeting Title: Regular Commission Meeting

Call to Order: _____

Meeting Date: 05 10 2023

Adjourned: _____

Agenda No.	SUBJECT	Commissioner Jacobs	Acting Clerk-Commissioner Kashem	Clerk Commissioner Hodgkins	Vice Mayor Morrisette	Mayor Mohammed
	Consent 5-0	✓	✓	1 ✓	2 ✓	✓
7.1	Attorney read reso by title					
	Public Works / Wath.					
	Health and Zoning					
	Police, Fire, P/W, Parks.					
	Kashem Parks 5-0	✓	✓	1 ✓	2 ✓	✓
	Police Bill - Public Works 5-0	1 ✓	✓	1 ✓	2 ✓	✓
	Police / Fire Morrisette. 4-1	No	2 ✓	1 ✓	✓	✓
	Police - Jacobs No					
	Resolution 4-1	No	✓	1 ✓	2 ✓	✓
9.1	CSA programs two vehicles table		2		1	
	withdrawn of table					
	Approve vehicles. 4-1	✓	2 ✓	1 ✓	✓	No
9.2	Policy travel 4-1	No	2 ✓	1 ✓	✓	✓
9.3	Access to IT 4-1	No	2 ✓	1 ✓	✓	✓
9.7	July / August - Meeting Workshop end of August 4-1	No	1 ✓	✓	2 ✓	✓

TOWN OF PEMBROKE PARK COMMISSION VOTING SHEET 2023

(3)

Persons in Attendance: _____

Meeting Title: Regular Commission Meeting

Call to Order: _____

Meeting Date: 05 10 2023

Adjourned: _____

Agenda No.	SUBJECT	Commissioner Jacobs	Acting Clerk-Commissioner Kashem	Clerk Commissioner Hodgkins	Vice Mayor Morrisette	Mayor Mohammed
9.8	June Climate Preference Conference - \$4,000 50.	✓	1 ✓	✓	2 ✓	✓
	BLC - Mayor Mohammed 50.	✓	1 ✓	✓	2 ✓	✓
	Acting Morrisette					
	Acting Act Bill					
	MPO. - carry over.					
	PLC - Aug 11 - Orlando.					
	What boards would you like to sit on what boards.					
11.2	Town Hall Generator - staff provide a written report.					
	Attorney report - legislative item - Form 6 - Sep. 2024					
	Town Manager - Forensic Audit at workshop - ICMA conference.					
	Reports: Commissioner Jacobs 2.3 million					
	Bamboo Paradise, 32 Street					
	Grants - dates, expiration, - Manager get list of grants and update.					

Adjourned:

[illegible]



AGENDA

REGULAR COMMISSION MEETING

7:00 PM - Wednesday, May 10, 2023
Commission Chambers

	Page
1. CALL TO ORDER TIME	
2. PLEDGE OF ALLEGIANCE	
3. ROLL CALL	
4. PRESENTATIONS / PROCLAMATIONS- READ PROCLAMATIONS?	
4.1. Broward County Transit's PREMO (Premium Mobility Plan) network presentation - Barney McCoy, Barney L. McCoy, Assistant General Manager - Service and Strategic Planning, Broward County Transit (BCT). Broward County presentation -PREMO Network Briefing	# - #
4.2. Rebuilding Together Broward & Pembroke Park - Code Compliance Chief Officer Ramirez Rebuilding Together Broward and Pembroke Park - Pdf	# - #
4.3. <i>National Public Works Week Proclamation May 21–27, 2023</i> "Connecting the World Through Public Works" 2023 Revised Public Services week	# - #
4.4. Friday June 2, 2023 is proclaimed National Gun Violence Awareness Day - Moms Demand Action for Gun Sense 2023 REVISED Moms demand action for Gun sense	# - #
4.5. The month of May is proclaimed as Jewish American History Month Jewish May 2023	# - #
4.6. May 2023 is Mental Health Awareness Month 2023 Mental Health Month	# - #
4.7. April 30- May 6, 2023 celebrates Municipal Clerks Week 2023 Clerks Week	# - #
4.8. Asian American & Pacific Islander Heritage Month is celebrated in May 2023 - Acting Clerk Commissioner Kashem Proclamation 2023 Asian American Pacific Islander Heritage Month	# - #
5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS / GOOD & WELFARE OPEN FOR PUBLIC COMMENT/CLOSE PUBLIC COMMENT	

Regular Commission Meeting
May 10, 2023

6. CONSENT AGENDA

- 6.1. Approval of Minutes - Town Clerk Martell

[03 08 2023 REGULAR COMMISSION MEETING](#)
[03 16 2023 EMERGENCY COMMISSION MEETING](#)
[03 17 2023 EMERGENCY COMMISSION MEETING](#)
[03 22 2023 WORKSHOP COMMISSION MEETING](#)
[04 12 2023 REGULAR COMMISSION MEETING](#)

ENTERTAIN
A MOTION.
SECOND
THE
MOTION.
ROLL CALL

- 6.2. Additional Licenses for the Police department - IT Director Pakula

-

Purchase upgrade.

[Agenda Item Report - AIR-23-039 - Pdf](#)

- 6.3. Renew Sonicwall Licenses - IT Director Pakula

-

Approve Renewal

[Agenda Item Report - AIR-23-040 - Pdf](#)

- 6.4. New Camera System for the Preserve and Behan Park - IT Director Pakula

-

Approve new system.

[Agenda Item Report - AIR-23-034 - Pdf](#)

- 6.5. Planning and Zoning Board Members - Town Clerk Martell

Approval of three residents to be appointed to the Planning and Zoning Board and they are: Paulette Walker, Gary Schrader and Evelyn Cunningham.

7. RESOLUTIONS

- 7.1. Designation of Commission oversight capacity - Interim Town Attorney Horowitz

RESOLUTION NO. 2023-005

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, PURSUANT TO SECTION 15 OF THE TOWN CHARTER, DESIGNATING MEMBERS OF THE TOWN COMMISSION TO SERVE IN AN OVERSIGHT CAPACITY IN CHARGE OF THE TOWN'S POLICE SERVICES, FIRE SERVICES, PARKS DEPARTMENT AND PUBLIC WORKS DEPARTMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

[2023-005 Designation of oversight by Commissioners](#)

ENTERTAIN
A MOTION.
SECOND
THE
MOTION.
DISCUSSION.
ROLL CALL

7.2.

RESOLUTION NO. 2023-006 ILA - Town Manager Jimenez, Interim Town Attorney Horowitz

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPROVING AND AUTHORIZING**

ENTERTAIN
A MOTION.
SECOND
THE

Regular Commission Meeting
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THE PROPER TOWN OFFICIALS OF THE TOWN OF PEMBROKE PARK TO EXECUTE THE INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA, ATTACHED HERETO AS EXHIBIT "A;" AUTHORIZING THE TOWN MANAGER TO MAKE CERTAIN NON-SUBSTANTIAL CHANGES TO THE ILA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION.
DISCUSSION.
ROLL CALL

[2023-006 ILA](#)

[2023-006 Exhibit 1 Interlocal Agreement for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County Florida - 5-2-23](#)

8. ORDINANCES

9. NEW BUSINESS

- 9.1. Purchase of two vehicles for CSA program previously approved on Feb 8, 2023 - Police Chief Howard

ENTERTAIN
A MOTION.
SECOND
THE
MOTION.
DISCUSSION.
ROLL CALL

Staff recommends purchase thru the ARPA program rather than Lease

[Agenda Item Report - AIR-23-045 - Pdf](#)

- 9.2. Travel and Per Diem policy - Mayor Mohammed
Examples are available upon request

ENTERTAIN
A MOTION.
SECOND
THE
MOTION.
DISCUSSION.
ROLL CALL

[Finance Travel Policy 4-18-23](#)

- 9.3. Moving access privileges to IT - Mayor Mohammed
[REVISED Mayor Agenda Request Form - Access IT 4 23](#)

ENTERTAIN
A MOTION.
SECOND
THE
MOTION.
DISCUSSION.
ROLL CALL

- 9.4. RFP-23-02: Wind Retrofit Roof Replacement at Town Hall - Town Manager Jimenez

ENTERTAIN
A MOTION.
SECOND
THE

Upon reviewing the bids, staff has determined the lowest bid to be unresponsive as they did not include a number of required items in

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their bid. Staff therefore recommends awarding the contract to the second low bidder Total Roofing Systems in the amount of \$199,760.

MOTION.
DISCUSSION.
ROLL CALL

- 9.5. ARPA Funds - Town Manager Jimenez
Town Manager TPP - ARPA DrawDown

Withdrawn

ENTERTAIN
A MOTION.
SECOND
THE
MOTION.
DISCUSSION.
ROLL CALL

- 9.6. Discussion and Possible Action - Continued Employment of Police Chief - Town Manager Jimenez, HR Director Friedman
Howard - Chief Contract - RE

Fired

ENTERTAIN
A MOTION.
SECOND
THE
MOTION.
DISCUSSION.
ROLL CALL

9.7 Summer Highes - Approved Subs / August

9.8 - Climate preparedness conference

10. OLD BUSINESS

11. DISCUSSION

- 11.1. Commission assignment of Boards and Committees - Commissioner Mohammed
Florida League Cities
— Broward League of Cities
— Metropolitan Planning Organization meeting are the 2nd Thursday of the month
FLC Committees 22-23 Legislative Policy Process
FLC FAST & Advocacy committee
AM League of cities calendar of events
BLC 23-24 Board Request Appointment
BLC Attendance 22-23

DESIGNATE
COMMISSION
TO BE
BOARD
MEMBERS

- 11.2. Town Hall Generator - Commissioner Jacobs

DISCUSSION

9.7 Summer Highes.

9.8 Climate preparedness conference

12. ATTORNEY REPORTS

13. TOWN MANAGER REPORTS

14. COMMISSION REPORTS

Commissioner Jacobs
Acting Clerk Commissioner Kashem
Clerk Commissioner Hodgkins

- July August.

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Vice Mayor Morrisette
Mayor Mohammed

15. ANNOUNCEMENTS

- 15.1. Special Magistrate Hearing, Wednesday, May 17, at 9:00 AM
Workshop Commission meeting, Wednesday, May 24, at 6:00 PM
Food Drive, Saturday, June 3, at 11:00 AM
Regular Commission meeting, Wednesday, June 14, at 7:00 PM
Special Magistrate Hearing, Wednesday, June 21, at 9:00 AM

16. 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

Regular Commission Meeting
May 10, 2023



APRIL S. GOODWIN
FOUNDER & PRESIDENT

ANDREW J. SILVERS
ASSOCIATE ATTORNEY

The Goodwin Firm

June 7, 2022

VIA CERTIFIED and REGULAR U.S. MAIL

Mayor Geoffrey Jacobs & Town Commissioners
Town of Pembroke Park
Town Hall
3150 SW 52nd Ave.
Pembroke Park, FL 33023

RE: Claimant: David Howard

Dates of Incident: January 5, 2022, May 10, 2022, and May 11, 2022

Dear Mayor Jacobs & Commissioners:

This letter is written to you pursuant to the Florida Tort Claims Act, Section 768.28, Florida Statutes (2016).

We represent David Howard, who, as you know, has been the Interim Police Chief for the Pembroke Park Police Department since February 22, 2021.

During his tenure as the Interim Chief, a contingent of Town officials and employees, including Yolanda Menegazzo, the former Human Resources Clerk, Melissa Anderson, the Town Attorney, and Juan Carlos Jimenez, the Town Manager, have engaged in a campaign of harassment and retaliation against our client in an attempt to interfere with his employment relationship with the Town and the State of Florida as a duly licensed Florida law enforcement officer.

These Town officials have twice attempted to have my client terminated as a result of a personal and unrelated family dispute concerning his father's estate. We believe the reason for this interference is the desire of these officials to disband the Pembroke Park Police Department and turn over Town law enforcement duties to the Broward County Sheriff's Office.

This group of officials first attempted to have our client fired at the January 5, 2022 public Commission Meeting. The reason given was an incident between our client and the Finance Director on November 12, 2021, where they cite verbal aggression our client showed towards the Finance Director (who was later terminated due to numerous volatile events between him and other employees). However, the Town officials failed to mention the Finance Director had assaulted our client at a prior meeting – which resulted in the Finance Director being suspended and sent to anger management. They also cited an alleged complaint that our client had called his administrative assistant, Joy Brown, an “angry black woman,” or something to that

effect. However, they failed to include the fact that the investigation by Human Resources revealed that Ms. Brown vehemently denies that Chief Howard ever said that or spoke to her in an offensive manner.

In a May 10, 2022 memo and a May 11, 2022 public meeting, these Town officials used a personal and private probate dispute between our client and his brother, William "Billy" Howard, as an excuse to attempt to oust Chief Howard from office and from employment with the Town. Although Billy Howard's claims against our client are not only false and ridiculous, but indisputably and completely unrelated to Town or to Chief Howard's job or ability to perform his duties as Interim Police Chief, these individuals deliberately and maliciously made our client's private dispute with a family member part of the public record in order to interfere with his employment relationship with Town in the hopes that he would be terminated from employment.

As a result of the actions of these Town representatives, Chief Howard has suffered damages in the form of emotional distress, potential lost income, and attorneys' fees.

All of the above detailed actions and omissions were part of an ongoing pattern and practice by employees of the City of Pembroke Park.

I understand the Florida Tort Claims Act grants you six months in which to investigate and determine this claim. Please contact me to acknowledge receipt of this letter and please advise me if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "April S. Goodwin", with a stylized flourish at the end.

April S. Goodwin, Esq.
april@goodwin-firm.com
727.316.5333

Sent by email & certified
mail. 5/12/23



Date: May 11, 2023
To: Montjoy Cornish Brown, Accreditation Manager
From: Juan Jimenez, Town Manager
Subject: Termination of Employment

Your probationary employment with the Town of Pembroke Park is hereby terminated, effective immediately. If you have any property which belongs to the Town in your possession, please turn it in immediately. Effective immediately, you are not authorized to access the Town's records or systems, whether in person, remotely, or electronically.

Your final paycheck shall be paid up through your last date of employment on the regular payroll scheduled pay date. Any paid time off accruals will be paid in accordance with the Employee Handbook policies. If applicable, the Town's insurance carrier will provide you with written notice regarding your options for continuation of benefits (COBRA). Should you have any questions, you are encouraged to contact the Human Resources Department 954-251-2611.

Although we always hope for a mutually beneficial working relationship, we thank you for your service to our Town. We wish the best on your future professional endeavors.

cc: Personnel File

**INDEPENDENT CONTRACTOR PROFESSIONAL SERVICES
AGREEMENT FOR LEGAL SERVICES**

THIS INDEPENDENT CONTRACTOR PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into in Broward County, Florida this ____ day of _____, 2023, by between the TOWN OF PEMBROKE PARK, FLORIDA, a municipal corporation (hereinafter "Town"), and GOREN, CHEROF, DOODY & EZROL, P.A. (hereinafter "Town Attorney").

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and the mutual exchange of other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Goren, Cherof, Doody & Ezrol, P.A., shall serve in the capacity of Town Attorney to the Town in accordance with the Town Charter and the Code of Ordinances of Town of Pembroke Park, Florida ("Town Code").

2. The term of employment of the Town Attorney under this Agreement, hence the term of this Agreement, shall commence upon approval by the Town Commission and shall remain in full force and effect until such time as this Agreement is terminated as provided for herein or modified by mutual written consent of both parties.

3. The Town Attorney agrees to attend all regular meetings, special meetings and workshops of the Town Commission and to perform any and all legal services, of whatever kind or nature, required or requested of Town Attorney by the Town for the Town of Pembroke Park and the Town Manager thereof (when same is acting in his/her official capacity on behalf of the Town of Pembroke Park) during the term of this Agreement (collectively referred to as "General Matters"), subject only to the following. All legal services to be performed by Town Attorney hereunder shall be rendered at the request or direction of a majority of the Town Manager or the Town Commission (meaning majority of Commission sitting at the time that any vote is taken or consensus is provided on a direction to request service from Town Attorney). Town recognizes that the Town Attorney may elect to assign certain legal services to outside legal counsel in certain matters, for example areas of litigation and for bond counsel services. Town Attorney shall supervise such outside legal counsel assignments and perform such legal services associated with such assignment as may be necessary to protect the interests of the Town.

4. Jacob G. Horowitz and Samuel S. Goren shall be the shareholder attorneys primarily responsible to serve the Town on behalf of the Town Attorney. The parties specifically recognize and understand that several members of the Town Attorney office possess the requisite skill, competence and exposure in municipal/governmental practice. Specifically, therefore, and notwithstanding any of the foregoing, the rendition of services hereunder by any attorney or paralegal of the law firm of the Town Attorney shall not be prohibited and shall be deemed to be in

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accordance with the provisions of Section 112.313, Florida Statutes, including, litigation and support services otherwise described and permitted by the aforesaid statute. Compensation for such services shall be in accordance with that schedule set forth in Exhibit "A" attached hereto.

5. As full payment and compensation for the Town Attorney's services hereunder, Town shall pay to Town Attorney and Town Attorney agrees to accept from Town an hourly rate of TWO HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$275.00) per hour or such lesser sum as set forth on Exhibit "A" attached hereto and incorporated herein. Such compensation shall include all matters provided by the Town Attorney pursuant to this Agreement. The Town agrees to make payment to the Town Attorney on the first day of the month following the month of service rendition. In the event of early termination pursuant to the terms hereof, Town Attorney shall be entitled only to such compensation as shall have accrued on a pro rata basis to the date of said early termination.

6. In addition to the compensation for professional services as set forth above, Town Attorney shall be permitted to submit to the Town on a monthly basis for payment by Town to Town Attorney an invoice for all reasonable and necessary legal expenses incurred on behalf of the Town, such as court costs, including but not limited to filing fees, service of summons, service of subpoenas, witness fees, including expert witness fees, court reporter fees, as well as long distance toll charges, computerized legal research, messenger service and photo copying and facsimile costs not performed by the Town in accordance with that schedule attached hereto as Exhibit "A". The foregoing constitutes reimbursement of expenses to Town Attorney and not fees for services as contemplated hereunder. Town Attorney may also request these costs be paid directly by Town to the billing party, agency or vendor upon their original invoice or billing statement rather than on a reimbursement basis.

7. In addition to the General Matters provided by the Town Attorney, the Town shall compensate the Town Attorney on an hourly basis of TWO HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$275.00) per hour or such lesser sum as set forth in Exhibit "A" for:

- A. Any litigation or arbitration in which the Town is a party plaintiff or a party defendant;
- B. Any administrative hearings before any governmental/administrative bodies including, but not limited to, other official Town Boards or Committees except as set forth herein.
- C. Municipal prosecutions filed in the Broward County Court for matters not brought before the Town's Code Enforcement Board.
- D. Forfeiture proceedings.

{00542889.1 1214-0600410 }

- E. Co-Counsel activities with insurance counsel assigned by the Town's insurance carrier when necessary and appropriate.
- F. Labor negotiations and activities associated with statutory collective bargaining pursuant to Chapter 447, Florida Statutes, as amended, from time to time.
- G. Preparation of Cable or Telecommunication Agreements or Ordinances.
- H. Real Estate Transactions.
- I. Labor/Personnel matters.
- J. Pension Matters.
- K. Charter Review matters.
- L. Comprehensive Planning and Land Development related matters.
- M. Issuing bond counselor's services or other services required pursuant to public finance matters.
- N. General ethics matters for members of the Town Commission, administrative staff and other employees.
- O. Police Legal Advisor Matters
- P. Other matters of a non-routine legal nature requiring substantial time and effort, subject to prior authorization by a majority of the Town Commission.

8. The Town agrees that the services provided by the Town Attorney under this Agreement are performed as an officer of the Town and therefore the Town hereby extends the protection afforded by Section 111.07, Florida Statutes, to the Town Attorney.

9. The parties to this Agreement hereby agree that this Agreement is terminable by majority vote of the Town Commission at any time and terminable by the Town Attorney upon thirty (30) days written notice tendered to the Town.

10. The Town Attorney shall not assign or transfer its rights, title or interest in the Agreement nor shall the Town Attorney delegate any of the duties and obligations undertaken by the Town Attorney without the Town's prior written approval.

{00542889.1 1214-0600410 }

11. Within ten (10) days of the execution of this Agreement the Town Attorney shall provide the Town with a copy of the Town Attorney's malpractice insurance, if not already on file with the Town.

12. The validity, construction and effect of this Agreement shall be governed by the laws of the State of Florida. Any claim, objection or dispute arising out of the terms of this Agreement shall be litigated in Broward County, Florida.

13. This Agreement contains the entire understanding of the parties relating to the subject matter hereof superseding all prior communications between the parties whether oral or written. This Agreement may not be altered, amended, modified or otherwise changed nor may any of the terms hereof be waived, except by written instrument executed by both parties.

IN WITNESS WHEREOF, the parties have set their hands and seals at and in the State and County first above written.

TOWN OF PEMBROKE PARK, FLORIDA:

BY: _____
MAYOR ASHIRA MOHAMMED

TOWN ATTORNEY:

BY: _____
PRINT: JACOB G. HOROWITZ
Goren, Cherof, Doody & Ezrol, P.A.
For the Firm

**INDEPENDENT CONTRACTOR PROFESSIONAL SERVICES
AGREEMENT FOR LEGAL SERVICES**

EXHIBIT "A"

RATE SCHEDULE

A. Identification

Client: Town of Pembroke Park, Florida

B. Hourly rates for legal personnel

Partners	\$275.00/hour
Associates	\$275.00/hour
Law Clerks	\$125.00/hour
Paralegals	\$125.00/hour

C. Standard Charges

We charge for our time in minimum units of .10 hours.

D. Costs and expenses

In-office photocopying	\$ 0.35/page
Telefacsimile transmittal	\$10.00
Computerized legal research	at cost

E. Subject to change

The rates on this schedule are subject to change on thirty (30) days' written notice.