



AGENDA CHARTER REVIEW COMMITTEE MEETING

6:00 PM - Monday, January 30, 2023
Commission Chambers

	Page
1. CALL TO ORDER	
2. PLEDGE OF ALLEGIANCE	
3. ROLL CALL	
4. ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA	
5. APPROVAL OF THE PREVIOUS MEETING MINUTES	
5.1. Approval of Minutes - Town Clerk Martell Monday, October 24, 2022 10 24 2022 CHARTER REVIEW COMMITTEE	2 - 3
6. PRESENTATIONS - INTERIM TOWN ATTORNEY	
6.1. Sample Charter for the Town of Pembroke Park TPP Proposed Charter	4 - 16
7. OLD BUSINESS - NONE	
8. ANNOUNCEMENTS - NONE	
9. ADJOURNMENT	



MINUTES CHARTER REVIEW COMMITTEE MEETING

6:00 PM - Monday, October 24, 2022
Commission Chambers

The CHARTER REVIEW COMMITTEE MEETING of the Town of Pembroke Park was called to order on Monday, October 24, 2022, at 6:00 PM, in the Commission Chambers, with the following members present:

PRESENT:

EXCUSED:

CALL TO ORDER

Meeting called to order at 6:10pm

PLEDGE OF ALLEGIANCE

was recited in unison

ROLL CALL

Board members present were Gary Schrader, Evelyn Cunningham, Bianca Buchanan, Paulette Walker, and Lucy Weber.

In attendance were Attorney Jacob Horwitz and Town Clerk Marlen Martell

ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA

None

APPROVAL OF THE PREVIOUS MEETING MINUTES

Minutes from the September 9, 2022, meeting

MOTION TO APPROVE 09 09 2022 MEETING MINUTES MADE BY GARY SCHRADER SECONDED BY EVELYN CUNNINGHAM; MOTION PASSED 5-0.

Approval of minutes

MOTION TO APPROVE 09 09 2022 MEETING MINUTES MADE BY GARY SCHRADER SECONDED BY EVELYN CUNNINGHAM.
MOTION PASSED 5-0.

PRESENTATIONS

Town Manager – Qualifications, duties and responsibilities

Charter Amendments / Charter Review Board

Next Steps for the Charter Review Board

OLD BUSINESS

None

NEW BUSINESS

None

ANNOUNCEMENTS

ANNOUNCEMENTS - NEXT MEETING SCHEDULED FOR MONDAY, DECEMBER 5, 2022

Next meeting scheduled on January 30 2023

ADJOURNMENT

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.

Commented [JGH1]: Confirm Zoning District

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.

- (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 six (6) 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.

Commented [JGH2]: Staggered terms. Two years instead of six?

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.

Commented [JGH3]: November elections?

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.

{00537718.1 3399-0000016 }

Created: 2022-08-25 14:51:11 [EST]

(Supp. No. 2)

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

{00537718.1 3399-0000016 }

Created: 2022-08-25 14:51:12 [EST]

(Supp. No. 2)

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.

Commented [JGH4]: Confirm? First regularly scheduled meeting? Special Meeting to swear in?

-
- (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 a majority 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

Commented [JGH5]: 4/5?

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) See that all laws, provisions of this charter and acts of the commission subject to enforcement by the town manager or by officers and employees subject to the manager's direction and supervision, are faithfully executed.
 - (B) The town manager shall exercise the administrative powers of the town through such departments, divisions, and agencies as the commission may, by ordinance or resolution, from time to time, establish. The head of each department, division or agency, except as otherwise provided by law or by this charter, shall be responsible to the town manager for the operation thereof, and shall perform such duties and have such powers as may be prescribed. Two or more departments, divisions or agencies may be headed by the same individual.
 - (C) To hire, employ and terminate from employment with town all department heads and designated assistant department heads; except as otherwise herein provided, to employ and remove all other employees of the town, basing such hiring and removal upon merit and fitness to perform the duties of the position. The terms "department heads" and "designated assistant department heads," as used in this paragraph (C), also applies to those persons who are not employees of the town but perform the functions or duties of a department head or designated assistant department head of the town.
 - (D) To attend all meetings of the town commission with right to take part in the discussion but without having a vote and shall be responsible to see that minutes are kept of the proceedings.
 - (E) To prepare and submit the annual budget and capital improvement program to the commission after inviting and considering individual commissioner input and public input.
 - (F) To submit to the commission and make available to the public within thirty (30) days after the close of each fiscal year, a complete report on the finances and administrative activities of the town for the preceding fiscal year.
 - (G) To make such other reports as the commission may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.
 - (H) To make such recommendations to the commission concerning the affairs of the town as he or she deems desirable.
 - (I) To supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget and advise the commission on the advantages or disadvantages of contract and bid proposals. No purchase shall be made, contract let or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by the commission. The town manager shall issue such rules governing purchasing procedures within the administrative organization as the commission shall approve.
 - (J) To perform such other duties as are specified in this charter or may be required by the commission.
 - (K) The town manager has full control over administrative services. The commission and its members shall deal with administrative services solely through the town manager.
 - (L) No member of the town commission shall dictate the appointment of any person to office or employment by the town manager, or in any manner interfere with the town manager or prevent the manager from exercising his/her own judgment in the appointment of officers and employees in the administrative service.

-
- (M) The town manager shall develop job descriptions, pay and benefit plans, personnel policies, and any other matters necessary to exercise control and direction over the town 's organization and operations, with such job descriptions, pay and benefit plans, and personnel policies being subject to approval by majority vote of the town 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 an affirmative vote of a majority 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: The Town Attorney shall have been admitted to practice in the State of Florida for at least four (4) years, with not less than two (2) of those years in the practice of law for municipal or county government.
- (3) Duties: The Town Attorney or his or her designee shall:
- (a) Be notified of and shall attend all regular and special meetings of the Town Commission.
 - (b) Act as the legal advisor to and counselor for the municipality, and all its officers in matters relating to their official duties.
 - (c) Prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his or her approval of the form and correctness thereof; and no contract with the municipality shall take effect until his or her approval is so endorsed thereon.
 - (d) Prosecute and defend, on behalf of the town, all complaints, suits, and controversies in which the town is a party unless otherwise instructed by the town commission.
 - (e) When so requested, furnish the Commission, Mayor or Town Manager, his or her opinion on any question of law involving their respective powers and duties.
 - (f) Perform such other professional duties as may be required by him/her by resolution of the Commission or as prescribed for the Town Attorneys in general or special laws of the State, including any rules and regulations of the Florida Bar, which are not inconsistent with this Charter. The Town Attorney is obliged to periodically and in a timely manner inform the Commission of the status of any pending litigation.
- (4) The Commission shall determine the terms and conditions, and compensation of the Town Attorney in a written contract.

ARTICLE V. FINANCIAL PROCEDURES

(00537718.1 3399-0000016)

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.
- (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.
- (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.