



AGENDA CHARTER REVIEW COMMITTEE MEETING

6:00 PM - Monday, January 31, 2022
Council Chambers

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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	
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draft town charter	
8. OLD BUSINESS	
9. ANNOUNCEMENTS	
10. ADJOURNMENT	



TOWN OF PEMBROKE PARK
CHARTER REVIEW BOARD 2021/2022
3150 SW 52 Avenue
Pembroke Park, FL. 33023
Telephone: 954-966-4600

CHARTER REVIEW BOARD (CRB) MEETING MINUTES

December 6, 2021

6:00 PM

Commission Chambers, Town Hall
Pembroke Park, FL 33023

1. CALL TO ORDER

Chair Buchanan called the meeting to order at 6:07 p.m. in the Commission Chambers.

2. PLEDGE OF ALLEGIANCE – was recited in unison.

3. ROLL CALL

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

In attendance were: Town Clerk Marlen Martell, Public Services Director Robert Clark, Town Planner Heidi Siegal, and Town Attorney Melissa Anderson

4. APPROVAL OF MINUTES

MOTION TO APPROVE 10 25 2021 MEETING MINUTES MADE BY GARY SCHRADER
SECONDED BY EVELYN CUNNINGHAM; MOTION PASSED 4-0.

5. ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA

6. PRESENTATION

The Public Services Director Robert Clark made a presentation of the sections from the Charter directly impacting his department.

7. DISCUSSION

Town Attorney provided examples of current Charter and Code of Ordinance language. In addition, she also provided documents from Ft. Lauderdale. A discussion took place regarding

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the constitutional differences between the Charter and Ordinance approval process. The Charter needs to be a document the endures through time.

8. ANNOUNCEMENTS

Next meeting is scheduled for Monday, January 31, 2022 at 6:00 PM
Presenter for the next meeting is the Town Clerk Marlen Martell.

ADJOURNMENT

With no further business to discuss meeting was adjourned, all in favor.

The meeting was adjourned at 7:011 PM.

ATTEST:

(SEAL)

Marlen D. Martell, Town Clerk

Town of Pembroke Park

Town Clerk's Presentation Charter Review Committee

January 31, 2022



Town of Pembroke Park

Mission Statement:

- *The Town of Pembroke Park Clerk's Office is committed to serving the community as the Town's records custodian; Supervisor of Elections; assisting the public in accessing public documents and information; and to provide services in a timely, accurate and professional manner.*
- The Town Clerk is the official keeper of records, maintaining an accurate record of the official actions of the Town Commission and Town Boards, such as official minutes, contracts, ordinances, and resolutions pertaining to the Town of Pembroke Park. It is the central repository for all vital Town records.



Town of Pembroke Park

Sec. 9. Town Commission. **TOWN CLERK**

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 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.

Next slide



Town of Pembroke Park -Options

District

- Equal representation per area
- Everyone is working together for the entire Town

Eliminate Districts

- Greater amount of candidates
- Specific Commissioner designed per district boundary lines



Town of Pembroke Park – Section 9

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.

Next slide



Town of Pembroke Park - Options

An issue related to this section is that all five positions become available at the same time.

Pro: Less expensive because the elections are every 4 years

Con: If the Commission is composed of all NEW Commissioners you lose historical value

What can be done: The Town could host elections every two years. One year 3 seats are up and two years later the other 2 seats are up for re-election.



Town of Pembroke Park – Section 9

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.

Next slide



Town of Pembroke Park -Options

This section has multiple issues.

- The composition of the Clerk Commissioner is in violation of the Florida Constitution. A person can not hold dual Charter positions. The title of Clerk Commissioner needs to be eliminated because this is a ceremonial title and the Clerk Commissioner is not handling the tasks of the department and is not a certified municipal clerk.
- The next section is that a Mayor is not elected but appointed.
- Option #1 is to run for the position of Mayor at-large
- Option #2 is to appoint the Mayor by the candidate that receives the greatest number of votes.



Town of Pembroke Park

Three Forms of government

- Commission form of government (Currently have in TPP)
- Strong Mayor form of government
- Council Manager form of government



Commission form of Government

- **Commission**

- Characteristics include:

- Voters elect individual commissioners to a small governing board
 - Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance
 - One commissioner is designated as chairman or mayor, who presides over meetings
 - The commission has both legislative and executive functions
-
- The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. It typically occurs in cities with populations below 100,000, such as Sunrise, Florida and Fairview, Tennessee.

- Requirements:



Commission form of Government

- **Advantages**

- Those who favor this structure of government contend that, because power is concentrated in one set of individuals, decisions can be made quicker without all the “checks and balances” that typically delay action in the other structures;
- This form of government has worked well in emergency situations;
- A city commission is a simple organizational structure; and
- This form of government provides swift direct implementation of policy.^[7]

- **Disadvantages**

- Unfortunately, time has proven this form of government does not live up to its anticipated benefits. Rather than allowing a city to make quicker decisions, there is often deadlock and inaction with department heads acting in the narrow interests of their own department, rather than the city government as a whole;
- The city commission often lacks effective leadership because leadership is shared at a departmental level;
- Along the same lines, the city commission is sometimes lacking strong, effective political leadership; and
- This form of government encourages departmental limited outlook, making general administrative reorganization difficult to achieve.^{[1][7]}



Strong Mayor form of Government

- **Mayor-Council**

- Characteristics include:

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Depending on the [municipal charter](#), the mayor could have [weak or strong powers](#)
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority
- Occurring in 34% of cities surveyed by International City/County Management Association (ICMA), this is the second most common form of government. It is found mostly (but not exclusively) in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; Salt Lake City, Utah, and Minneapolis, Minnesota.

- Requirements:



Council – Manager form of Government

- **Council-Manager**

Characteristics include:

- City council oversees the general administration, makes policy, sets budget
- Council appoints a professional city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis
- This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; San Antonio, Texas, and Rockville, Maryland.



Town of Pembroke Park – Section 9

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.

Don't foresee an issue with this section.



Town of Pembroke Park – Section 9

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.

Repetitive

(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)

These numbers are how this section was adopted. The last Charter review change was approved by the voters on September 10, 2002



Town of Pembroke Park – Section 9

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.

This is for informational purpose only, so you know what all these numbers and dates represent.



Town of Pembroke Park

Sec. 9A. [Composition of Commission in the event of certain annexations.] TOWN CLERK DISCUSS ELECTION DISTRICTS

- (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:
- (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."

These are provisions based on possible annexation and how it affects the governing body.



Town of Pembroke Park

Sec. 9A

- (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."



Town of Pembroke Park -Options

The consideration is if to continue with districts or for the Commissioners should run at-large.

PROS	CONS
Will have a greater selection of candidates.	Have a representative for the area.
Have everyone working together instead division among the Commissioners.	



Town of Pembroke Park – Section 9A

- (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**.

There is already language which suggest running at-large.



Town of Pembroke Park - Section 9A

(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.

What is the appropriate wording that would clarify what is being said.



Town of Pembroke Park

Sec. 10. [Oath of office.] **TOWN CLERK**

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.

This wording might be considered controversial.



Town of Pembroke Park

Sec. 11. [Filling vacancy for unexpired term.] **TOWN CLERK**

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.

The language needs to be clarified.



Town of Pembroke Park

Sec. 13. Powers enumerated. **TOWN CLERK**

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.

- Qualifications are better set by the State Elections Commission.
- Guidelines for punishment, who determines misconduct, what is the punishment?



Town of Pembroke Park

Sec. 14. [Duties of officers.] **TOWN CLERK**

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.

Clarification of language.



Town of Pembroke Park

Sec. 15. [Creation of departments.] TOWN MANAGER/TOWN ATTORNEY/TOWN CLERK

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).



Town of Pembroke Park -Options

This section has multiple discrepancies.

1. It talks about departments that no longer exist.
2. It is a violation of State Statue for an elected official to also hold a Charter position.



Town of Pembroke Park

Sec. 21. Procedure for adoption of ordinances and resolutions. TOWN CLERK

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".

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

This process is implemented in the Florida State Statute



Town of Pembroke Park Topics For Consideration

The Charter Review Board should consider placing the positions of Town Manager, Town Attorney and Town Clerk in the Charter.

These three positions are Charter positions in most municipalities. The three positions are independent because each one has a direct connection to the Commission.

January 31, 2022



Items to Consider

- District
- Running At-Large
- Type of Government
- Term Limits
- Years in Office
- Voting – August, November or March
- Removal of Titles ex: Clerk Commissioner
- How to determine titles ex: Mayor, Vice Mayor, Commissioners
- Elections running for Mayor separately



Contact Information

Marlen D. Martell
Town Clerk
(954) 966-4600 ext 235
townclerk@tppfl.gov



PEMBROKE PARK TOWN DRAFT CHARTER

1. - Corporate existence; form of government; boundary

1.1 Corporate existence. The Town of Pembroke Park is hereby created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

1.2 Form of Government.

OPTION A: Manager/commissioner. The form of government of Town of Pembroke Park, provided for under the charter, shall be known as the "commissioner-manager plan." The town manager shall be the administrative head of the town, answerable to the town commission.

OPTION B: Strong mayor. The form of government of Town of Pembroke Park is a Mayor and Commission form of government, as provided in this charter.

1.3 Boundary. LEGAL DESCRIPTION OF TOWN BOUNDARIES.

{THE DRAFT CHARTER IS WRITTEN AS A COMMISSION/MANAGER FORM OF GOVERNMENT BECAUSE THAT IS THE WAY IS CURRENTLY OPERATES.}

Section 2. – Commission and Mayor.

2.1 Town Commission. There shall be a town commission (the "commission") vested with all legislative powers of the town, consisting of four members ("commission members") and the mayor. Commission members shall occupy seats numbered 1 through 5. References in this Charter to commission members shall include the mayor, unless the context dictates otherwise. The annual salaries of the mayor and the town commissioners shall be fixed by ordinance. These salaries shall be reviewed during the town's annual budget process.

2.2 Mayor. The Mayor shall be elected from among the members of the town commission by a simple majority vote. The mayor shall preside at meetings of the commission and be a voting member of the commission. The mayor shall be recognized as the head of town government for all ceremonial purposes, for purposes of military law, and for service of process and execution of duly authorized contracts, deeds, and other documents, and as the town official designated to represent the town when dealing with other governmental entities.

2.3 Time and place of meetings. The commission shall hold at least 11 monthly meetings in each fiscal year at such times and places as the commission may prescribe by rule. No meeting shall extend beyond 11:00 p.m. local time. Notwithstanding the aforesaid, the commission may conclude debate and voting on any agenda item under consideration at 11:00 p.m. Special meetings may be held upon the call of the mayor or upon the call of three members of the commission, and upon no less than 24 hours' notice to each

member and the public, or such shorter time as a majority of the commission shall deem necessary in case of an emergency affecting life, health, property, or the public peace.

2.4 Quorum and vote. Except as otherwise provided in this Charter, any three members of the commission shall constitute a quorum. The affirmative vote of three members of the commission shall be required for any legislative action. All voting shall be by roll call.

2.5 Commission and Mayor not to direct employees and staff. Except for the purpose of inquiries and investigations made in good faith, the commission or its members shall deal with town officers and employees solely through the administrator, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in town government operations by individual commission members be made solely to and through the administrator. Commission members may discuss with the administrator any matter of town business; however, no individual commission member shall give orders to the administrator.

2.6 Vacancies on Commission. The office of a commission member shall become vacant upon his or her death, resignation, or removal from office in any manner authorized by law or by forfeiture of his or her office. A vacancy on the commission shall be filled as follows:

(a) If less than 1 year remains in the unexpired term, the vacancy shall be filled by the commission within 30 days.

(b) If 1 year or more remains in the unexpired term, the vacancy shall be filled by a special election to be held not sooner than 30 days or more than 60 days following the occurrence of the vacancy.

(c) Persons filling vacancies shall meet the qualifications specified in this section.

(d) If no candidate for a vacancy meets the qualifications under this section for that vacancy, the commission shall appoint a person qualified under this section to fill the vacancy.

(e) Notwithstanding any quorum requirements established herein, if at any time the full membership of the commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection.

(f) In the event that all the members of the commission are removed by death, disability, recall, forfeiture of office, or resignation, or any combination thereof, the Governor shall appoint interim commission members who shall call a special election within not less than 30 days or more than 60 days after such appointment. Such election shall be held in the same manner as the initial elections under this Charter. However, if there are less than 6 months remaining in the unexpired terms, the interim commission appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this section.

2.7 Forfeiture of Office.

(a) A commission member shall forfeit his or her office if at any time during his or her term he or she ceases to maintain his or her permanent residence in the town or if he or she otherwise ceases to be a qualified elector of the town.

(b) A commission member shall be subject to forfeiture of his or her office, in the discretion of the remaining commission members, if he or she is absent without good cause from any three consecutive regular meetings of the commission during any calendar year or if he or she is absent without good cause from any four regular meetings of the commission within any 12-month period.

(c) The commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a commission member's office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the commission member in question; however, any commission member may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other commission member, from any past, present, or future meeting or meetings, which motion, if carried, shall be conclusive. A commission member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on any such matters. The commission member in question shall be entitled to a public hearing on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the town at least 1 week in advance of the hearing. Any final determination by the commission that a commission member has forfeited his or her office shall be made by resolution. All votes and other acts of the commission member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

2.8 Powers vested in the commission.

The town shall have all available governmental, corporate, and proprietary powers and may exercise them, except when prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the town that the municipal government established herein have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state.

2.9 Staggered Terms. The term of office of the town commissioners shall be two (2) years. Commissioner terms shall be staggered. The terms for commissioners qualified in districts 1, 3 and 5 shall expire in the same year. The terms for commissioners qualified in districts 2 and 4 shall expire in the same year. No individual shall be elected to the office of town commissioner for more than four consecutive full terms.

3. Administrative.

3.1 Town Manager. There shall be a town manager (the "manager"), who shall be the chief administrative officer of the town. The administrator shall be responsible to the commission for the administration of all town affairs. The commission shall appoint a

qualified individual or firm for an indefinite term by an affirmative vote of at least four commission members. The commission may remove the manager at any time by an affirmative vote of at least four commission members. The compensation and benefits of the manager shall be fixed by the commission. Any consideration of the removal of the manager must be an agenda item with public notice given.

3.2 Town Attorney. The commission shall appoint a qualified individual or firm to serve as the town attorney for an indefinite term by an affirmative vote of at least four commission members. The commission members may remove the town attorney at any time by an affirmative vote of at least four commission members. The compensation and benefits of the town attorney shall be fixed by the commission. The town attorney shall report to the commission. The town attorney shall take office immediately on appointment, and the terms and conditions shall subsequently be reduced to a written contract. The commission shall have the authority to engage such additional legal counsel as it deems advisable and necessary.

4. Annual Budget.

4.1 Annual budget adoption.

(a) Balanced budget. Each annual budget adopted by the commission shall not provide for expenditures in an amount greater than the revenues budgeted.

(b) Budget adoption. The budget shall be adopted in accordance with applicable Florida Statutes and any amendments thereto.

(c) Specific appropriation. The budget shall be specific as to the nature of each category of appropriations. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

4.2 Fiscal year. The fiscal year of the town government shall begin on the first day of October and shall end on the last day of September of the following calendar year, unless otherwise defined by Florida Statutes. Such fiscal year shall also constitute the annual budget and accounting year.

4.3 Appropriation amendments during the fiscal year.

(a) Supplemental appropriations. If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the commission may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.

(b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the administrator that the revenues available will be insufficient to meet the amounts appropriated, he or she shall report to the commission without delay, indicating the estimated amount of the deficit and his or her recommendations as to the remedial action to be taken. The commission shall then take such action as it deems appropriate to prevent any deficit spending not covered by adequate reserves.

5. Elections.

5.1 Electors. Any person who is a resident of the town, has qualified as an elector of the state, and registers to vote in the manner prescribed by law shall be an elector of the town.

5.2 Nonpartisan elections. All elections for the offices of commission member and mayor shall be conducted on a nonpartisan basis.

5.3 Election dates. Regular elections shall be held in November of even-numbered years.

5.4 Special elections. Special elections, when required, shall be scheduled by the commission at such times and in such manner as shall be consistent with this Charter and state law.

5.5. Single candidates. No election for mayor or any commission seat shall be required in any election if there is only one duly qualified candidate for mayor or for any commission seat.

5.6 Commencement of terms. The term of office of any elected official shall commence immediately after the election.

5.7 Oath. All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office:

"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, and the Charter of the Town of Pembroke Park; that I am duly qualified to hold office under the Constitution of the State and the Charter of the Town of Pembroke Park; and that I will well and faithfully perform the duties of (mayor or commission member) upon which I am now about to enter."

5.8 Election laws. The election laws of the state shall apply to all elections.

5.9 Recall. The registered electors of the town shall have the power to recall and to remove from office any elected official of the town as provided by general law of the state.

6. 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 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.