



AGENDA CHARTER REVIEW COMMITTEE MEETING

6:00 PM - Monday, March 28, 2022
Commission 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	
5.1. Charter Review Minutes	2 - 3
01 31 2022 CHARTER REVIEW	
6. PRESENTATIONS	
6.1. Items to discuss:	4 - 9
Districting	
Staggering seats	
Changing when an election is held	
District Map	
Melissa presentation March 28 2020 charter review	
7. OLD BUSINESS	
7.1. Sample of a Charter	10 - 15
draft town charter	
8. NEW BUSINESS	
9. ANNOUNCEMENTS	
9.1. CHANGE IN MEETING DATE SCHEDULE:	
Monday, May 30, 2022 is Memorial Day recommendation to change the meeting to Monday, May 23, 2022	
Monday, July 25, 2022	
Monday, September 26, 2022 is Rosh Hashanah	
Monday, November 28, 2022	
10. ADJOURNMENT	



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

CHARTER REVIEW BOARD (CRB) MEETING MINUTES

January 31, 2022

6:00 PM

Commission Chambers, Town Hall
Pembroke Park, FL 33023

1. CALL TO ORDER

Chair Buchanan called the meeting to order at 6:12 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, Paulette Walker and Lucy Weber.

In attendance were: Town Clerk Marlen Martell and Assistant to the Town Clerk Suzi Reutlinger

7. NEW BUSINESS

7.1 Town Attorney Anderson – Sample Charter

Town Attorney Anderson gave the Charter Review Committee a copy of the Town Charter to read and review for discussion.

4. ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA

Town Clerk Martell handed the Charter Review Committee a copy of the Board Meeting Dates
Attached All were in favor.

5. APPROVAL OF MINUTES

MOTION TO APPROVE 12 06 2021 MEETING MINUTES MADE BY GARY SCHRADER
SECONDED BY EVELYN CUNNINGHAM; MOTION PASSED 5-0.

6. PRESENTATION

1

The Town Clerk Marlen Martell made a presentation of the sections from the Charter directly impacting her department.

8. Old Business

None

8. ANNOUNCEMENTS

Next meeting is scheduled for Monday, February 28, 2022 at 6:00 PM

At tentative meeting was scheduled for Memorial Day Weekend, and the vote to hold a meeting will be discussed with board members at the April 25, 2022 Meeting

ADJOURNMENT

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

The meeting was adjourned at 7:17 PM.

ATTEST:

(SEAL)

Marlen D. Martell, Town Clerk

CHARTER REVIEW COMMITTEE

MARCH 28TH, 2022

DISTRICTING AND ELECTIONS

•**Sec. 9. - Town Commission.**

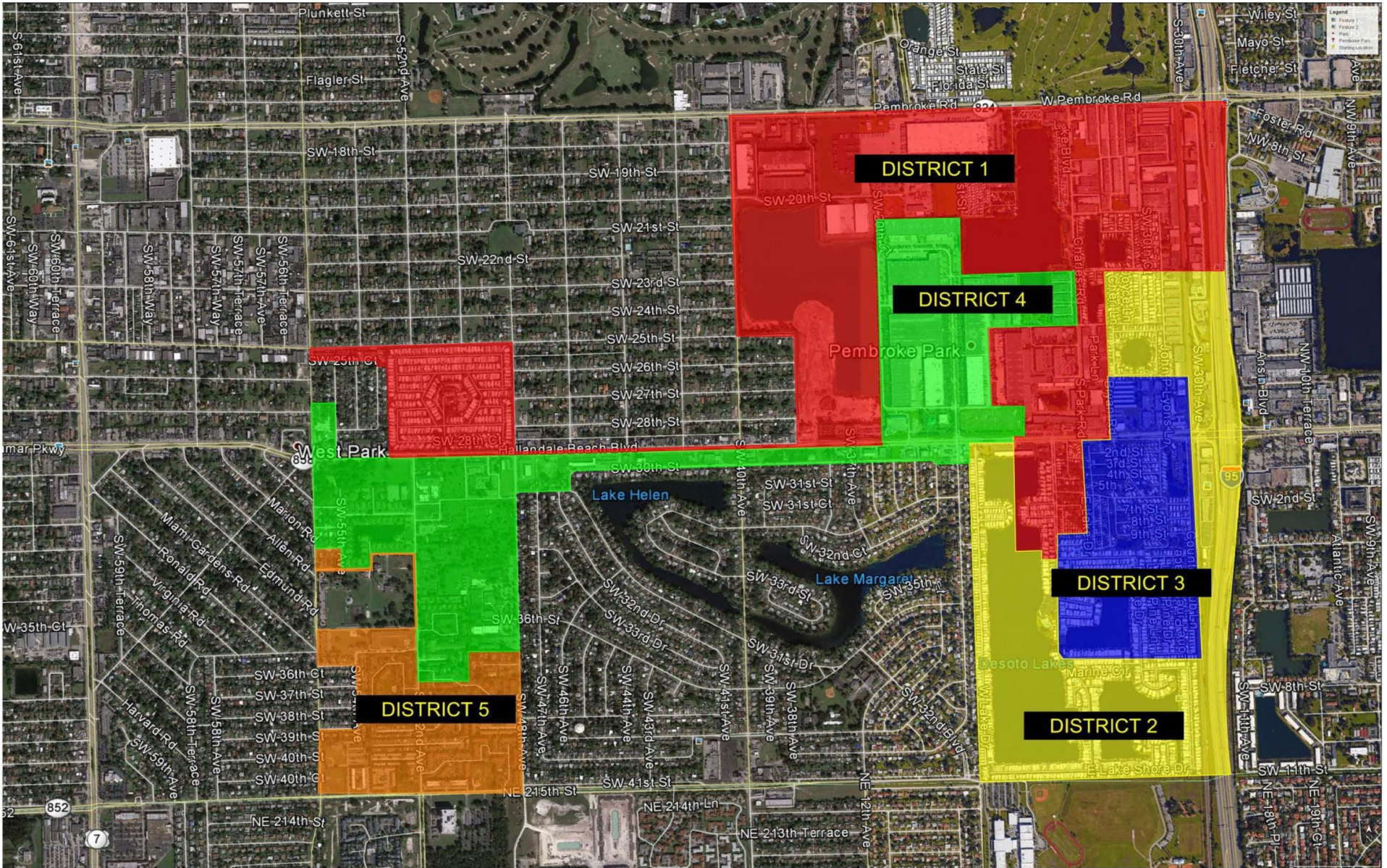
•Election of Commissioners: The government of the Town of Pembroke Park shall be vested in a Commission consisting of five (5) members elected from five (5) separate geographic districts. For the purpose of representation upon and election of the Commissioners, the Town of Pembroke Park Commission shall, 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.



VOTING DISTRICTS

- Currently, Town Commissioners are elected by district.
- Should Commissioners be elected by district or “at large.”
- “At Large” means a commissioner is elected by a town wide vote, but resides in and represents the particular interest of one district.
- West Park is an example of a municipality which elect commissioners on an “at large” basis, while Fort Lauderdale elects their commissioners by district. It makes sense for smaller municipalities to elect commissioners on an at large basis.

Staggered Elections

- Currently, according to the Town Charter, every Commission seat is elected at the same time, which is every four years.
- Most local governments have what are known as staggered elections, which is where commission seats are elected in differing years so that not all commission seats are elected at the same time.
- For instance, the City of Doral in Miami-Dade County has staggered elections. The City of Doral holds municipal elections every two years, in even numbered years in November.

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.