



AGENDA CHARTER REVIEW COMMITTEE MEETING

6:00 PM - Monday, May 23, 2022
Commission Chambers

	Page
1. CALL TO ORDER	
2. PLEDGE OF ALLEGIANCE	
3. ROLL CALL	
4. APPROVAL OF THE PREVIOUS MEETING MINUTES	
4.1. Minutes from the March 28, 2022 meeting	2 - 3
03 28 2022 MINUTES CHARTER REVIEW COMMITTEE MEETING	
5. PRESENTATIONS	
5.1. Police Department - Interim Police Chief Howard	
5.2. Building Department and Code Enforcement - Presenters are Building Official Nunez and Chief Code Enforcement Officer Ramirez	4 - 22
PP Charter Presentation Building Code	
6. OLD BUSINESS	
6.1. Charter Review	23 - 33
may 2022 charter review	
7. NEW BUSINESS	
NONE	
8. ANNOUNCEMENTS	
8.1. Monday, July 25, 2022 at 6:00 PM	
Monday, September 26, 2022 at 6:00 PM (Rosh Hashanah)	
Monday, November 28, 2022 at 6:00 PM	
9. ADJOURNMENT	



MINUTES CHARTER REVIEW COMMITTEE MEETING Meeting

6:00 PM - Monday, March 28, 2022
Commission Chambers

The CHARTER REVIEW COMMITTEE MEETING of the Town of Pembroke Park was called to order on Monday, March 28, 2022, at 6:00 PM, in the Commission Chambers, with the following members present:

PRESENT: Vice Chair Gary Schrader, Evelyn Cunningham, Lucy Weber, and Paulette Walker

EXCUSED:

1. CALL TO ORDER

Meeting was called to order at 6:07 PM

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ADDITIONS, DELETIONS OR WITHDRAWALS TO THE AGENDA

N/A

5. APPROVAL OF THE PREVIOUS MEETING MINUTES

Lucy Weber made a motion to approve 01 31 2022 Charter Review Minutes seconded by Vice Chair Gary Schrader, Motion passed 3-0

Moved by Lucy Weber

Seconded by Vice Chair Gary Schrader

Motion to approve the minutes.

Ayes: Vice Chair Gary Schrader, Evelyn Cunningham, Lucy Weber, and Paulette Walker

PASSED 4-0 on a recorded vote

[01 31 2022 CHARTER REVIEW](#)

6. PRESENTATIONS

Presentation made by Attorney Melissa Anderson

6.1 Items to discuss:
Districting: at Large

Staggering seats:every (4) years - Commissioners elected at different time
Changing when an election is held - November

[District Map](#)

[Melissa presentation March 28 2020 charter review](#)

7. OLD BUSINESS

7.1 Sample of a Charter

Section 5 is Elections

[draft town charter](#)

8. NEW BUSINESS

N/A

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

MEETING WAS CHANGED TO MONDAY MAY 23, 2022

Future meetings to be discussed

Monday, July 25, 2022

Monday, September 26, 2022 is Rosh Hashanah

Monday, November 28, 2022

10. ADJOURNMENT

With no further business, the meeting was adjourned at 6:55 PM



**BUILDING
DEPARTMENT**

MIGUEL NÚÑEZ, CBO, CFM, MPA

Building Official

mnunez@tppfl.gov

**CODE
ENFORCEMENT**

JOSELINE RAMIREZ

Chief Code Enforcement Officer

jramirez@tppfl.gov

BUILDING



HAMMURABI, 1750 BC

BABYLONIAN LAW CODE OF ANCIENT MESOPOTAMIA

"AN EYE FOR AN EYE, A TOOTH FOR A TOOTH"

IT CONTAINED THE FOLLOWING PROVISIONS, REGARDING
CONSTRUCTION PRACTICES:

- **229** IF A BUILDER BUILDS A HOUSE FOR SOMEONE, AND DOES NOT CONSTRUCT IT PROPERLY, AND THE HOUSE WHICH HE BUILT FALLS IN AND KILLS ITS OWNER, THEN THAT BUILDER SHALL BE PUT TO DEATH.
- **230** IF IT KILLS THE SON OF THE OWNER, THE SON OF THAT BUILDER SHALL BE PUT TO DEATH.
- **231** IF IT KILLS A SLAVE OF THE OWNER, THEN HE SHALL PAY, SLAVE FOR SLAVE, TO THE OWNER OF THE HOUSE.
- **232** IF IT RUINS GOODS, HE SHALL MAKE COMPENSATION FOR ALL THAT HAS BEEN RUINED, AND INASMUCH AS HE DID NOT CONSTRUCT PROPERLY THIS HOUSE WHICH HE BUILT AND IT FELL, HE SHALL RE-ERECT THE HOUSE FROM HIS OWN MEANS.
- **233** IF A BUILDER BUILDS A HOUSE FOR SOMEONE, EVEN THOUGH HE HAS NOT YET COMPLETED IT; IF THEN THE WALLS SEEM TOPPLING, THE BUILDER MUST MAKE THE WALLS SOLID FROM HIS OWN MEANS.

"FIRST KNOWN BUILDING CODE"

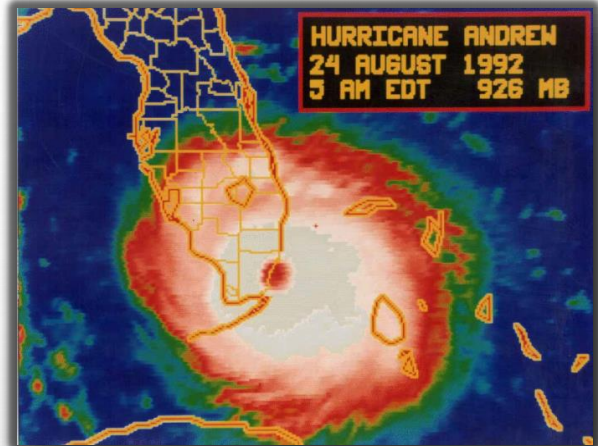




INTRODUCTION OF CODES

THROUGHOUT HISTORY MANY EVENTS, ESPECIALLY FIRES, HAVE GIVEN RISE TO NEW CODES AND CODE CHANGES.

- **ROME (64 AD):** FIRE LASTED 6 DAYS AND LEFT 70% OF THE CITY IN RUINS
- **LONDON (1666):** FIRE LASTED 5 DAYS, DESTROYING 15,000 BUILDINGS, ALMOST 2/3 OF THE CITY
- **CHICAGO (1871):** FIRE LASTED 2 DAYS, DESTROYING 17,000 BUILDINGS, LEAVING 100,000 HOMELESS AND CLAIMING THE LIVES OF 250 PEOPLE
- **HURRICANE ANDREW (1992)** AFFECTED THE SOUTHERN PORTION OF SOUTH FLORIDA; AN APPROXIMATELY \$30 BILLION IN DAMAGE IN TOTAL.



THE FLORIDA BUILDING CODE



- **INTENT OF CODES**

- PROVIDE REASONABLE CONTROLS FOR THE DESIGN, CONSTRUCTION, USE, OCCUPANCY, AND MAINTENANCE OF BUILDINGS.
- PURPOSE OF BUILDING CODES IS TO ESTABLISH THE **"MINIMUM"** REQUIREMENTS TO SAFEGUARD THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF LIFE AND PROPERTY.

**BOARD OF RULES AND
APPEALS - ADMINISTRATIVE
PROVISIONS (CHAPTER 1)**





BUILDING INSPECTIONS DIVISION

- STRUCTURAL
- MECHANICAL
- ELECTRICAL
- PLUMBING



SERVICES AVAILABLE

- **OUTSIDE AGENCIES:**

- **PLANNING & ZONING:** THOSE PERMITS AFFECTING THE USE OF THE PROPERTY, APPEARANCE, BUILDING LOCATION, LANDSCAPING, ETC.
- **FIRE PREVENTION:** THOSE PERMITS AFFECTING LIFE SAFETY AND EGRESS, FIRE SPRINKLERS, FIRE ALARMS, ETC.
- **ENGINEERING DIVISION:** THOSE PERMITS AFFECTING VEHICULAR WAYS, WATERWAYS, SITE DRAINAGE ,ETC.
- **FEDERAL, STATE AND COUNTY SERVICES:** DERM, DPEP, HEALTH, ELEVATORS, ETC.



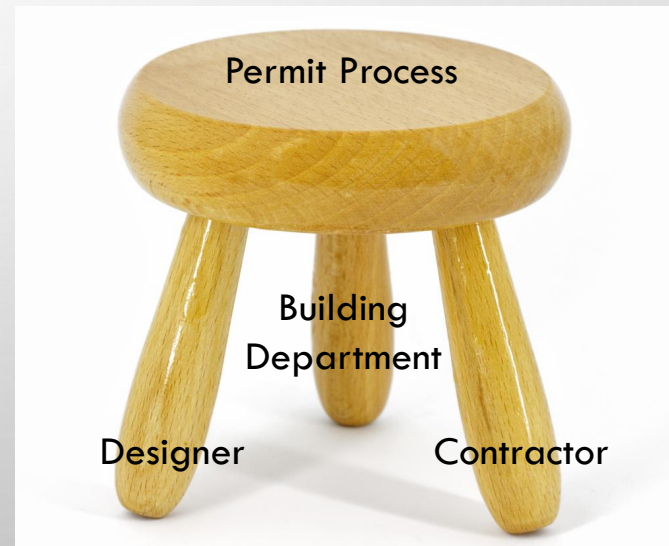


PERMITTING INFORMATION

EQUATION FOR A SUCCESSFUL PROJECT

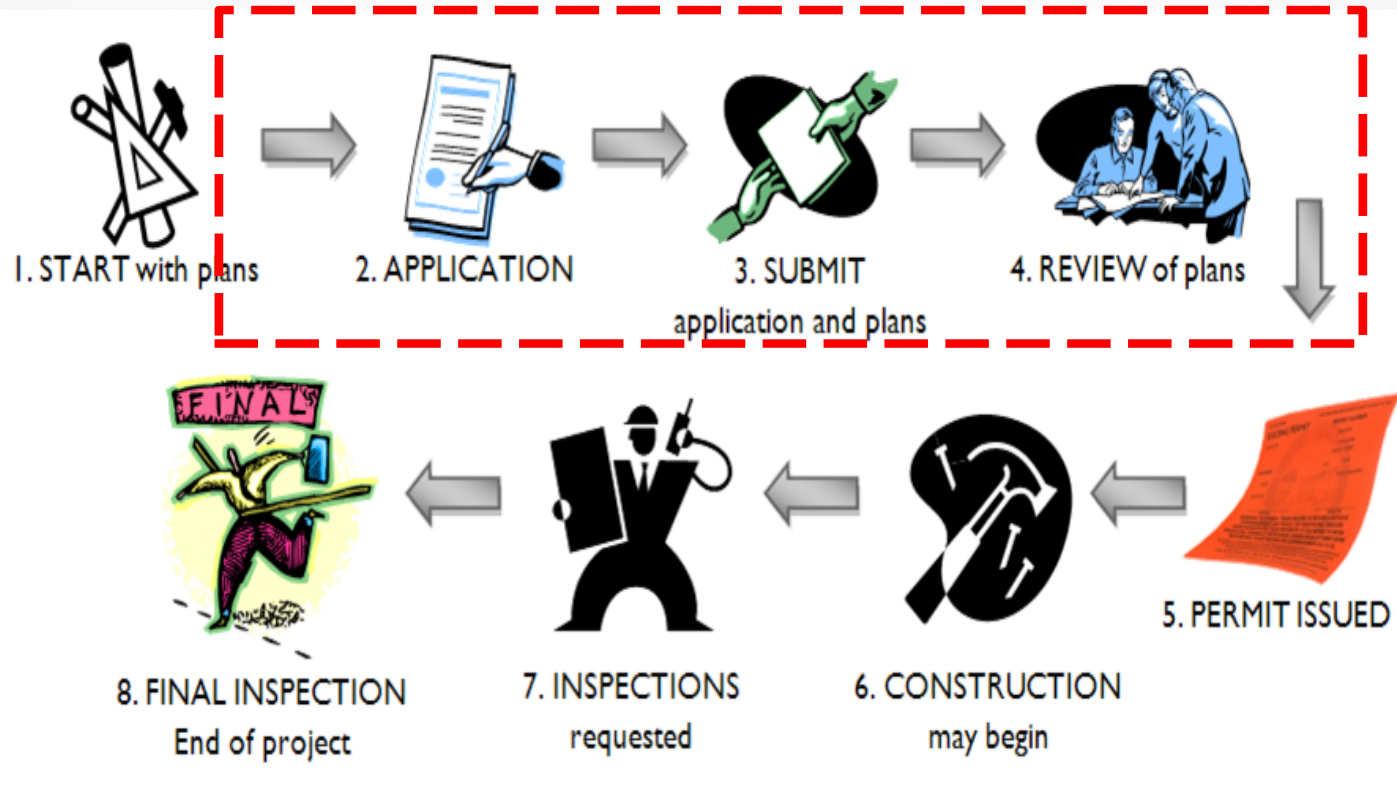
DESIGN PROFESSIONAL + CODE OFFICIALS + CONTRACTOR

- THE STABILITY OF A THREE-LEGGED STOOL
- WE WANT TO BE EASY TO WORK WITH!
IN THE BASIS OF TRUTH, FAIRNESS AND
ETHICAL BEHAVIOR.





PERMITTING PROCESS IN A NUTSHELL



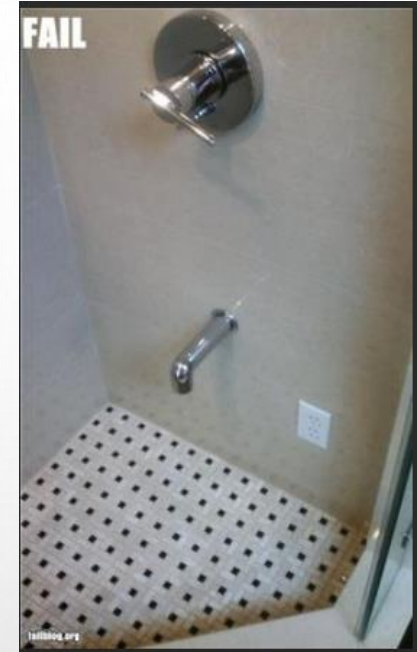
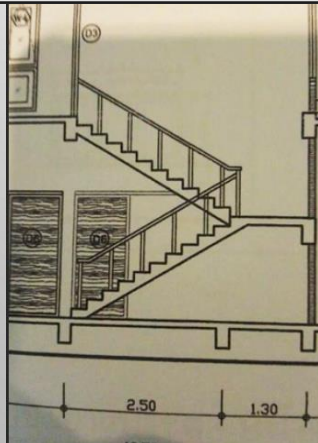


Photo courtesy ASHI home inspector Stephen P. Tyler,
STAT Home Inspections, Gamerville, N.Y.,
and American Society of Home Inspectors, www.ashi.org

www.HouseLogic.com



CODE ENFORCEMENT



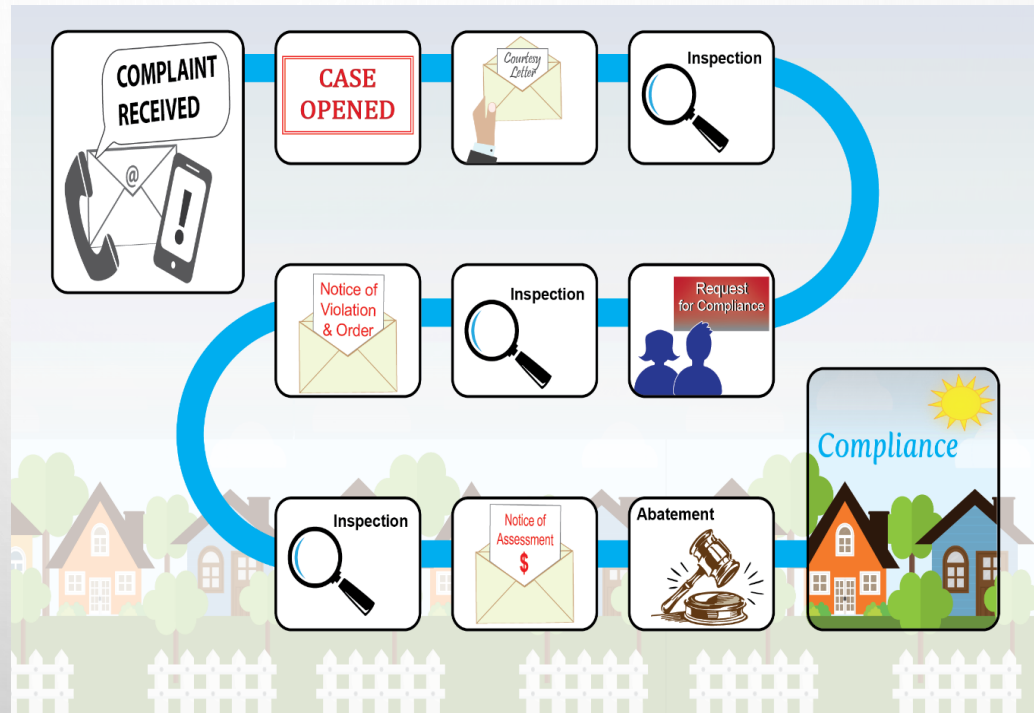
PURPOSE



- CODE ENFORCEMENT'S PURPOSE IS TO IMPROVE THE SAFETY, HEALTH AND WELFARE OF ALL CITIZENS LIVING WITHIN LOCAL GOVERNMENTAL JURISDICTIONS. MUNICIPALITIES HAVE THE AUTHORITY UNDER FLORIDA STATE STATUE CHAPTER 162 TO IMPOSE ADMINISTRATIVE FINES WHEN A CODE VIOLATION PERSISTS. WHILE EVERY GOVERNING BODY HAS ITS OWN PROCEDURES FOR NONCOMPLIANCE, IT IS COMMON TO ISSUE NOTICES OF VIOLATION TO THE PROPERTY OWNER. IF THERE IS NO COOPERATION WITHIN A GIVEN TIME FRAME, EITHER ABATEMENT PROCESSES COMMENCE OR FINES ARE IMPOSED.

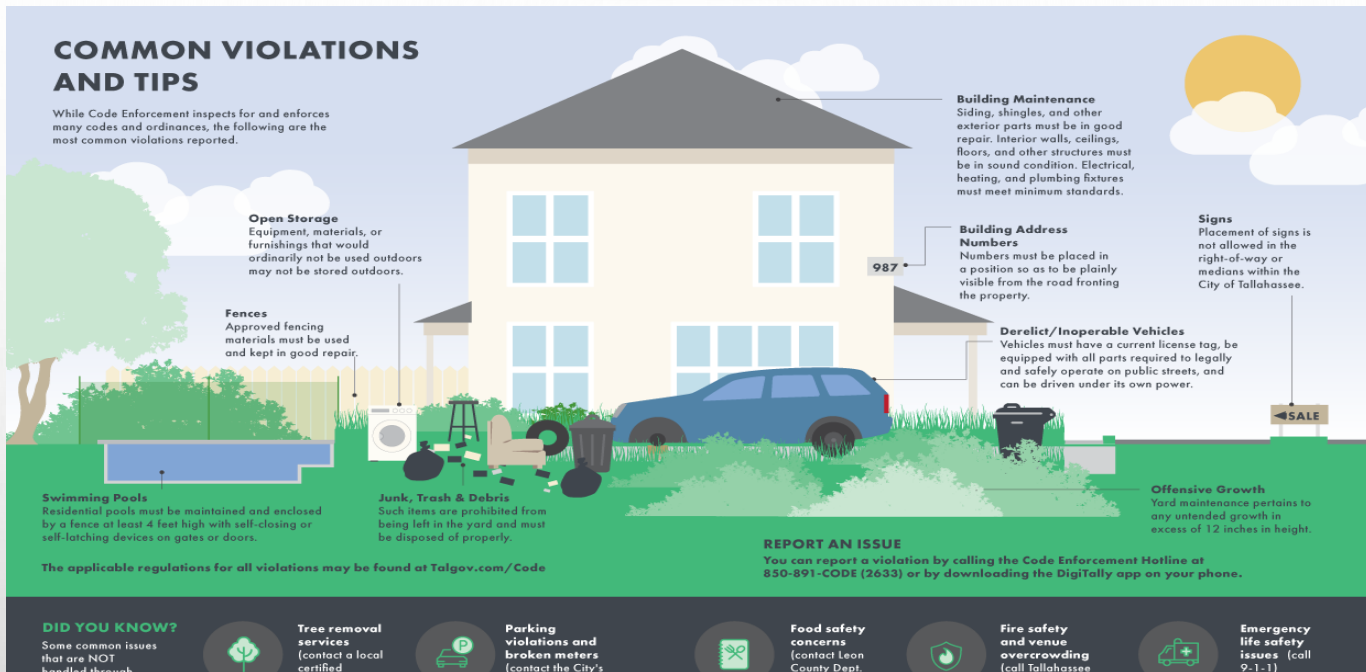
CODE ENFORCEMENT PROCEDURE

- INVESTIGATION: CODE OFFICER OBSERVATIONS OR CITIZEN COMPLAINT
- VERBAL WARNING
- COURTESY NOTICE
- NOTICE OF VIOLATION OR NOTICE OF REPEAT VIOLATION
- NOTICE OF FORMAL HEARING
- FINAL ORDER
- SUPPLEMENTAL CODE ENFORCEMENT LIEN
- ABATEMENT ORDER



COMMON VIOLATIONS AND TIPS

While Code Enforcement inspects for and enforces many codes and ordinances, the following are the most common violations reported.



- WORK WITHOUT A PERMIT
- LICENSES AND BUSINESS REGULATIONS, ZONING
- PROPERTY MAINTENANCE TO REMOVE BLIGHT, TRASH, DAMAGES AND REPAIRS.
- HEALTH AND SANITATION, FIRE PREVENTION AND PROTECTION
- NOISE
- VEGETATION
- ANIMAL
- JUNKED, WRECKED, ABANDON PROPERTY

CODE BOARD OR SPECIAL MAGISTRATE PROCEDURES

- HEARING
- MINUTES
- TESTIMONY
- RESPONDENT TESTIMONY OR ATTORNEY REPRESENTATION
- ADMINISTRATION FEE
- THE BOARD OR SPECIAL MAGISTRATE SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW, BASED UPON A PREPONDERANCE OF THE EVIDENCE PRESENTED AT HEARING, AND SHALL ISSUE A WRITTEN ORDER AFFORDING THE PROPER RELIEF CONSISTENT WITH THE POWERS GRANTED HEREIN, UNDER THE AUTHORITY OF FLORIDA STATE STATUE CHAPTER 162



POWERS OF BOARD AND THE SPECIAL MAGISTRATE.

THE BOARD AND THE SPECIAL MAGISTRATE SHALL HAVE THE POWER TO:

- ADOPT RULES FOR THE CONDUCT OF ITS HEARINGS;
- SUBPOENA ALLEGED VIOLATORS, WITNESSES, AND EVIDENCE TO BE PRESENT AT THE RELEVANT HEARING(S) (SUBPOENAS MAY BE SERVED BY THE SHERIFF OF BROWARD COUNTY);
- TAKE TESTIMONY UNDER OATH, INCLUDING WITHOUT LIMITATION DIRECT EXAMINATION OF ANY WITNESSES; AND
- ISSUE ORDERS HAVING THE FORCE OF LAW TO COMMAND WHATEVER STEPS ARE NECESSARY TO BRING A VIOLATION INTO COMPLIANCE.



RESULTS

- PROPERTY VALUE INCREASES
- APPEARANCE OF THE TOWN IS IMPROVED
- HEALTH AND SAFETY IS ACHIEVED
- DEVELOPERS BUY LAND AND BUILD
- ATTRACT BUSINESSES INTERNATIONALLY
- REDUCTION IN CRIME
- CONTENT PUBLIC CITIZENS



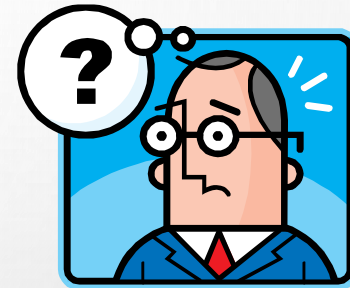


THANK YOU

**FOR YOUR TIME AND
HAVING US HERE TODAY!**



QUESTIONS PLEASE



CHARTER REVIEW COMMITTEE

MAY 23, 2022

VACANCIES, POWER OF COMMISSIONERS IN RELATION TO COMMISSION
CONDUCT, COMMISSION INTERFERENCE IN ADMINISTRATION

RECAP OF LAST COMMITTEE MEETING

- VOTING DISTRICTS. Should commissioners be elected by District or town wide?
- STAGGERED ELECTIONS. Currently, the charter requires elections every four years and all commissioners leave office and are re-elected at the same time. Should elections be staggered in order to provide a more continuity for the town?

•**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.**

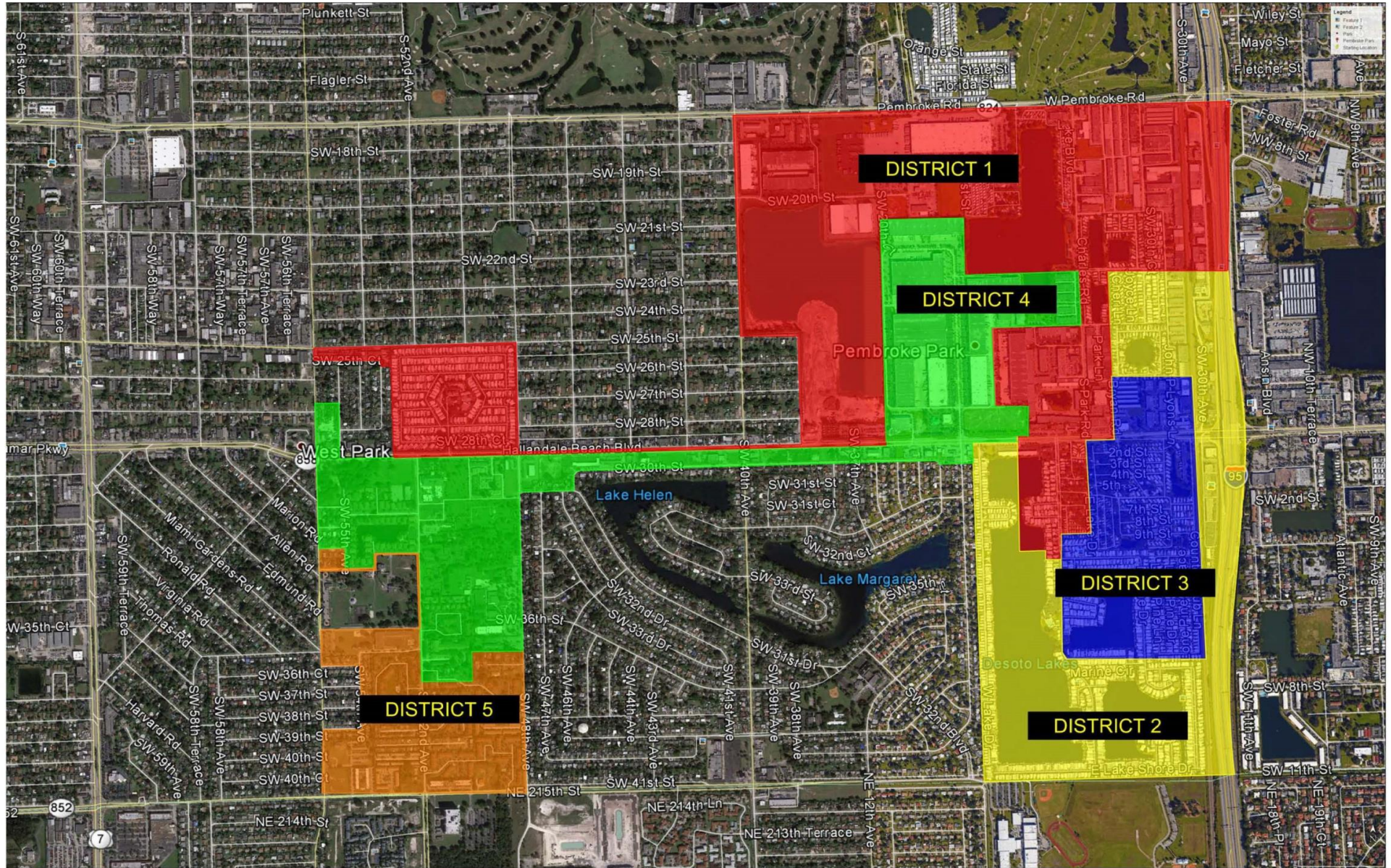
•The Commission shall be composed of a Mayor-Commissioner, Vice-Mayor Commissioner, Clerk-Commissioner, and two (2) other Commissioners. At the first regular meeting of the Commission following every election as herein provided, the Commission shall, by Resolution, appoint one of its members as and to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

Vacancies on the Commission

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

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

WEST PARK CHARTER SECTION (2)(6)(c) ON VACANCIES

- Filling of vacancies. A vacancy on the commission shall be filled as follows:

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

2.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.

3.Persons filling vacancies shall meet the qualifications specified in this section.

4.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.

5.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.

6.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.

Powers of Commissioners in relation to fellow commissioners.

Sec. 13. - Powers enumerated.

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

The above highlighted provision is vague and probably unenforceable.

WEST PARK CHARTER SECTION

(b) Forfeiture of office.

1. 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 city or if he or she otherwise ceases to be a qualified elector of the city.

2. 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.

3. 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 city 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.

COMMISSION INTERFERENCE WITH ADMINISTRATION

West Park Charter.

(2) Prohibitions.

(a) Appointments and removals. Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the administrator or any of his or her subordinates is empowered to appoint, but the commission members may express their views and fully and freely discuss with the administrator anything pertaining to appointment and removal of such officers and employees.

(b) Interference with administration. Except for the purpose of inquiries and investigations made in good faith, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the administrator 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 city government operations by individual commission members be made solely to and through the administrator. Commission members may discuss with the administrator any matter of city business; however, no individual commission member shall give orders to the administrator.

(c) Holding other office. No elected city official shall hold any appointive city office or city employment while in office. No former elected city official shall hold any compensated appointive city office or city employment until 1 year after the expiration of his or her term.