



AGENDA CHARTER REVIEW COMMITTEE MEETING

6:00 PM - Monday, July 25, 2022
Commission Chambers

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1. CALL TO ORDER	
2. PLEDGE OF ALLEGIANCE	
3. ROLL CALL	
4. APPROVAL OF THE PREVIOUS MEETING MINUTES	
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5. PRESENTATIONS	
6. NEW BUSINESS	
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7.1. Next Meeting	
Monday, September 26, 2022 (Rosh Hashanah)	
8. ADJOURNMENT	



MINUTES CHARTER REVIEW COMMITTEE MEETING

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

The CHARTER REVIEW COMMITTEE MEETING of the Town of Pembroke Park was called to order on Monday, May 23, 2022, at 6:00 PM, in the Commission Chambers, with the following members present:

PRESENT:

EXCUSED:

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, Paulette Walker, and Lucy Weber.

In attendance were Town Attorney Melissa Anderson, Town Clerk Marlen Martell and Assistant to the Town Clerk Clerk Suzi Reutlinger

4 APPROVAL OF THE PREVIOUS MEETING MINUTES

Minutes from the March 28, 2022, meeting

MOTION TO APPROVE 03 25 2022 MEETING MINUTES MADE BY GARY SCHRADER SECONDED BY EVELYN CUNNINGHAM; MOTION PASSED 5-0.

5 PRESENTATIONS

Building Department and Code Enforcement - Presenters are Building Official Nunez and Chief Code Enforcement Officer Ramirez

The Building Official, Miguel Nunez and Chief Code Enforcement Officer Joseline Ramirez made presentations of the sections from the Charter directly impacting their department.

6 OLD BUSINESS

Charter Review

Town Attorney Melissa Anderson discussed seat vacancies on the Commission, Powers of Commissioners in relation to fellow Commissioners, and Commission interference in Administration

7 NEW BUSINESS

None

8 ANNOUNCEMENTS

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

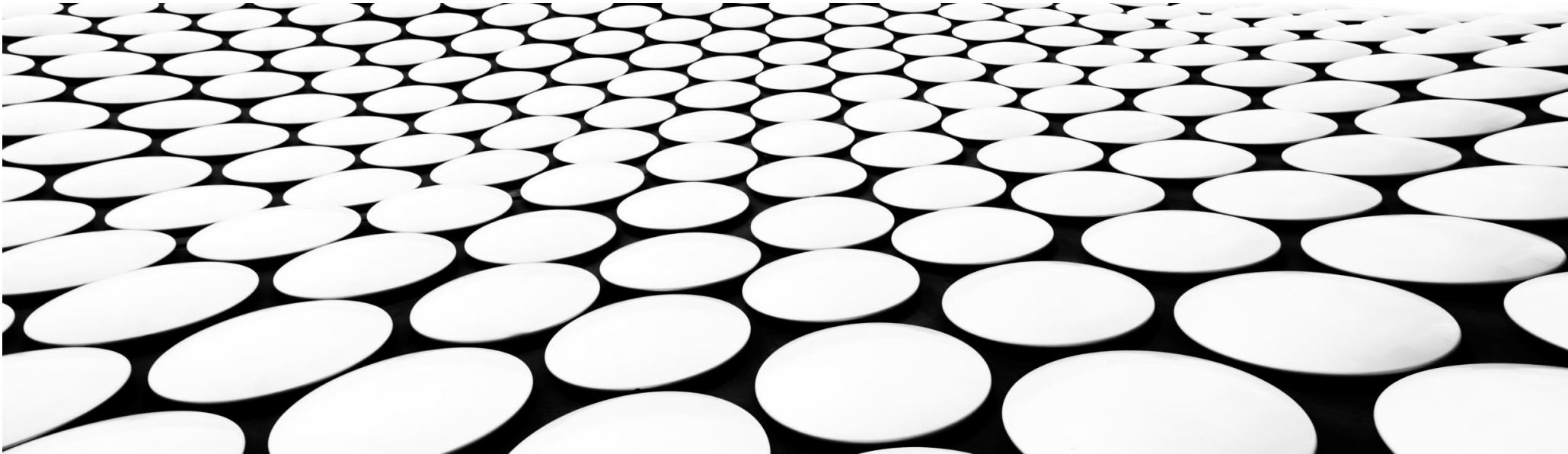
9 ADJOURNMENT

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

The meeting was adjourned at 7:17 PM

FORMS OF LOCAL GOVERNMENT

COMMISSION-MANAGER, STRONG MAYOR, COMMISSION



TOWN OF PEMBROKE PARK CHARTER

- **Sec. 15. - [Creation of departments.]** For the purpose of systematically handling the government, the Commission shall create the following departments, and one Commissioner shall have charge of each department: Executive Department, in charge thereof to be ex-officio the Mayor; Department of Taxes, the Commissioner in charge thereof to be the Clerk; Department of Finance, the Commissioner in charge thereof to be the Vice-Mayor; Department of Health and Zoning, one of the other Commissioners as is designated by resolution of the Commission; and Department of Public Works and Water, one of the other Commissioners as is designated by resolution of the Commission.
- **Sec. 16. - [Additional compensation for Commissioners.]** Each of the Commissioners is authorized to hold any office or perform any duties or functions necessary for the government of the municipality, but he or she shall receive no additional compensation for such service except as to the Public Works Director. The Commissioners may in case of necessity appoint suitable persons to assist them in performing the duties of their respective departments, and the compensation of such persons shall be determined by the Commission.

OEL WINGO REPORT FINDINGS AND RECOMMENDATIONS

“The Town has operated, over the last twenty plus years, as a quasi-Commission form of government. Commissioners originally served as Town Department Heads with assigned duties and responsibilities established by the Town Charter.

As the management of local government became more complex and time consuming, Commissioners began to appoint 'Town employees' to assist them, consistent with Section 16 of the Charter.

Gradually, the bulk of the Commissioner's job duties were shifted to Town employees, with oversight from the Commission. Apart from the creation of the Finance/Budget Director in 1983, the Town Planner and Engineer, in 1984 and finally a Town Manager in 1991, No Charter reviews/amendments or substantive ordinances were adopted to clarify the transition from Commission to Manager form of government. The antiquated 'department head' assignments remained in the Charter.

The ambiguity created by the outdated Charter may be at the core of the organizational culture that steered the Town into the inefficiencies and mismanagement identified by the OIG (Attachment 3)” (emphasis added)

FORMS OF MUNICIPAL GOVERNMENT IN FLORIDA

- Council-strong mayor: an elected executive implements council actions and administers one city; about 45 Florida cities in all populations.

The mayor is the chief executive officer, centralizing executive power.

The mayor directs the administrative structure, appointing and removing of department heads.

While the council has legislative power, the mayor has veto power.

The council does not oversee daily operations.

- Commission: each elected official oversees one or more departments autonomously; come together as legislative body. About 2 Florida cities have this .

- Council-Manager or Commission-Manager: professional manager appointed by mayor & council to administer city, prepare agenda and recommend actions to council, and present a budget each year; about 277 Florida cities of all Populations.

- Council-weak mayor: original form brought over from England; council shares all powers; about 85 Florida cities with populations less than 25,000

The council is powerful, with both legislative and executive authority.

The mayor is not truly the chief executive, with limited power or no veto power.

The council can prevent the mayor from effectively supervising city administration.

NOTE: A Commission-Manager form of government can also have a weak mayor.

STRONG MAYOR

- Commission serves as the legislative body and makes policy decisions and performs all legislative functions
- The Mayor is the head of the local government: Hires staff and oversees day to day operations

EXAMPLE: WEST PALM BEACH

- **Sec. 1.01. - Corporate existence; form of government; charter.**
- The City of West Palm Beach in Palm Beach County, Florida, which was created by the Florida Legislature, shall continue as a municipal corporation with a mayor-commission form of government as provided herein and with this document as the charter for the city.
- **Sec. 2.03. - Powers of the city commission.**
- All powers of the city shall be vested in the city commission except those powers specifically given to the mayor, and to the internal auditor and reserved to the electors of the city in this charter.
- **Sec. 3.01. - Mayor.**
- The chief executive officer and administrative head of the city shall be the mayor who shall be responsible for the proper administration and conduct of the executive work and affairs of the city. The mayor shall be a voting member of the city commission, only for the purpose of breaking a tie vote. The mayor shall be recognized by the courts for the purpose of serving civil process and by the governor for purposes of military law. The mayor may, with the consent of the city commission, take command of the police in case of public danger or emergency. The mayor shall, when directed to do so by the city commission, execute all instruments to which the city is a party, unless otherwise provided in this charter or by ordinance.
- **Sec. 3.02. - Mayor's veto power.**
- The mayor shall have the power to veto legislation within forty-eight (48) hours after the adjournment of any city commission meeting. Ordinances or resolutions vetoed by the mayor shall be considered by the city commission at its next regularly scheduled meeting, and at that meeting the city commission may pass the ordinance or resolution over the mayor's veto by four votes of the commission. The effective date of an ordinance passed over the mayor's veto shall not be less than fifteen (15) days after the final passage, which shall be considered to be the date on which the city commission originally passed the ordinance or resolution and it shall then become law.
- Within forty-eight (48) hours of the adoption of an ordinance or resolution appropriating money for the use of city government, the mayor may disapprove all or a portion of an appropriation. Any appropriations disapproved or reduced shall be void to such disapproval or reduction unless restored to the ordinance or resolution by four votes of the city commission at its next regularly scheduled meeting.
- The mayor shall not have the power to veto emergency ordinances or any enactments relating to emergency appropriations or emergency borrowing.



COMMISSION-MANAGER

- Most common form of local government
- Commissioners are responsible for making policy with advice of Town Manager
- A professional manager is appointed by the board of council has full responsibility for the day-to-day operations of the local government
 - Appointed off experience and credentials, implements the policies set by the commissioners
 - Subject to accountability to the commissioners, who can vote to replace that manager
- A mayor is chosen from among the commissioners on a rotating basis
- Ideal to avoid corruption

EXAMPLE: FORT LAUDERDALE

- ARTICLE III. - GOVERNMENT OF CITY AND FORM OF GOVERNMENT
- Sec. 3.01. - Commissioner-manager plan.
 - The form of government of City of Fort Lauderdale, provided for under the charter, shall be known as the "commissioner-manager plan." The city manager shall be the administrative head of the city, answerable to the city commission.
- Sec. 3.02. - Creation, composition and term of commission.
 - There is hereby created a city commission composed of one (1) mayor-commissioner and four (4) city commissioners all of whom shall be elected in the manner provided in this charter, shall take office on the first regular meeting day in December following their election, and who, beginning in the year 2020, shall hold office for a term of four (4) years, or until their successors are elected and qualified. The term of the mayor and four (4) city commissioners that commenced in the year 2018 shall last until such time as their successors are elected and qualified as a result of the 2020 election. No person who has been elected to the office of mayor-commissioner or to the office of city commissioner for three (3) consecutive terms shall be qualified for nomination or election to that office for the succeeding term. This limitation shall apply to terms which commence after the regular election of March 7, 2000. The mayor-commissioner and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.
- Sec. 3.06. - Powers vested in commission; limitations. The legislative powers of the city shall be vested in and exercised by the city commission, and the commission shall have the power to pass ordinances, adopt resolutions, appoint by resolution all appointive officers, boards and those employees specified in this charter as being appointed by the city commission, and exercise all other powers herein provided. All powers of the City of Fort Lauderdale, except as otherwise provided by this charter or by the Constitution of the State of Florida, are hereby vested in the city commission; and except as otherwise provided by this charter or by the Constitution of the State of Florida, the city commission may by ordinance or resolution prescribe the manner in which any powers of the city shall be exercised.



COMMISSION

- Members of a board of elected commissioners serve as heads of specific departments and also act collectively as the legislative body and executive body for the local government
- Each commissioner is responsible for one specific aspect (e.g. fire department, police, public works, health, finance, etc.)
- One of the commissioners is designated chairman or mayor that presides over the meeting
- Less than 1% of municipalities use this older form of government

EXAMPLE: PORTLAND, OREGON

- Portland City Charter, Section 2-302 Assignment and Authority of Commissioners. At the first regular meeting after the election of any Council member, the Mayor shall designate one member to be Commissioner In Charge of each department, who shall thereafter be designated as Commissioner of such department, which designation may be changed and a transfer of Commissioners from one department to another be made, whenever it appears that the public service will be benefitted thereby. Such assignment shall be made by the Mayor by order which shall be filed and preserved as an ordinance. The Commissioner In Charge of each department shall have the supervision and control of all the affairs and property which belong to that department, subject to the provisions of this Charter and to such regulation as may be prescribed by the Council.
- Portland Charter Review: The city is currently reviewing its charter to determine whether it will continue to use a commission form of government. It is one of the only, if not the only, local government in the US to use commission form of government. (See, <https://www.kgw.com/article/news/local/the-story/portland-government-charter-review/283-0c34bb1b-45b6-42cf-9b80-45938d9d4e61>)