

**TOWN OF OCEAN RIDGE, FLORIDA
CHARTER REVIEW COMMITTEE MEETING
AGENDA**

JUNE 25, 2018

9:00 A.M.

TOWN HALL * MEETING CHAMBERS

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF MINUTES

1. None.

CHARTER REVIEW

2. Discussion Regarding Charter Amendments

ADJOURNMENT

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT THE TOWN CLERK AT 561-732-2635 AT LEAST 5 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE. PLEASE TAKE NOTICE THAT ONE OR MORE TOWN COMMISSIONERS MAY BE PRESENT AT ANY BOARD OR COMMISSION MEETING OF THE TOWN OF OCEAN RIDGE.

RESOLUTION NO. 2018-06

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE, ASSIGNING ITS DUTIES, PROVIDING AUTHORITY FOR EXPENDITURES, PROVIDING FOR PUBLIC MEETINGS, PROVIDING FOR LEGAL AND STAFF SUPPORT FOR THE COMMITTEE, AND PROVIDING AN EFFECTIVE DATE AND A DATE FOR TERMINATION OF ACTIVITIES.

WHEREAS, the Town Commission of the Town of Ocean Ridge deems it advisable that a study and review of the existing town charter be conducted. The committee shall make a study of such portions of the town charter as shall be brought to its attention by the commission, the town manager or the town attorney as being ambiguous, unclear or not in the best interests of efficient economical operation of the town and shall make recommendations for revision of or amendments to the charter as may appear necessary to assure the people of Ocean Ridge that the charter will be responsive to their interests and for the purpose of determining the advisability of amending any part or all of said charter in accordance with the provisions of controlling legal authority; and

WHEREAS, it is appropriate to create a Charter Review Committee for the purpose of review and study of the existing charter with said Charter Review Committee submitting recommendations to the Town Commission.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

Section 1. A Charter Review Committee is hereby created, consisting of five (5) total members to be appointed by the Town Commission as follows:

- (a) The Town Commission shall each select one member; and
- (b) The Town Commissioners shall confirm that their appointments are willing to serve.

Section 2. The Charter Review Committee shall review and study the existing town charter and possible amendments or revisions thereto and make written recommendations to the Town Commission as to suggested amendment or revision of the town charter. The Charter Review Committee shall function as a recommending body to the Town Commission.

Section 3. The Town Commission, upon receipt of the findings and

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recommendations of the Charter Review Committee, shall review same and determine whether the existing charter should be amended or revised. The Town Commission may cause to be prepared such ordinance or ordinances as it may deem advisable to amend or revise the existing town charter in the manner as provided by law.

Section 4. The town manager may from time-to-time exercise his authority to make expenditures for the Charter Review Committee in the performance of its duties as provided in this Resolution.

Section 5. Upon appointment of members to the Charter Review Committee, the Town Commission shall direct staff to establish a time, date, and place for the first meeting of the Committee. At the first meeting of the Committee, the Committee shall select a chairperson and vice chairperson. The vice chairperson shall assume the duties of the chairperson in the absence of the chairperson. Any vacancy created by the incapacity, resignation or otherwise of a board member shall be filled at the next regular or special meeting of the Town Commission by the Commissioner who originally appointed the member.

Section 6. The Charter Review Committee shall hold those public meetings it deems necessary and receive input from the public concerning the advisability of amending the town charter.

Section 7. All meetings of the Charter Review Committee shall be noticed and open to the public. The Committee shall have minutes of each meeting taken. A majority of the Committee shall constitute a quorum.

Section 8. The town manager, town attorney and town clerk are hereby directed to support the Charter Review Committee in its organization and in considering, formulating and making findings and recommendations.

Section 9. This Resolution shall take effect immediately upon adoption. Upon consideration and acceptance of the findings and recommendations of the Charter Review Committee by the Town Commission, the Committee shall be deemed disbanded and the Committee's existence shall terminate.

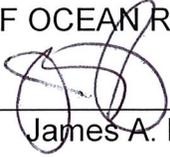
Commissioner MaGruder offered the foregoing resolution.
Commissioner Bestler seconded the motion, and upon being put to a vote, the vote was as follows:

Resolution No. 2018-06

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JAMES A. BONFIGLIO, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DON MAGRUDER, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEVE COZ, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRISTINE DE HASETH, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILIP BESLER, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the Resolution duly passed and adopted this 4th day of June, 2018.

TOWN OF OCEAN RIDGE, FLORIDA

BY:  _____
James A. Bonfiglio, Mayor

ATTEST:

BY:  _____
Tracey L. Stevens, Town Clerk

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY:  _____
R. Brian Shutt, Town Attorney

Agenda: June 25, 2018
Memo: Item #2

Town of Ocean Ridge, Florida
Agenda Memorandum
Office of the Town Clerk

Subject: Charter Review

Charter Review Committee Members:

Attached is a "Track Changes" version of the Town Charter based on issues that Town Staff has some concerns about. These proposed changes can be a starting point for discussion; however, it is up to the Charter Review Committee to determine the additions or deletions to the Charter for recommendation to the Town Commission, as listed in Section 2 of Resolution No. 2018-06.

Respectfully,

Tracey L. Stevens, Town Clerk

PART I - CHARTER

ARTICLE I. - CREATION AND POWERS

Section 1.01. - Creation and powers.

The Town of Ocean Ridge is 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.

ARTICLE II. - CORPORATE LIMITS

Section 2.01. - Description of corporate limits.

The following area shall constitute the corporate limits of the Town of Ocean Ridge:

Beginning at a point where the waters of the Atlantic Ocean intersect the south line of Lot 20, Block A, Palm Beach Shore Acres, according to the plat thereof recorded in Plat Book 7, page 15, public records of Palm Beach County, Florida, said subdivision being located in Government lot 1, Section 34, Township 45 South, Range 43 East, said south line of Lot 20, Block A, being also the south line of Blue Ocean Subdivision (an unrecorded plat); thence westerly along the said south line of Lot 20, Block A, and south line of Blue Ocean Subdivision, to a point in the westerly right of way line of State Road No. A1A, according to the plat thereof recorded in Road Plat Book 1, page 58, public records of Palm Beach County, Florida; thence northerly along the westerly right of way line of said State Road A1A to a point in the easterly extension of the center line of Cherokee Avenue, according to the Plat of Briny Breezes Addition No. 2 recorded in Plat Book 14, page 62, public records of Palm Beach County, Florida; thence westerly along the center line of said Cherokee Avenue to a point in the center line of the right of way of the Intracoastal Waterway, according to the plat thereof recorded in Plat Book 17, page 13A; thence northerly along the center line of the right of way of the Intracoastal Waterway to the open waters of Lake Worth; thence along the center line of right of way of the Intracoastal Waterway, in the open waters of Lake Worth, to a point of intersection with the south right of way line of the South Lake Worth Inlet; thence easterly along said north right of way line of the South Lake Worth Inlet to the waters of the Atlantic Ocean; thence southerly along the waters of the Atlantic Ocean to the point of beginning.

ARTICLE III. - LEGISLATIVE

Section 3.01. - Town Commission; powers, composition.

There shall be a Town Commission with all legislative powers of the Town vested therein, consisting of five (5) members who shall be electors of the Town, elected at large by the electors of the Town in the manner hereinafter provided.

Section 3.02. - Qualifications.

Any elector of the Town shall be eligible to hold the office of Town Commissioner. The Commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. ~~A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one (1) week in advance of the hearing.~~

Section 3.03. - Election and terms.

The Commissioners shall hold office for a term of three (3) years beginning immediately after official certification of the results of the election ~~at noon on the third day after their election~~ and shall continue in office until their term expires and until their successors are elected and qualified. There shall be an annual election of a Commissioner or Commissioners in the manner prescribed in Article V of this Charter, on the second Tuesday in ~~February~~ March of each year (unless this date is required to be changed, by law, to a date concurrent with any countywide or statewide election or other date), to fill the vacancy or vacancies occasioned by the expiration or early termination (voluntary or involuntary) of the terms of the office of Commissioners.

Section 3.04. - Compensation and expenses.

The Commission may determine the annual salary of Commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

Section 3.05. - Mayor and Vice-Mayor.

The Commission shall select from among its members, by a majority vote, a Mayor and Vice-Mayor. Selection of the Mayor and Vice-Mayor shall be made at the first regular Commission meeting after the Town election or at such time as the occurrence of a vacancy in the office of Mayor or Vice-Mayor exists.

The Mayor shall preside at meetings of the Commission, shall be recognized as head of Town government for all ceremonial purposes, by the Governor for purposes of military law, for services of process, execution of contracts, deeds and other documents. The Mayor shall have no administrative duties except as required to carry out the responsibilities herein.

The Vice-Mayor shall act as mayor during absence or disability of the Mayor and, if a vacancy of the Mayor occurs, shall become interim Mayor until a Mayor is selected by a majority vote of the Commission.

Section 3.06. - Vacancies; forfeitures of office; filling of vacancies.

- ~~(a) *Vacancies.* The office of a Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the Commission.~~
- ~~(b) *Forfeiture of office.* A Commissioner shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by remaining members of the Commission.~~
- ~~(c) *Filling of vacancies.* A vacancy on the Commission shall be filled by a majority vote of the remaining members of the Commission for the period of time until the next election, when a Commissioner shall be elected for the remainder of the term vacated.~~
- ~~(d) *Extraordinary vacancies.* In the event that all members of the Commission are removed by death, disability or forfeiture of office, the Governor shall appoint an interim Commission that shall call a special election.~~

(a) Vacancies. – A vacancy in the office of a Commissioner, Mayor or Vice Mayor shall occur upon the incumbent’s death, inability to fulfill the duties of the office, resignation, appointment to another public office, judicially determined incompetence, or removal or forfeiture of office as described in this section.

(b) Forfeiture of office. –

1. A member of the Commission may forfeit the office if the member:

a. Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;

b. Violates any express prohibition of this charter;

c. Is convicted of a felony or criminal misdemeanor, which felony or misdemeanor involves the office of Town Commission;

d. Is found to have violated any standard of conduct or code of ethics established by law for public officials, as determined by the remaining members of the Commission, or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or

e. Misses three consecutive regularly scheduled council meetings, unless excused by the Commission. The burden of establishing good cause for absences shall be on the Commission member in question; however, any Commission member may, at any time during a duly held meeting, move to establish good cause for his or her absence. A Commission member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on such matters.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled Commission meeting, and the member may be declared to have forfeited office by majority vote of the Commission.

2. 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 good cause for absence has been or may be established. The Commission shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Commission shall have power to subpoena witnesses, administer oaths, and require the production of evidence.

(c) Filling of vacancies. –

1. A vacancy on the Commission shall be filled by a majority vote of the remaining members of the Commission for the period of time until the next election, when a Commission member shall be elected for the remainder of the term vacated. If there are more than 6 months remaining in the unexpired term and a majority of the remaining Commission members cannot reach a decision within 60 days after a vacancy occurs, then the vacancy shall be filled by a special election.

2. In the event that all of the Commission members are removed by death, disability, recall, forfeiture of office, or resignation, the Governor shall appoint interim Commission members who shall call a special election at least 30 days, but no 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 fewer than 6 months remaining in any unexpired terms, the interim Commission appointed by the Governor shall serve until the next election. Appointees must meet all requirements for candidates as provided in this charter.

Section 3.07. - Procedure.

- (a) *Meetings.* The Commission shall meet regularly at least once in every month, at such times and places as the Commission may prescribe by rule. Special meetings may be held on the call of the Mayor or of a majority of the members and, whenever practicable, upon no less than ~~twelve (12)~~ twenty-four (24) hours' notice to each member and the public unless there is an immediate threat to the public health, safety or welfare. All meetings shall be public.
- (b) *Rules and journal.* The Commission shall determine its own rules and order of business. In the event the Commission does not adopt rules, it shall be governed by Robert's Rules of Order, revised edition, in conducting its meetings.
- (c) *Voting.* Voting, on ordinances and resolutions, shall be by majority vote, or if requested by a Commissioner, by a roll call, and shall be recorded ~~in the journal.~~ A majority of the Commission shall constitute a quorum; ~~but a smaller number may~~

~~adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Commission. No action of the Commission except as otherwise provided in the preceding sentence and in Section 3.07 shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.~~ THIS ALLOWS A 2-1 VOTE TO APPROVE

- (d) *Annual audit.* At the end of each fiscal year the Commission shall select and employ competent independent auditors to analyze the Town's financial activities and transactions for the year ended and to certify their opinion of the fiscal conditions they report.

ARTICLE IV. - ADMINISTRATIVE

Section 4.01. - Town Manager.

There shall be a Town Manager who shall be the chief administrative officer of the Town. He shall be responsible to the Commission for the administration of all town affairs placed in his charge by or under this Charter.

Section 4.02. - Appointment; removal; compensation.

- (a) *Appointment.* The Commission shall appoint a Town Manager for an indefinite term by a majority vote of all the Commission members.
- (b) *Removal.* The Commission may remove the Manager by a majority vote of all the Commission members.
- (c) *Compensation.* The compensation of the Manager shall be fixed by the Commission.

Section 4.03. - Acting Town Manager.

By letter filed with the Commission, the Manager shall designate, subject to approval of the Commission, a qualified town administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the Commission may revoke such designation at any time and appoint another officer of the Town to serve until the Manager shall return or his disability shall cease.

Section 4.04. - Powers and duties of the Town Manager.

The Town Manager shall:

- (a) Appoint, ~~subject to confirmation by the Commission,~~ and when he deems it necessary for the good of the Town, suspend or remove, ~~subject to review by the Commission,~~ any or all Town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, ~~this Charter or personnel rules adopted pursuant to this Charter.~~ The Town Manager shall authorize and delegate any administrative department head to exercise these powers with respect to subordinates in that department head's

department. The department heads shall be responsible to the Town Manager for the discipline and efficiency of their departments.

- (b) Direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter of [or] by law.

~~The Chief of Police shall be responsible to the Town Manager for the recommendation to hire, or discharge all employees within the Police Department.~~

~~The Chief of Police may peremptorily suspend, with pay, any subordinate for misconduct or failure to perform the duties of office, and shall report same, in writing, to the Town Manager within twenty-four (24) hours, together with a recommendation concerning any further proposed disciplinary action.~~

~~Within seventy two (72) hours of a suspension, the Town Manager shall conduct a hearing concerning the suspension, and any recommendation made by the Chief of Police concerning other disciplinary action. The Chief of Police and the affected employee may present and confront witnesses, and other evidence. For this purpose, the Town Manager may compel the attendance and sworn testimony of employees. The conduct of this hearing shall be informal and shall not require conformance to the Rules of Evidence or Rules of Civil or Criminal Procedure, as approved by the Florida Supreme Court. However, fundamental due process shall be observed. Within twenty four (24) hours of the hearing, the Town Manager shall render a written decision upholding, reversing or modifying the recommendation of the Chief of Police, and citing the reasons therefor. The Town Manager shall have the authority and shall be responsible to discharge or otherwise discipline employees affected herein. Said written decision shall be filed with the Town Clerk and shall be sent by Certified Mail to the affected employee. This decision shall be appealable to the Town Commission, by the filing of a written request therefor within ten (10) days of the filing of a decision with the Town Clerk.~~

~~The Town Commission shall hear the appeal of the affected employee at its next regular Commission meeting or at a special meeting called for that purpose, prior to the next regular Commission meeting. The decision of the Town Commission shall be final.~~

- (c) Attend all Commission meetings and shall have the right to take part in discussion but may not vote.
- (d) See that all laws, provisions of this Charter and acts of the Commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (e) Prepare and submit the annual budget, together with the budget message, and capital program to the Commission in a form provided by ordinance.
- (f) Submit to the Commission and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.

- (g) Make such other reports as the Commission may require concerning the operations of Town departments, officers and agencies subject to his direction and supervision.
- (h) Keep the Commission fully advised as to the financial condition and future needs of the Town and make such recommendations to the Commission concerning the affairs of the Town as he deems desirable.
- (i) Sign contracts on behalf of the Town pursuant to the provisions of appropriations ordinances, as may be specifically directed by the Town Commission.
- (j) Perform such other duties as are specified in this Charter or may be required by the Commission.

ARTICLE V. - NOMINATIONS AND ELECTIONS

Section 5.01. - Electors.

Any person who is a resident of the Town who has qualified as an elector of this state, and who registers in the manner prescribed by general law, shall be an elector of the Town.

Section 5.02. - Nonpartisan elections.

All nominations and elections for the office of Town Commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

Section 5.03. - Nominations.

Candidates for the office of Town Commissioner shall be nominated for such office(s) by the filing of a written notice of candidacy in the manner prescribed by law.

~~Section 5.04. - Form of ballots.~~

~~The Commission by ordinance shall prescribe the form of the ballot, including the method of listing candidates for Town Commission election, and any other Town election. A Charter amendment to be voted on by the Town shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such question shall appear, in the following order, the word "For" and also the word "Against" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice.~~

Section 5.05. - Elections.

Annual Town elections shall be held on the second Tuesday in ~~February~~ March (unless this date is required to be changed, by law, to a date concurrent with any

countywide or statewide election or other date). The election of candidates for the office of Commissioners shall be determined solely on the basis of a plurality of votes cast at the annual election and not be a run-off system of voting.

Procedures to be followed in voting for candidates running for the office of commissioner will depend upon the following: (1) Commission seats vacated by the expiration of the three (3) year term of office; and (2) the early termination or vacancy of a three (3) year term of office caused either voluntarily or involuntarily. Thus, if only one (1) commission seat has expired and is available at the time of an annual election, the candidate receiving the largest number of votes cast shall be declared elected to that commission seat. However, if, for example, two (2) commission seats have expired and are available and one (1) commission seat has been terminated early or vacated, either voluntarily or involuntarily, and is available at the time of annual election, then the two candidates receiving the largest and next to largest number of votes cast shall be declared to be elected for the two (2) commission seats that have expired in an ordinary manner while the candidate receiving the next largest number or third largest number of votes cast, shall be declared elected for the commission seat terminated early or vacated, and said elected candidate shall serve for the remaining time in this unexpired term of office.

If, for any reason, an elected candidate refused to acknowledge or accept the campaign seat or term of office which he has been elected to, then that commission seat and term of office shall be awarded to the candidate who received the next largest number of votes cast at the annual election, ~~whether the campaign seat or term of office be for Town Commissioner or for Town Mayor.~~

ARTICLE VI. - TRANSITION SCHEDULE

Section 6.01. - Continuation of former Charter provisions.

All provisions of Chapter 15088, Laws of Florida, Special Acts of 1931, as amended by the former Charter, which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the Town subject to modification or repeal in the same manner as other ordinances of the Town.

Section 6.02. - Ordinances preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Section 6.03. - Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Town officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

Section 6.04. - Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the Town shall continue except as modified pursuant to the provisions of this Charter.

ARTICLE VII. - FINANCE AND TAXATION

Section 7.01. - Accounting funds established.

All cash and fixed assets of the Town shall be maintained in one of the following accounting funds, as applicable:

- (a) Debt Service Funds (more than one may be established);
- (b) Capital Projects Fund;
- (c) General Fixed Asset Fund;
- (d) General Fund.

Section 7.02. - Fund transfers; fund equity.

The Town Commission, subject to other provisions of law, may transfer equity from one fund to another fund by Resolution. All undesignated fund equity from the prior fiscal year shall be appropriated in one of the funds established herein. Said appropriations shall be made at least annually, by Resolution, at the time of adoption of the general ~~milage~~ [millage] as established by law.

TO: Mayor Jim Bonfiglio
Town Manager Jamie Titcomb

May 23, 2018

After having reviewed the Ocean Ridge charter, it is clearly a "general" document without many specifics. From what I heard at the workshop when the committee was planned, the couple of areas the Commission wanted to have reviewed/updated might be:

- a. The date of our elections (our charter still has Feb but that has changed to March)
- b. Succession processes
- c. Hiring/Employment Practices
- d. Housekeeping

In anticipation of the committee, I pulled material (from other munis, or original ideas) prepared for others to review.

a. Date of Elections.

Our charter is clearly out of date on the elections. That must be changed. Palm Beach County statute states: **Also the governing body of any municipality may, by ordinance and without referendum, amend its municipal charter to conform to the provisions of this act [division].** So, that can be started now by ordinance. I would think that the Town Manager can initiate that and I would assume the Attorney can provide the wording. If not, I am happy to draft something. It is very simple.

b. Succession Processes.

I am assuming one of the key specifics missing was how to deal with Bonfiglio's planned stepping down. I think without any changes to the charter, that process is defined. After a commissioner leaves, the remaining 4 will vote on filling the vacant seat. The "leaving" commissioner will not be able to vote on successor. However, if that seat is not filled, the next question is the voting on Mayor and Vice Mayor. If the seat is vacant and there are only 4 seated commissioners, and there is not a majority vote of 3, it seems to me that the current Vice Mayor would then act as the Mayor until the commission officially elected another. Then the issue would be that there would be no acting vice mayor. Not sure if that is really an issue. I wouldn't think so. If the Acting Mayor cannot attend a meeting, he/she can appoint one of the remaining commissioners to act on their behalf. When i was a commissioner, I actually ran one meeting !!! This should be verified with the Attorney.

c. Hiring/Employment Practices.

I developed the initial Employee Handbook of our Human Resources Policies and Procedures" for Ocean Ridge back in 2008 as a volunteer when they were going to pay an outside consultant several thousands of dollars!!! Karen had bits and pieces of docs that i used as a starting point, and then I gathered info from other muni's and got buy-ins along the way from the seated commission.

I received from Tracy for an updated copy of this handbook and a separate one for the Police (PBA contract). The process that is outlined in the charter should really come OUT of the charter and be put in a policy/procedure handbook and NOT a charter. I am

assuming this was documented in the charter at the time due to a lack of a handbook. The details of the specific policy should be worked, but it should be removed from the charter. The charter should just reference the specific Handbooks.

THEREFORE ----

For these 3 items, from what I can see, we need the following:

- a. An ordinance to change the date for the election
- b. NOTHING for the succession process
- c. A referendum to remove the verbiage for the hiring/employment practices and reference the existing handbooks. We may want to DELAY this until the dust settles on the PBA negotiations as well as other pending actions.

There may be some "housekeeping" items that need to be addressed, but I am not aware of any specifics. Given that charters should remain fairly generic, and ours is pretty generic, you may want to identify those areas that you want a committee to investigate.

I wanted to provide this input before a full blown committee was set into action.

Respectfully,


Zoanne Hennigan