

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

**JULY 3, 2018**

**8:00 A.M.**

**TOWN HALL \* MEETING CHAMBERS**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

**APPROVAL OF MINUTES**

1. Approve minutes of June 25, 2018 meeting

**CHARTER REVIEW**

2. Section 3.05
3. Section 3.06
4. Section 5.01
5. Section 3.07
6. Section 4.02
7. Section 4.03
8. Section 4.04
9. Section 3.03 – discuss section and also term limits
10. Section 5.05 – discuss section and also seat voting

**ADJOURNMENT**

**\*\*Note:** The Committee will discuss as many sections as possible at this meeting during the time allotted of 8:00 a.m. to 10:00 a.m. All sections not discussed at this meeting will be deferred to the next meeting on July 30, 2018 at 8:00 a.m.

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.

CHARTER REVIEW COMMITTEE MEETING MINUTES  
JUNE 25, 2018

Meeting of the Charter Review Committee of the Town of Ocean Ridge held on Monday, June 25, 2018 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Town Clerk Stevens. Town Clerk Stevens swore in all of the members of the Committee.

ROLL CALL

Town Clerk Stevens led the roll call which was answered by the following:

	<u>Present:</u>	<u>Absent:</u>	<u>Tardy:</u>
Member Terry Brown	x		
Member Zoanne Hennigan	x		
Member Polly Joa	x		
Member Kenneth Kaleel	x		
Member Geoffrey Pugh	x		

Staff Present: Town Manager Jamie Titcomb, Town Attorney Brian Shutt, and Town Clerk Tracey Stevens.

PLEDGE OF ALLEGIANCE

Town Clerk Stevens led the Pledge of Allegiance.

SELECTION OF CHAIR AND VICE-CHAIR

Town Clerk Stevens called for nominations for Chair of the Committee.

**Member Pugh moved to nominate Member Hennigan as Chair; seconded by Member Kaleel.**

Member Brown asked about the rules and procedures of the Committee, and noted that more than one nomination could be made from the floor according to Roberts' Rules of Order. He stated he would like to nominate Member Joa for the position of Chair, however, Member Joa declined the position. The Committee discussed the procedures with the Town Attorney and decided to call for a vote on the motion to nominate Member Hennigan as Chair.

**Motion carried 5-0.**

Town Clerk Stevens called for nominations for Vice-Chair of the Committee.

**Member Pugh nominated Member Joa as Vice-Chair; seconded by Member Kaleel.**  
**Motion carried 5-0.**

Chair Hennigan was handed the gavel.

APPROVAL OF THE MINUTES

1. None

## CHARTER REVIEW COMMITTEE MEETING HELD JUNE 25, 2018

### CHARTER REVIEW

#### 2. Discussion Regarding Charter Amendments

Chair Hennigan handed out suggested changes/notes on the draft Charter that was included in the meeting packages. She thanked Town Clerk Stevens and Town Attorney Shutt for working on the draft that was provided. She stated she would like the Committee to go through the Charter Article by Article and give staff feedback for possible changes. She mentioned that Committee members may need to do some homework and come back to the next meeting with discussion items and suggestions.

Town Manager Titcomb stated that one of the goals will be to remove things out of the charter that would be better addressed in ordinances and policies. He stated that the timeline is sensitive due to the referendum process, if the desire of the town is to try to have changes ready for proper submittal for the upcoming March election. He reiterated that we should avoid placing things in the charter that can be addressed by ordinances.

Town Attorney Shutt followed up that if the Committee wishes to have changes ready for the March election, the work would need to be completed and submitted to the Town Commission at its September meeting.

Member Brown asked if the amendment language would be included on the ballot, and Town Attorney Shutt stated that by state statute, we are only allowed 75 words per ballot question, however, we can have separate questions and more than one ballot. He stated that it would be up to the Town Commission on how they would like to craft the ballot question(s). Member Brown asked what method we would use to educate the public about the upcoming referendum, and Town Clerk Stevens suggested that we could put a notice in the paper, on the website, and in posting locations in town that we have a charter amendment referendum coming up and note that the proposed charter language is available in the Town Clerk's office for review before voting.

Member Pugh asked the committee to discuss the meeting timeline, and Member Kaleel stated he is not worried about the time frame. He would rather the committee take the time for review and receive input from the public, and not worry about the expediency.

There was a discussion on how to proceed with the process, and it was decided to schedule future meetings and keep the meetings to two hours or under. The Committee decided to go through the charter Article by Article to see which sections needed changes, and they would re-visit those sections at the next meeting.

Town Attorney Shutt reminded the committee member that they are governed by the sunshine law, and that any record that they have in their possession including email is a public record. He suggested that if they receive an email or document from someone, that the email or document is forwarded to the Town Clerk for recording. There were no questions from the committee regarding the sunshine law and/or public records.

CHARTER REVIEW COMMITTEE MEETING HELD JUNE 25, 2018

The Committee began reviewing the charter and came to consensus on the following:

Section 1.01: **no changes**

Section 2.01: Member Brown mentioned that there was discussion a few years ago regarding town limits in relation to the Atlantic Ocean, and some municipalities have denoted 3 feet into the water as the town limit. Town Attorney Shutt discussed the ways to change the town limits and stated that unless there is an annexation, we should not change the corporate limits of the town unless we do not agree with them. He discussed the high water line/sovereign powers. **There were no suggested changes to this section by the Committee at this time.**

Section 3.01: **no changes**

Section 3.02: Chair Hennigan mentioned that she would like the wording to read “Any qualified Town Elector as defined by Section 5.01 of the Charter, shall be eligible to hold the office of Town Commissioner. The Town Commission shall be the judge of the election.”, and deleting everything else. She mentioned that forfeiture of office is discussed in another section and should be deleted from this section. Member Brown stated he has no problem with the way it is written and does not think it should be changed. Member Kaleel stated he likes what staff has proposed in this section. Member Brown suggested leaving the wording as-is until we discuss the forfeiture section. Chair Hennigan stated that she would like to discuss “convicted of criminal misdemeanor” in the forfeiture section as well. **There was consensus to leave Section 3.02 as staff recommended.**

Section 3.03: Member Brown suggested term limits for Commissioners such as three terms of three years each, in order to open opportunities for people who want to serve, and rejuvenate interest in town government. Chair Hennigan stated that an item such as this would warrant a second ballot question. Member Kaleel stated that term limits is worthy of an extensive discussion, and he sees pros and cons of both. He stated it is important to recognize the pros and cons. He suggested a discussion on this item at the next meeting, and Member Pugh concurred. **It was the consensus of the Committee to discuss Section 3.03 at the next meeting, as well as term limits.**

Section 3.04: **no changes**

Section 3.05: **needs examination**

Section 3.06: **needs examination**

Section 3.07: **needs examination**

Section 4.01: **no changes**

Section 4.02: **needs examination**

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Section 4.03: Member Brown suggested that we address emergency situations such as if the Manager is hospitalized and cannot file a letter with the Commission. Town Attorney Shutt suggested that we may not want to place wording in the charter that would become binding. **Needs examination**

Section 4.04: **needs examination**

Section 5.01: **needs examination**

Section 5.02: **no changes**

Section 5.03: **no changes**

Section 5.04: Town Attorney Shutt stated that staff removed the language in this section because the state statute defines the form of ballot that we have to abide by anyway, no matter what is in the charter. Member Brown asked if we would need to re-number the sections if we remove the language, and Town Attorney Shutt responded that we would. Member Joa asked if we should include language that the form of ballot is per state statute, and Town Attorney Shutt stated that we could do that, however, he cautioned the Committee that we don't want to necessarily just reference state statute in different sections. **There was consensus of the Committee to reference state statute in this section, with no need to re-examine.**

Section 5.05: Member Kaleel stated that he would like to examine the idea of seat voting, and Member Brown asked if he means district voting. Member Kaleel responded that it doesn't necessarily have to be districts, it could be seat 1, 2, 3, 4, 5. **There was consensus of the Committee to discuss seat voting at the next meeting.**

Section 6.01: **leave as staff recommended**

Section 6.02: **no changes**

Section 6.03: **no changes**

Section 6.04: **no changes**

Section 7.01: **no changes**

Section 7.02: **no changes**

**Chair Hennigan reiterated that the major discussion items are term limits, seats for election, filling vacancies, and the voting process such as allowing a 2-1 vote.**

Town Attorney Shutt stated that currently, three commissioners could be seated and a 2-1 vote would pass an item. He stated that some other charters that he has reviewed require

## CHARTER REVIEW COMMITTEE MEETING HELD JUNE 25, 2018

an affirmative vote of three Commissioners. He stated he is not aware of that being an issue here in Ocean Ridge, but the language caught his eye when he reviewed the charter. He stated that the forfeiture of office language was suggested because questions have come up where the Commission has to take action on an item that might be distasteful, and it is helpful to have a clear procedure on what needs to be followed. He stated the language in the charter now is wide open, and he would suggest more procedural elements so that the Commission will not be faced with issues.

Member Brown asked about the intent of Section 3.06 (b)(1)(e) regarding Commissioners missing meetings, and Town Attorney Shutt stated that with the new language, the burden of establishing good cause shall be on the member in question. Member Brown stated he would be concerned about 2-2 votes.

Chair Hennigan stated that we should discuss the section regarding filling vacancies, because the way it has been proposed, if someone gets elected and two weeks later decides to forfeit, the remaining four Commissioners can appoint someone for the remainder of the term, and she suggests that if there is less than six months to the next election, the Commission could appoint someone until the next election, but if there is more than six months to the next election, we should hold a special election. Town Attorney Shutt corrected Chair Hennigan and stated that the language states that the Commission will only fill the seat until the next election, not until the term is up. Town Clerk Stevens mentioned that the costs of an election are around \$10,000 and felt that the Committee needed that information before making a decision. Chair Hennigan stated she does not think the Commission should be able to fill a vacancy for more than six months, and Member Kaleel stated that he does not feel that we should hold special elections.

**There was a discussion about the language, and Attorney Shutt stated that he would change the language to make it more clear that the appointment to fill a vacancy would only be until the next election.** Town Manager Titcomb asked about the contract with the County Supervisor of Elections, and Town Clerk Stevens stated that the contract is for annual elections, and that a separate contract would be needed for special elections.

Chair Hennigan asked about the process of calling meetings of the Commission, and Member Pugh stated that the current process is for a Commissioner to call the Clerk to ask for a meeting, and the Clerk would gain majority consensus on a date. Member Kaleel stated that the Town Manager should be able to call a meeting, and we have always respected that in the past, but it is not in the charter. Town Manager Titcomb stated that the Mayor is able to call emergency meetings such as hurricane emergency declaration meetings. Member Brown asked about the 12-24 hours notice for calling meetings, and Town Attorney Shutt stated that if there is a threat to health, safety, or welfare, we could hold a meeting with no notice, however, it is his strong advice that the Town give 24 hours notice for meetings.

Chair Hennigan asked about the language “under rules” and asked if the Commission has any rules. Town Clerk Stevens stated that the Commission does not have a set of rules. Member Brown stated that the Town should establish the rules publicly. Member Kaleel mentioned that the 3-minute rule for the public speaking at meetings was implemented

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years ago, and the Commission used this charter to set forth that process. Town Clerk Stevens mentioned that Commissions typically have a “Rules of Order and Procedure” document, but Ocean Ridge does not have one.

Chair Hennigan asked the Committee members to review the Charter and come back to the next meeting with a list of suggestions.

The Committee discussed the meeting dates and the consensus was to schedule the following meetings:

- July 3 at 8:00 a.m.
- July 30 at 8:00 a.m.
- August 15 at 8:00 a.m.
- Sept 5 at 8:00 a.m.

Public Comment: Kristine de Haseth, 29 Sabal Island Drive, asked the Committee to include a section for public comment on future agendas.

ADJOURNMENT

**Member Kaleel moved to adjourn at 10:34 a.m.; seconded by Member Pugh. Motion carried 5-0.**

Minutes adopted by the Charter Review Committee at its meeting on July 3, 2018.

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Chair Zoanne Hennigan

Attest:

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Tracey L. Stevens, CMC, Town Clerk

**Agenda: July 3, 2018**

**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 1.0 of the Town Charter based on issues that Town Staff originally had some concerns about. There are no changes at this time to what was originally submitted at the June 25<sup>th</sup> meeting. The Committee made a few decisions at its June 25<sup>th</sup> meeting (see attached minutes); however, the Town Attorney is still researching a couple of things before he proposes additional language based on the decisions made by the Committee. If he finishes his research before the July 3<sup>rd</sup> meeting, we will bring version 2.0 of the Town Charter to the meeting for review.

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.

## Suggested changes/comments (from Zoanne) – For 7/3/18 Meeting

### Section 3.02. – Qualifications.

Any qualified Town elector as defined by Sec. 5.01. of this Charter, shall be eligible to hold the office of Town Commissioner. The Commission shall be the judge of the election. (DELETE THE REST ... does the Comm have a written list of qualifications? Rest is also incongruent with forfeiture section).

Question: If one has been convicted of a misdemeanor felony, should they be eligible to hold office?

### Section 3.03.- Election and terms.

... until their successors are qualified??, elected and sworn in.

### Section 3.06. – Vacancies.

#### (b) Forfeiture of Office.

1c. Is convicted of a felony. (you are no longer an elector in Florida)

1d. Is convicted of a criminal misdemeanor involving the office of Town Commission.

1e. Is found to have violated any standard of conduct .....

1f. Misses three (3) 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. 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.

#### 2. QUESTION: WHERE WOULD THESE WRITTEN STANDARDS OF CONDUCT BE DOCUMENTED?

This entails qualifications as well as forfeiture. Not sure it belongs. “The Commission shall be the sole judge of the qualifications of its members.....” PROBABLY NEED TO DELETE ENTIRE PARAGRAPH.

#### (c) Filling of vacancies.

(1) If there are less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular town election, the Commission by a majority vote of the remaining members shall choose and appoint a successor to serve until a newly elected commissioner or mayor is qualified.

(2) If there are more than six (6) months remaining in the unexpired term and no general town election is scheduled within six (6) months, the Commission shall fill the vacancy by a special election to be held no more than sixty (60) days following the occurrence of the vacancy.

(3) In the event that three (3) or more members of the Commission are removed by death, disability, the law, or forfeiture of office, or resignation, the Governor shall appoint interim Commission members who shall call a special election as provided in (c)(2) above and such election shall be held in the same manner as the first election under this charter. However if there are less than six (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.

3.07. – Procedure.

(a) Meetings. What is the process for 3 members to call a special meeting?

(b) Rules. Are there any Rules documented? Where are they?

(c) Voting. WANT TO DISCUSS PROS/CONS: No ordinance, resolution, or motion shall be adopted except by the affirmative vote of at least three (3) members of the Commission and if requested by a Commissioner, by a roll call, and shall be recorded. (DISAGREE WITH ALLOWING 2-1 vote to approve).

Also, isn't there a requirement of a Notice to Vote?

4.01. – Town Manager.

(b) Qualifications. The Town Manager shall be chosen solely on the basis of executive and administrative qualifications and need not be a resident or land owner of the Town.

(c) Removal.

(d) Compensation. The compensation of the Manager shall be fixed by a majority vote of all the Commission members.

4.04 - Powers and duties of the Town Manager.

(a) KEEP – Appoint, subject to confirmation by the Commission (Need checks & balances)

KEEP - Suspend or remove, subject to review by the Commission (Need checks & balances)

(b) Direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by this Charter, by Florida general or specific law, or by the Town Commission

(i) Negotiate and sign contracts, documents, instruments, and papers on behalf of the Town.

5.01 – Electors.

Any person who is a resident of the Town, who has qualified as an elector of Florida and the Town of Ocean Ridge, and who registers in the manner prescribed by Florida general law and any applicable ordinance of the Town shall be a qualified Town elector.

**(State Law reference—** Qualification and registration of electors, see Fla. Stat. Ch. 97 Electors, see Fla. Stat. § 166.032)... probably don't need this

5.04 Form of Ballots.

Why delete? Is this prescribed, controlled, regulated by the county? If not, cut in half – after prejudice.