

Amendment No. 01 (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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ORIGINAL STAMP BELOW

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The Committee on Local Government & Veterans Affairs offered the following:

Amendment

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. (1) South Central Broward as herein described shall include all unincorporated lands bounded on the south by the boundary of Broward County with Dade County, on the east by the right-of-way forming a part of I-95, on the north by the inclusion of all the rights-of-way of Pembroke Road, and on the west by the inclusion of all of the right-of-way of State Road 7.

(2) Carver Ranches as herein described shall include the unincorporated area bounded on the north by Pembroke Road starting at SW 40 Avenue going west to SW 58 Avenue, then south to SW 23 Street, then east to SW 56 Avenue; then south to Hallandale Beach Boulevard; then east to SW 38 Avenue; then north to SW 25 Street; then west to SW 40 Avenue and then north to Pembroke Road.

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1 (3) Miami Gardens and Utopia as herein described shall
2 include the unincorporated area bounded on the north by
3 Pembroke Road starting at SW 58 Avenue; then west to State
4 Road 7; then south to the Miami Dade County Line; then east to
5 SW 56 Avenue; then north to SW 38 Court; then east, north and
6 west along the municipal boundary of Pembroke Park to SW 56
7 Avenue; then north to SW 23 Street; then west to SW 58 Avenue;
8 then north to Pembroke Road.

9 (4) Lake Forest as herein described shall include the
10 unincorporated area within and adjacent to the following
11 boundaries: on the north by Hallandale Beach Boulevard; on the
12 west by SW 48 Avenue; on the South by County Line Road; and on
13 the east by SW 32 Avenue.

14 Section 2. A special election shall be scheduled by
15 the Board of County Commissioners of Broward County in
16 accordance with the provisions of law relating to elections
17 currently in force in Broward County on November 6, 2001. Only
18 registered voters residing in the unincorporated area within
19 South Central Broward County as described in this act may vote
20 in said election. A mail ballot shall not be used in said
21 election. The item that shall appear on the ballot of the
22 special election of November 6, 2001, shall be as follows:

23
24 Shall all of South Central Broward be annexed
25 into Pembroke Park in 2002 or in phases

26
27 Select one below:

28
29 All of the unincorporated areas of South
30 Central Broward shall be annexed into Pembroke
31 Park effective September 15, 2002.

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The unincorporated areas of South Central Broward shall become a part of Pembroke Park as follows:

- (a) Carver Ranches - September 15, 2002.
- (b) Miami Gardens and Utopia - September 15, 2003.
- (c) Lake Forest - September 15, 2004.

Section 3. If a majority of voters voting in the unincorporated area within South Central Broward, as described in this act, vote for annexation into Pembroke Park as of September 15, 2002, the area described in this act shall be deemed a part of the City of Pembroke Park and shall be subject to the Charter as provided for in section 5 of this act, which shall be the Charter of the City of Pembroke Park effective September 15, 2002.

Section 4. If a majority of voters voting in the unincorporated areas within South Central Broward, as described in this act, vote for annexation into Pembroke Park in phases, the various subdivisions of South Central Broward as described in section 1 of this act shall be annexed into Pembroke Park as follows:

- (1) Carver Ranches shall be deemed a part of Pembroke Park on September 15, 2002.
- (2) Miami Gardens and Utopia shall be deemed a part of Pembroke Park on September 15, 2003.
- (3) Lake Forest shall be deemed a part of Pembroke Park on September 15, 2004.

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1 Section 5. Effective September 15, 2002, the Charter
2 of the City of Pembroke Park shall be as follows:

3 THE CHARTER OF THE CITY OF PEMBROKE PARK

4 ARTICLE I

5 ESTABLISHED PROVISIONS

6 Section 1.01. CONTINUATION AND POWERS.--The Town of
7 Pembroke Park, created by chapter 59-1722, Laws of Florida,
8 shall continue its corporate existence subject to the amended
9 provisions of this act, and is vested with all the
10 governmental, corporate, and proprietary powers required to
11 enable it to conduct municipal government, perform municipal
12 functions, and render municipal services, together with the
13 implied powers necessary to carry into execution all the
14 powers granted, and may exercise any power for municipal
15 purposes not expressly prohibited by the Constitution of the
16 State of Florida, general or special law, or the Broward
17 County Charter.

18 Section 1.02. MUNICIPAL ESTABLISHMENT AND
19 DESIGNATION.--The inhabitants of the Town of Pembroke Park and
20 the inhabitants of the formerly unincorporated areas of
21 Broward County known as Carver Ranches, Lake Forest, Miami
22 Gardens, and Utopia shall merge and shall be a body politic
23 and corporate, according to the boundaries herein established
24 and designated, or as same may hereafter be established and
25 designated, and shall be designated as the "City of Pembroke
26 Park," and shall have perpetual existence, and shall have a
27 common seal and may change the same at its pleasure from time
28 to time.

29 Section 1.03. ORDINANCES REMAIN IN EFFECT.--All
30 existing ordinances and resolutions of the municipality of the
31 Town of Pembroke Park regularly passed, promulgated, and

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1 enrolled on the date of amendment of this Charter shall remain
2 in effect and unimpaired until repealed, amended, or modified,
3 provided such ordinances and resolutions are not inconsistent
4 with the provisions of this Charter or special acts providing
5 for same.

6 Section 1.04. OFFICERS HOLD RESPECTIVE OFFICES UNTIL
7 SUCCESSORS ELECTED.--All officers heretofore elected or
8 appointed and holding office of the Commission of the Town of
9 Pembroke Park shall continue to hold their respective offices
10 within the City of Pembroke Park and to discharge the duties
11 thereof and receive the emoluments thereof until their
12 successors are elected and qualified and take office according
13 to the provisions of this Charter.

14 Section 1.05. TITLE OF PROPERTY RESERVED.--The title,
15 rights, and ownership of all property, both real and personal,
16 uncollected taxes, dues, claims, judgments, decrees, choses in
17 action, and all property and property rights held or owned by
18 the municipality named Town of Pembroke Park shall be retained
19 and vested in the City of Pembroke Park.

20 Section 1.06. CONTRACTS REMAIN BINDING.--All valid and
21 enforceable indebtedness, obligations, and contracts of the
22 Town of Pembroke Park, including all bonds issued and
23 outstanding, shall remain valid and enforceable,
24 notwithstanding the amendment of this Charter, and such
25 indebtedness, obligations, and contracts shall be imposed upon
26 and shall be binding upon the City of Pembroke Park.

27 Section 1.07. BOUNDARIES.--The City of Pembroke Park
28 shall include all formerly unincorporated lands bounded on the
29 south by the boundary of Broward County with Miami-Dade
30 County, on the east by the right-of-way forming a part of
31 I-95, on the north by the inclusion of all the rights-of-way

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1 of Pembroke Road, and on the west by the inclusion of all of
2 the right-of-way of State Road 7 and all lands formerly
3 included within the Town of Pembroke Park.

4 Section 1.08. JURISDICTION.--The jurisdiction and
5 powers of the City of Pembroke Park shall extend over all
6 streets, sewers, parks, and lands within the corporate limits,
7 whether platted or unplatted, and in the airs above same; and
8 to and over all waters, waterways, streams, submerged lands,
9 and water bottoms; and to and over all persons, firms, and
10 corporations, property and property rights, occupations,
11 businesses, and professions whatsoever within said boundaries;
12 and to and over all property owned, leased, or operated by the
13 City of Pembroke Park outside the corporate limits.

14 Section 1.09. TITLE TO PUBLIC PROPERTY.--The title to
15 and jurisdiction over all streets, thoroughfares, parks,
16 alleys, public lots, and sewers within the City, and all other
17 property and municipal plants of the City now owned,
18 possessed, or operated by it, and all property of every kind
19 and character which the City may hereafter acquire within or
20 outside the City, or which may vest in it, or be dedicated to
21 it for its use or for the public use, shall be vested in the
22 City of Pembroke Park. Title to all public streets and the
23 public rights-of-way associated therewith, lying within the
24 area of the previously unincorporated areas of Broward County
25 which are now within the municipal boundaries of the City of
26 Pembroke Park are transferred from Broward County to the City
27 of Pembroke Park.

28 Section 1.10. FORM OF GOVERNMENT.--The municipal
29 government provided by this Charter shall be known as
30 "Commission-Manager Government." Pursuant to the provisions
31 and subject only to the limitations imposed by the

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1 Constitution of the State of Florida and by this Charter, all
2 powers of the City shall be vested in an elective commission,
3 hereinafter referred to as "the Commission," which shall enact
4 local legislation, adopt budgets, determine policies, and
5 appoint a City Manager who shall execute the laws and
6 administer the government of the City. All powers of the City
7 shall be exercised in the manner prescribed by the Charter, or
8 if the manner is not prescribed, then in such manner as may be
9 prescribed by ordinance.

10 Section 1.11. CONSTRUCTION.--The powers of the City
11 shall be construed liberally in favor of the City, limited
12 only by the Constitution of the State of Florida, general law,
13 and specific limitations contained herein.

14 Section 1.12. FISCAL YEAR.--The fiscal year of the
15 City shall begin on the 1st day of October of each year and
16 shall end on the 30th day of September of the following year.
17 Such fiscal year shall also constitute the budget and account
18 year.

19 ARTICLE II

20 THE COMMISSION; MAYOR

21 Section 2.01. LEGISLATIVE POWERS.--The legislative
22 powers of the City shall be vested in and exercised by the
23 Commission, and the Commission shall have the power to pass
24 ordinances, adopt resolutions, appoint by resolution all
25 appointive officers and boards, and exercise all the powers
26 granted by the Constitution of the State of Florida, general
27 or special law, and as herein provided. The Commission shall
28 consist of five members, one of whom shall be the Mayor.

29 Section 2.02. DISTRICTS.--For the purpose of
30 representation upon and election of the Commissioners, the
31 City of Pembroke Park Commission shall, by ordinance, prior to

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1 December 1, 2002, apportion the City in accordance with the
2 Constitution of the State of Florida and the United States
3 Constitution into four consecutively numbered districts.
4 Thereafter, by subsequently enacted ordinances, the City of
5 Pembroke Park Commission shall adjust the boundary lines of
6 said districts as may be required from time to time in order
7 that the apportionment of the City shall continue to be in
8 accordance with the Constitution of the State of Florida and
9 the United States Constitution, but in any event not less
10 frequently than within the first calendar year following each
11 decennial census.

12 Section 2.03. NUMBER, SELECTION, AND TERMS OF
13 COMMISSIONERS; INITIAL TERM OF COMMISSIONERS.--

14 (a) The Commission shall consist of four Commissioners
15 and a Mayor, with one Commissioner elected for each of the
16 four districts by vote of the electors residing and qualified
17 within the City. The Commissioners shall be elected for a
18 period of 4 years, or until their successors are elected and
19 qualified. The terms of office of the Commissioners shall be
20 staggered so that the terms of office of all Commissioners
21 shall not expire in the same year.

22 (b) In order to provide for staggered terms of office
23 for the Commissioners as provided in this section, at the
24 initial municipal election to be held in March 2003, the
25 Commissioners from Districts 1 and 3 shall be elected for a
26 term of 4 years and the Commissioners from Districts 2 and 4
27 shall be elected for a term of 2 years. In subsequent
28 elections, all Commissioners shall be elected for 4-year terms
29 to fill seats as terms expire in the respective districts.

30 (c) No individual shall serve as Commissioner for more
31 than two consecutive 4-year terms in office. This provision

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1 shall be prospective and not retroactive, and shall not take
2 into account the present or past terms of elected
3 Commissioners from the Town of Pembroke Park.

4 Section 2.04. QUALIFICATIONS AND DISQUALIFICATIONS OF
5 COMMISSIONERS.--

6 (a) Commissioners shall have the following
7 qualifications:

8 1. They shall have been residents of the election
9 district from which they are elected for at least 6 months
10 immediately preceding taking office. Time of residency within
11 the unincorporated portion of South Central Broward County
12 prior to its incorporation into Pembroke Park shall be treated
13 as residency within a City district for the preceding
14 residency requirement, as long as an individual is a resident
15 of Pembroke Park at the time of qualification for office.

16 2. They shall have the qualifications of electors in
17 the City and shall be registered to vote in the City.

18 3. They must continue to reside during their term of
19 office in the respective election district from which they
20 were elected or appointed.

21 (b) Commissioners shall be disqualified to continue in
22 office in any of the following instances:

23 1. If a Commissioner ceases to possess any of the
24 qualifications set forth in paragraph (a) and if, after formal
25 notification thereof in writing by the commission, such member
26 fails or refuses to purge himself or herself of the
27 disqualification within 1 week after having received such
28 notification.

29 2. If a Commissioner is elected or appointed to and
30 assumes any other elected public office.

31 3. If a Commissioner has been convicted of a crime

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1 involving moral turpitude, except such disqualification shall
2 not become effective until all appeals from such conviction
3 have been finally adjudicated, or the time for such appeal has
4 expired, or the member indicates in writing that he or she
5 does not intend to take such an appeal.

6 4. If a Commissioner is absent from four consecutive
7 regular meetings of the Commission, unless such absences are
8 excused by the Commission by resolution setting forth the fact
9 of such excuse, such action to be duly entered upon the
10 record.

11 (c) In the event of the disqualification of a
12 Commissioner, the Commission shall forthwith, by proper
13 resolution, declare the existence of a vacancy on the
14 Commission and shall thereafter proceed to fill the vacancy on
15 the Commission as provided for in this Charter.

16 Section 2.05. MAYOR.--The Mayor shall preside at the
17 Commission meetings and shall maintain order and decorum,
18 shall be recognized as the official head of the City
19 government for all ceremonial purposes and by the Governor for
20 the purpose of military law, and shall execute all instruments
21 to which the City is a party when directed to do so by the
22 Commission, unless otherwise provided by this Charter or by
23 ordinance, but he or she shall have no regular administrative
24 duties. The Mayor shall be a member of the Commission, shall
25 vote, and shall have the right to debate on all issues coming
26 before the Commission. The Mayor shall have all the duties,
27 powers, privileges, and obligations possessed and imposed upon
28 a Commission member.

29 Section 2.06. SELECTION AND TERM OF MAYOR.--The Mayor
30 shall be permitted to reside anywhere within the City and
31 shall be elected at large in accordance with the provisions of

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1 this Charter. The term of office for the Mayor shall be for 2
2 years and until his or her successor is elected and qualified.
3 No individual shall serve more than four consecutive 2-year
4 terms as the Mayor.

5 Section 2.07. QUALIFICATIONS AND DISQUALIFICATIONS OF
6 MAYOR.--

7 (a) The individual holding the office of Mayor shall
8 have the following qualifications:

9 1. He or she shall have been a resident of the City
10 for at least 6 months immediately preceding taking the office.
11 Time of residency within the unincorporated portion of South
12 Central Broward County prior to its incorporation into
13 Pembroke Park shall be treated as residency within a City
14 district for the preceding residency requirement, as long as
15 he or she is a resident of Pembroke Park at the time of
16 qualification for office.

17 2. He or she shall have the qualifications of an
18 elector in the City and shall be registered to vote in the
19 City.

20 3. He or she must continue to reside in the City
21 during the term of his or her office.

22 (b) An individual serving as Mayor shall be
23 disqualified to continue in the office in any of the following
24 instances:

25 1. If he or she ceases to possess any of the
26 qualifications set forth in paragraph (a) and, after normal
27 notification in writing by the Commission, fails to purge
28 himself or herself of disqualification within 1 week after
29 having received such notification.

30 2. If he or she is elected or appointed to and assumes
31 any other elected office.

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1 3. If he or she has been convicted of a crime
2 involving moral turpitude, except such forfeiture shall not
3 become effective until any appeals from such conviction have
4 been fully adjudicated, or the time for such appeals has
5 expired, or he or she indicates in writing that he or she does
6 not intend to take such an appeal.

7 4. If he or she is absent from four consecutive
8 regular meetings of the Commission, unless such absences are
9 excused by the Commission, by resolution setting forth the
10 facts of such excuse, such action to be duly entered upon the
11 record.

12 (c) In the event of the disqualification of the Mayor,
13 the Commission shall, forthwith by proper resolution, declare
14 the existence of a vacancy in the office of Mayor and shall
15 thereafter proceed to fill the vacancy as provided in this
16 Charter.

17 Section 2.08. VICE MAYOR.--The Commission, at the
18 regularly scheduled meeting in March of each year, shall elect
19 the Vice Mayor by majority vote. The Vice Mayor shall have
20 the privileges, powers, and duties of the Mayor in the Mayor's
21 absence or disability.

22 In the event of the death, resignation, or removal of
23 the Mayor, the Vice Mayor shall vacate the office of the
24 Commissioner and shall serve as the interim Mayor until a
25 successor is determined in accordance with the provisions of
26 this Charter.

27 Section 2.09. COMPENSATION AND EXPENSES.--The
28 Commission may determine the annual salary of the Commission
29 members by ordinance. Nothing in this paragraph shall limit
30 the right of any Commissioner to be reimbursed for expenses
31 actually incurred by him or her, with Commission approval,

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1 while performing duties on behalf of the City.

2 Section 2.10. OATH OF OFFICE.--The Mayor and each
3 Commissioner, before entering upon the discharge of the duties
4 of his or her office, shall take and subscribe of the
5 following oath before some judicial officer of the state:

6 "I do solemnly swear or affirm that I will
7 support, protect, and defend the Constitution
8 and Government of the United States and of the
9 State of Florida and I will bear true faith,
10 loyalty, and allegiance to the same, and that I
11 am entitled to hold office under the
12 Constitution of the United States, the
13 Constitution of the State of Florida, and the
14 Charter and the ordinances of the City of
15 Pembroke Park, and that I will faithfully
16 perform the duties of the office of which I am
17 about to enter. So help me God."

18 Section 2.11. PROCEDURE FOR FILLING VACANCIES.--

19 (a) In the event a vacancy occurs on the Commission
20 and no more than 6 months remain in the unexpired term, the
21 vacancy shall be filled by appointment of an individual by a
22 majority vote of the Commission.

23 (b) In the event a vacancy in the position of Mayor
24 occurs and no more than 6 months remain in the unexpired term
25 of the Mayor, the Vice Mayor shall complete the term of the
26 Mayor. The vacancy thus created on the Commission shall be
27 filled in the manner that the vacancy of a Commissioner is
28 generally filled under the terms of this Charter. The
29 Commission shall then appoint a new Vice Mayor by resolution.

30 (c) If more than 6 months remain in an unexpired term
31 of the Mayor or a Commissioner, the vacancy shall be filled by

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1 special election to be held not sooner than 45 days or more
2 than 90 days following the occurrence of the vacancy, unless
3 there is a city, county, state, or national election scheduled
4 to take place on any date within 60 days beyond such 90-day
5 period, in which case the vacancy shall be filled by special
6 election on the first such election date.

7 (d) In the event that a majority of the members of the
8 Commission are removed by death, disability, law, or
9 forfeiture of office, the Governor shall make interim
10 Commission appointments and the Commission shall call a
11 special election as provided in paragraph (c) to fill the
12 vacancies.

13 Section 2.12. COMMISSION TO BE THE JUDGE OF
14 QUALIFICATIONS OF ITS MEMBERS.--The Commission shall be the
15 judge of the election and qualification of its members and for
16 such purpose shall have the power to subpoena witnesses and
17 require the production of records, but the decision of the
18 Commission in any such case shall be subject to review by the
19 courts.

20 Section 2.13. MEETINGS OF COMMISSION.--The Commission
21 shall meet at such times and places as may be prescribed by
22 its rules, but not less than once each month, except that the
23 Commission may designate 1 month each year during which no
24 meetings of the Commission are required to be held. All
25 official meetings of the Commission shall be public and all
26 citizens shall have access to the minutes and records thereof
27 at all reasonable times.

28 Section 2.14. SPECIAL MEETINGS.--The Mayor and any two
29 members of the Commission or the City Manager may call special
30 meetings of the Commission upon at least 24 hours' written
31 notice to each member. The notice shall be served personally

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1 or left at the usual place of residence or place of business
2 of the particular individual sought to be notified. It shall
3 set forth specifically the matter to be considered at such
4 meetings and no official action may be taken on any matter not
5 set forth in the notice.

6 Section 2.15. LEGISLATIVE PROCEDURE.--A majority of
7 all members of the Commission shall constitute a quorum, but a
8 lesser number may adjourn from day to day and compel the
9 attendance of absent members in such a manner and under such
10 penalties as may be prescribed by ordinance. The affirmative
11 vote of three members shall be necessary to adopt any
12 ordinance or resolution.

13 Section 2.16. ORDINANCES AND RESOLUTIONS.--A proposed
14 ordinance or resolution shall be introduced in written or
15 printed form at any regular or special meeting of the
16 Commission and shall embrace but one subject and matters
17 properly connected therewith. The enacting of all ordinances
18 shall be "Be it Enacted by the City of Pembroke Park." A
19 proposed ordinance may be read by title, or in full, on at
20 least 2 separate days and shall, at least 10 days prior to
21 adoption, be noticed once in a newspaper of general
22 circulation in the City of Pembroke Park. The Commission may,
23 by a majority vote, declare an emergency to dispense with the
24 necessity for such readings, and an ordinance may be passed on
25 both readings at the same meeting if, upon the second reading
26 thereof, four affirmative votes are cast in favor of the
27 passage thereof.

28 Every ordinance or resolution shall, upon its final
29 passage, be recorded in a book kept for that purpose, and
30 shall be signed by the Mayor and the City Clerk.

31 ARTICLE III

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ADMINISTRATION

Section 3.01. CITY MANAGER.--The City Manager shall be the administrative head of municipal government under the direction and supervision of the Commission. The City Manager shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political beliefs, and shall be over the age of 21 years.

Section 3.02. APPOINTMENT AND COMPENSATION OF CITY MANAGER.--The Commission shall appoint the City Manager by resolution approved by a majority of the Commission. No Commissioner shall receive such appointment during the term for which he or she shall have been elected, nor within 1 year after the expiration of his or her term. The City Manager shall receive compensation as the Commission may fix and determine.

Section 3.03. REMOVAL OF THE CITY MANAGER.--The Commission may remove the City Manager by a majority vote of its members. Any removal of the City Manager shall be by two separate votes of the Commission, both of which must receive a majority vote of its members, with an interval of not less than 7 days between each vote.

Section 3.04. POWERS AND DUTIES OF THE CITY MANAGER.--The City Manager shall be responsible to the Commission for the proper administration of all affairs of the City coming under his or her jurisdiction, and to that end, his or her powers are and they shall be to:

(a) Ensure that all laws, ordinances, revisions of this Charter, and acts of the Commission subject to enforcement or administration by him or her are faithfully executed.

(b) Attend all Commission meetings with the right to

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1 take part in the discussion, but having no vote.

2 (c) Recommend to the Commission for adoption such
3 measures as he or she may deem necessary or expedient in the
4 interest of the City.

5 (d) Appoint and, when necessary for the good of the
6 City, remove any officer or employee of the City, except as
7 otherwise provided by this Charter, and except that he or she
8 may authorize the head of a department or office to appoint
9 and remove subordinates in such department or office.

10 (e) Exercise, control, and direct supervision over all
11 departments and divisions of the municipal government.

12 (f) Advise and consult with all officers and official
13 heads of the several departments of the city relative to the
14 affairs of any such department, and to make recommendations to
15 the Commission respecting such departments as he or she may
16 see fit.

17 (g) Fix the salary of officers and employees within
18 the scope of the pay scale plan approved by the Commission.

19 (h) Endorse on all contracts, bonds, and other
20 instruments in writing in which the municipality is interested
21 his or her approval of the substance thereof.

22 (i) Prepare the budget annually and submit it to the
23 Commission and be responsible for its administration after
24 adoption.

25 (j) Prepare and submit to the Commission, as of the
26 end of the fiscal year, a complete report on the finances and
27 administrative activities of the municipality for the
28 preceding year.

29 (k) Keep the Commission fully advised of the financial
30 condition and future needs of the City, and make such
31 recommendations as seem desirable to him or her.

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1 (l) Enforce all terms and conditions imposed in favor
2 of the City or its inhabitants in any public utility franchise
3 to ensure that they are faithfully kept and performed.

4 (m) Purchase supplies, services, materials, and
5 equipment for the various departments of the City government;
6 and in such capacity shall have the right to purchase
7 supplies, services, materials, and equipment for any
8 department in the City as set forth by ordinance of the
9 Commission.

10 (n) Approve or prescribe in written form the internal
11 organization of each department.

12 (o) Assign and transfer administrative functions,
13 powers, and duties among and within departments in writing.

14 (p) Perform such other duties as may be prescribed by
15 this Charter or required by ordinance or resolution of the
16 Commission, not inconsistent herewith.

17 Section 3.05. CITY MANAGER TO MAKE CERTAIN
18 APPOINTMENTS OR REMOVALS.--Neither the Commission nor any of
19 its members shall direct or request the appointment of any
20 person to, or his or her removal from, office by the City
21 Manager or by any of the City Manager's subordinates or in any
22 manner take part in the appointment or removal of officers and
23 employees in any administrative services of the City. Except
24 for the purpose of inquiry, the Commission shall deal with the
25 administrative department solely through the City Manager and
26 neither the Commission nor any member thereof shall give
27 orders or make requests of any subordinates of the City
28 Manager, either publicly or privately.

29 Section 3.06. ABSENCE OF THE CITY MANAGER.--In the
30 case of the absence or disability of the City Manager for a
31 period of 14 days or less, the City Manager may designate by

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1 letter to the Commission an Assistant City Manager to perform
2 the duties of the office. In the case of the absence or
3 disability of the City Manager for a period in excess of 14
4 days, the Commission shall designate by resolution an
5 Assistant City Manager or other qualified person who is
6 currently employed by the City in a supervisory capacity to
7 perform the duties of the office.

8 Section 3.07. CITY CLERK.--The City Manager shall
9 appoint an officer of the City who shall have the title of
10 City Clerk. The City Clerk shall receive such compensation as
11 may be fixed by the Commission. The City Clerk shall give
12 notice of meetings of the Commission; shall keep a journal of
13 the proceedings; shall authenticate by his or her signature,
14 and record in full in a book for that purpose, all ordinances
15 and resolutions; shall attest to and/or countersign by his or
16 her signature on all contracts, bonds, and other instruments
17 as required by law; shall perform the duties of registration
18 officer; shall have the power and authority to administer
19 oaths; and shall perform any other duties required by this
20 Charter and as may be assigned by the Commission or the City
21 Manager.

22 Section 3.08. CITY ATTORNEY.--

23 (a) The Commission shall appoint by resolution a City
24 Attorney who shall have been admitted to practice in the State
25 of Florida for at least 5 years, with no less than 2 of those
26 years in the practice of law for municipal or county
27 government.

28 (b) The City Attorney shall act as legal adviser to,
29 and as attorney and counselor for, the municipality and all of
30 its officers in matters relating to their official duties. The
31 City Attorney shall approve all contracts, bonds, leases, and

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1 other instruments in writing in which the municipality is
2 concerned, and shall endorse on each his or her approval of
3 the form and correctness thereof, but failure to do so shall
4 not affect its validity. When required to do so by the
5 Commission, the City Attorney shall prosecute and defend, for
6 and on behalf of the City, all civil complaints, suits, and
7 controversies in which the City is a party. He or she shall
8 furnish the Commission, the City Manager, or the head of any
9 department, board, commission, or agency not included in any
10 department, his or her own opinion on any question of law
11 relating to the respective powers and duties of the person or
12 entity. In addition to the duties specifically imposed in
13 this section, the City Attorney shall perform such other
14 professional duties as may be required of him or her by
15 ordinance or resolution of the Commission, or as are
16 prescribed for City Attorneys under the general law of the
17 state which are not inconsistent with this Charter and with
18 any ordinance or resolution which may be passed by the
19 Commission.

20 (c) The compensation of the City Attorney shall be
21 fixed and determined by the Commission.

22 Section 3.09. DIRECTORS OF DEPARTMENTS.--At the head
23 of each department there shall be an officer of the City who
24 shall have supervision and control of the department and who
25 shall be appointed by, or may be removed by, the City Manager,
26 and who shall be under the City Manager's supervision and
27 control. Except as provided herein, two or more departments
28 may be headed by the same individual. The City Manager may
29 head one or more departments.

30 Section 3.10. DEPARTMENT OF FINANCE.--

31 (a) The Department of Finance shall be responsible for

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1 the administration of financial affairs of the City. The
2 Department of Finance shall collect and distribute funds,
3 maintain a general accounting system for City government and
4 units thereof, compile fiscal estimates and reports, assist
5 the City Manager in preparation of budgets, assist the City
6 Manager in establishing controls for budget administration,
7 and develop and apply legal and policy provisions applicable
8 to the financial accounting.

9 (b) There shall be a Director of Finance who shall be
10 appointed and/or removed by resolution adopted by an
11 affirmative vote of the Commission and who, under the
12 supervision of the City Manager, shall be charged with the
13 administration of the Department of Finance. The Director of
14 Finance shall also act as the City Treasurer. The Director of
15 Finance shall have at a minimum a 4-year college degree with a
16 major in accounting and finance and at least 5 years of
17 experience in municipal accounting, taxation, budgeting, and
18 financial control. The Director of Finance shall furnish a
19 surety bond for the faithful and honest performance of his or
20 her official duties in such amount as the Commission may
21 determine. The cost of such surety bond shall be paid by the
22 City.

23 Section 3.11. CIVIL SERVICE.--The Commission shall
24 initiate and adopt a program for the establishment of City
25 personnel administration not provided for otherwise, and shall
26 do all things necessary to implement said program. The system
27 of City personnel administration shall govern the employees
28 and certain officers and shall be based on merit principles
29 and scientific methods in order to foster effective career
30 service in City employment and to employ those persons best
31 qualified for City services which they are to perform.

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1 Section 3.12. PERSONNEL SYSTEM.--All appointments and
2 promotions of City officials and employees, except those
3 specifically exempted by ordinance, shall be made solely on
4 the basis of merit and fitness demonstrated by examination or
5 other evidence of competence and to this end, the Commission
6 shall, by ordinance, establish personnel procedures and rules.

7 Section 3.13. BUSINESS REPRESENTATIVE TO
8 COMMISSION.--There shall be a Business Representative who
9 shall be an advisor to the Commission on all matters affecting
10 the business community. The Commission shall solicit and
11 consider the advice of the Business Representative on all
12 matters formally considered by the Commission affecting the
13 business community within the City. The Business
14 Representative shall act in an advisory capacity, but may be
15 assigned additional responsibilities and duties as created by
16 the Commission. The Business Representative may attend all
17 Commission meetings with the right to take part in the
18 discussion and shall be seated on the dais along with members
19 of the City Commission, but have no vote. The procedure for
20 selection of the Business Representative and the terms and
21 conditions of the office shall be established by ordinance.

22 ARTICLE IV

23 ELECTIONS

24 Section 4.01. MUNICIPAL ELECTIONS.--The Commission
25 shall, by ordinance, make all regulations necessary or
26 desirable and not inconsistent with this Charter for the
27 conduct of municipal elections and for the prevention of fraud
28 therein.

29 Section 4.02. ELECTORS.--Any person who is a resident
30 of the City, has qualified as an elector of the state, and
31 registers to vote in the manner prescribed by law shall be an

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1 elector of the City.

2 Section 4.03. NOMINATIONS.--Each candidate seeking
3 office of Commissioner or Mayor, meeting the qualifications of
4 section 2.04 or section 2.07, respectively, of this Charter
5 shall file a notice of candidacy and such other papers as may
6 be required by law with the City Clerk within the filing
7 period provided by law after paying a filing fee of \$50. Such
8 notice shall be filed on forms furnished by the City Clerk and
9 shall be certified by the City Clerk.

10 Section 4.04. NONPARTISAN ELECTIONS.--All elections
11 for the selection of Commissioners and Mayor shall be
12 nonpartisan. No candidate for office of Commissioner or Mayor
13 shall designate a political party affiliation in his or her
14 campaign. A violation of this section shall render the
15 candidate's election to the Commission or as Mayor null and
16 void, and such vacancies shall be filled in accordance with
17 the provisions of the Charter.

18 Section 4.05. ELECTION DATES.--A general election
19 shall be held in each odd-numbered year, on the first Tuesday
20 in March. A runoff election, if necessary, shall be held on
21 the third Tuesday in March.

22 Section 4.06. GENERAL ELECTION.--The ballot for the
23 general election shall contain the names of all qualified
24 candidates for Mayor and for each of the Commission seats
25 which are to be filled as a result of the Commissioner's term
26 expiring, and shall instruct electors to cast one vote for
27 Mayor and one vote for Commissioner for each district subject
28 to election. If any candidate for Mayor receives a number of
29 votes greater than 50 percent of the total number of ballots
30 cast for Mayor, such candidate shall be duly elected Mayor,
31 and no runoff election for Mayor shall be required. If any

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1 candidate for a Commission seat receives a number of votes
2 greater than 50 percent of the total number of ballots cast in
3 the corresponding district, such candidate shall be duly
4 elected to the Commission and no runoff election for that
5 Commission seat shall be required.

6 Section 4.07. RUNOFF ELECTION.--There shall be a
7 runoff election for a particular elected office if none of the
8 candidates for that particular elected office receive more
9 than 50 percent of the votes cast for that office in the
10 general or special election. The ballot for the runoff
11 election shall contain the names of the two candidates for
12 Mayor, if applicable, and the names of the two candidates for
13 each Commission seat, if applicable, who received the highest
14 number of votes in the general or special election. The ballot
15 shall instruct electors to cast one vote for Mayor, if
16 applicable, and to cast one vote for Commissioner for each
17 district subject to election. The candidate for Mayor
18 receiving the highest number of votes cast shall be the duly
19 elected Mayor. The candidate for each Commission seat
20 receiving the highest number of votes cast in their respective
21 districts shall be duly elected to that Commission seat.

22 Section 4.08. SPECIAL ELECTIONS.--Special elections,
23 when required, shall be scheduled by the Commission at such
24 times and in such a manner as shall be consistent with this
25 Charter. Conduct of the election shall be the same as regular
26 municipal elections.

27 Section 4.09. SINGLE CANDIDATE.--No election for Mayor
28 or a Commission seat shall be required in any election if
29 there is only one duly qualified candidate for Mayor or for
30 the Commission seat.

31 Section 4.10. CANDIDATE LIMITED TO ONE OFFICE.--No

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1 individual may be a candidate for both Commissioner and Mayor
2 in the same election.

3 Section 4.11. ELECTIONS GOVERNED BY STATE LAW OR
4 ORDINANCE.--Except as herein specifically provided, all
5 elections in the City shall be conducted substantially on the
6 principles governing state elections, or as the Commission
7 shall prescribe by ordinance.

8 Section 4.12. ABSENTEE VOTING.--Absentee voting shall
9 be permitted in all elections as provided by chapter 101,
10 Florida Statutes, as amended, and under certain conditions and
11 regulations as may be adopted by ordinance of the Commission.

12 Section 4.13. CANVAS OF ELECTION RETURNS.--The result
13 of election voting, when ascertained, shall be submitted to
14 the City Clerk by the Supervisor of Elections of Broward
15 County. Said returns shall be submitted by the City Clerk to
16 the Commission at the next Commission meeting following said
17 election, at which time the Commission shall certify the
18 results of the election by resolution. The City Clerk shall,
19 after the certification of said election, furnish a
20 Certificate of Election to each person shown to have been
21 elected.

22 Section 4.14. ADVERTISING FOR ELECTIONS.--The City
23 Clerk shall cause to be published in a newspaper of general
24 circulation in the City a notice of any primary, general,
25 runoff, or special election containing the date of election,
26 office or offices to be filled, or question at issue. Such
27 notice shall be published at least 15 days prior to an
28 election and again at least 1 day before an election.

29 ARTICLE V

30 CHARTER REVIEW BOARD

31 Section 5.01. CHARTER REVIEW BOARD.--There shall be an

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1 impartial and independent advisory board which will be known
2 as the Charter Review Board appointed by the members of the
3 Commission by April 2004, and at least every 5 years
4 thereafter. Each Commissioner and the Mayor shall select two
5 members to the Charter Review Board. Any vacancy on the board
6 shall be filled by the appointing member of the Commission or
7 Mayor for the remainder of the Board member's unexpired term.

8 Section 5.02. QUALIFICATIONS AND TERM FOR THE CHARTER
9 REVIEW BOARD.--Each member of the Charter Review Board shall
10 be a qualified elector of the City of Pembroke Park and shall
11 have resided in the City of Pembroke Park, for a period of not
12 less than 6 months prior to his or her appointment. Time of
13 residency within the unincorporated portion of South Central
14 Broward County prior to its incorporation into Pembroke Park
15 shall be treated as residency within a City district for the
16 preceding residency requirement, as long as an individual is a
17 resident of Pembroke Park at the time of qualification for
18 office.

19 The terms of the members shall commence upon their
20 appointment and shall terminate upon the acceptance by the
21 Commission of the Board's report.

22 Section 5.03. DUTIES AND FUNCTIONS.--The Charter
23 Review Board shall be empowered to conduct a comprehensive
24 study of all phases of the Charter with the exception of
25 district boundaries. The Board shall prepare a recommendation
26 to the Commission as to proposed amendments to the Charter and
27 shall submit its recommendation to the Commission as to
28 proposed amendments to the Charter and shall submit its report
29 of recommendations to the Commission within 180 days from the
30 date of appointment of the board.

31 In the event that the Charter Review Board fails to

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1 submit its report to the Commission within 180 days from the
2 appointment of the Board, the Commission may submit for
3 referendum amendments to the Charter without the
4 recommendation of the Charter Review Board.

5 Section 5.04. EXPENSE FUND.--The Commission shall
6 provide sufficient funds for reasonable and necessary expenses
7 to be incurred by the Board in the performance of its duties.
8 The City Manager shall provide such administrative staff and
9 clerical personnel as may be necessary to assist the Board in
10 the proper performance of its duties and functions.

11 Section 5.05. ORGANIZATION.--The Board members shall
12 convene within 30 days after their appointment and elect a
13 chair and such other officers as may be deemed necessary, who
14 shall serve at the pleasure of the Board. All meetings of the
15 Board shall be open to the public. No action shall be taken by
16 the Board to recommend an amendment to the Charter except by
17 majority vote of the entire membership. The rules of procedure
18 adopted by the Board shall be filed by the City Clerk.

19 Section 5.06. FORFEITURE OF OFFICE.--A Charter Review
20 Board member shall forfeit the office if said person:

21 (a) Lacks any qualification for the office prescribed
22 by this Article or other applicable law including section
23 100.361, Florida Statutes, as amended;

24 (b) Is convicted of a felony while in office; or

25 (c) Fails to attend four consecutive regular meetings
26 of the Charter Review Board, unless such absences are excused
27 by the Board by a motion setting forth the reason for the
28 absence duly entered upon the minutes.

29 Article VI

30 ELECTOR INITIATIVE

31 Section 6.01. ESTABLISHMENT OF ELECTOR INITIATIVE.--

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Notary Public

(b) With each signature shall be stated the place of residence of the signer, giving the street number or other description sufficient to identify the residence location.

(c) All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five registered voters who shall constitute a committee of the petitioners for the purposes hereinafter named.

(d) All such elector initiative petition papers shall be filed in the office of the City Clerk.

Section 6.03. PROCEDURE WHEN INSUFFICIENT.--

(a) Within 20 days after the filing of the petition, the City Clerk shall certify on the petition the number of registered voters whose signatures are appended thereto and whether this number is at least 30 percent of the total number of registered voters in the City as shown by the county voter registration books.

(b) If by the City Clerk's certificate, the number of signers is shown to be insufficient, such notice in writing shall be given to the committee of petitioners. The petition may be amended within 10 days from that date of such certificate by filing supplementary petition papers with the additional signatures required.

(c) The City Clerk shall, within 10 days after filing the supplementary petition papers, certify on the amended petition whether the number of signers to both the petition and the amended petition is sufficient or insufficient. If it is insufficient, the City Clerk shall notify each member of the committee of petitioners in writing of that fact.

(d) The final finding of the insufficiency of a

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1 petition shall not prejudice the filing of a new petition for
2 the same purpose.

3 Section 6.04. SUBMISSION TO COMMISSION.--

4 (a) If the City Clerk's certificate shows the number
5 of signers to be sufficient, the City Clerk shall submit the
6 proposed measure to the Commission at its next meeting.

7 (b) Upon receiving the proposed measure, the
8 Commission shall proceed to consider it and shall take a final
9 action thereon within 90 days from the date it is submitted to
10 the Commission.

11 Section 6.05. DATE OF ELECTION.--

12 (a) If the Commission shall fail to pass the proposed
13 measure or shall pass it in a form different than set forth in
14 the elector initiative petition, then the measure shall be
15 submitted by the Commission to the vote of the electors at the
16 next municipal election if one is to be held not less than 90
17 days and not later than 120 days after the date of final
18 action by the Commission.

19 (b) If no election is to be held as provided by
20 subsection (a), then the commission shall call a special
21 election to be held not less than 90 days nor more than 120
22 days from the date of final action by the Commission.

23 (c) When submitted to a vote of the electors, the
24 measure shall be in the form set forth in section 6.06.

25 Section 6.06. FORM OF BALLOT; EFFECTIVE UPON ADOPTION
26 BY MAJORITY PARTICIPATING.--

27 (a) The ballots used when voting upon any such
28 proposed measure shall state the substance thereof, and below
29 it the two alternatives: "For the measure" and "Against the
30 measure."

31 (b) If a majority of the electors voting on any such

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1 measure shall vote in favor thereof, it shall thereupon become
2 an ordinance of the City.

3 Section 6.07. EFFECT OF MEASURE ADOPTED BY COMMISSION
4 IN DIFFERENT FORM.--When a measure proposed by elector
5 initiative petition is passed by the Commission in a different
6 form from the measure contained in the petition, and it is to
7 be submitted to a vote of the electors, the measure passed by
8 the Commission shall not take effect until after such vote. If
9 the measure so submitted is approved by a majority of the
10 electors voting thereon, it shall thereupon become an
11 ordinance of the City, and the measure as passed by the
12 Commission shall be deemed repealed.

13 Section 6.08. NUMBER OF MEASURES AT SAME
14 ELECTION.--Any number of measures may be voted upon at the
15 same election in accordance with the provisions of this
16 Charter.

17 ARTICLE VII

18 GENERAL PROVISIONS

19 Section 7.01. PRESERVATION OF MOBILE HOME
20 COMMUNITIES.--

21 (a) Mobile home communities provide a unique living
22 environment which is enjoyed by numerous residents in the
23 City. It is the intention of the City residents that the
24 mobile home communities shall continue to exist under the
25 current zoning regulations. No amendment to the City
26 Ordinances that changes the actual zoning map designation of a
27 parcel or parcels of land or that changes the actual list of
28 permitted, conditional, or prohibited uses within the T-1
29 Mobile Home Park Zoning District shall become effective unless
30 the amendment shall be approved by 99 percent of the electors
31 in the City voting in an election called for the purpose of

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1 amending the T-1 Mobile Home Park Zoning District.

2 (b) Notwithstanding the foregoing conditions for
3 amendment of the T-1 Mobile Home Park Zoning District, this
4 section shall not restrict the owner of real property located
5 within the T-1 Mobile Home Park Zoning District from
6 requesting that the zoning classification of the owner's
7 property be changed to a zoning classification other than T-1
8 Mobile Home Park Zoning District.

9 Section 7.02. ADVISORY BOARDS.--

10 (a) The Commission may by resolution appoint advisory
11 boards, the members of which shall be residents of the City of
12 Pembroke Park who are qualified to act in an advisory capacity
13 to the Commission, the City Manager, or any department of the
14 City with respect to the conduct and management of property or
15 institution or the exercise of any public functions of the
16 City of Pembroke Park. The Commission shall determine the
17 purpose and functions of the advisory boards, the number of
18 members of each advisory board, the terms of office of the
19 advisory board members, and such other administrative matters
20 by ordinance. The members of such boards shall serve without
21 compensation and it shall be the duty of such boards to make
22 written recommendations to the Commission from time to time.
23 Members of all boards shall be subject to removal for cause by
24 the Commission after a hearing before the Commission.

25 (b) Paid City employees and elected officials of any
26 public jurisdiction shall not be eligible for membership on
27 any City advisory board unless provision for such membership
28 is provided in the enabling legislation of said board. No
29 person may serve on more than one board at the same time.

30 Section 7.03. GRANTING OF FRANCHISES.--The Commission
31 may by ordinance grant franchises of all kinds, to any

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1 individual, firm, or corporation, for the use of City streets,
2 waters, and waterways, and recreational facilities, lands, and
3 ways, but no such franchise shall be granted for more than 15
4 years, nor shall it be exclusive. Such franchises may be
5 renewed for additional periods at the expiration date, if the
6 same procedure is followed as is required for new franchises.
7 No such franchise or renewal shall be assigned except by
8 consent and approval of the Commission.

9 Section 7.04. FRANCHISE NOTICE AND PUBLIC
10 HEARING.--Before any such franchise is granted, there shall be
11 a public hearing after notice has been published once in a
12 newspaper of general circulation in the City of Pembroke Park,
13 not less than 5 days prior to the hearing.

14 Section 7.05. GENERAL PROVISIONS OF
15 FRANCHISE.--Nothing contained in this Charter shall in any way
16 limit the Commission in the exercise of any of its lawful
17 powers with respect to public utilities or other franchises,
18 or prohibit the Commission from imposing in any such franchise
19 grant restrictions and provisions as it deems to be in the
20 public interest, provided they are not inconsistent with the
21 provisions of this Charter or the Constitution of the State of
22 Florida.

23 Section 7.06. COMPETITIVE BID REQUIREMENT.--
24 (a) Except as otherwise provided by law, all contracts
25 for public improvements and purchases of supplies, materials,
26 or services shall be awarded or made on the basis of clearly
27 drawn specifications and competitive bids or proposals, except
28 in cases where the Commission specifically determines that it
29 is impractical to do so by the affirmative vote of four
30 Commissioners.

31 (b) The Commission shall establish by ordinance the

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1 procedure for notice of competitive bids or proposals, the
2 receipt and opening of said competitive bids or proposals, and
3 the awarding of the contracts related thereto.

4 Section 7.07. SALE OF PUBLIC PROPERTY.--

5 (a) The City of Pembroke Park is empowered to sell,
6 trade, exchange, or otherwise dispose of any lands,
7 improvements, public buildings, or other lands now owned or
8 hereafter acquired by the City under the terms set forth in
9 this section.

10 (b) Before any lands, the title to which is vested in
11 the City of Pembroke Park, shall be sold, traded, exchanged,
12 or otherwise disposed of, the Commission shall adopt a
13 resolution at a regular or special meeting of the Commission
14 particularly describing the land by legal description,
15 reference to a recorded plan or government survey, its
16 location by street number, if there be any, and the
17 description of all improvements located upon the land, and
18 shall declare how said land has been used since same has
19 belonged to the City, why it is no longer needed for public
20 purposes, and that the City does declare same surplus and
21 desires to sell the same. The resolution must be approved by
22 four members of the Commission. The provisions of this section
23 shall not apply to vacations of streets, alleys, or utility
24 easements.

25 (c) At any time not less than 30 days, nor more than
26 60 days, after the adoption of such resolution, the land shall
27 be offered for sale to the public and a notice shall be
28 published in a newspaper of general circulation in the City
29 two times before the date of sale, with the first publication
30 not less than 15 days before the date of sale, and the second
31 publication 1 week after the first publication, setting forth

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1 on which date sale bids shall be received and protests heard.
2 Each sealed bid shall be accompanied by a cashier's check or
3 certified check payable to the City in an amount equal to 10
4 percent of the bid price. The City shall sell the property for
5 cash or other property of equal value, to the highest and best
6 bidder if a sale is made, but the City may reject any and all
7 bids.

8 (d) During a period of not less than 30 days, nor more
9 than 60 days between the adoption of the resolution and the
10 date of sale, taxpayers and registered electors of the City
11 may protest or object to the sale or propose other public uses
12 for said property, and the Commission may rescind its former
13 action and repeal the resolution declaring the property not
14 needed for public use, if it deems same expedient and proper.
15 If before the date of the proposed sale, a petition is filed
16 with the City Clerk signed by 15 percent of the registered
17 electors of the City objecting to said sale, no such sale
18 shall be made until the sale of said property has been
19 approved by a majority of the electors voting at a special
20 election, which election shall be called by the Commission by
21 resolution, and at said election only the registered electors
22 of the City of Pembroke Park shall be permitted to vote.

23 (e) In any deed of conveyance the Commission may place
24 such conditions, limitations, and restrictions on the use of
25 such property by the purchasers as the Commission shall deem
26 proper.

27 (f) Any property designated as a park or recreational
28 facility shall be disposed of only after said disposal shall
29 be approved by the majority of votes in an election called for
30 the purpose of approving the disposition of said parcel or
31 parcels. The park or recreational facility may be disposed of

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1 in accordance with the procedures set forth in paragraph (c)
2 after approval by a majority of the voters.

3 (g) All confiscated, unclaimed, or abandoned personal
4 property coming into the possession of the City, or any
5 personal property owned by the City which has become obsolete
6 or which has outlived its usefulness, or which has become
7 inadequate for public purposes for which it was intended shall
8 be disposed of by public auction, open competitive bidding,
9 direct sale, trade, or gift as set forth by ordinance of the
10 Commission.

11 Section 7.08. LEASES OF PUBLIC PROPERTY.--The City of
12 Pembroke Park is hereby authorized and empowered to lease any
13 lands, improvements, public buildings, recreational parks or
14 facilities, or property of the City to any person, firm, or
15 corporation for a period not to exceed 5 years after said
16 lease has been authorized by a duly enacted ordinance of the
17 Commission. Any lease of lands, improvements, public
18 buildings, recreational parks and facilities, or property of
19 the City for a period in excess of 5 years shall require
20 approval by a majority of the electors of the City voting in
21 an election called for the purposes of approving the terms of
22 said lease.

23 Section 7.09. SEVERABILITY CLAUSE.--If any section or
24 part of a section of this Charter shall be held invalid by a
25 court of competent jurisdiction, such holding shall not affect
26 the remainder of this Charter, nor the context in which such
27 section or part of a section so held invalid may appear,
28 except that an entire section or part of a section may be
29 inseparably connected in meaning and effect with the section
30 or part of a section to which such holding shall directly
31 apply.

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1 Section 7.10. EFFECTIVE DATE.--This Charter shall take
2 effect on September 15, 2002.

3 Section 6. The Charter of the City of Pembroke Park as
4 hereinbefore set out shall take effect on September 15, 2002,
5 except that if a majority of the voters voting in the special
6 election of November 6, 2001, vote for annexation in the City
7 of Pembroke Park in phases as provided in section 2, sections
8 2.02 and 2.03 of the Charter of the City of Pembroke Park
9 shall read as follows:

10 A. Section 2.02. DISTRICTS.--For the purpose of
11 representation upon and election of the Commissioners, the
12 City of Pembroke Park Commission shall, by ordinance, prior to
13 December 1, 2002, and December 1, 2004, apportion the City in
14 accordance with the Constitutions of the State of Florida and
15 of the United States into four consecutively numbered
16 districts. Thereafter, by subsequently enacted ordinances,
17 the City of Pembroke Park Commission shall adjust the boundary
18 lines of said districts as may be required from time to time
19 in order that the apportionment of the City shall continue to
20 be in accordance with the Constitutions of the State of
21 Florida and of the United States, but in any event not less
22 frequently than within the first calendar year following each
23 decennial census.

24 B. Section 2.03. NUMBER, SELECTION, AND TERMS OF
25 COMMISSIONERS; INITIAL TERM OF COMMISSIONERS.--

26 (a) The Commission shall consist of four Commissioners
27 and a Mayor, with one Commissioner elected for each of the
28 four districts by vote of the electors residing and qualified
29 within the City. The Commissioners shall be elected for a
30 period of 2 years, beginning in March 2005, or until their
31 successors are elected and qualified.

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1 (b) In order to provide for staggered terms of office
2 for the Commissioners, at the municipal election to be held in
3 March 2005, the Commissioners from Districts 1 and 3 shall be
4 elected for a term of 4 years and the Commissioners from
5 Districts 2 and 4 shall be elected for a term of 2 years. In
6 subsequent elections, all Commissioners shall be elected for
7 4-year terms to fill seats as terms expire in the respective
8 districts.

9 (c) No individual shall serve as Commissioner for more
10 than two consecutive 4-year terms in office. This provision
11 shall be prospective and not retroactive, and shall not take
12 into account the present or past terms of elected
13 Commissioners from the Town of Pembroke Park.

14 Section 7. All public roads and the public
15 rights-of-way associated therewith, lying within the limits of
16 the lands subject to annexation herein, as described in
17 section 1, are transferred from the jurisdiction of Broward
18 County to the jurisdiction of the annexing municipality.

19 Section 8. Upon annexation into the City of Pembroke
20 Park, the following shall govern the unincorporated areas
21 described in this act as to South Central Broward County:

22 (1) The present land use designation and zoning
23 provided for under the Broward County Comprehensive Plan and
24 Code of Ordinances of Broward County shall remain the law
25 governing the areas provided for in this act. The land use
26 designation and zoning of Broward County shall be deemed
27 conforming law.

28 (2) Any change of designated land use or zoning shall
29 be accomplished by enactment of the vote of the majority of
30 the full governing body of the municipality plus one.

31 (3) Notwithstanding subsections (1) and (2), any use,

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1 building, or structure that is legally in existence at the
2 time that the unincorporated lands become a part of the
3 municipality, said use shall not be made a prohibited use by
4 the municipality, on the property of said use, for as long as
5 the use shall continue and not be voluntarily abandoned.

6 Section 9. Subsequent to the effective date of this
7 act, no annexation by any municipality shall be effective
8 within the area described in this act as South Central Broward
9 County.

10 Section 10. This act shall take precedence over all
11 other prior enacted law.

12 Section 11. The original charter of the Town of
13 Pembroke Pines, and all acts amendatory thereof are repealed.

14 Section 12. This act shall take effect only upon its
15 approval by a majority vote of those qualified electors of the
16 unincorporated area within South Central Broward County as
17 described in this act voting in referendum election to be
18 called by the Board of County Commissioners of Broward County
19 and to be held on November 6, 2001, in accordance with the
20 provisions of law relating to elections currently in force,
21 except that this section shall take effect upon becoming a
22 law.

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