

1 A bill to be entitled
 2 An act relating to Broward County; creating the charter of
 3 the City of West Park; providing for the corporate name
 4 and purpose of the charter; establishing form of
 5 government and territorial boundaries of the municipality;
 6 providing powers of the municipality and of certain
 7 officers; providing for election and terms of office of a
 8 city commission, including the mayor and vice mayor, and
 9 providing for qualifications, powers, and duties of and
 10 restrictions on its membership; establishing circumstances
 11 which create vacancies in office and providing for filling
 12 vacancies and for forfeiture and recall; providing a
 13 procedure for establishing compensation and expense
 14 reimbursement for the mayor and city commission; providing
 15 for rules of procedure; providing for a city
 16 administrator, city clerk, and city attorney and powers
 17 and duties of each; providing restrictions on expenditure
 18 of city funds; authorizing establishment of city boards
 19 and agencies; providing for commission meetings,
 20 procedural rules, and recordkeeping and voting at
 21 meetings; providing for emergency ordinances; providing
 22 for budget requirements, adoption, and amendment and
 23 establishing a fiscal year; providing procedures for
 24 authentication, recording, and disposition of ordinances,
 25 resolutions, and charter amendments; establishing the
 26 right to determine, order, levy, assess, and collect
 27 taxes; providing for borrowing by the city; providing for
 28 an annual independent audit; providing for quasi-judicial
 29 procedures; establishing election requirements and

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30 guidelines; providing for charter amendments and review;
 31 providing for severability; providing for standards of
 32 conduct; providing for a personnel system; providing
 33 requirements for charitable contributions; providing for
 34 transition, including a referendum on incorporation and
 35 alternate manners of elections for the city commission,
 36 initial election and terms, and date of creation and
 37 establishment of the municipality; providing for interim
 38 adoption of codes and ordinances and taxes and fees;
 39 providing for payment of certain revenues and for
 40 transitional ordinances and resolutions; entitling the
 41 city to state shared and local option gas tax revenues;
 42 providing for the sharing of certain revenues; providing
 43 for precedence of the provisions of this act over
 44 conflicting provisions of other laws; providing for a
 45 referendum for the merger of the Town of Pembroke Park
 46 into the City of West Park in November 2014; providing an
 47 effective date.

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 49 Be It Enacted by the Legislature of the State of Florida:

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 51 Section 1. Corporate existence; form of government;
 52 boundary and powers.--

53 (1) CORPORATE EXISTENCE.--In order to preserve, protect,
 54 and enhance the quality of life and residential character of
 55 West Park, a municipal corporation known as the City of West
 56 Park (the "city") is hereby created pursuant to the Constitution
 57 of the State of Florida (the "State"). The corporate existence
 58 of the city shall commence upon the adoption of this charter by

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59 the electorate pursuant to section 9(1) of this charter.

60 (2) FORM OF GOVERNMENT.--The city shall have a
 61 "commission-administrator" form of government.

62 (3) CORPORATE BOUNDARY.--

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 64 A portion of Sections 29 and 30, Township 51 South, Range
 65 42 East, Broward County, Florida, described as follows:

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 67 Beginning at a point on the South line of said Section
 68 30, said point being 535.00 feet Westerly of the
 69 Southeast corner of said Section 30, as measured along
 70 said South line;

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 72 Thence along the municipal boundary of the Town of
 73 Pembroke Park, as established by Chapter 63-1772, Laws of
 74 Florida, the following 23 courses and distances;

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 76 Thence Northerly a distance of 50 feet to the Southwest
 77 corner of Tract "N" of a subdivision known as "LAKE
 78 FOREST SECTION 3", as recorded in Plat Book 35, Page
 79 15, of the Public Records of Broward County, Florida;

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 81 Thence continue Northerly along the West boundary of said
 82 Tract "N" to the Northwest corner of said Tract "N";

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 84 Thence continue Northerly a distance of 25 feet to the
 85 centerline of Lime Tree Concourse which is a dedicated
 86 street of the subdivision of said "LAKE FOREST SECTION
 87 3";

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Thence Easterly along the centerline of said Lime Tree Concourse to the point of intersection of the said centerline with the East boundary of the Southeast One-Quarter (SE 1/4) of said Section 30;

Thence continue Easterly along said centerline a distance of 305.10 feet;

Thence Southerly to the Northeasterly corner of Tract "O" of said subdivision of "LAKE FOREST SECTION 3";

Thence continue Southerly on a bearing of South 00E15'07" East a distance of 100 feet, to a point;

Thence Easterly a distance of 80.64 feet on a bearing of North 82E30'53" East to the Northwesterly corner of Lot 4, Block 21 of said subdivision of "LAKE FOREST SECTION 3";

Thence Southerly along the Westerly lines of Lots 4, 5, and 6 of said Block 21 a distance of 246 feet to the Northwest corner of Lot 33 of said Block 21;

Thence Southerly along the West line of Lot 33 of said Block 21 a distance of 145 feet to the Southwest corner of said Lot 33;

Thence Easterly along the South boundaries of Blocks

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117 21 and 31 to the Southeast corner of Block 31 of said
 118 subdivision of "LAKE FOREST SECTION 3";

119
 120 Thence continue Easterly along a projection of the South
 121 boundary of said Block 31 a distance of 800 feet to a
 122 point on the East boundary of the Southwest One-Quarter
 123 (SW 1/4) of said Section 29;

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 125 Thence run Northerly and along the West boundary of the
 126 Southeast One-Quarter (SE 1/4) of said Section 29 to the
 127 Northwest corner of said Southeast One-Quarter (SE 1/4)
 128 of said Section 29;

129
 130 Thence continue Northerly along the West boundary of the
 131 Northeast One-Quarter (NE 1/4) of said Section 29 to a
 132 point 265 feet South of the Northeast corner of the South
 133 One-Half (S ½) of the Northwest One-Quarter (NW 1/4) of
 134 said Section 29;

135
 136 Thence Westerly along the North boundary of Lot 21, Block
 137 37 of the subdivision of "LAKE FOREST SECTION 4", as
 138 recorded in Plat Book 43, Page 45, of the Public
 139 Records of Broward County, Florida, to the Northwest
 140 corner of said Lot 21;

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 142 Thence continue Westerly to the Southeast corner of Tract
 143 "R", Block 40 of said subdivision of "LAKE FOREST
 144 SECTION 4";

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146 Thence continue Westerly along the South boundaries of
 147 said Tract "R" and the South boundary of Tract "RA" of
 148 said subdivision of "LAKE FOREST SECTION 4" to the
 149 Southwest corner of said Tract "RA";

151 Thence Northwesterly along the South boundary of said
 152 Tract "RA" to the Southeast corner of Lot 29A of said
 153 Block 40;

155 Thence continue Westerly along the South boundary of said
 156 Block 40 and along the South boundary of Block 50 of
 157 said subdivision of "LAKE FOREST SECTION 4" to the
 158 Southwest corner of Lot 28 of said Block 50;

160 Thence Southerly to the Southeast corner of Tract "Q" of
 161 said subdivision of "LAKE FOREST SECTION 4";

163 Thence Westerly to the Northwest corner of Lot 36, of
 164 said Block 50;

166 Thence Southerly to the Southwest corner of said Lot 36;

168 Thence Westerly along the South boundary of said Tract
 169 "Q" and the extension thereof for a distance of 171.53
 170 feet to a point on the West boundary of the Northeast
 171 One-Quarter (NE 1/4) of said Section 30 said point also
 172 being on the municipal boundary of the Town of Pembroke
 173 Park, as established by Chapter 70-878, Laws of
 174 Florida;

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Thence Southerly along said municipal boundary and the East line of the West One-Half (W ½) of said Section 30 to the Southwest corner of the Southeast One-Quarter (SE 1/4) of said Section 30;

Thence Easterly along the South line of said Section 30 to the POINT OF BEGINNING.

TOGETHER WITH

A portion of Sections 24 and 25, Township 51 South, Range 41 East, and Sections 19, 29 and 30, Township 51 South, Range 42 East, Broward County, Florida, described as follows:

BEGINNING at the Northeast corner of the South One-Half (S ½) of said Section 19, also being a point on the municipal boundary of the City of Hollywood, as established by Chapter 59-1369, Laws of Florida;

Thence Westerly along the North line of said South One-Half (S ½) to the East line of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 19, also being a point on the municipal boundary of the City of Hollywood, as established by Chapter 63-1426, Laws of Florida;

Thence continue Westerly along said North line, along the

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204 North line of the Southeast One-Quarter (SE 1/4) of said
 205 Section 24 and along said municipal boundary to the West
 206 line of the Northeast One-Quarter (NE 1/4) of the
 207 Southeast One-Quarter (SE 1/4) of said Section 24;

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 209 Thence continue along said municipal boundary to the
 210 centerline of right of way of Southwest 17 Street
 211 (Pembroke Road);

212
 213 Thence continue along said municipal boundary and along
 214 said centerline to a point on the centerline of State
 215 Road No. 7 (U.S. 441) also known as Southwest 60 Avenue,
 216 said point also being on the municipal boundary of the
 217 City of Miramar, as established by Ordinance No. 72-14 of
 218 the City of Miramar;

219
 220 Thence Southerly along said centerline and said municipal
 221 boundary over and across said Sections 24 and 25 to a
 222 point of intersection with the South line of said Section
 223 25;

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 225 Thence Easterly along said South line to the East line of
 226 said Section 25 and a point on the municipal boundary of
 227 the Town of Pembroke Park, as established by Chapter 70-
 228 878, Laws of Florida;

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 230 Thence along said municipal boundary the following 6
 231 courses;

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233 Thence Northerly along said East line to the
 234 Southwest corner of the Northwest One-Quarter (NW 1/4)
 235 of the Southwest One-Quarter (SW 1/4) of the Southwest
 236 One-Quarter (SW 1/4) of said Section 30;

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 238 Thence Easterly along said South line to the Southeast
 239 corner of the Northwest One-Quarter (NW 1/4) of the
 240 Southwest One-Quarter (SW 1/4) of the Southwest One-
 241 Quarter (SW 1/4) of said Section 30;

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 243 Thence Northerly along the West line of the East Three-
 244 Quarters (E 3/4) of the Southwest One-Quarter (SW 1/4) of
 245 said Section 30 to the Northeast corner of the South One-
 246 Half (S ½) of the Southwest One-Quarter (SW 1/4) of the
 247 Northwest One-Quarter (NW 1/4) of the Southwest One-
 248 Quarter (SW 1/4) of said Section 30;

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 250 Thence Westerly along the North line of said South
 251 One-Half (S ½) to the West line of said Section 30;

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 253 Thence Northerly along the said West line to the
 254 Northwest corner of the South One-Half (S ½) of the
 255 Northwest One-Quarter (NW 1/4) of said Section 30;

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 257 Thence Easterly along the North line of said South One-
 258 Half (S ½) to the Northeast corner of said South One-Half
 259 (S ½), said point also being on the municipal boundary of
 260 the Town of Pembroke Park, as established by Chapter 63-
 261 1772, Laws of Florida;

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Thence along said municipal boundary the following 5 courses;

Thence Northerly along the East line of the Northwest One-Quarter (NW 1/4) of said Section 30 to a point of intersection with the North right of way line of Hallandale Beach Road, also known as State Road No. 824 and Hallandale Beach Boulevard;

Thence Easterly along said North right of way line to a point of intersection with the East line of the West One-Half (W ½) of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 29;

Thence Northerly along said East line to the Northeast corner of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 29;

Thence Westerly along said North line to the Northwest corner of said Section 29, which is a common corner of Sections 19, 20, 29 and 30 , Township 51 South, Range 42 East;

Thence Northerly along the East line of the Southeast One-Quarter (SE 1/4) of said Section 19 to the POINT OF BEGINNING.

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LESS THEREFROM:

Those lands annexed by the Town of Pembroke Park, as established by Ordinance No. 77-7-3 of the Town of Pembroke Park described as follows:

Lot 1 thru 12 inclusive in Block 4 of "MIAMI GARDENS ESTATES, SECTION 8", according to the plat thereof, as recorded in Plat Book 44, Page 33, of the Public Records of Broward County, Florida;

AND LESS:

Those lands annexed by the Town of Pembroke Park, as established by Ordinance No. 74-9-1 of the Town of Pembroke Park described as follows:

All of "MIAMI GARDENS ESTATES SECTION 9", according to the plat thereof, as recorded in Plat Book 61, Page 16, of the Public Records of Broward County, Florida;

AND LESS:

Those lands annexed by the Town of Pembroke Park, as established by Ordinance No. 77-4-1 of the Town of Pembroke Park described as follows:

The East One-Half (E ½) of the East One-Half (E ½) of Government Lot 1, LESS the West 43 feet thereof, and the Northeast One-Quarter (NE 1/4) of the Northwest One-

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320 Quarter (NW 1/4) of said Section 30, lying North of the
 321 North right of way line of Hallandale Beach Boulevard.

322 (4) POWERS.--The city shall have all available
 323 governmental, corporate, and proprietary powers and may exercise
 324 them, except when prohibited by law. Through the adoption of
 325 this charter, it is the intent of the electors of the city that
 326 the municipal government established herein have the broadest
 327 exercise of home rule powers permitted under the State
 328 Constitution and laws of the state.

329 (5) CONSTRUCTION.--This charter and the powers of the city
 330 shall be construed liberally in favor of the city.

331 Section 2. Commission; mayor.--

332 (1) CITY COMMISSION.--There shall be a city commission
 333 (the "commission") vested with all legislative powers of the
 334 city, consisting of four members ("commission members") and the
 335 mayor. Commission members shall occupy seats numbered 1 through
 336 4. References in this charter to commission members shall
 337 include the mayor, unless the context dictates otherwise. Unless
 338 otherwise stated within this charter, all charter powers shall
 339 be exercised by the commission.

340 (2) MAYOR.--The mayor shall preside at meetings of the
 341 commission and be a voting member of the commission. The mayor
 342 shall be recognized as the head of city government for all
 343 ceremonial purposes, for purposes of military law, and for
 344 service of process and execution of duly authorized contracts,
 345 deeds, and other documents, and as the city official designated
 346 to represent the city when dealing with other governmental
 347 entities.

348 (3) VICE MAYOR.--The vice mayor shall act as mayor in the

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349 absence of the mayor. The vice mayor shall be elected from among
 350 commission members for a period of 2 years by a majority of the
 351 commission at the first meeting of the commission after each
 352 election.

353 (4) ELECTION AND TERMS OF OFFICE.--

354 (a) Election and term of office.--Each commission member
 355 and the mayor shall be elected at large for 4-year terms by the
 356 electors of the city in the manner provided in section 5. Each
 357 commission member and the mayor shall remain in office until his
 358 or her successor is elected and assumes the duties of the
 359 position.

360 (b) Designated seats.--The city commission shall be
 361 divided into four seats, designated 1, 2, 3, and 4, to be voted
 362 on citywide, with each qualified elector entitled to vote for
 363 one candidate for each seat.

364 (5) QUALIFICATIONS.--Candidates for commission member
 365 shall qualify for election by the filing of a written notice of
 366 candidacy with the clerk of the city at such time and in such
 367 manner as may be prescribed by ordinance and payment to the
 368 clerk of the sum of \$100, plus any fees required by Florida
 369 Statutes, as a qualifying fee. A person may not be a candidate
 370 for more than one office in the same election. Only electors of
 371 the city who have resided continuously in the city for at least
 372 1 year preceding the date of such filing shall be eligible to
 373 hold the office of commission member. If at the conclusion of
 374 the qualifying period no elector shall have filed for candidacy,
 375 the commission seat shall be open for a period of 5 days and any
 376 qualified elector who has resided in the city continuously for
 377 at least 1 year preceding the date of such filing may file a

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378 written notice of candidacy for said commission seat in
 379 accordance with the remaining provisions of this section.

380 (6) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
 381 VACANCIES.--

382 (a) Vacancies.--The office of a commission member shall
 383 become vacant upon his or her death, resignation, or removal
 384 from office in any manner authorized by law or by forfeiture of
 385 his or her office.

386 (b) Forfeiture of office.--

387 1. A commission member shall forfeit his or her office if
 388 at any time during his or her term he or she ceases to maintain
 389 his or her permanent residence in the city or if he or she
 390 otherwise ceases to be a qualified elector of the city.

391 2. A commission member shall be subject to forfeiture of
 392 his or her office, in the discretion of the remaining commission
 393 members, if he or she is absent without good cause from any
 394 three consecutive regular meetings of the commission during any
 395 calendar year or if he or she is absent without good cause from
 396 any four regular meetings of the commission within any 12-month
 397 period.

398 3. The commission shall be the sole judge of the
 399 qualifications of its members and shall hear all questions
 400 relating to forfeiture of a commission member's office,
 401 including whether or not good cause for absence has been or may
 402 be established. The burden of establishing good cause shall be
 403 on the commission member in question; however, any commission
 404 member may at any time during any duly held meeting move to
 405 establish good cause for his or her absence or the absence of
 406 any other commission member, from any past, present, or future

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407 meeting or meetings, which motion, if carried, shall be
408 conclusive. A commission member whose qualifications are in
409 question or who is otherwise subject to forfeiture of his or her
410 office shall not vote on any such matters. The commission member
411 in question shall be entitled to a public hearing on request
412 regarding an alleged forfeiture of office. If a public hearing
413 is requested, notice thereof shall be published in one or more
414 newspapers of general circulation in the city at least 1 week in
415 advance of the hearing. Any final determination by the
416 commission that a commission member has forfeited his or her
417 office shall be made by resolution. All votes and other acts of
418 the commission member in question prior to the effective date of
419 such resolution shall be valid regardless of the grounds of
420 forfeiture.

421 (c) Filling of vacancies.--A vacancy on the commission
422 shall be filled as follows:

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

425 2. If 1 year or more remains in the unexpired term, the
426 vacancy shall be filled by a special election to be held not
427 sooner than 30 days or more than 60 days following the
428 occurrence of the vacancy.

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

431 4. If no candidate for a vacancy meets the qualifications
432 under this section for that vacancy, the commission shall
433 appoint a person qualified under this section to fill the
434 vacancy.

435 5. Notwithstanding any quorum requirements established

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436 herein, if at any time the full membership of the commission is
 437 reduced to less than a quorum, the remaining members may, by
 438 majority vote, appoint additional members to the extent
 439 otherwise permitted or required under this subsection.

440 6. In the event that all the members of the commission are
 441 removed by death, disability, recall, forfeiture of office, or
 442 resignation, or any combination thereof, the Governor shall
 443 appoint interim commission members who shall call a special
 444 election within not less than 30 days or more than 60 days after
 445 such appointment. Such election shall be held in the same manner
 446 as the initial elections under this charter. However, if there
 447 are less than 6 months remaining in the unexpired terms, the
 448 interim commission appointed by the Governor shall serve out the
 449 unexpired terms. Appointees must meet all requirements for
 450 candidates provided for in this section.

451 (7) Compensation; reimbursement for expenses.--

452 (a) The commission members shall be compensated at the
 453 rate of \$300 per month. The mayor shall be compensated at the
 454 rate of \$400 per month. The mayor and commission shall receive
 455 reimbursement in accordance with applicable law, or as may be
 456 otherwise provided by ordinance, for authorized travel and per
 457 diem expenses incurred in the performance of their official
 458 duties.

459 (b) An ordinance establishing, increasing, or decreasing
 460 compensation of the mayor or commission may be adopted at any
 461 time; however, in no event shall any establishment of
 462 compensation or any increase in compensation become effective
 463 prior to the first day of the first month following the first
 464 regular election of the city subsequent to the adoption of such

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465 ordinance.

466 (8) RULES OF PROCEDURE.--The commission shall determine
 467 its own rules of procedure.

468 Section 3. Administrative.--

469 (1) CITY ADMINISTRATOR.--There shall be a city
 470 administrator (the "administrator"), who shall be the chief
 471 administrative officer of the city. The administrator shall be
 472 responsible to the commission for the administration of all city
 473 affairs.

474 (2) APPOINTMENT; REMOVAL; COMPENSATION.--The commission
 475 shall appoint a qualified individual or firm for an indefinite
 476 term by an affirmative vote of at least four commission members.
 477 The commission may remove the administrator at any time by an
 478 affirmative vote of at least four commission members. For voting
 479 purposes, the mayor shall be considered as a commission member.
 480 The compensation and benefits of the administrator shall be
 481 fixed by the commission. Any consideration of the removal of the
 482 administrator must be an agenda item with public notice given.

483 (3) POWERS AND DUTIES OF THE ADMINISTRATOR.--The
 484 administrator shall:

485 (a) Be responsible for the hiring, supervision, and
 486 removal of all city employees.

487 (b) Direct and supervise the administration of all
 488 departments and offices, but not city boards or agencies, unless
 489 so directed by the commission from time to time.

490 (c) Attend all commission meetings and have the right to
 491 take part in discussion, but not the right to vote.

492 (d) Ensure that all laws, provisions of this charter, and
 493 acts of the commission, subject to enforcement or administration

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494 by him or her or by officers subject to his or her direction and
 495 supervision, are faithfully executed.

496 (e) Prepare and submit to the commission a proposed annual
 497 budget and capital program.

498 (f) Submit to the commission and make available to the
 499 public an annual report on the finances and administrative
 500 activities of the city as of the end of each fiscal year.

501 (g) Prepare such other reports as the commission may
 502 require concerning the operations of city departments, offices,
 503 boards, and agencies.

504 (h) Keep the commission fully advised as to the financial
 505 condition and future needs of the city and make such
 506 recommendations to the commission concerning the affairs of the
 507 city as he or she deems to be in the best interests of the city.

508 (i) Execute, with the mayor, contracts, deeds, and other
 509 documents on behalf of the city, as authorized by the
 510 commission.

511 (j) Implement the purchase code and guidelines adopted by
 512 the commission for the acquisition of goods and services for the
 513 city.

514 (k) Perform such other duties as are specified in this
 515 charter or as may be required by the commission.

516 (4) ABSENCE OR DISABILITY OF ADMINISTRATOR.--To perform
 517 his or her duties during his or her temporary absence or
 518 disability, the administrator may designate, by letter filed
 519 with the city clerk, a qualified administrative officer of the
 520 city. In the event of failure of the administrator to make such
 521 designation, or should the person so designated by the city
 522 administrator be unsatisfactory to the commission, the

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523 commission may by resolution appoint an officer of the city to
 524 perform the duties of the administrator until he or she shall
 525 return or his or her disability shall cease.

526 (5) BOND OF ADMINISTRATOR.--The administrator shall
 527 furnish a surety bond to be approved by the commission, and in
 528 such amount as the commission may fix, said bond to be
 529 conditioned on the faithful performance of his or her duties.
 530 The premium of the bond shall be paid by the city.

531 (6) CITY CLERK.--The administrator shall appoint a city
 532 clerk or management firm to serve as city clerk (the "clerk").
 533 The clerk shall give notice of commission meetings to its
 534 members and the public, shall keep minutes of its proceedings,
 535 and shall perform such other duties as the commission or
 536 administrator may prescribe from time to time. The clerk shall
 537 report to the administrator.

538 (7) CITY ATTORNEY.--The commission shall appoint a
 539 qualified individual or firm to serve as the city attorney for
 540 an indefinite term by an affirmative vote of at least four
 541 commission members. The commission members may remove the city
 542 attorney at any time by an affirmative vote of at least four
 543 commission members. The compensation and benefits of the city
 544 attorney shall be fixed by the commission. The city attorney
 545 shall report to the commission. The city attorney shall take
 546 office immediately on appointment, and the terms and conditions
 547 shall subsequently be reduced to a written contract. The
 548 commission shall have the authority to engage such additional
 549 legal counsel as it deems advisable and necessary.

550 (8) POWERS AND DUTIES OF THE CITY ATTORNEY.--The city
 551 attorney or other attorney, designated and approved by the

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552 commission, shall, to the extent required by the commission:

553 (a) Attend all regular and special meetings of the
 554 commission.

555 (b) Act as the legal advisor to and counselor for the city
 556 and its officers in the matters relating to their official
 557 duties.

558 (c) Approve all contracts, bonds, and other instruments in
 559 which the city is concerned and shall endorse on each his or her
 560 approval of the form and correctness thereof. No contract with
 561 the city shall take effect until his or her approval is so
 562 endorsed thereon.

563 (d) When requested to do so by the commission, prosecute
 564 and defend on behalf of the city all complaints, suits, and
 565 controversies in which the city is a party.

566 (e) When so requested, furnish the mayor, commission, or
 567 administrator his or her opinion on any question of law
 568 involving the respective powers and duties of the mayor,
 569 commission, or administrator.

570 (f) Perform such other professional duties as required of
 571 him or her by resolution of the commission or as prescribed for
 572 municipal attorneys in the general laws of the state which are
 573 not inconsistent with this charter.

574 (9) EXPENDITURE OF CITY FUNDS.--No funds of the city shall
 575 be expended except pursuant to duly approved appropriations or
 576 for the payment of bonds, notes, or other indebtedness duly
 577 authorized by the commission and only from such funds so
 578 authorized.

579 (10) City boards and agencies.--Except as otherwise
 580 provided by law, the commission may establish or terminate such

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581 boards and agencies as it may deem advisable from time to time.
 582 The boards and agencies shall report to the commission. Members
 583 of boards and agencies shall be appointed by the commission by
 584 resolution.

585 Section 4. Legislative.--

586 (1) COMMISSION MEETING PROCEDURE.--

587 (a) Meetings.--The commission shall hold at least 11
 588 monthly meetings in each fiscal year at such times and places as
 589 the commission may prescribe by rule. No meeting shall extend
 590 beyond 11 p.m. local time. Notwithstanding the aforesaid, the
 591 commission may conclude debate and voting on any agenda item
 592 under consideration at 11 p.m. Special meetings may be held upon
 593 the call of the mayor or upon the call of three members of the
 594 commission, and upon no less than 24 hours' notice to each
 595 member and the public, or such shorter time as a majority of the
 596 commission shall deem necessary in case of an emergency
 597 affecting life, health, property, or the public peace.

598 (b) Quorum and voting.--Except as otherwise provided in
 599 this charter, any three members of the commission shall
 600 constitute a quorum. The affirmative vote of three members of
 601 the commission shall be required for any legislative action. All
 602 voting shall be by roll call.

603 (2) PROHIBITIONS.--

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

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610 pertaining to appointment and removal of such officers and
 611 employees.

612 (b) Interference with administration.--Except for the
 613 purpose of inquiries and investigations made in good faith, the
 614 commission or its members shall deal with city officers and
 615 employees who are subject to the direction and supervision of
 616 the administrator solely through the administrator, and neither
 617 the commission nor its members shall give orders to any such
 618 officer or employee, either publicly or privately. It is the
 619 express intent of this charter that recommendations for
 620 improvement in city government operations by individual
 621 commission members be made solely to and through the
 622 administrator. Commission members may discuss with the
 623 administrator any matter of city business; however, no
 624 individual commission member shall give orders to the
 625 administrator.

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

631 (3) EMERGENCY ORDINANCES.--

632 (a) Authorization; form.--To meet a public emergency
 633 affecting life, health, property, or the public peace, the
 634 commission may adopt, in the manner provided by Florida
 635 Statutes, one or more emergency ordinances, but such ordinances
 636 may not enact or amend a land use plan or rezone private
 637 property; levy taxes; grant, renew, or extend any municipal
 638 franchise; set service or user charges for any municipal

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639 services; or authorize the borrowing of money, except as
640 provided under the emergency appropriations provisions of this
641 charter, if applicable. An emergency ordinance shall be
642 introduced in the form and manner prescribed for ordinances
643 generally, except that it shall be plainly designated in a
644 preamble as an emergency ordinance and shall contain, after the
645 enacting clause, a declaration stating that an emergency exists
646 and describing it in clear and specific terms.

647 (b) Procedure.--Upon the affirmative vote of four
648 commission members, an emergency ordinance may be adopted with
649 or without amendment or rejected at the meeting at which it is
650 introduced. For voting purposes, the mayor shall be considered
651 as a member of the commission. After its adoption, the ordinance
652 shall be advertised and printed as prescribed for other
653 ordinances.

654 (c) Effective date.--Emergency ordinances shall become
655 effective upon adoption or at such other date as may be
656 specified in the ordinance.

657 (d) Repeal.--Every emergency ordinance, except emergency
658 appropriation ordinances, shall automatically be repealed as of
659 the 61st day following its effective date, but this shall not
660 prevent reenactment of the ordinance under regular procedures
661 or, if the emergency still exists, in the manner specified in
662 this section. An emergency ordinance may also be repealed by
663 adoption of a repealing ordinance in the same manner specified
664 in this section for adoption of emergency ordinances.

665 (e) Emergency appropriations.--To meet a public emergency
666 affecting life, health, property, or the public peace, the
667 commission, by resolution, may make emergency appropriations. To

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668 the extent that there are no unappropriated revenues to meet
 669 such appropriation, the commission may by such emergency
 670 resolution authorize the issuance of emergency notes, which may
 671 be renewed from time to time, but the emergency notes and
 672 renewals in any fiscal year shall be paid not later than the
 673 last day of the fiscal year succeeding that in which the
 674 emergency appropriations were made.

675 (4) ANNUAL BUDGET ADOPTION.--

676 (a) Balanced budget.--Each annual budget adopted by the
 677 commission shall not provide for expenditures in an amount
 678 greater than the revenues budgeted.

679 (b) Budget adoption.--The budget shall be adopted in
 680 accordance with applicable Florida Statutes and any amendments
 681 thereto.

682 (c) Specific appropriation.--The budget shall be specific
 683 as to the nature of each category of appropriations. Reasonable
 684 appropriations may be made for contingencies, but only within
 685 defined spending categories.

686 (5) FISCAL YEAR.--The fiscal year of the city government
 687 shall begin on the first day of October and shall end on the
 688 last day of September of the following calendar year, unless
 689 otherwise defined by Florida Statutes. Such fiscal year shall
 690 also constitute the annual budget and accounting year.

691 (6) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--

692 (a) Supplemental appropriations.--If, during any fiscal
 693 year, revenues in excess of those estimated in the annual budget
 694 are available for appropriation, the commission may by ordinance
 695 make supplemental appropriations for the fiscal year up to the
 696 amount of such excess.

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697 (b) Reduction of appropriations.--If, at any time during
 698 the fiscal year, it appears probable to the administrator that
 699 the revenues available will be insufficient to meet the amounts
 700 appropriated, he or she shall report to the commission without
 701 delay, indicating the estimated amount of the deficit and his or
 702 her recommendations as to the remedial action to be taken. The
 703 commission shall then take such action as it deems appropriate
 704 to prevent any deficit spending not covered by adequate
 705 reserves.

706 (7) AUTHENTICATION, RECORDING, AND DISPOSITION OF
 707 ORDINANCES, RESOLUTIONS, AND CHARTER AMENDMENTS.--

708 (a) Authentication.--The mayor and the clerk shall
 709 authenticate, by their signatures, all ordinances and
 710 resolutions adopted by the commission. In addition, when charter
 711 amendments have been approved by the electors, the mayor and the
 712 clerk shall authenticate, by their signatures, the charter
 713 amendment, such authentication to reflect the approval of the
 714 charter amendment by the electorate.

715 (b) Recording.--The clerk shall keep properly indexed
 716 books in which shall be recorded, in full, all ordinances and
 717 resolutions enacted or passed by the commission. Ordinances
 718 shall, at the direction of the commission, be periodically
 719 codified. The clerk shall also maintain the charter in current
 720 form as to all amendments.

721 (c) Printing.--The commission shall, by ordinance,
 722 establish procedures for making all resolutions, ordinances,
 723 technical codes adopted by reference, and this charter available
 724 for public inspection and available for purchase at a reasonable
 725 price.

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726 (8) BORROWING.--

727 (a) Subject to the referendum requirements of the State
 728 Constitution, if applicable, the city may from time to time
 729 borrow money and issue bonds or other obligations or evidence of
 730 indebtedness (collectively, "bonds") of any type or character
 731 for any of the purposes for which the city is now or hereafter
 732 authorized by law to borrow money, including to finance the cost
 733 of any capital or other project and to refund any and all
 734 previous issues of bonds at or prior to maturity. Such bonds may
 735 be issued pursuant to one or more resolutions adopted by a
 736 majority of the commission.

737 (b) The city may assume all outstanding indebtedness
 738 related to facilities it acquires from other units of local
 739 government and be liable for payment thereon in accordance with
 740 its terms.

741 (9) INDEPENDENT AUDIT.--The commission shall provide for
 742 an independent annual audit of all city accounts and may provide
 743 for more frequent audits as it deems necessary. Such audits
 744 shall be made by a certified public accountant or firm of such
 745 accountants who have no personal interest, direct or indirect,
 746 in the fiscal affairs of the city government or any of its
 747 officers.

748 Section 5. Elections.--

749 (1) ELECTORS.--Any person who is a resident of the city,
 750 has qualified as an elector of the state, and registers to vote
 751 in the manner prescribed by law shall be an elector of the city.

752 (2) NONPARTISAN ELECTIONS.--All elections for the offices
 753 of commission member and mayor shall be conducted on a
 754 nonpartisan basis.

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755 (3) ELECTION DATES.--A regular election shall be held on
 756 the second Tuesday in March 2005.

757 (4) GENERAL ELECTION.--The ballot for the general election
 758 shall contain the names of all qualified candidates for mayor if
 759 the mayor's term is expiring and for each of the two commission
 760 seats which are to be filled at that election as a result of two
 761 commission members' terms expiring, and shall instruct electors
 762 to cast one vote for mayor, if applicable, and one vote for each
 763 commission seat, with a maximum of one vote per candidate. The
 764 candidate for mayor receiving the most votes shall be the duly
 765 elected mayor. The candidate receiving the most votes in each
 766 designated commission seat, respectively, shall be the duly
 767 elected commission member for that designated commission seat.

768 (5) SPECIAL ELECTIONS.--Special elections, when required,
 769 shall be scheduled by the commission at such times and in such
 770 manner as shall be consistent with this charter and state law.

771 (6) SINGLE CANDIDATES.--No election for mayor or any
 772 commission seat shall be required in any election if there is
 773 only one duly qualified candidate for mayor or for any
 774 commission seat.

775 (7) COMMENCEMENT OF TERMS.--The term of office of any
 776 elected official shall commence immediately after the election.

777 (8) OATH.--All elected officers, before entering upon
 778 their duties, shall take and subscribe to the following oath of
 779 office:

780
 781 I do solemnly swear (or affirm) that I will support,
 782 protect, and defend the Constitution and Government of
 783 the United States and of the State of Florida, and the

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784 charter of the City of West Park; that I am duly
 785 qualified to hold office under the Constitution of the
 786 State and the charter of the City of West Park; and
 787 that I will well and faithfully perform the duties of
 788 (Mayor or commission member) upon which I am now about
 789 to enter. (So help me God.)

791 (9) ELECTION LAWS.--The election laws of the state shall
 792 apply to all elections.

793 (10) RECALL.--The registered electors of the city shall
 794 have the power to recall and to remove from office any elected
 795 official of the city as provided by general law of the state.

796 Section 6. Charter amendments.--

797 (1) CHARTER AMENDMENTS.--This charter may be amended in
 798 accordance with the provisions of this section.

799 (2) PROCEDURE TO AMEND.--

800 (a) Initiation.--This charter may be amended in two ways:

801 1. By ordinance.--The commission may, by ordinance,
 802 propose amendments to this charter and, upon passage of the
 803 initiating ordinance, shall submit the proposed amendment to a
 804 vote of the electors at the next general election held within
 805 the city or at a special election called for such purpose.

806 2. By petition.--The electors of the city may propose
 807 amendments to this charter by petition pursuant to the
 808 requirements of chapter 166, Florida Statutes, as amended.

809 (b) Submission to electors.--Upon certification of the
 810 sufficiency of a petition, the commission shall submit the
 811 proposed amendment to a vote of the electors at a general
 812 election or special election to be held not less than 60 days or

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813 more than 120 days from the date on which the petition was
 814 certified or at a special election called for such purpose.

815 (c) Results of election.--If a majority of the qualified
 816 electors voting on a proposed amendment votes for its adoption,
 817 it shall be considered adopted upon certification of the
 818 election results. If conflicting amendments are adopted at the
 819 same election, the one receiving the greatest number of
 820 affirmative votes shall prevail to the extent of such conflict.

821 (3) APPOINTMENT OF CHARTER REVIEW COMMITTEE.--The
 822 commission shall appoint a charter review committee, which shall
 823 contain at least five registered electors who are residents of
 824 the city and whose responsibilities shall include the review and
 825 analysis of the charter and recommendations to the commission of
 826 proposed charter amendments, including, without limitation,
 827 issues such as district voting versus citywide elections for
 828 commission members. All recommendations of the charter review
 829 committee shall be considered by the commission at least once
 830 every 4 years, and the commission may by ordinance propose
 831 amendments to this charter upon recommendation of the charter
 832 review committee. Upon passage of the initiating ordinance, the
 833 commission shall submit the proposed amendment to a vote of the
 834 electors of the city at the next general election held within
 835 the city or at a special election called for such purpose.

836 Section 7. General provisions.--

837 (1) SEVERABILITY.--If any section or part of any section
 838 of this charter shall be held invalid by a court of competent
 839 jurisdiction, such holding shall not affect the remainder of
 840 this charter or the context in which such section or part of a
 841 section so held invalid may appear, except to the extent that an

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842 entire section or part of a section may be inseparably connected
 843 in meaning and effect with the section or part of a section to
 844 which such holding shall directly apply.

845 (2) CONFLICTS OF INTEREST; ETHICAL STANDARDS.--All
 846 commission members, officials, and employees of the city shall
 847 be subject to the standards of conduct for public officers and
 848 employees set by federal, state, county, or other applicable
 849 law.

850 (3) CITY PERSONNEL SYSTEM.--All new employments,
 851 appointments, and promotions of city officers and employees
 852 shall be made pursuant to personnel procedures to be established
 853 by the administrator from time to time.

854 (4) CHARITABLE CONTRIBUTIONS.--The city shall not make any
 855 charitable contribution to any person or entity unless
 856 authorized by the commission.

857 (5) VARIATION OF PRONOUNS.--All pronouns and any
 858 variations thereof used in this charter shall be deemed to refer
 859 to masculine, feminine, neutral, singular, or plural as the
 860 identity of the person or persons shall require and are not
 861 intended to describe, interpret, define, or limit the scope,
 862 extent, or intent of this charter.

863 (6) CALENDAR DAY.--For the purposes of this charter, a day
 864 shall mean a calendar day.

865 Section 8. Transition provisions.--

866 (1) CREATION AND ESTABLISHMENT OF CITY.--For the purpose
 867 of compliance with Florida Statutes relating to assessment and
 868 collection of ad valorem taxes, the city is hereby created and
 869 established effective September 15, 2004.

870 (2) INITIAL ELECTION OF COMMISSION MEMBERS; DATES;

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871 QUALIFYING PERIOD; CERTIFICATION OF ELECTION RESULTS; INDUCTION
872 INTO OFFICE.--

873 (a) Dates.--Following the adoption of this charter in
874 accordance with section 9(1), a special election for the
875 election of the mayor and four commission members shall be held
876 on March 2005.

877 (b) Qualifying period.--Any individual wishing to run for
878 mayor or one of the four commission seats shall qualify as a
879 candidate with the Broward County Supervisor of Elections
880 between January 2 and January 15, 2005, in accordance with the
881 provisions of this charter and general law.

882 (c) Certification of election results.--For the initial
883 election, a canvassing board shall be appointed by the Board of
884 County Commissioners of Broward County to certify the results of
885 the election. At the first election under this charter, the four
886 candidates for commission member receiving the highest number of
887 votes shall be elected. At such initial election, seats shall
888 not be designated. Of the elected candidates, the two receiving
889 the greatest number of votes shall serve until their successors
890 are elected in March 2008 and assume the duties of the office,
891 and the remaining two shall serve until their successors are
892 elected in March 2006 and assume the duties of the office. The
893 candidate receiving the highest number of votes shall occupy
894 seat 1; the candidate receiving the second highest number shall
895 occupy seat 2; the candidate receiving the third highest number
896 shall occupy seat 3; and the candidate receiving the fourth
897 highest number shall occupy seat 4. Thereafter, all commission
898 members shall be elected for 4-year terms. The mayoral candidate
899 receiving the highest number of votes shall be elected. The

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900 mayor shall be elected at the first election to serve until his
 901 or her successor is elected in March 2006 and assumes the duties
 902 of the office, and for a 4-year term at all subsequent
 903 elections.

904 (d) Induction into office.--Those candidates who are
 905 elected on March 8, 2005, shall take office at the initial
 906 commission meeting, which shall be held at 7:30 p.m. on March
 907 10, 2005, at a place to be designated by the mayor.

908 (3) TEMPORARY NATURE OF SUBSECTIONS (4)-(10).--The
 909 following subsections of this section are inserted solely for
 910 the purpose of effecting the incorporation of the city and the
 911 transition to a new municipal government. Subsections (4)-(10)
 912 of this section shall automatically, and without further vote or
 913 act of the electors of the city, become ineffective and no
 914 longer a part of this charter at such time as the implementation
 915 of such section has been accomplished.

916 (4) INTERIM ADOPTION OF CODES AND ORDINANCES.--Until
 917 otherwise modified or replaced by this charter or the
 918 commission, all codes, ordinances, and resolutions of Broward
 919 County, Florida, in effect on the day of adoption of this
 920 charter shall, to the extent applicable to the city, remain in
 921 force and effect as municipal codes, ordinances, and resolutions
 922 of the city. Until otherwise determined by the commission, said
 923 codes, ordinances, and resolutions shall be applied,
 924 interpreted, and implemented by the city in a manner consistent
 925 with established policies of Broward County on the date of this
 926 charter.

927 (5) TAXES AND FEES.--Until otherwise modified by the
 928 commission, all municipal taxes and fees imposed within the city

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929 boundaries by the county as the municipal government for
 930 unincorporated Broward County, which taxes and fees are in
 931 effect on the date of adoption of this charter, shall continue
 932 at the same rate and on the same conditions as if those taxes
 933 and fees had been adopted and assessed by the city.

934 (6) FIRST YEAR EXPENSES.--The commission, in order to
 935 provide moneys for the expenses and support of the city, shall
 936 have the power to borrow money necessary for the operation of
 937 city government until such time as a budget is adopted and
 938 revenues are raised in accordance with the provisions of this
 939 charter.

940 (7) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
 941 commission shall adopt ordinances and resolutions required to
 942 effect the transition. Ordinances adopted within 60 days after
 943 the first commission meeting may be passed as emergency
 944 ordinances. These transitional ordinances shall be effective for
 945 no longer than 90 days after adoption and thereafter may be
 946 readopted, renewed, or otherwise continued only in the manner
 947 normally prescribed for ordinances.

948 (8) STATE SHARED REVENUES.--The city shall be entitled to
 949 participate in all shared revenue programs of the state,
 950 effective immediately on the date of incorporation. The
 951 provisions of section 218.23, Florida Statutes, shall be waived
 952 for the purpose of eligibility to receive revenue sharing from
 953 the date of incorporation through the end of the state fiscal
 954 year 2005-2006. The provisions of section 218.26(3), Florida
 955 Statutes, shall be waived for the fiscal year 2005-2006, and the
 956 apportionment factors for the municipalities and counties shall
 957 be recalculated pursuant to section 218.245, Florida Statutes.

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958 The initial population estimates for calculating eligibility for
 959 shared revenues shall be determined by the University of Florida
 960 Bureau of Economic and Business Research as of the effective
 961 date of this charter. Should the bureau be unable to provide an
 962 appropriate population estimate, the initial population for
 963 calculating eligibility for shared revenues shall be established
 964 at the level of 12,750.

965 (9) GAS TAX REVENUES.--Notwithstanding the requirements of
 966 section 336.025, Florida Statutes, to the contrary, the city
 967 shall be entitled to receive local option gas tax revenues
 968 beginning October 1, 2005. These revenues shall be distributed
 969 in accordance with the interlocal agreement with Broward County.

970 (10) SHARED REVENUES.--Broward County shall distribute to
 971 the city, from taxes, franchise fees, and ad valorem taxes,
 972 revenues collected within the municipal boundaries of the city.
 973 This calculation shall be based upon a population projection of
 974 12,750.

975 Section 9. At the general election scheduled for November
 976 2014, the Board of Commissioners of Broward County shall
 977 schedule an election for the merger of the Town of Pembroke Park
 978 into the City of West Park. Only qualified electors residing
 979 within the City of West Park and the Town of Pembroke Park shall
 980 vote in this election. If a majority of the voters voting in
 981 this election vote to merge the Town of Pembroke Park into the
 982 City of West Park, the Town of Pembroke Park shall be dissolved
 983 effective January 1, 2015. All title, rights, liabilities, and
 984 responsibilities of the Town of Pembroke Park beginning on
 985 January 1, 2015, shall be vested in the City of West Park.

986 Section 10. This act shall only take effect upon approval

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987 by a majority of those qualified electors residing within the
988 proposed corporate limits of the proposed City of West Park as
989 described in section 1(3) of the charter, voting in a referendum
990 election to be called by the Board of County Commissioners of
991 Broward County and to be held on November 2, 2004, in accordance
992 with the provisions relating to elections currently in force
993 except that:

994 (1) This section of the charter shall take effect upon
995 this act becoming a law.

996 (2) If a majority of the qualified voters voting do not
997 approve this act then this act shall not take effect.

998 (3) If approved by a majority of the qualified voters
999 voting then this act and charter shall take effect upon
1000 certification of the election results by the Broward County
1001 Supervisor of Elections.