

**TOWN OF DAVIE
CHARTER REVIEW BOARD 2019/20**

6591 Orange Drive
Davie, FL 33314
Telephone: 954-797-1011
www.davie-fl.gov

Charter Review Board (CRB) Meeting Agenda

Date: Tuesday, January 7, 2020

Time: 6:30 pm

Location: Council Chambers, Town Hall
Orange Drive, FL 33314

(Please be advise that two or more members of the town council may be in attendance)

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. SELECTION OF CHAIR AND VICE CHAIR**
- 4. PRESENTATIONS**
- 5. REPORTS/ACTION ITEMS**
 - 5.1 Approval of December 17, 2019 Meeting Minutes
 - 5.2 Review Approved Changes to Sections 7 - 12
 - 5.3 Review of Section 13-17
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - 7.1 Oath of Office, David Donzella
- 8. ITEMS FOR NEXT AGENDA**
- 9. SCHEDULING OF NEXT MEETING**

January 2020

1. Tuesday, January 21, 2020 at 6:30 pm

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 954-797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).



TOWN OF DAVIE

Davie Town Hall: 6591 Orange Drive, Davie, Florida 33314 Phone: (954) 797-1000

YOUTH EDUCATION AND SAFETY ADVISORY COMMITTEE

February 2020

2. Tuesday, February 4, 2020 at 6:30 pm
3. Tuesday, February 18, 2020 at 6:30 pm

March 2020

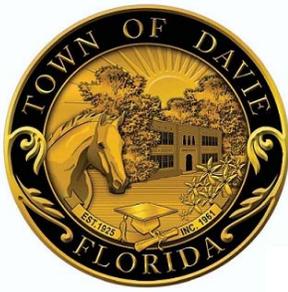
4. Tuesday, March 3, 2020 - CRB *Report Due on this date

*(Report is due one hundred and twenty (120) days from the first meeting at which a quorum is established.)

10. COMMENTS AND/OR SUGGESTIONS

11. ADJOURNMENT

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TOWN OF DAVIE CHARTER REVIEW BOARD 2019/20

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Charter Review Board Meeting Minutes December 17, 2019

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m.

2. ROLL CALL

Board members present were Chair Donna Evans, Vice Chair Ken DeArmas, Aimee Zadak, Ellen Christopher, Josette McDonell, David Donzella, Nan Gault, and Lynn Contreras.

Motion: Ellen Christopher made a motion, seconded by David Donzella to excuse Sidney Calloway and Adrienne Kaltman. In a voice vote, all voted in favor. (Motion passed 7-0)

Also, in attendance were Town Administrator Richard J. Lemack, Deputy Town Administrator Macciano K. Lewis, Assistant Town Administrator Phillip R. Holste, Town Attorney Elizabeth LoConte, Town Clerk Evelyn Roig, Fire Chief Julie Downey, Police Chief Dale Engle, Grace Garagozzo, Human Resources Director, Planning and Zoning Manager David Quigley, Budget and Finance Director William Ackerman, and Assistant Town Clerk Gillian Brewster recording the meeting.

3. PRESENTATIONS

4. REPORTS/ACTION ITEMS

4.1 Approval of meeting minutes, December 3, 2019

Motion: David Donzella made a motion, seconded by Aimee Zadak to approve minutes. All voted in favor. (Motion carried 7-0)

4.2 Review of Sections 1 through 6

Town Clerk Roig went through each section and explained the changes that were made as approved by the Board. Some of those changes included, capitalization of the nouns Town, Town Council, Town Administrator, Town Clerk, Town Attorney. Wherever the term Council was used, the term Town was inserted to read Town Council. Additionally, all the titles for the sections and subsections were capitalized. Town Clerk Roig stated that during the review and cleaning of the sections, other corrections were made, and other staff recommendations were brought forward.

Under the Town Attorney Section, the gender specific references were removed and a sentence was reworded so that gender-neutral language could be grammatically correct inserted.

Motion: Ken DeArmas made a motion, seconded by Ellen Christopher to approve Section 6 *Administrative Department* with the Board's and staff's recommendations as presented. All voted in favor. (Motion carried 7-0)

Section 7. Town Council, Mayor, and Legislation.

Town Clerk Roig went over the previously approved changes by the Board. David Donzella inquired if the sentence that included language of Councilmember's district changing from time to time was reworded as previously approved by the Board to read "in accordance with the section of district boundaries". Town Clerk Roig stated that it was.

Chair Evans inquired if the residency requirement from six (6) months to one (1) year was included. Town Clerk Roig stated that it was included under the Section 13 Election, since that was a requirement to qualify for office not a Councilmember in office requirement.

Town Clerk Roig reviewed Subsection 7 (D) *Recall of Councilmember, Removal from or Vacancy of the Office of a Councilmember*, and stated that the language was cleaned up and last sentence of (D)(1) was relocated to Subsection (D)(2)h.

Town Clerk Roig discussed Subsection 7 (G) *Town Council Meetings* and reviewed the proposed new language which reflected the Town Council meeting days and included language stating that Town Council could cancel or change Town Council meetings. Additionally, she stated that the *special meetings* paragraph was broken into a separate paragraph. Subsection 7 (H) *Council and Board Procedure and Quorum*, included previously approved language.

Subsection (J) *Salary for Councilmembers and Mayor*, reflected the previously approved changes by the Board.

Nan Gault stated that under Subsection (J), the noun Town after the word non- represented did not need capitalization.

Motion: Ken DeArmas made a motion, seconded by Josette McDonnell to approve Section 7. *Town Council, Mayor, and Legislation* with the Board's and staff's recommendations except for Subsection 7 (J) *Salary for Councilmembers and Mayor*. All voted in favor. (Motion carried 7-0).

Section 8. Finance

Town Clerk Roig went over Section 8 *Finance* and explained the proper nouns were capitalized and under Subsection (E) (1) *Submission to Town Council*, the date was changed to September 1st as previously approved by the Board.

Under Subsection (E), David Donzella, spoke about the possibility of a capital plan from ten (10) years to five (5) years which would provide a better audit trail.

William Ackerman, Budget and Finance Director stated that the ten (10) year capital plan worked for the Town. A five (5) year plan would work but the ten (10) year plan serves as a tool to forecast and look at what is scheduled for the future.

David Donzella asked if the staff was willing to have a five (5) year and a ten (10) year plan.

Macciano Lewis, stated that a ten (10) year plan provided more flexibility to properly plan for the future beyond the five (5) years since the Town does not have dedicated sources. Additionally,

William Ackerman stated the plan is reviewed on an annual basis, years one (1) through ten (10) are looked at more likely the first five (5) years are looked at more closely.

David Donzella stated he was fine with a ten (10) year plan as long as the Town had a policy to tighten on the five (5) years.

Under Subsection I (4) Transfer of Appropriations Donzella asked Mr. Ackerman if based on the economy are you still comfortable with the \$5,000 transferred amounts. He further stated that the amount should be adjusted upwards to allow more flexibility.

Motion: David Donzella made a motion, seconded by Ken DeArmas to increase the transfer amount to \$10,000. All voted in favor. (Motion carried 7-0)

Town Clerk Roig explained the changes to Subsections M, N, O, P, Q, R, S, T, and U as approved by the Board. Some of those changes included, capitalization of the nouns Town, Town Council, Town Administrator, Town Clerk, Town Attorney. Wherever the term Council was used, the term Town was inserted to read Town Council.

Motion: Josette McDonnell made a motion, seconded by Ellen Christopher to approve Section 8 *Finance* with all the change as discussed. All voted in favor. (Motion carried 7-0)

Section 9 *Planning and Development*.

Town Clerk Roig explained that aside from the grammatical corrections made throughout the document, the one proposed change in this Section was the consolidation of the Site Plan Committee and the Planning and Zoning Board.

David Donzella stated that since he had recently been assigned to the Site Plan Committee, he had a concern of the Board having too much information for the Board to review and having the specialized character of each board lost.

Ken DeArmas stated that after serving fourteen years (14), on the Planning and Zoning Board, for there was a lot of items that went back and forth. Therefore, it seemed best to combine half of the Site Plan Committee and half of the Planning and Zoning Board which would be beneficial for the process.

Town Clerk Roig stated that Subsection (C) had the new duties of the consolidated Board.

Motion: Josette McDonnell made a motion, seconded by Ken DeArmas to approve Section 9 *Planning and Development* with all the change as discussed. All voted in favor. (Motion carried 5-0). Chair Evans and Board member David Donzella abstained from voting as the Chair serves in the Planning and Zoning Board and David Donzella in the Site Pan Committee.

Section 10 *Police Department.*

Town Clerk Roig stated that the changes made were capitalizing the proper nouns and referring to BSO by the full agency name. Additionally, wherever the word Council appeared “Town” was inserted to reflect “Town Council”.

Chair Evans inquired about the language difference between the Police Department and the Fire Department in the opening sentence in which the Police Department’s Section stated, “is hereby created and establish” whereas the Fire Department stated “is hereby authorized to create and establish”. Town Clerk Roig stated that at one point the fire services were contracted. Chair Evans stated that the language should be consistent with the Police Section and therefore updated since the existing language implied that the Town needed a Fire Department but did not have one.

David Donzella provided recommended changes to Section 10. *Police Department.* He recommended breaking down the specific duties delegated to the Police Department and Police Chief. He stated that the format would clarify as to the duties of the Chief and Department. The recommended language was:

- a) Comply with applicable Federal, State, and Local policing standards, polices, rules and regulation;
- b) Maintain all required licenses and certifications through training and continuing education; and
- c) Enforce all applicable Federal, State, and Local laws in providing for the protection of all residents.

Additionally, David Donzella stated that adding language of having a sergeant at arms to maintain order during Town Council meetings was needed considering the times we live in. David Donzella made a motion, seconded by Josette MacDonnell to approve Section 10. *Police Department* with the recommended changes

Chief of Police Dale Engle stated that language needed to be included that referred to enforcing the State of Florida Laws first since a law enforcement agency enforces these and local laws.

Motion: David Donzella amended the motion to include the Police Chief’s comments, seconded by Ellen Christopher. All voted in favor. (Motion carried 7-0).

Section 11 Fire Department.

Town Clerk Roig stated that under Section 11. *Fire Department* the proper nouns were capitalized and wherever the word Council appeared “Town” was inserted to reflect “Town Council”. The first sentence would be consistent with the Police Department Section.

David Donzella stated that he had recommendations for this Section as well which were consistent with the Police Department. Additionally, he stated that he added the word “rescue” to the Department title. Also, he also recommended adding the noun “County” as the agency had County requirements to meet.

David Donzella also recommended language of adding the Emergency Manager position to the Charter so that the position be memorialized to ensure that he emergency management functions are carried out.

The Chief of the Fire Rescue Department, Chief Julie Downey explained that the emergency manager position was outlined in the Department policy and for large scale emergencies the same language under in the paragraphs below could be used, civil unrest, natural or manmade disasters which fell under this terminology.

Town Clerk Roig stated that she would meet with Chief Downey to clean up the language and bring back a clean version.

David Donzella stated that he also recommended memorializing a fire prevention program to ensure the safety of the residents.

Ellen Christopher inquired about a sentence, “The Fire Rescue Department shall have jurisdiction of all areas in the vicinity of a fire, emergency medical incidents, or any other emergency.”

David Donzella, stated that it was during a mass shooting incident that went beyond the scope of the Department.

Lynn Contreras stated that based on this language it appeared that during a mass shooting the Fire Rescue Department would have more control than the Police Department.

Chief Downey stated that the Police Department has the legal authority. The language was for situations that may prevent the Fire Rescue Department from carrying out the duties of the Department. In a situation of an active shooter, the Departments work together to carry out their respective responsibility.

Police Chief Dale Engle stated that both Departments work together in carrying out their functions and provide support. He stated that the Fire Rescue Department had the legal right to prevent anyone from preventing the Department from carrying out the duties of the Fire Rescue Department. The Fire Rescue Department had a legal right of physically stopping

anyone until the Police Department arrived. He further stated that the Statute for resisting a police officer covers police officer and/or paramedic.

David Donzella stated that under the second paragraph of the Section 11. Fire Department, the sentence that began with “Any non-emergency agreement” did want that discussion to be under the Charter.

Town Administrator Lemack stated that the same language was under the Police Section as well. He stated that this was the way voters were involved in the process. He further stated that these services should go out for referendum for the people to decide on these services. The mechanism is set to allow voters to address the issue.

Chief Downey concurred that any decision to eliminate a first responder department should go to the voters to decide. Chief Engle stated that it should go to the voters to decide.

Town Clerk Roig stated that clean copy of the Section would be brought back for the Board’s approval.

Section 12. Franchises

Town Clerk Roig stated that proper nouns were capitalized and wherever the word Council appeared “Town” was inserted to reflect “Town Council”. Additionally, a correction to the word “not” to reflect “no” and staff’s recommendation to remove the sentence “and such notice shall also be posted in two (2) public places....”.

Motion: David Donzella made a motion, seconded by Ken DeArmas to approve Section 12 *Franchises* as amended. All voted in favor. (Motion carried 7-0).

Section 7. Town Council, Mayor, and Legislation.

(J)(1) *Salary for Councilmembers and Mayor.*

Ellen Christopher stated that she began preparing a report that included municipality, form of government, and found the population for all jurisdictions within Broward County. Ms. Christopher stated that if she continued, she would bring it back after it was completed. She stated that she didn’t recall the last time the Town Council had received a raise and they did so much.

Chair Evans stated that they understood that Davie was the lowest if not the second lowest paid municipality and that was an excess of over 100 thousand residents in the own. She further stated that the Town had a survey of surrounding municipalities and what everyone made. Chair Evans stated everyone agreed on these facts.

David Donzella stated that other cities have commissions that have the authority to give themselves raises while others is based on population.

Ken DeArmas stated that he came up with \$30,000 high/low.

Town Clerk Rog stated that the survey was updated with the additional municipalities requested which were Cooper City, Pembroke Pines, Southwest Ranches, and Weston.

Ken DeArmas stated that he came up with a formula.

David Donzella inquired about the process of referendum. Town Clerk Roig explained the process. David Donzella stated that his fear was that all the other recommendations would fail. Town Clerk Roig stated that each recommendation that the Town Council approved was turned into a question for voters to decide.

David Donzella agreed with \$30,000 proposed by Board member DeArmas. He further stated that the Mayor should receive ten (10) percent more than Councilmembers.

Ken DeArmas asked Town Administrator Lemack if the decision would place a burden on the budget.

Town Administrator Lemack, stated it was all contingent upon when it became effective. This would go on the November 2020 budget so it would not take effect until 2021

Motion: Ken DeArmas made a motion to increase Councilmembers' salary to \$30,000 and have the Mayor's salary be ten (10) percent over the \$30,000.

Town Clerk Roig stated that they had to establish the effective date as well. Ken DeArmas that he would recommend making it effective passing of the referendum.

David Donzella inquired about the budgetary process in making these changes as approved by voters to take effect.

Town Administrator stated that an effective date needed to be established in the event it passed Town Council and made it to referendum. The Board had options in deciding whether they wanted it to take effect upon passages of referendum or wait for the new election cycle on 2022. Therefore, it would apply for those elected on November 2022.

Town Administrator Lemack asked the Board to clarify the motion since there was other language under the Section that needed to be considered. He made reference to the cost of living increase listed under the current language. He further stated that cost of living was not guaranteed, and these changes would stay for seven (7) years.

David Donzella stated that he believed there should be no cost of living increase and that he had no plans of increasing the expense account. He inquired about the expense account. Ken DeArmas agreed. Town Clerk Roig read how the language would read. Ellen Christopher asked if the voters did not approve, would the Council stay with the same salary.

Ken DeArmas stated that over the last seven (7) years there was consistency throughout the Town Council compared to prior to Town Administrator's Lemack arrival there have been good changes.

Lynn Contreras inquired if the voters knew who was proposing the increase. Town Clerk Roig stated that they answered questions from citizens who inquired about the process. Town Administrator Lemack stated that there would be a public hearing for the public's input. Town Clerk Roig also mentioned that during a past Charter Review, an informational flyer was mailed out.

Amended Motion: Ken DeArmas, amended his motion to reflect an increase to Councilmembers' salary to \$30,000 and the Mayor's salary be ten (10) percent over the \$30,000. This the increase would take effect upon passage of voter referendum in November 2020. Seconded by Lynn Contreras. All voted in favor. (Motion carried 7-0).

David Donzella inquired about the \$450 stipend for Town Council. Chair Evans stated that that was not under their purview to review.

Items for next agenda

Sections 7-12 to review final changes

Sections 13-17 to review

David Donzella inquired about the oath of office language for all elected and appointed members of the government to memorialize the requirement.

Town Clerk Roig stated that department directors did not required to take an oath but that the Councilmembers, Fire Chief, and Police Chief were required to take an oath.

New Business Item

Oath of office

Ellen Christopher will research the other jurisdictions that require oath of office for non-elected personnel.

Chair Evans wished everyone a happy holiday season and a Happy Hanukkah.

5. OLD BUSINESS

6. NEW BUSINESS

7. ITEMS FOR NEXT AGENDA

8. SCHEDULING OF NEXT MEETING

9. COMMENTS AND/OR SUGGESTIONS

10. ADJOURNMENT

Motion: Vice Chair Ken DeArmas made a motion, seconded by Ellen Christopher to adjourn the meeting at 7:59 PM.

Date Approved

Chair/Vice Chair

DRAFT

Sec. 7. - The Town Council, Mayor, and Legislation

(A) *Councilmembers, Mayor, Number, Term, and Selection.* The legislative body of the Town of Davie shall be known as the Town Council, which shall be composed of five (5) members. Reference to "Councilmembers" in this Charter shall include the Mayor and Councilmembers. Four (4) of the members shall each be elected solely from the qualified electors within the respective single member geographical district from which the member seeks election. One member, who shall be known as mayor and shall be elected at large from all the Town's qualified electors.

All Councilmembers shall be elected by the qualified electors on a nonpartisan basis. When qualifying for office, each candidate shall designate the district for which the candidate intends to qualify. Geographical districts are established in accordance with Section 15 of the Town Charter.

1) *Reserved.*

2) *Reserved.*

a) *Reserved*

b) *Reserved*

c) *Reserved*

d) *Reserved*

3) *Term of office.* Effective as of 2018 all elections shall be held in November instead of March. Councilmembers shall serve for a period of four (4) years. The Town Council elected in November of 2018 shall serve until the third Wednesday in November of 2022 and until their successors shall have qualified. Thereafter all Councilmembers shall stand for election every four (4) years in even-numbered years. The term of the councilmembers shall begin on the first regular meeting following the general municipal election, and they shall meet at the Town Hall, or at some other designated place, on that day to take office and to organize for the purpose of carrying out their assigned duties.

(B) *Qualifications for Councilmembers.* Councilmembers shall remain residing in the geographical district they represent while serving in office. However, any Councilmember whose geographical district boundaries has changed pursuant to Section 15 of the Town Charter, shall remain in office until the normal expiration of Councilmember's term.

(C) *Town Council Powers and Duties.* All legislative powers of the Town shall be exclusively vested in the Town Council and shall be exercised by it in the manner subject to the limitations herein set forth. All laws of the State of Florida affecting matters of local concern but otherwise not inconsistent with the Charter shall have the force and effect of ordinances of the Town. In addition to exercising its general legislative powers, the Town Council shall confirm appointments as prescribed herein, adopt the budget, undertake necessary investigations, provide for an independent audit by an established and recognized accounting firm, which should be reviewed and may be rotated at least every five (5) years, and take such other actions as it deems necessary and are consistent with this Charter and the laws of the State of Florida. This section shall not interfere with any contracts in existence at the time of its adoption. All legislative powers exercised by the Town Council shall be consistent with provisions of this

Charter, the United States Constitution, the Florida Constitution, laws and regulations of the United States and of the State of Florida, and laws and ordinances of the Town and of Broward County.

(D) *Recall of Councilmember, Removal from or Vacancy of the Office of a Councilmember:*

1) *Recall of Councilmember.* The Florida statutory provisions concerning recall of members of municipal governing bodies are hereby adopted. ~~In addition to the statutory grounds for removal of elected municipal officials.~~

2) *Removal from or Vacancy of the Office of a Councilmember.* The office of a Councilmember shall become vacant upon the death of an incumbent, upon the adjudication of incompetency of an incumbent, upon the resignation of an incumbent, or upon the following eventualities, to wit:

- a) Failure to meet the qualifications for the office as prescribed by this Charter;
- b) Failure to take oath of office;
- c) Ceasing to be a resident of the Town, or a resident of the respective geographical district unless the district is changed by in accordance with Section 15 of the Charter, in which case the Councilmember shall remain in office until the normal expiration of the elected term;
- d) Conviction of a felony or any crime in conflict with official oath or duties;
- e) ~~Absence from Town Council meetings for two (2) consecutive calendar months without being excused by the Town Council;~~
- f) ~~Absence from regular Town Council meetings for three (3) consecutive months regardless of whether some or all absences have been excused by the Town Council;~~
- g) Acceptance of an appointment to a second elective public office or being elected to a public office other than an office that is incidental to the duties of a Councilmember;
or
- h) Substance abuse shall be deemed grounds for removal of a member of the Town Council.

(E) *Filling Vacancies of the Council and Mayor.* In the event that a vacancy should occur in the office of a Councilmember or the Mayor, the Town Council shall forthwith elect by a vote of at least three (3) Councilmembers a successor Councilmember or Mayor having such qualifications (including district resident requirements) as prescribed herein for the office of Councilmember or Mayor until the next available general election. A successor Councilmember or Mayor shall then be elected to the office for the unexpired term. If the Council fails to elect a successor Councilmember or Mayor within the next three (3) ensuing meetings ~~or ninety (90) days~~, after ~~such~~ vacancy ~~should~~ occurs, then a special election shall be declared to elect a successor Councilmember or Mayor to serve the balance of the unexpired term.

(F) *Mayor and Vice-Mayor of the Town Council:*

1) *Election, Qualification and Tenure.* At a Town Council meeting in November of each year, the Town Council shall elect by majority vote one of its members as Vice-Mayor. The

Mayor shall preside at all meetings of the Town Council. The Vice-Mayor shall preside at meetings of the Town Council during the absence or disability of the Mayor, and the Vice-Mayor shall serve as acting mayor during any period in which the Mayor is absent or disabled.

2) *Powers and Duties of Mayor.* The Mayor shall be recognized as the official head of the Town for all ceremonial purposes and recognized by the courts for the purposes of serving civil processes but shall have no administrative duties. The Mayor shall have the right to vote and debate as a Councilmember at all Town Council meetings.

(G) *Town Council Meetings.* The Town Council shall meet on the first and third Wednesday of every month unless changed or cancelled by Town Council. Thereafter, the Town Council shall meet regularly. The first meeting of each month shall provide at the beginning thereof an opportunity for public input for a period of at least thirty (30) minutes or until all speakers are heard, whichever occurs first.

Special Meetings shall be called by the Town Clerk upon the written request of the Mayor or any two (2) Councilmembers. Such request shall state the subject to be considered at such special meeting, and no other subject shall be considered thereat. Councilmembers shall be given at least twenty-four (24) hours written notice of the time and place of such special meetings, except that only two (2) hours' notice shall be required when an emergency has been declared. All regular and special meetings of the Town Council shall be noticed and open to the public. No ordinance, rule, resolution, regulation, order or directive shall be adopted except at a meeting open to the public.

(H) *Council and Board Procedure and Quorum.* In all matters, no less than three (3) members of the Town Council shall be required to make any determination or effect any action, and all action to be valid must be voted upon affirmatively by no less than three (3) members. With three (3) Councilmembers present, a two (2) to one (1) vote automatically tables the question until the next regular meeting; with four (4) members of the Town Council present, a tie vote automatically tables the question until the next regular meeting. The Town Council and all boards shall conduct their meetings in accordance with Robert's Rules of Order, except that the Town Council or boards may, by resolution, make specific exceptions to such rules. All actions of the Town Council for approval of or support for a land use amendment pursuant to Section 12- 304 of Article X of Chapter 12 (as now numbered or as in the future renumbered) of the Code of the Town of Davie, and any Town Council vote regarding the disposition of a Town designated park or modification of conservation or recreation easement shall require an affirmative super-majority vote (super-majority being defined as a majority plus one of the Town Council members present).

(I) *Council Journal.* The Town Council shall cause the Town Clerk to keep a journal of its proceedings, which shall show every matter considered by it, its disposition, and the yeas and nays of every vote on each matter submitted for a vote. The journal shall be open to public inspection.

(J) *Salary for Councilmembers and Mayor.* The salary to be paid to a Councilmember and the Mayor shall be determined by ordinance and shall not exceed six hundred dollars (\$600.00)

per month plus expenses as determined by ordinance. The a forestated salary limitation shall be subject to a cost of living adjustment on an annual basis each October. The index for determining the adjustment and the method of computing the cost of living adjustment shall be the same as that used for the non-represented Town employees.

(K) *Ordinances and Resolutions:*

- 1) *Form.* Every ordinance and resolution proposed for adoption by the Town Council shall be in the proper form as required by the Florida Statutes.
- 2) *Procedure.* An ordinance may be introduced by any Councilmember at any regular or special meeting of the Town Council. Upon introduction of any ordinance, the Town Clerk shall distribute a copy to each Councilmember and to the Town Administrator, shall file a reasonable number of copies in the office of the Town Clerk and such other public places as and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the Town Council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the Town Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. This procedure will not be required for zoning ordinances, but the requirements of the Florida Statutes must be followed.
- 3) *Reserved.*
- 4) *Effective Date.* Except as otherwise provided in this Charter, every ordinance adopted by the Town Council shall become effective immediately, unless otherwise provided therein, and shall be signed by the presiding officer of the Town Council.
- 5) *“Publish” Defined.* As used in this section, the term “published” means to print in one or more daily newspapers of general circulation in the Town and Town website: (1) the ordinance or brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.
- 6) *Emergency Ordinances.* An ordinance may be passed as an emergency measure after one reading when the Town Council shall find that an emergency exists and causes to be shown on its journal the nature of the emergency. An emergency ordinance may go into effect immediately or at a fixed time, or upon the occurrence of a named contingency. The affirmative vote of three (3) members of the Town Council shall be required to pass an emergency ordinance. The emergency procedure shall be restricted to the following, to wit:
 - a) Ordinances dealing with conditions immediately affecting the peace, property, health, safety or morals of the community.
 - b) Ordinances making emergency appropriations or authorizing the issuance of emergency notes as hereafter provided.
- 7) *Record of Ordinances.* Every ordinance shall upon its final passage be recorded in an ordinance book kept by the Town Clerk. Each ordinance shall be authenticated by the

signatures of the presiding officer and the Town Clerk. Such record shall be verified with the ordinance passed, and such ordinance book shall be properly indexed. After any ordinance has been copied into the ordinance book and authenticated by the signatures of the presiding officer and the Town Clerk, such shall be the official ordinance, and certified copies of same may be obtained upon request. Such certified copies may be received in evidence in all courts.

- 8) *Codification of Ordinances.* The Town Council shall arrange for a compilation or codification of all ordinances and must codify recently enacted ordinances at least every six (6) months. Such compilations or codifications shall be placed on file with the Town Clerk for public use and shall be made available for purchase at a reasonable price.
- 9) *Resolutions.* Resolutions may be introduced and passed by three (3) affirmative votes at any regular or special meeting of the Town Council. The adopting clause of all such resolutions shall be "Be it resolved by the Town Council of the Town of Davie, Florida." All resolutions shall become effective immediately unless otherwise specified therein.
- 10) *Records of Resolutions.* Every resolution shall upon its final passage be recorded in a resolution book kept by the Town Clerk. Each resolution shall be authenticated by the signatures of the presiding officer and Town Clerk. Such record shall be verified with the resolution passed and such resolution book shall be properly indexed. After any resolution has been copied into the resolution book and authenticated by the signatures of the presiding officer and the Town Clerk, such shall be the official resolution, and certified copies of same may be obtained upon request.

(L) *Reserved.*

(M) *Reserved.*

Sec. 8. Finance.

A. *Finance Department.* The finance department, as created by the Town Council, shall assist the Town Administrator in all budget matters. The finance department shall consist of a finance director and such employees as are required to perform such work and duties as may be assigned to the finance director by the Town Administrator.

The Finance Director shall act as the Town Treasurer and shall be responsible as collector of all taxes and assessments and other monies due to the Town; act as official custodian for all Town monies; disburse funds on the basis of valid authorization.

1) *Fiscal Year.* The fiscal year of the Town shall begin on the first day of October and end on the last day of September.

B. *Submission of Budget and Budget Message.* On or before the 1st day of September of each year, the Town Administrator shall submit to the Town Council a budget for the ensuing fiscal year and an accompanying message.

C. *Budget Message.* The Town Administrator's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe important features of the budget, indicate any major changes from the current in financial policies, expenditures and revenues, together with the reason for such changes, summarize the Town's debt position and include such other material as the Town Administrator deems desirable.

D. *Budget.* The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year, and, except as required by law or this Charter, shall be in such form as the Town Administrator deems desirable or the Town Council may require. In organizing the budget, the Town Administrator shall utilize the most feasible combination of expenditures classification fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- 1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- 2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditures; and
- 3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

E. *Capital Program:*

- 1) *Submission to Town Council.* The Town Administrator shall prepare and submit to the Town Council a ten (10) year capital program on or before September 1st for the ensuing fiscal year.
- 2) *Contents.* The capital program shall include:
 - a. A clear general summary of its contents;
 - b. A list of all capital improvements which are proposed to be undertaken during the ten (10) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - c. Cost estimates, method of financing and recommended time schedules for each such improvement; and
 - d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

F. *Town Council Action on Budget:*

- 1) *Notice and hearing.* The Town Council shall publish in one or more newspapers of general circulation and the Town 's website a summary of the budget and a notice stating:
 - a) The time and places where copies of the message and entire budget are available for the public; and
 - b) The time and place, no less than one (1) week after such publication, for a public hearing on the budget. This section shall not, however, be construed to conflict with any statutory requirements.
- 2) *Amendment before adoption.* After the public hearing, the Town Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any program or amounts, except expenditures required by law or for debt service or for estimated cash deficit; provided, that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- 3) *Adoption.* The Town Council shall adopt by ordinance the budget in accordance with the requirements of the Florida Statutes.

(G) *Town Council Action on Capital Program:*

- 1) *Notice and hearing.* The Town Council shall publish in one or more daily newspapers of general circulation and the Town 's website the general summary of the capital program and a notice stating:
 - a) The times and places where copies of the capital program are available for inspection by the public; and
 - b) The time and place, no less than one (1) week after such publication, for a public hearing on the capital program.
- 2) *Adoption.* The Town Council by resolution shall adopt the capital program with or without amendment after the public hearing at the first regular meeting in September.

(H) *Public Records.* Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the Town and the Town 's website.

(I) *Amendments After Adoption:*

- 1) *Supplemental appropriations.* If during the fiscal year the Town Administrator certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Town Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- 2) *Emergency appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the Town Administrator or designee may recommend emergency appropriations which may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Town Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- 3) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the Town Administrator that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Town Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Town Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- 4) *Transfer of appropriations.* At any time during the fiscal year the Town Administrator may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency provided the amount transferred shall not exceed ten thousand dollars (\$10,000.00) unless approval of the Town Council is first obtained and, upon

written request by the Town Administrator, the Town Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

5) *Limitations; effective date.* No appropriations for debt service may be reduced or transferred, and no appropriation may be reduced by any amount required by law to be appropriated or by more than the amount of unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(J) *Reserved.*

(K) *Reserved.*

(L) *Reserved.*

(M) *Transfer of Funds and Appropriations of Accruing Revenue:*

1) The Town Council shall have authority to transfer any part of any unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department, provided the provisions of this section shall not apply to special earmarked funds nor to the sinking funds.

2) [Reserved.]

(N) *Reserved.*

(O) *Centralized Purchasing.* The Town Administrator, acting in accordance with this Charter, Town ordinances, resolutions and departmental rules and regulations, shall purchase and contract for all materials, parties, supplies, equipment and services required by any department or agency of the Town. The Town Council shall adopt centralized purchasing procedures by duly enacted resolutions.

(P) *Insurance.* Insurance against fire, windstorm and other hazards shall be obtained for the protection of the property of the Town in such amounts and under such conditions as the Town Council shall deem necessary. The Town may, without waiver of its governmental immunity, obtain liability insurance covering such risks and in such amounts as the Town Council may deem necessary; provided, that all such policies stipulate that the insurer shall not assert the governmental immunity of the Town as a defense in any claim or litigation. The Town shall obtain all insurance in accordance with ordinances or resolutions authorizing the same. All insurance shall be obtained from companies licensed by the State of Florida to insure such risks in the amounts involved.

(Q) *Reserved.*

(R) *Revenue Collection, Custodian of Funds.* The finance director, under the direction of the Town Administrator, shall provide for the collection of all personal and special taxes or assessments due the Town, act as official custodian for all Town monies, disburse funds on the basis of

valid authorizations in the administration of Town functions, in accordance with Section 12(V), and comply with the provisions of this Charter and ordinances adopted hereunder.

- (S) *Notes and Bonds.* As used in this Charter, the term "notes" is defined as evidences of indebtedness which the Town Council shall have authority to issue for municipal purposes, to pay operating expenses authorized in the budget or to pay expenditures ultimately to be financed with the proceeds of bonds previously authorized and to be issued pursuant to the provisions herein or the general laws. The term "bonds" is defined as evidences of indebtedness which the Town Council shall have authority to issue in compliance with the applicable provisions of the Constitution and general laws. Bonds may be issued for the purpose of acquiring real property, constructing capital improvements, purchasing equipment, financing legal obligations of the Town, or such projects as are allowed by law, or refunding outstanding bonded indebtedness. In all cases, all evidences of indebtedness shall bear interest at not more than the maximum rate specified by law.

There shall be a review of the firms and/or companies handling notes and bonds for the Town including but not limited to competitive fees, interest and other service charges.

(T) *Reserved.*

(U) *Reserved.*

- (V) [Payment.] Moneys shall be paid out of the Town treasury only on warrants or checks signed by the mayor and the finance director or their designees as provided by resolution of the Town Council or by authorized personnel via automated clearing house (ACH) transactions or wire transfers.

Sec. 9. Town Planning and Development.

- A. *Town Plan.* It shall be the policy of the Town to conserve and protect its natural resources, scenic beauty, rural character, and equestrian lifestyle. The Town Council shall identify the remaining rural and equestrian areas within the Town and adopt appropriate legislation to ensure the preservation of these areas. This policy shall not interfere with the legally established property rights.
- B. *Reserved.*
- C. *Town Planning and Zoning Board.* The Town Council shall, by ordinance, create and maintain a town planning and zoning board consisting of seven (7) members. Each Councilmember shall nominate one member. After nomination by the Councilmember, if the nominee fails to be appointed by an affirmative vote of at least three (3) Councilmembers, then the nominating Councilmember shall nominate another person and shall be entitled to continue to nominate prospective members until a nominee is appointed by an affirmative vote of at least three (3) Councilmembers. The remaining two (2) members may be nominated by any Councilmember. Board members shall serve without compensation. Each member shall be a resident of the Town and a qualified voter of the Town. The Board shall elect a chair and a vice-chair from its members.

The duties of the board shall be established by ordinance but shall at a minimum include the following:

- 1) To review proposals for the adoption or amendment the Town 's comprehensive plan and land development regulations and make recommendations to Town Council.
 - 2) To review proposals for new plats, vacations of Town right-of-way and rezonings and to make recommendations on such matters to Town Council.
 - 3) To periodically advise the Town Council on matters of planning, zoning, land use and site planning.
 - 4) To serve as the "local planning agency" for the Town of Davie pursuant to Chapter 163 of the Florida Statutes, as amended from time to time.
- D. *Reserved.*
 - E. *New Streets.* No dedicated public street or alley can be constructed, improved or extended by private individuals except by consent and approval of the Town or under its supervision. No such dedicated streets or alleys may be constructed except at street grades established by the Town, and adequate easements and rights-of-way shall be provided for the installation and extension of water mains and other utilities. The Town shall specify the minimum base surface which may be permitted and the minimum right-of-way width.
 - F. *Vacating or Abandoning Streets.* The Town Council is hereby authorized to cause any street, alley or public highway to be opened, straightened, diverted, widened, narrowed or vacated. No street, alley or property dedicated to public use shall be vacated or abandoned except by ordinance and as provided herein. Streets, avenues, alleys or other public places

or properties either appearing on any plat or record or dedicated to the public use cannot be vacated or abandoned without the person or parties desiring the vacating or abandonment making formal application to the Town Council for such vacating or abandonment. The Town Council shall refer such application for vacating or abandonment of street or alley to the Town planning and zoning board for its recommendation, and thereafter the Town Council shall cause a public hearing to be held on such matter at a regular meeting of the Town Council not less than fifteen (15) days after the presentation of such application. Notice of such public hearing shall be duly advertised as prescribed by ordinance and/or duly posted within the Town limits at two (2) public places prescribed by ordinance. After such public hearing, the Town Council may vacate or abandon such street, alley or property by ordinance.

G. Reserved.

Sec. 10. Police Department.

The Police Department of Davie, Florida, is hereby created and established. The Police Department shall consist of a chief of police and as many subordinate officers as may be employed, and employees as may be necessary for the functioning of said department in accordance with applicable State of Florida laws, Town ordinances, and departmental rules and regulations. The Chief of Police may appoint additional police officers and other employees for temporary service.

The Chief shall head the Police Department and be responsible for the enforcement of law and order in the Town. Under the direction of the Town Administrator, the Chief of Police, shall execute the legal commands of the Town Council, and be charged with the responsibility of enforcing the laws and ordinances of the State of Florida, Broward County, and the Town of Davie. The Chief shall direct the activities of the Police Department in accordance with Federal, State, local laws and the policies set by the Town of Davie Town Council. The Department shall:

- a) Comply with applicable Federal, State, and Local policing standards, polices, rules and regulation;
- b) Maintain all required licenses and certifications through training and continuing education; and
- c) Enforce all applicable Federal, State, and Local laws in providing for the protection of all residents.

The Chief of Police or designee shall attend in person all Town Council regular meetings. The Chief or designee shall serve as the sergeant at arms at all Town Council meetings to maintain orderly conduct. All police officers or employees of the police department may be suspended or discharged by the chief of police on account of incompetency, general inefficiency, neglect of duty, immorality, drunkenness, substance abuse, failure to obey orders given by the proper authority, dishonesty or for any other just and reasonable cause prescribed by state law, Town ordinance or resolution.

Any nonemergency agreement between the Town of Davie and the Broward County Sheriff's Office to provide law enforcement services as an independent contractor to the Town, shall require prior authorization by a referendum in which not less than a majority of the Town's registered electors voting upon said agreement approve such agreement. In the event no less than four (4) Councilmembers by affirmative vote deem the entry of such an agreement to be an emergency, then the agreement may be entered into without a referendum upon affirmative vote in favor of the agreement by no less than four (4) Councilmembers.

Sec. 11. Fire Rescue Department.

The Fire Rescue Department of Davie, Florida is hereby created and established. The Fire Rescue Department shall consist of a fire chief and as many regular full-time firefighters and such additional employees as may be necessary for the efficient function of said department in accordance with applicable state laws, Town ordinances and departmental rules and regulations. The Chief of the Fire Rescue Department shall be the head of the department. The Fire Chief, under the direction of the Town Administrator, shall execute the legal commands of the Town Council, and shall direct the activities of the Fire Rescue Department in accordance with the policies set by the Town Council. The Fire Chief shall be responsible for the executive supervision and control of all personnel of the Fire Rescue Department. The Fire Rescue Department shall:

- a) Comply with applicable, Federal, State, County, and local fire rescue regulations, standards, policies, and procedures;
- b) Enforce all applicable Federal, State, and local codes in providing fire safety in the Town of Davie; and
- c) Maintain all required licenses and certifications through training and continuing education.

In the event of civil unrest, natural or manmade disasters, the Fire Chief may hire additional firefighter personnel as needed. The Fire Rescue Department shall have jurisdiction of all areas in the vicinity of a fire, emergency medical incidents, or any other emergency. The Fire Rescue personnel shall have the power to prevent any interference with the Department in the performance of their duties. The Fire Rescue Department shall keep an inventory of equipment.

The Fire Rescue Department shall have a fire and life safety component to include inspect buildings and premises of the Town for the purpose of, ascertaining and correcting fire hazards, life safety issues, and do all that is necessary and proper to eliminate fire risks, and educate the public and businesses. The Fire Rescue Department shall have an emergency manager to oversee the functions of the emergency field operation center for natural or manmade disasters that impact or may impact the Town of Davie.

All officers or employees of the Fire Rescue Department may be suspended or discharged by the Fire Chief on account of incompetency, general inefficiency, neglect of duty, immorality, drunkenness, substance abuse, failure to obey orders given by proper authority, dishonesty or for any other cause prescribed by state law, Town ordinances or resolutions, and Town and Fire Rescue policies and procedures.

Notwithstanding any of the foregoing provisions, the Fire Rescue Department may cooperate with any fire rescue department even though such organization may be situated outside of the Town boundaries. A joint powers agreement with other governmental bodies authorized by Florida Statutes shall not be deemed an agreement with an independent contractor.

Any non-emergency agreement between the Town and any other entity to provide firefighting and/or rescue services to the Town of Davie shall require prior authorization by a referendum vote.

Sec. 12. Franchises.

- A. *Franchise Grants.* The Town Council may grant a franchise to any individual, company, firm or corporation to exercise a public function in the Town, or to operate any public utility in the Town or on the streets and public grounds of the Town, or to use public property. Before granting a franchise the Town Council shall give public notice of the holding of a public hearing. Public notice shall consist of publication, in a daily newspaper within the Town, of two (2) weekly notices of the time, place and subject matter of the hearing, not more than thirty (30) days or less than ten (10) days prior to the hearing date; on the Town's website for not less than ten (10) days before the hearing. To the extent allowable by law, franchises shall be granted by ordinance or resolution only after competitive bidding or negotiations and any such grant thereof shall not be made in violation of any of the limitations contained herein.
- B. *Period of Grants.* No such grant or franchise shall be made for a longer period than thirty (30) years. All extensions of a franchise shall be subject as far as practicable to the terms of the original grant and shall expire therewith. All such individuals or corporations performing functions under such franchises shall be liable for damages caused by their negligent acts.
- C. *Conditions.* All franchise grants shall provide that the rate to be charged shall at all times be under the supervision, direction and control of the Town Council, and no rate shall be in effect unless same is approved by said Town Council; provided, that the provisions of this section or any other section of this Charter shall not be inconsistent with the rules and regulations of the Florida Public Service Commission. No ordinance shall prevent the Town from acquiring the property of any utility by condemnation proceedings, or in any other lawful manner. Notwithstanding anything to the contrary therein contained, all grants, renewals, extensions or amendments of public utility franchises, whether or not it is so provided in such grant, applicable ordinance or resolution, shall be subject to the rights of the Town to do the following:
- 1) *Repeal for cause.* To repeal the same by ordinance at any time for misuse, nonuse, failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.
 - 2) *Require extensions.* To require proper and rates.
 - 3) *Require efficiency.* To require the maintenance of the plant and the fixtures at the highest practicable standard of efficiency.
 - 4) *Require standards.* To establish reasonable standards of service and quality for products and to prevent unjust discrimination in service or adequate extensions of plant and service.
 - 5) *Prescribe accounting.* To prescribe the form of accounts and other records, and at any time to examine and audit the accounts and other records of any such utility; but if public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state, the forms so prescribed shall be controlling so far as they go, but the Town Council may prescribe more detailed forms for the utilities within its jurisdiction.
 - 6) *General regulations.* To impose such other regulations as may be conducive to the safety, welfare and accommodations of the public.

- 7) *Charter provisions.* To impose all of the terms and conditions of this Charter, whether or not such terms are specifically mentioned in the grant, or applicable resolution or ordinance.