

ORDINANCE NO. 2024-003

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF PEMBROKE PARK AT SECTION 15, ENTITLED “CREATION OF DEPARTMENTS;” ESTABLISHING THE POSITIONS OF TOWN MANAGER, TOWN CLERK, PUBLIC WORKS DIRECTOR, BUILDING OFFICIAL, TOWN ATTORNEY, FINANCE DIRECTOR, TOWN PLANNER AND CHIEF OF POLICE AS CHARTER OFFICERS ENGAGED BY AND REPORTING DIRECTLY TO THE TOWN COMMISSION; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF PEMBROKE PARK, ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE ADVERTISING OF THE REFERENDUM ELECTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Pembroke Park, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Commission of the Town of Pembroke Park, Florida, in an ordinance format; and

WHEREAS, after careful deliberation and the consideration of public input, the Town Commission seeks to propose an amendment to the Charter clarifying certain positions within the Town as Charter Officers engaged by and reporting directly to the Town Commission; and

WHEREAS, the Town Commission has held a public hearing in accordance with Florida law; and

WHEREAS, the Town Commission deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 15, entitled "Creation of Departments," of the Charter of the Town of Pembroke Park, shall be revised as set forth in Exhibit "A," attached hereto and incorporated herein.

Section 3. The Ballot Title shall be as follows:

**ESTABLISHMENT OF CERTAIN POSITIONS AS CHARTER OFFICERS
REPORTING DIRECTLY TO THE TOWN COMMISSION**

Section 4. At the General Municipal Election on November 5, 2024, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Pembroke Park, Florida, and shall read as follows:

The Pembroke Park Charter does not currently identify which positions in the Town report directly to the Town Commission. Shall the Town Charter be amended to establish the Town Manager, Town Clerk, Public Works Director, Building Official, Town Attorney, Finance Director, Town Planner and Chief of Police as Charter Officers engaged by and reporting directly to the Town Commission?

This proposed Charter amendment will have no financial impact to the Town.

YES 1 NO 1

Section 5. **Advertisement.** The Town Clerk of the Town of Pembroke Park is

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hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the Town of Pembroke Park, Florida, as well as the State of Florida Election Code.

Section 6. **Codification.** It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 7. **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 9. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED on First Reading this 5TH day of May, 2024.

PASSED AND FINAL ADOPTION on Second Reading this 8th day of May, 2024.

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ATTEST:

ASHIRA MOHAMMED
Mayor

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency:

JACOB G. HOROWITZ
Interim Town Attorney

<u>VOTE</u>	
ASHIRA MOHAMMED	YES
ERIK MORRISSETTE	YES
WILLIAM R. HODGKINS	YES
MUSFIKA KASHEM	YES
GEOFFREY JACOBS	YES

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EXHIBIT “A”

CHARTER AMENDMENT

Sec. 15. - Creation of departments.

- A) For the purpose of systematically handling the government, the Commission shall create the following departments, and one Commissioner shall have charge of each department: Executive Department, in charge thereof to be ex-officio the Mayor; Department of Taxes, the Commissioner in charge thereof to be the Clerk; Department of Finance, the Commissioner in charge thereof to be the Vice-Mayor; Department of Health and Zoning, one of the other Commissioners as is designated by resolution of the Commission; and Department of Public Works and Water, one of the other Commissioners as is designated by resolution of the Commission.
- B) The Town Commission shall hire or engage by contract an individual or firm to serve in the following positions; Town Manager, Town Clerk, Public Works Director, Building Official, Town Attorney, Finance Director, Town Planner and Chief of Police. These positions shall be considered Charter Officers of the Town of Pembroke Park and shall report directly to the Town Commission. The Town Commission shall adopt job descriptions for each of these positions and may, by ordinance, further set forth the duties and responsibilities of each position.

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