

**ORDINANCE NO. 05-2012**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "TO POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, Chapter 2, Article III, of the Town Code establishes certain powers and duties of the Town Manager and Town Attorney; and

**WHEREAS**, Section 2-82 of the Code of Ordinances of the Town of Lake Park sets forth the specific powers and duties of the Town Manager; and

**WHEREAS**, the Town Commission has determined that it is necessary and advisable to amend Section 2-82 of the Code of Ordinances of the Town of Lake Park with respect to the powers and duties of the Town Manager; and

**WHEREAS**, Section 2-87 of the Code of Ordinances of the Town of Lake Park sets forth the powers and duties of the Town Attorney; and

**WHEREAS**, the Town Commission has determined that it is necessary and advisable to amend Section 2-87 of the Code of Ordinances of the Town of Lake Park with respect to the powers and duties of the Town Attorney.

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

**Section 1.** The whereas clauses are incorporated herein as true and correct.

**Section 2.** Section 2-82 of the Code of Ordinances of the Town of Lake Park is hereby amended to read as follows:

The town manager shall be the chief administrative officer of the municipal government under the general supervision of the town commission. The town manager

shall abide by the policies established by the town commission through ordinances, resolutions and specific motions. The town manager shall:

(1) Appoint, hire, discipline and remove all employees and department heads of the town, in accordance with the town's established employee policies and procedures.

(2)

(2) Direct and supervise the administration of all departments, and provide staffing for the appointed boards, committees, and agencies of the town, as necessary or directed by the Commission. The town manager shall direct all department heads to file monthly reports with the office of the town manager. The town manager's office shall collect and forward these reports to the town commission without correction or modification. The town manager may issue comments regarding any of these reports.

(3) Prepare, with the assistance of the Finance Director an annual budget and present same to the town commission with a message describing the important features, and be responsible for its administration after adoption.

(4) Prepare and submit to the town commission at the end of each fiscal year a complete report on the preceding year's finances and administrative activities, which report shall include an annual audit for the preceding fiscal year prepared by an independent auditor retained by the town commission.

(5) Keep the town commission advised of the financial condition and future needs of the town, and make such recommendations as may be desirable on a timely basis. The town manager is encouraged to actively seek out potential grant monies that may be available to support town projects.

(6) Recommend to the town commission a standard schedule of pay for all town positions, including minimum and maximum rates of pay. Recommend in consultation with the Town Attorney appropriate action with respect to negotiation, approval and/or rejection of labor agreements with public employee organizations acting on policy directives provided by the commission in proper sessions.

(7) Recommend to the town commission the adoption of such ordinances and policies as may be necessary or expedient for the health, safety or welfare of the community, or for the improvement of administrative services.

(8) Organize, reorganize, consolidate, combine or abolish positions, offices, department divisions or departments of the town only with the approval of the town commission.

(9) Attend meetings of the town commission, town committees and boards, and other town meetings, as the town manager deems necessary, or as directed by the town commission. At such meetings, the town manager shall have the right to take part in the discussion, but without having a vote.

(10 ) Serve as purchasing agent for the town, responsible for overseeing the purchase of equipment and supplies; with the exception of attorneys, recommend to the Commission the retention of such engineering, consulting and other professionals to provide contractual services for the town; and the disposal of surplus personal property. Contracts for goods and services exceeding \$ 5,000.00 require approval of the town commission.

(11 ) Provide staff support services for the mayor and commission members. These services are limited to those necessary in support of town activities.

(12 ) In consultation with the Town Attorney, enforce the Town's laws and ordinances .

(13 ) Investigate the affairs of the town, or complaints regarding any department or division; investigate all complaints in relation to matters concerning administration; investigate complaints regarding service maintained by public utilities, and see that all terms and conditions imposed in favor of the town in any franchise, contract or agreement are faithfully observed.

(14 ) Devote all working time to the discharge of official duties.

(15 ) Perform such other duties as may be required by the commission not inconsistent with the town Charter, state law or applicable ordinances.

**Section 3.** Section 2-87 of the Town Code is hereby amended as follows:

Section 2-87. Powers and Duties of the Town Attorney

The Town Attorney shall be appointed and removed at the sole discretion of the town commission by a majority of the membership of the Town Commission. The terms of the Town Attorney's employment shall be established by a contract. The town attorney shall act as the legal advisor of the Commission and shall be responsible for all of the town's legal affairs, including , its appointed boards or committees and officers and employees concerning their official duties. The Town Attorney shall be responsible to the Commission for recommending the retention of any Special Counsel he determines to be necessary and in the best interests of the town, or in the event of a conflict. The Town Attorney shall review the form of all contracts, resolutions and ordinances for legal sufficiency and approve of same before the document is acted upon by the Commission.

**Section 4. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Codification.** The sections of the ordinance may be renumbered or relettered to accomplish codification, and the words "ordinance," "section," "article," or "paragraph" may be changed to provide for continuity.

**Section 6.** Severability. If any section, subsection, sentence, clause, phase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 7.** Effective Date. This ordinance shall take effect immediately upon adoption.

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Upon First Reading this 4 day of April, 2012, the foregoing Ordinance, was offered by Commissioner Longtin who moved its approval. The motion was seconded by Commissioner Stevens and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>✓</u>	<u>      </u>
VICE-MAYOR KENDALL RUMSEY	<u>      </u>	<u>✓</u>
COMMISSIONER STEVEN HOCKMAN	<u>✓</u>	<u>      </u>
COMMISSIONER JEANINE LONGTIN	<u>✓</u>	<u>      </u>
COMMISSIONER TIM STEVENS	<u>✓</u>	<u>      </u>

**PUBLISHED IN THE PALM BEACH POST THIS 15 DAY OF April, 2012**

Upon Second Reading this 2 day of May, 2012, the foregoing Ordinance, was offered by Commissioner Longtin who moved its adoption. The motion was seconded by Commissioner Hockman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>✓</u>	<u>      </u>
VICE-MAYOR KENDALL RUMSEY	<u>      </u>	<u>✓</u>
COMMISSIONER STEVEN HOCKMAN	<u>✓</u>	<u>      </u>
COMMISSIONER JEANINE LONGTIN	<u>✓</u>	<u>      </u>
COMMISSIONER TIM STEVENS	<u>      </u>	<u>✓</u>

The Mayor thereupon declared **Ordinance No. 05-2012** duly passed and adopted this 2 day of May, 2012.

TOWN OF LAKE PARK, FLORIDA  
 BY: James DuBois  
 Mayor, James DuBois

ATTEST:  
Vivian Lemley  
 Town Clerk, Vivian Lemley  
 (Town Seal)

Approved as to form and legal sufficiency:  
Thomas J. Baird  
 Town Attorney, Thomas J. Baird

FLORIDA

THE PALM BEACH POST  
Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **Ordinances 05-2012, 06-2012 & 07-2012** was published in said newspaper in the issues of **April 15, 2012**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.

Sworn to and subscribed before 16<sup>th</sup> day of April, A.D. 2012.  
Who is personally known to me.

NOTARY PUBLIC-STATE OF FLORIDA  
**Karen M. McLinton**  
Commission #DD832672  
Expires: NOV. 15, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 6657332  
LEGAL NOTICE OF  
PROPOSED ORDINANCE  
TOWN OF LAKE PARK  
Please take notice that on Wednesday, May 2, 2012 immediately following the CRA Board Meeting, the Town Commission of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:  
**ORDINANCE NO. 05-2012**  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "TO POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.  
**ORDINANCE NO. 06-2012**  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IX ENTITLED "DUTIES OF CERTAIN TOWN OFFICERS" TO CREATE A NEW SECTION 7, TO BE ENTITLED "TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.  
**ORDINANCE NO. 07-2012**  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV - (NOISE CONTROL OF THE LAKE PARK CODE, PROVIDING REVISIONS TO SECTION 10-155, TABLE 1 NOISE LEVELS BY LAND USE); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.  
If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez Lemley, Town Clerk at 561-881-3311.  
Vivian Mendez Lemley, Town Clerk  
Town of Lake Park, Florida  
PUB: The Palm Beach Post  
April 15, 2012