

ORDINANCE NO. 02-2008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE VI, SECTION 1, OF THE TOWN OF LAKE PARK, FLORIDA MUNICIPAL CHARTER ENTITLED "CREATION OF MERIT SYSTEM; MERIT SYSTEM COMMISSION" TO ELIMINATE THE MERIT SYSTEM OF EMPLOYMENT FOR TOWN EMPLOYEES, INCLUDING THE MERIT SYSTEM BOARD; ESTABLISHING THE DATE OF MARCH 11, 2008 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Charter for the Town of Lake Park, Florida ("Town") was created and adopted pursuant to Laws of Florida, Chapter 57-1865; and

WHEREAS, pursuant to §166.021, Fla. Stat. (2007), the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to §166.021(4), Fla. Stat. (2007), the Town Charter may be amended through the Town's exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, §166.031, Fla. Stat. (2007), authorizes the governing body of a municipality, to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, §100.342, Fla. Stat. (2007), requires that the Town publish two (2) notices in two (2) different newspapers of general circulation in Palm Beach County, evidencing the Town's

intention to hold a referendum to determine whether a majority of the qualified electors of the Town, approve of the proposed amendment to the Town Charter; and

WHEREAS, pursuant to §100.342, Fla. Stat. (2007), the first notice shall be published in the fifth week prior to the referendum, and the second notice shall be published in the third week prior to the week in which the election or referendum is to be held; and

WHEREAS, the Town Commission deems it to be appropriate for the good governance of the Town, to conduct a referendum (“Referendum”) on the question of whether the Merit System for the employment, promotion, and discharge of all Town employees, including the Merit System Board be repealed, and Ordinance 4-2002 and all other ordinances, resolutions, policies and procedures, and other measures in conflict therewith also be repealed, in order for the Town’s employment policies and procedures to conform with Florida law; and

WHEREAS, the Town Commission deems it necessary and appropriate for the Merit System to be repealed to be consistent with the Commission – Manager form of government established in the Town Charter.

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

Section 1. Referendum declared. A Referendum is hereby called for and shall be held in the Town of Lake Park, Florida on the 11th day of March 2008, to determine whether or not a majority of the electors voting in the Referendum, support the proposed Amendment to the Town Charter, as shown in Section 5 of this Ordinance.

Section 2. Ballot title. The ballot title which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as: “Town of Lake Park, Florida Charter Amendment”.

Section 3. Conduct of Referendum. The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places and all qualified electors of the Town of Lake Park, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Lake Park, Florida Charter Amendment from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Lake Park, Florida shall be permitted to vote on this Referendum question.

Section 4. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Charter Amendment by causing appropriate notice to be published in accordance with the provisions of §100.342, Fla. Stat. (2007), at least once each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in the *Palm Beach Post* a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

Section 5. Ballot summary. The ballot summary of the proposed Charter Amendment shall be:

SHALL ARTICLE VII, SECTION 1, OF THE CHARTER OF THE TOWN OF LAKE PARK, FLORIDA ENTITLED "CREATION OF MERIT SYSTEM; MERIT SYSTEM COMMISSION" BE REPEALED TO ELIMINATE THE MERIT SYSTEM FOR THE EMPLOYMENT, PROMOTION, AND DISCHARGE OF ALL TOWN EMPLOYEES, INCLUDING THE MERIT SYSTEM BOARD?

YES _____ FOR APPROVAL OF AMENDMENT

NO _____ AGAINST APPROVAL OF AMENDMENT

Section 6. Charter amendment. In the event a majority of electors, voting in the Referendum vote affirmatively to repeal Article VI, Section 1 of the Town Charter, then said Article and Section, Ordinance 4-2002, and all other Ordinances, Resolutions, policies and procedures adopted pursuant to this Section of the Charter, and all other measures in conflict, shall be repealed. Article VII, Section 1 of the Town of Lake Park, Florida Charter shall be repealed as follows:

ARTICLE VII. [MERIT SYSTEM]

~~**Section 1. Creation of merit system; merit system commission.**~~

~~The Town Commission shall by ordinance create a merit system for the employment, promotion, and discharge of all Town employees. The specifications of employment and regulations governing same shall be set forth by ordinance or resolution of the Town Commission, which ordinance or resolution may be amended from time to time. The ordinance creating the merit system shall provide for the creation of a Merit System Board, whose members shall be appointed by the Town Commission and whose duties, among others, shall be to sit as a Board of Appeals to review employee grievances concerning the condition of the employees' employment.~~

Section 7. Canvassing. The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the Referendum shall be recorded in the minutes of the Town Commission in the manner prescribed by law.

Section 8. Severability. Should any section or provision of this Ordinance or any portion thereof, any sentence, paragraph, or word be declared by a court of competent jurisdiction to

be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part to be declared invalid.

Section 9. Codification. The provision of this Ordinance shall become and be made a part of the Charter for the Town of Lake Park.

Section 10. Repeal of laws in conflict. Ordinance No. 4-2002 and all other ordinances and resolutions of the Town of Lake Park, Florida, which are in conflict with any provisions of this Ordinance, are hereby repealed to the extent of such conflict.

Section 11. Effective date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 16 day of January, 2008, the foregoing Ordinance, was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>Absent</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 27 DAY OF January, 2008

Upon Second Reading this 6 day of February, 2008, the foregoing Ordinance, was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 02-2008** duly passed and adopted this 6 day of February, 2008.

TOWN OF LAKE PARK, FLORIDA
 BY: Ed Daly
 for Mayor, Paul Castro

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



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

FLORIDA