

ORDINANCE 06- 2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES;; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO POWERS AND DUTIES OF TOWN MANAGER; PROVIDING FOR THE AMENDMENT OF ARTICLE III FORMALLY RECOGNIZING THAT THE TOWN ATTORNEY IS AN OFFICER OF THE TOWN; 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, Section 2-82 of the Code of Ordinances of the Town of Lake Park sets forth the powers and duties of the Town Manager; and

WHEREAS, the Town Manager has recommended and the Town Commission deems it necessary and advisable to amend Section 2-82 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town Commission deems it necessary and advisable to create Section 2-87 of the Town Code to formally recognize and establish that Town Attorney is an Officer of the Town.

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, suspend and remove all appointed officers and department heads and may employ, suspend and remove all other employees of the town, in accordance with the town's merit system; except that the town attorney shall be appointed and removed at the~~

~~sole discretion of the town commission.~~ Managerial exempt department heads serve at the pleasure of the town manager. The town manager shall appoint, suspend and terminate all department heads.

(2) The town manager shall appoint, suspend and terminate all non-managerial employees in accordance with the town's merit system.

~~(2)~~(3) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by the Charter, codes or by law. The town manager shall direct all department heads of recreation, marina, and finance to file monthly reports with the office of 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)~~(4) Prepare the budget annually, submit it to the town commission with a message describing the important features, and be responsible for its administration after adoption.

~~(4)~~(5) 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)~~(6) 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 shall actively seek out potential grant monies that may be available to support town projects.

~~(6)~~(7) Recommend to the town commission a standard schedule of pay for all town positions, including minimum and maximum rates of pay. Recommend 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)~~(8) Recommend to the town commission, from time-to-time, 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)~~(9) Organize, reorganize, consolidate, combine or abolish positions, offices, department divisions or departments of the town with the approval of the town commission. This approval requires an ordinance.

~~(9)~~(10) 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)~~(11) Serve as purchasing agent for the town, responsible for overseeing the purchase of equipment and supplies; the retention of engineering, consulting and other professional and contractual services for the town; and the disposal of surplus personal property. Contracts exceeding \$5,000.00 require approval of the town commission.

~~(11)~~(12) Provide staff support services for the mayor and commission members. These services are limited to those necessary in support of town activities.

~~(12)~~(13) See that all laws and ordinances are duly enforced using existing agencies in a proper manner.

~~(13)~~(14) 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)~~(15) Devote all working time to the discharge of official duties.

~~(15)~~(16) 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 created 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. The town attorney shall be responsible for the town's legal affairs and act as legal counsel for the commission, its officers and employees.

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.

Upon First Reading this 21 day of February, 2007,
the foregoing Ordinance 06-2007, was offered by Commissioner Balius
who moved its approval. The motion was seconded by Vice-Mayor Daly,
and being put to a vote, the result was as follows:

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

Upon Second Reading this 7 day of March, 2007, the foregoing
Ordinance 06-2007, was offered by Commissioner Osterman who
moved its adoption. The motion was seconded by Vice-Mayor Daly,
and being put to a vote, the result was as follows:

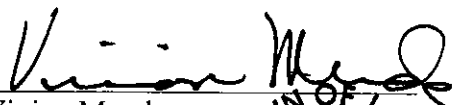
	AYE	NAY
MAYOR PAUL CASTRO	_____	<u>X</u>
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	_____	<u>X</u>
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____


The Mayor thereupon declared Ordinance No. 06-2007 duly passed and adopted this
7 day of March, 2007.

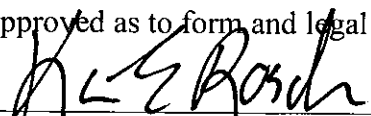
TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor Paul Castro

ATTEST:


Vivian Mendez
Town Clerk



Approved as to form and legal sufficiency:

Thomas J. Baird, Town Attorney