



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Commission Orientation Workshop
Wednesday, April 5, 2013, 3:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
<hr style="border-top: 1px dashed black;"/>		
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person 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. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. **CALL TO ORDER/ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **PRESENTATION OF COMMISSION ORIENTATION BRIEFING**

Introduction by Town Manager Sugerman

Presentation by Town Manager Sugerman and Town Clerk Mendez
- D. **ADJOURNMENT**

Town of Lake Park



Commission Orientation Briefing

TOWN COMMISSION 2013

Mayor James DuBois
Vice-Mayor Kimberly K. Glas Castro
Commissioner Erin T. Flaherty
Commissioner Michael J. O'Rourke
Commissioner Kathleen M. Rapoza

TOWN ATTORNEY
Attorney Thomas J. Baird, Esquire

TOWN MANAGER
Town Manager Dale S. Sugerman, Ph.D.

TOWN CLERK
Vivian Mendez, CMC

DEPARTMENT DIRECTORS
Chief Information Technology Officer Hoa Hoang
Community Development Director Nadia DiTommaso
Finance Director Blake Rane
Harbor Marina Director James Hart
Human Resource Director Bambi McKibbon-Turner
Library Director Karen Mahnk
Public Works Director Dave Hunt
Recreation Director Kathleen Carroll

Battalion Chief Mike Wells, Palm Beach County Fire Rescue
Lieutenant Chris Myers, Palm Beach County Sheriff's Office

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Congratulations and Welcome

Congratulations on your recent election and welcome to the Town Commission and the leadership role that you are about to undertake on behalf of the citizens of the Town of Lake Park. We hope that this booklet will be helpful to you as you settle into your new role. While winning your election may have seemed to be the hard part you will soon discover that it might have been the easiest thing you will have undertaken as an elected official. Your life will change significantly (hopefully in a good way) and we are here to help you to become as successful as you want to be. Included in this booklet is some background information, some statistics, some rules and regulations and some helpful hints. If at any time you have any questions or concerns, we are here to help. We want you to succeed, because if you succeed our community succeeds. Now let's have some fun!

Brief Description of the Town

Geographically located in the southeastern United States along the Atlantic seacoast of Florida, the Town of Lake Park, was chartered as Kelsey City in 1923, and officially renamed as the Town of Lake Park in 1939 pursuant to Ordinance 3-39. It has been referred to as both the "Gateway to the Palm Beaches" and the "Jewel of the Palm Beaches" since the 1920's.

Designed and planned by Dr. John Nolan of Boston, Massachusetts, and the Olmsted Brothers, sons of Frederick Law Olmsted who has long been acknowledged as the founder of American landscape architecture and who along with his partner Calvert Vaux designed New York City's Central Park, Kelsey City was the first zoned municipality in the State of Florida. Since then, the boundaries of Lake Park have expanded to 2.35 square miles of residential, business, industrial and mixed use land. The Lake Park Town Hall, constructed in 1927 and listed on the National Register of Historic Places, not only survived the 1928 hurricane but served as a shelter for Town residents during the storm.

The 2010 (April 1st) annual census demographics for the Town of Lake Park show:

Population	8,155
Persons under the age of 18	24.3%
Persons 65 years and over	11.4%
White persons	37.4%
Black persons	55.0%
All others	7.6%
Language other than English spoken at home	39.6%
High school graduate or higher	79.5%
Bachelor's degree or higher	16.8%
Homeownership rate (2007-2011)	48.3%
Households	2,925
Median household income (2007-2011)	\$42,583
Persons below poverty level (2007-2011)	20.3%

The Town of Lake Park has been designated as a *Tree City U.S.A.* for twenty-one consecutive years commencing in 1991.

Town of Lake Park's Mission Statement

(Adopted in February of 2003)

To improve the quality of life for all Town stakeholders through the provision of effective and efficient service delivery while maintaining a small town atmosphere in an urban environment and embracing the sense of place and community that makes the Town of Lake Park special.

The Lake Park Form of Government

On March 7, 1990, the voters of the Town of Lake Park adopted a new Charter establishing the Commission-Manager as the Town's form of government. The Commission-Manager form of government is based on the premise that the responsibility for policy rests with the Town Commission and the responsibility for daily administration and execution of policy rests with the Town Manager. In order for this form of government to be effective, a team-like atmosphere between the Town Commission and administration must be developed. The Commission-Manager structure is similar to a private corporation as it emphasizes that the government operates as a business. The structure of the Town of Lake Park's government reflects this concept. A comparison is shown as follows:

Establishment of Policy

Public Sector

Town of Lake Park
Residents
City Commission

Private Sector

ABC Corporation
Stockholders
Board of Directors

Administration & Implementation

Town Manager
Department Directors

Chief Executive Officer
Department Heads

Mayor/Town Commission

The Town Commission is the governing body of the Town and is comprised of five (5) members including the Mayor elected by the citizens of the Town of Lake Park. Each member serves a term of three (3) years and receives an annual salary of \$9,384.00 paid bi-weekly. The Mayor receives an annual salary of \$10,000 paid bi-weekly. The official actions of the Mayor and members of the Town Commission are at all times governed by the provisions of the Florida Commission on Ethics as well as the Palm Beach County Commission on Ethics (a copy of the Ethics manual will be shared with members of the Town Commission under separate cover).

The Town Commission is responsible for adopting policies of the Town, considering and adopting Ordinances and Resolutions and approving the annual operating budget and Capital Improvement Program (CIP). In addition, the Town Commission approves all formal bids, plats, special exceptions, land use amendments, and variances to the Land Development Regulations.

The Town's operating departments include the Office of the Town Manager, Town Clerk's Office, Legal, Human Resources, Finance, Community Development, Information Technology, Library, Parks & Recreation, Marina, and Public Works. In addition, the Office of the Town Manager currently supports the operation of the Community Redevelopment Agency.

DUTIES OF COMMISSIONERS

An individual assumes many duties and responsibilities upon becoming an elected official. The Town Commission collectively is responsible for establishing policy, adopting the Town's budget, and providing direction to the Town Manager. Commissioners provide public leadership, represent the Town at various events, and communicate with constituents about their various concerns.

The following outline is a brief description of the various duties and role of a Commissioner. The description is not meant to be exhaustive; rather, an effort has been made to summarize the primary responsibilities of a Commissioner.

- I. **Establish Policy**
 - A. Approves the operating and Capital Improvement Program budgets upon presentation by the Town Manager.
 - B. Approves the Town's Comprehensive Plan.
 - C. Approves the Land Use Plan, the Land Development Regulations, and any Zoning and/or Land Use revisions.
 - D. Approves the awarding of contracts in excess of \$5,000 based on a formal bid process and Town ordinances.
 - E. Approves contracts and/or agreements.
 - F. Makes appointments to the various volunteer and/or advisory boards of the Town.
 - G. Approves ordinances and resolutions which establish laws and policies.

- II. **Direction to Administration**
 - A. Employs and terminates, by contract, the Town Manager and the Town Attorney.
 - B. Provides direction to the Town Manager by a majority vote of the Commission.
 - C. Reports complaints and/or requests for information to the Town Manager for appropriate follow-up if necessary.

- III. **Provide Public Leadership**
 - A. Solicit input from the community.
 - B. Gather information from a variety of sources.
 - C. Reviews alternatives and recommendations.
 - D. Collectively decide on the best course of action.

- IV. **Represents the Town**
- A. Palm Beach County League of Cities.
 - B. Florida League of Cities.
 - C. National League of Cities
 - D. Various Town functions.

Town of Lake Park Boards and Committees

CRA

WHAT IS THE LAKE PARK COMMUNITY REDEVELOPMENT AGENCY?

A community redevelopment agency, or CRA, is a public body which operates pursuant to the State of Florida Community Redevelopment Act of 1969 (*Florida Statutes Chapter 163, Part III*) which gives counties and municipalities the authority to create community redevelopment agencies, and to carry out community redevelopment to eliminate and prevent slum and blighted conditions and to enhance and protect the tax base within designated community redevelopment agency districts.

The Lake Park CRA is a public body established for the purpose of carrying out redevelopment (i.e., public improvements and business development projects) in the area of Lake Park, Florida, described in Resolution 14, 1996, the boundaries of which are illustrated in the Town of Lake Park Community Redevelopment Agency Map, which is attached on page 40. This area was described in Lake Park's report entitled A Finding of Necessity as a blighted area in the Town where rehabilitation, conservation or redevelopment, was needed. The Park Avenue Downtown District, or PADD, lies within the CRA, and is an area in Lake Park designated for urban and downtown development and redevelopment.

THE CRA BOARD AND ITS MEETINGS

The Lake Park CRA Board consists of seven members, five of whom are members of the Lake Park Town Commission and two of whom are unpaid volunteer members appointed by the Town Commission. The Mayor and the Vice Mayor serve as the Chairperson and Vice Chairperson respectively of the CRA Board. The volunteer members are each appointed to a four-year term, while the terms of members of the Town Commission run concurrently with the length of their terms on the Town Commission.

Currently, the Lake Park CRA Board meets on a quarterly basis on the first Wednesday of January, April, July, and October at 6:30 p.m. Special meetings may be called from time to time. The meetings are held in the Commission Chamber, Lake Park Town Hall, 535 Park Avenue, unless otherwise noted. Such meetings are open to the public.

Planning & Zoning/Historic Preservation Board/Local Planning Agency

Membership: Five (5) regular members serving two (2) year terms and two (2) alternate members serving one (1) year terms effective May first of each year. Board Membership is open to residents and non-resident business owners and should consist of one land use planner or architect; one architect; one civil engineer; one person engaged in business within the Town and

a fifth member who need not be engaged in any particular business. The Board elects a Chairman and Vice Chairman from its membership.

Purpose: To review the Town Comprehensive Plan and submit specific recommendations for Amendments to the plan. To hear and make recommendations to the Town Commission with regard to development plans within the Town, issues relating to the Zoning Code; to issue or deny certificates of appropriateness or special appropriateness; to approve historical markers and issue certificates of recognition; to establish guidelines for preservation; to promote awareness of historic preservation and its benefits to the Town.

Meeting date: First Monday of each month at 7:30 p.m.

Library Advisory Board

Membership: This Board shall consist of five (5) members and two (2) alternates who are appointed by the Town Commission. Members of the Library Board are appointed for a term of two (2) years or until their successors have been appointed and qualified. Members must be residents of the Town.

Purpose: This Board acts in an advisory capacity (non-administrative) to the Town Commission, to ensure representation of the ideas of citizens and taxpayers of the Town relative to the function and operation of the municipal library. Actions, decisions, or recommendations of the Library Board are not final or binding upon the Town Commission but are advisory only. The Board keeps records of all of the activities of the Board and makes annual reports to the Town Manager and the Town Commission, or whenever requested to do so by the Town Commission.

Meeting Date: First Thursday, Monthly at 6:00 p.m.

Lake Park Retired Police Officers' Pension Trust Fund Board

The Town of Lake Park created the Town of Lake Park Retired Police Officers' Pension Fund as a closed plan to pay the remaining obligations of the terminated Lake Park Police Pension Fund. The Lake Park Police Pension fund was terminated when the Town contracted with the Palm Beach County Sheriff's Office (PBSO) for police services. The police officers who, at the time of contracting for services with the PBSO, were still working for the Town became full time employees of the Sheriff's office. Those employees were absorbed into the PBSO pension plan. However, those employees who had retired from the Town of Lake Park's police department prior to the contractual relationship with PBSO had their pension plan moved into a separate fund.

A Board of Trustees administers the Town of Lake Park Retired Police Officers' Pension Fund. The Trustees discharge their duties with respect to the Pension Fund solely in the interest of the beneficiaries, and with the exclusive purpose of providing benefits and defraying the normal and reasonable expense of administration.

As of the publication of this booklet, the Fund has six (6) covered members (retirees). The Board is currently made up of two retirees, two members of the Town staff (the Finance Director and the Town Manager) and one citizen representative. The Board meets quarterly, and upon special call of the Chair. The Board also engages a plan administrator who is responsible for distribution of pension payments, investment activities, and annual reporting requirements imposed by the State of Florida.

Lake Park Harbor Marina Advisory Board

Membership: Five (5) regular members and two (2) alternate members comprised of residents and non-resident business owners serving three (3) year terms.

Purpose: To provide advisory recommendations regarding issues or projects as requested by the Town Commission or Town Manager regarding the progressive development and efficient operation of the Lake Park Harbor Marina.

Meeting Date: Currently the Marina Advisory Board is not active.

Tree Board

Membership: Five (5) regular members comprised of residents and non-resident business owners who shall serve three (3) year terms.

Purpose: To prepare an inventory of all trees on public property within the town; to assist the Community Development Director to develop and administer a written guide for care, preservation/planting and/or removal of trees and shrubs in parks, and rights-of-way.

Meeting Date: Currently the Tree Board is not active.

MAIL

Members of the Town Commission receive mail and other materials in connection with their public and official Town business. All mail is open to public scrutiny. Mail boxes are maintained in the Reception area of Town Hall. Mail will be placed in each Commissioner's mailbox. Members may make arrangements with the Town Clerk's Office to retrieve their mail.

Commission members have access to e-mail, faxes, and an iPad to conduct official town business. Agenda packets are available in electronic format, CD or paper.

NOTE: Please be aware that all mail sent from and received at Town Hall are Public Records. The explanation of Public Records can be found on page 17. In addition members of the Commission need to be aware of Resolution 47-2001 and Resolution 65-12-08 which deal with the use of Town stationary, the sending of correspondence as a member of the Town Commission, and the use of your official title on any correspondence. Copies of both Resolutions are included at the end of this packet on page 41.

SOCIAL MEDIA

The Town's official functions may require a social media presence from time to time in the normal course of work-related Town business.

The establishment of social media accounts and pages such as Twitter, Facebook, etc. utilizing the Town's computer technology devices and/or the Town's brand (e.g., logo, name, web resources, etc.) must be submitted to the Chief Information Technology Officer and then to the Town Manager for advance approval. These social media accounts are subject to Public Records law.

Advances in social media have encouraged new methods of communication and sharing of information. The Town supports the use of authorized social media sites as an alternative and timely method of communication with its citizens and employees and as a way to help fulfill its mission and promote the Town's brand.

COMMISSION MEETING PROCEDURES

COMMISSION AGENDA PREPARATION

Important Meeting Agenda Information

1. The Town Manager and the Town Clerk are responsible for constructing the agenda packet prior to each Commission meeting. Any member of the Town Commission may ask to have an item placed on a future agenda. The Agenda closes at 3:00 pm on the Monday two weeks prior to the actual meeting. All items on the Agenda must contain back-up information in the form of a memorandum and/or other documentation in order to outline what kind of action is proposed.

2. All Ordinances and Resolutions shall show the name of each Commissioner and whether such member voted for, against or failed to vote. All Ordinances and Resolutions, once approved by the Town Commission, shall be executed by the Mayor, attested to by the Town Clerk, and by the Town Attorney for legal sufficiency.
3. The Commission meeting agenda packet is electronically distributed to the Town Commission and posted on the Town's website by 5:00 pm one week prior to the meeting.
4. The members of the Town Commission should attempt to resolve any questions they may have about agenda items with the Town Manager prior to the meeting in order to obtain the necessary information for their decision-making process and for maintaining a smooth meeting. All requests for information relating to items that appear on the agenda should be directed to the Town Manager.
5. Those items that do not require a public hearing or are administrative in nature (i.e., contracts, resolutions) are normally placed on the Consent Agenda, which is voted on as one item. Any member of the Commission may remove an item from the Consent Agenda in order to discuss and vote on it as a separate issue. Requests for removal should be directed to the Mayor at the beginning of consideration of the Consent agenda.
6. Sequence of Agenda Items. Upon majority vote of the Commission, items on the agenda may be moved out of sequence in order to expedite the matters before the Town Commission.

The Town's Comprehensive Commission Meeting and Agenda Procedures were adopted by Resolution No. 33 1998. By adopting Resolution No. 33-1998 states that all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order, Newly Revised 1990 Edition.

COMMISSION MEETINGS

The Mayor presides at all commission meetings and serves as head of the Town government for ceremonial purposes such as the execution of official proclamations and Town Ordinances and Resolutions. The Mayor is the Town official designated to represent the Town in all dealings with other governmental entities. The Mayor is an equal voting member of the Town Commission but has no administrative responsibilities.

The Mayor is also responsible for presiding over all Town events unless another member of the Town Commission is delegated by the Mayor or by a vote of the Town Commission at a prior meeting to serve that function. The Vice-Mayor serves as Mayor in the case of death, disability, resignation, or removal of the Mayor.

The Town Commission meets the first and third Wednesday monthly to discuss and act on official Town business and issues of concern to the Commission. Regular Meetings: The Town Commission holds regular meetings on the first and third Wednesday of each month at **6:00 p.m.**

at the Town Hall Commission Chambers located at 535 Park Avenue, Lake Park, Florida 33403 or such other location as designated by the Town Commission from time to time. Special Meetings: Special meetings of the Town Commission may be held upon the call of the Mayor or Town Manager or upon the call of four (4) or more members of the Town Commission. Whenever, a Special Meeting is called, forty-eight (48) hours' notice shall be given to each member of the Town Commission and the public, or such shorter time as the majority of the Town Commission shall determine necessary in case of an emergency affecting life, health, property or the public peace. Notice to the public shall be posted at the Lake Park Town Hall. Notices shall state the place, date and hour of the meeting and the purpose for which such meeting is called and no further business shall be transacted at the meeting except as stated in the notice. Discussions at Special Meetings shall be limited to the items referred to on the agenda for such meetings. All meetings shall be open to the public, except as may be expressly exempted by state law.

DUTIES AND RESPONSIBILITIES OF THE MAYOR DURING PUBLIC MEETING(S)

Mayor to Serve As Presiding Officer. The Mayor shall be the presiding officer at all Town Commission meetings. The Vice-Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice-Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer to carry out the functions of Mayor, as defined in the Town Code (Code 1966, Ordinance 13-1966; Ordinance 1-1976, Code 1978). The Mayor shall decide on all point of order, subject however, to an appeal to the other members of the Town Commission, in which event a majority vote of the Town Commission will govern such point of order. The Mayor shall vote on all questions and items and be called last. The Mayor shall introduce agenda items by the agenda item number. The Town Attorney shall read the titles of legislation as requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item being considered. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item. All comments or questions by the attending public shall be directed to the Mayor.

Mayor to Maintain Decorum At Commission Meetings. Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor is given the right and the authority to require such person to leave the Commission Chambers, to be accompanied, if necessary, by a Sheriff or Deputy. In the event the audience or a part thereof becomes unruly, the Mayor may either recess or adjourn the meeting.

COMMISSION DISCUSSION

Discussion by Commissioners. Discussion by members of the Town Commission, including the Mayor, shall be unlimited except as determined by a majority of the Town Commission. Each member shall be afforded the opportunity to offer rebuttal to each item discussed. A member, once recognized by the Mayor, shall direct all comments or questions on the subject matter being discussed to the Mayor only. Commissioners shall not engage in cross conversation with other members or the public. The Mayor shall not unreasonably withhold or delay recognition of any member of the Town Commission desiring to speak. The Mayor shall recognize other members of the Town Commission in rotation and not call on any member a second time or subsequent time until such time as all members shall have had an opportunity to speak.

Questions By Commissioners. In the event a member wishes to direct questions to another member or to the public during a public meeting or presentation, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. In the event a member wishes to direct a question to the Town Manager, the question shall be directed to the Town Manager through the Mayor, who will, in turn, recognize the member. All questions of Town staff shall be made through the Town Manager.

ORDER OF BUSINESS

The order of business of the Town Commission at the regular meetings shall be as follows:

- (1) Call to Order/Roll Call
- (2) Pledge of Allegiance
- (3) Special Presentations/ Reports
- (4) Public Comment
- (5) Consent Agenda
- (6) Board Appointments (as needed)
- (7) Old Business
- (8) Public Hearings- Ordinances- First Reading/Public Comment
- (9) Public Hearings – Ordinances – Second Reading/Quasi Judicial Proceeding(s)
- (9) New Business
- (10) Town Attorney, Town Manager, Commissioner Comments
- (11) Adjournment

COMMISSION MEETING ITEMS

Special Presentations/Reports

This section of the agenda is reserved for presentations, proclamations special recognition, or reports of a committee or board made by the Mayor.

Public Comment

Individuals wishing to speak on matters that **do not** appear on the agenda need to complete a Public Comment Card which is to be submitted to the Town Clerk prior to the beginning of the Commission meeting. Public comments shall be limited to three minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, after due consideration for the substance, content and relative importance of the subject. Any extensions granted should apply to other individuals speaking on the same subject. Each person who addresses the Commission shall step up to the speaker's podium and shall give his/her name and address. No person other than the Commission and the person recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission of the Mayor. All questions from the public to the Commission shall be addressed through the Mayor. If deemed appropriate the Mayor or any other member of the Town Commission may attempt to resolve or respond to public concerns or inquiry. If an immediate response is not possible or inappropriate, the Mayor will have the Town Manager provide a response via U.S. mail, electronic mail or by telephone prior to the next regularly scheduled Town Commission meeting.

Consent Agenda

The Consent Agenda allows members of the Commission to adopt a group of items *en bloc* without discussion. It serves as a way to dispose of business items that are non-controversial and can be approved with a single vote. Examples of a consent item would be approval of minutes, paying bills, and award; contracts from a public bid. The Mayor usually presents it and asks if any member wants to extract an item from the Consent Agenda. The items extracted can then be taken up after the items remaining on the Consent Agenda have been voted upon.

Old Business

Old Business is the portion of the agenda for any item that has been carried over from a prior Commission meeting which was not dispensed with at that prior Commission meeting.

Public Hearings

Public Hearings/First Reading. Individuals wishing to speak on matters that appear on the agenda as "Public Hearings" need to complete a Public Comment Card which is to be submitted to the Town Clerk prior to the discussion of such item. Even if a card has been submitted, the party cannot approach the podium until the Mayor authorizes such action. The public shall be permitted to speak after the Mayor opens an item for Public Hearing. After the Public Hearing is closed by the Mayor, only members of the Town Commission or Administration shall discuss the item.

Public Hearings/Second Reading. A proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality.

Quasi-Judicial Hearing. Florida State Statute 163.3215 - At the quasi-judicial hearing, all parties must have the opportunity to respond, to present evidence and argument on all issues involved which are related to the matter, and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed. The local process must provide an opportunity for participation in the process by an aggrieved or adversely affected party, allowing a reasonable time for the party to prepare and present a case for the quasi-judicial hearing.

The local process must provide, at a minimum, an opportunity for the disclosure of witnesses and exhibits prior to hearing and an opportunity for the depositions of witnesses to be taken.

The local process may not require that a party be represented by an attorney in order to participate in a hearing. Section 2-2 (3) of the Town Code explains the Exparte Communication process. (Ordinance 26-2002 attached on page 46).

New Business

Any new business which has not been previously discussed at a Commission meeting will be considered under this portion of the agenda.

Town Attorney, Town Manager, Commissioner Comments

This section of the agenda shall be utilized for the Mayor, Commissioners, Town Manager, and Town Attorney to provide informational reports. As much as it is possible, the topic of the report should be provided to the Town Manager prior to the close of the agenda so that the item

may be noticed to the public. No final action may be taken during this portion of the agenda unless determined to be an emergency by a motion of the majority votes of the Town Commission. However, comments by Commissioners, the Mayor, Attorney, or Town Manager may form the basis to initiate discovery, fact finding, research, communication, or further pursuit regarding topics of concern when there is consensus of the Commission.

Adjournment

All meetings of the Town Commission, whether they are special, workshops, or regular meetings, shall be adjourned by 11:00 p.m.

Parliamentary Procedure

Parliamentary procedure refers to the *rules of democracy*—that is, the commonly accepted way in which a group of people come together, present and discuss possible courses of action, and make decisions. "The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion."

All meetings are conducted pursuant to Robert's Rules of Order. The information provided in this section can help the meetings to become more efficient and productive. This will aid your understanding of the primary principles of parliamentary law.

The Town's Comprehensive Commission Meeting and Agenda Procedures were adopted by Resolution No. 33 1998. Resolution No. 33-1998 states that all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order, Newly Revised 1990 Edition. A copy of this publication can be obtained by contacting the Town Clerk.

LEGISLATIVE ACTIONS

(Before any business can be legally transacted, a quorum must be present. A quorum is the minimum amount of members who must be present in order to conduct business.)

Handling Motions:

1. A Commissioner seeks recognition for the floor.
2. The Mayor recognizes the Commissioner.
3. The Commissioner makes a motion.
4. Another Commissioner seconds the motion.
5. The Mayor **states** the question.
6. Debate (amendments and secondary motions).
7. The Mayor **puts** the question to a vote.
8. The vote is taken.
9. The Mayor announces the result of the vote.

What Precedes Debate:

Before a subject is open to debate, it is necessary for a motion to be made by a member of the Commission who has obtained the floor; next it is seconded (with certain exceptions); and then it is stated by the Mayor (presiding officer). The fact that a motion has been made and seconded does not place it before the Commission for consideration, as the chair (Mayor) alone can do that. The Mayor must either rule it out of order, or state the question on it so that the assembly may know what is before it for consideration and action. If several questions are pending, as a resolution and an amendment and a motion to postpone, the last one stated by the Mayor is the "immediately pending" question.

Until the motion is stated or ruled out of order by the chair, no debate or other motion is in order. However, Commission members may suggest modifications to the motion, and the mover, without the consent of the seconder, has the right to make such modifications as he/she pleases, or even to withdraw his/her motion entirely **before** the chair states the question. This is

the case only for a brief interval, because after the question is stated by the chair, the mover can do neither without the consent of the assembly. A little informal consultation before the question is stated often saves much time, but the chair must see that this privilege is not abused and allowed to run into debate. When the mover modifies his motion, the one who seconded it has a right to withdraw his second.

I. ORDINANCES

An Ordinance is a law enacted by the Town Commission, prescribing a general and lasting rule for persons or things within the Town boundaries. It is the most authoritative act of which the Commission is responsible for, and is usually reserved for cases involving long term policy. Some examples are the Land Development Regulations, budget, adoption of revenue sources and regulation of businesses.

Adoption of Ordinance

1. Presentation to Town Commission
2. First Reading at Commission Meeting
3. Second Reading at next meeting requires a Public Hearing to obtain citizen input and publication in a newspaper of general circulation.
4. Upon passage and execution by the Mayor, the Ordinance, unless a budgetary matter, is codified and placed in the Code of Ordinances.
5. Implementation by the Town Administration.

II. RESOLUTIONS

Resolutions are commonly used for administrative items such as authorizing the Town Manager to execute contracts and agreements, authorizing budget amendments, expressing public positions, approving plats, and zoning matters.

SUNSHINE LAW/PUBLIC RECORDS

MOST FREQUENTLY ASKED QUESTIONS ON FLORIDA'S OPEN GOVERNMENT LAWS

The following questions and answers are intended to be used as a reference only -- interested parties should refer to the Florida Statutes and applicable case law before drawing legal conclusions.

Q. What is the Sunshine Law?

A. Florida's Government-in-the-Sunshine law provides a right of access to governmental proceedings at both the state and local levels. It applies to elected and appointed boards and applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There is also a constitutionally guaranteed right of access.

Q. What are the requirements of the Sunshine law?

A. The Sunshine law requires that 1) meetings of boards or commissions must be open to the public; 2) reasonable notice of such meetings must be given, and 3) minutes of the meeting must be taken.

Q. What agencies are covered under the Sunshine Law?

A. The Government-in-the-Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision." Thus, it applies to public collegial bodies within the state at both the local as well as state level. It applies equally to elected or appointed boards or commissions.

Q. Are federal agencies covered by the Sunshine Law?

A. Federal agencies operating in the state do not come under Florida's Sunshine law.

Q. Does the Sunshine Law apply to members-elect?

A. Members-elect of public boards or commissions are covered by the Sunshine law immediately upon their election to public office.

Q. What qualifies as a meeting?

A. The Sunshine law applies to all discussions or deliberations as well as the formal action taken by a board or commission. The law, in essence, is applicable to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission. There is no requirement that a quorum be present for a meeting to be covered under the law.

Q. Can a public agency hold closed meetings?

A. There are a limited number of exemptions which would allow a public agency to close a meeting. These include, but are not limited to, certain discussions with the board's attorney over pending litigation and portions of collective bargaining sessions. In addition, specific portions of meetings of some agencies (usually state agencies) may be closed when those agencies are making probable cause determinations or considering confidential records.

Q. Does the law require that a public meeting be audio taped?

A. There is no requirement under the Sunshine law that tape recordings be made by a public board or commission, but if they are made, they become public records.

Q. Can a city restrict a citizen's right to speak at a meeting?

A. Public agencies are allowed to adopt reasonable rules and regulations which ensure the orderly conduct of a public meeting and which require orderly behavior on the part of the public attending. This includes limiting the amount of time an individual can speak and, when a large

number of people attend and wish to speak, requesting that a representative of each side of the issue speak, rather than everyone present.

Q. As a private citizen, can I videotape a public meeting?

A. A public board may not prohibit a citizen from videotaping a public meeting through the use of non-disruptive video recording devices.

Q. Can a board vote by secret ballot?

A. The Sunshine law requires that meetings of public boards or commissions be "open to the public at all times." Thus, use of pre-assigned numbers, codes or secret ballots would violate the law.

Q. Can two members of a public board attend social functions together?

A. Members of a public board are not prohibited under the Sunshine law from meeting together socially, provided that matters which may come before the board are not discussed at such gatherings.

Q. What is a public record?

A. The Florida Supreme Court has determined that public records are all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. They are not limited to traditional written documents. Tapes, photographs, films, and sound recordings are also considered public records subject to inspection unless a statutory exemption exists.

Q. Can I request public documents over the telephone and do I have to tell why I want them?

A. Nothing in the public records law requires that a request for public records be in writing or in person, although individuals may wish to make their request in writing to ensure they have an accurate record of what they requested. Unless otherwise exempted, a custodian of public records must honor a request for records, whether it is made in person, over the telephone, or in writing, provided the required fees are paid. In addition, nothing in the law requires the requestor to disclose the reason for the request.

Q. How much can an agency charge for public documents?

A. The law provides that the custodian shall furnish a copy of public records upon payment of the fee prescribed by law. If no fee is prescribed, an agency is normally allowed to charge up to 15 cents per one-sided copy for copies that are 14" x 8 1/2" or less. A charge of up to \$1 per copy may be assessed for a certified copy of a public record. If the nature and volume of the records to be copied requires extensive use of information technology resources or extensive clerical or supervisory assistance, or both, the agency may charge a reasonable service charge based on the actual cost incurred.

Q. Does an agency have to explain why it denies access to public records?

A. A custodian of a public record who contends that the record or part of a record is exempt from inspection must state the basis for that exemption, including the statutory citation. Additionally, when asked, the custodian must state in writing the reasons for concluding the record is exempt.

Q. When does a document sent to a public agency become a public document?

A. As soon as a document is received by a public agency, it becomes a public record, unless there is a legislatively created exemption which makes it confidential and not subject to disclosure.

Q. Are public employee personnel records considered public records?

A. The rule on personnel records is the same as for other public documents ... unless the Legislature has specifically exempted an agency's personnel records or authorized the agency to adopt rules limiting public access to the records; personnel records are open to public inspection. There are, however, numerous statutory exemptions that apply to personnel records.

Q. Can an agency refuse to allow public records to be inspected or copied if requested to do so by the maker or sender of the documents?

A. No. To allow the maker or sender of documents to dictate the circumstances under which documents are deemed confidential would permit private parties instead of the Legislature to determine which public records are public and which are not.

Q. Are arrest records public documents?

A. Arrest reports prepared by a law enforcement agency after the arrest of a subject are generally considered to be open for public inspection. At the same time, however, certain information such as the identity of a sexual battery victim is exempt.

Q. Is an agency required to give out information from public records or produce public records in a particular form as requested by an individual?

A. The Sunshine Law provides for a right of access to inspect and copy existing public records. It does not mandate that the custodian give out information from the records nor does it mandate that an agency create new records to accommodate a request for information.

Q. What agency can prosecute violators?

A. The local state attorney has the statutory authority to prosecute alleged criminal violations of the open meetings and public records law. Certain civil remedies are also available.

Q. What is the difference between the Sunshine Amendment and the Sunshine Law?

A. The Sunshine Amendment was added to Florida's Constitution in 1976 and provides for full and public disclosure of the financial interests of all public officers, candidates and employees. The Sunshine Law provides for open meetings and open records for all governmental agencies.

Q. How can I find out more about the open meetings and public records law?

A. Probably the most comprehensive guide to understanding the requirements and exemptions to Florida's open government laws is the Government-in-the-Sunshine manual compiled by the Attorney General's Office. The manual is updated each year and is available for purchase through the First Amendment Foundation in Tallahassee. For information on obtaining a copy, contact the **First Amendment Foundation at (850) 222-3518**.

Florida is renowned for putting a high priority on the public's right of access to governmental meetings and records. In fact, the principles of open government are embodied not only in Florida statutes, but also guaranteed in the state Constitution.

Florida began its tradition of openness back in 1909 with the passage of what has come to be known as the "Public Records Law," Chapter 119 of the Florida Statutes. This law provides that any records made or received by any public agency in the course of its official business are available for inspection, unless specifically exempted by the Legislature. Over the years, the definition of what constitutes "public records" has come to include not just traditional written documents such as papers, maps and books, but also tapes, photographs, film, sound recordings, and records stored in computers.

It was in 1967 that Florida's Government-in-the-Sunshine Law was enacted. Today, the Sunshine Law can be found in Chapter 286 of the Florida Statutes. The Sunshine Law establishes a basic right of access to most meetings of boards, commissions and other governing bodies of state and local governmental agencies or authorities.

Throughout the history of Florida's open government, its courts have consistently supported the public's right of access to governmental meetings and records. As such, they also have been defining and redefining what a public record is and who is covered under the open meetings law.

One area of public concern was whether or not the Legislature was covered under the open meetings requirements. To address that concern, a Constitutional amendment was passed overwhelmingly by the voters in 1990 providing for open meetings in the legislative branch of government.

Meet the Town Manager



Dale S. Sugerman, Ph.D., Town Manager

The Town Manager is appointed by the Town Commission for an indefinite term and serves as the Chief Administrative Officer of the Town's governmental organization. The Town Charter and Section 2-82 of the Town's Code of Ordinances lists the duties and responsibilities of the Town Manager. Some of those duties include the final responsibility for appointing, hiring, disciplining and removing of Town employees; directing and supervising the administration of all departments; preparing the annual budget; and, serving as the purchasing agent for the Town. The Manager directs the functions of the Town's operations through several major departments and provides recommendations to the Town Commission on policy issues. The Town Manager is directly responsible for implementation of all policies adopted by the Town Commission. The manager is also responsible for responding to citizen inquiries and suggestions.

Dale S. Sugerman, Ph.D. is currently the Lake Park Town Manager. He has been a local government manager for more than 35 years, serving the communities of Slater, MO, Oberlin, OH, Sunrise, FL, Palm Bay, FL, Boynton Beach, FL, Highland Beach, FL, and since June of 2012, the Town of Lake Park. Dr. Sugerman earned his Bachelor of Arts degree in Political Science from the University of Cincinnati, a Masters of Public Administration with a dual major in city management and organizational behavior from the University of Missouri, and a Ph.D. in Global Leadership from Lynn University. He was one of the first 72 local government managers in the United States to earn Credentialed Manager status from the International City/County Management Association (ICMA). He is a graduate of the Senior Executive Institute at the University of Virginia. He is also a qualified trainer in the Myers-Briggs Type Indicator[®]. Dr. Sugerman is an adjunct faculty member at Nova Southeastern University and at Barry University. He is also the President and CEO of the International Institute for Leadership Development and Training; a for-profit consulting firm which specializes in high performance teambuilding with an emphasis on helping family-owned and controlled businesses eliminate the inherent dysfunctionality within their executive leadership teams.

RELATIONSHIP OF COMMISSION TO MANAGER

The Town Manager is appointed by the Town Commission to enforce its laws, to direct the daily operations of Town government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the Town Commission. The Town Manager is responsible to the Town Commission as a whole rather than to individual Commission members.

In order to uphold the integrity of the Commission/Manager form of government, the Charter specifically prohibits the Mayor and members of the Commission from becoming directly involved in the administrative affairs of the Town. § 4 -Town Manager has full control over administrative services. The Town Charter states the following:

Town Charter Article VI Operation of Commission-Manager Form of Government Section 4. Town manager has full control over administrative service.

Neither the Commission nor any of its members or committees shall dictate the appointment of any person to office or employment by the Town Manager, or in any manner interfere with the Town Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. The Commission and its members shall deal with the administrative service solely through the Town Manager.

The employment relationship between the Town Commission and Town Manager honors the fact that the Town Manager is the Chief Executive Officer of the Town. The Town Commission should avoid situations that can result in Town staff being directed, intentionally or unintentionally, by any member of the Town Commission. Regular communication between the Town Commission and Town Manager is important in maintaining open communications. All dealings with the Town Manager, whether in public or private, should respect the authority of the Town Manager in administrative matters.

The Town Commission is to evaluate the Town Manager on a regular basis to ensure that both the Town Commission and Town Manager are in agreement about performance and goals based on mutual trust and common objectives.

As in any professional relationship, it is important that the Town Manager keep the Town Commission informed. The Town Manager respects and is sensitive to the political responsibility of the Town Commission and acknowledges that the final responsibility for establishing the policy direction of the Town is held by the Town Commission. The Town Manager communicates with the Town Commission in various ways. There is a formalized approach by holding briefing meetings with individual Commission members (so-called “one-on-one” meetings) and through regularly written reports. Communication is undertaken in such a manner that all Commission members are treated similarly and kept equally informed.

INFORMATION FLOW / TYPES OF REPORTS

1. Town Manager Monthly Update Report – contains information of interest to Commissioners. This information is disseminated to the public on an as needed basis.

2. Operational Reports - Monthly
Departments submit to Town Manager.
 - a. Palm Beach County Sheriff Office
 - b. Palm Beach County Fire Rescue
 - c. Town Clerk

- d. Finance Department
 - e. Public Works Department
 - f. Lake Park Public Library
 - g. Recreation Department
 - h. Community Development Department
 - i. Marina
5. Annual Audit and Financial Statements
March / April – Annual Audit and Financial Statements
 6. E-Blast's are distributed via email to citizens.
 7. Annual Report – Annual Report(s) by applicable advisory boards are due before July of each year. The reports are submitted to the Town Clerk who disseminates the information to the Town Commission and Town Manager.

RELATIONSHIP OF COMMISSION TO ATTORNEY

Town Attorney



Thomas J. Baird, Esq., Town Attorney

The Town Attorney is a contractual position in the Town of Lake Park. The Town Attorney is the legal advisor for the Town Commission, Town Manager, and department directors. The general responsibilities of the Town Attorney are:

- Provide legal assistance necessary for formulation and implementation of legislative policies and projects.
- Represent the Town's interest, as determined by the Town Commission, in litigation, administrative hearings, negotiations, and similar proceedings.
- Prepare, review, and approve ordinances, resolutions, contracts, and other legal documents.
- Keep the Town Commission and staff apprised of court rulings and legislation affecting the legal interests of the Town.

It is important to note that the Town Attorney does not represent individual members of the Commission, but the Town Commission as a whole.

RELATIONSHIP OF COMMISSION TO TOWN CLERK

Office of the Town Clerk

The Town Clerk is hired by the Town Manager in the Town of Lake Park. The Town Clerk, under both state and local ordinances, is entrusted with numerous and diverse duties. The Office of the Town Clerk is the official keeper of records. It maintains an accurate record of the official actions of the Town Commission and Advisory Boards, such as official minutes, contracts, ordinances, and resolutions pertaining to the Town. It is the central repository for vital Town records. The Office of the Town Clerk serves as the administrative support for the Mayor, Town Commission, and Town Manager. The Town Clerk is designated as the Town's official filing agent for the Town of Lake Park's Municipal Election and serves as the local supervisor of elections officer. The Town Clerk conducts elections in accordance with state, county, and municipal election laws.

This office also responds to public information requests and is a "hub" for the dissemination of information to the public, city officials, department directors, other governments, and public agencies. In addition to serving as Clerk of the Town Commission and maintaining the official record of the minutes of Commission meetings, the Town Clerk 's duties include but are not limited to, preparing meeting agendas, processing legislation and agreements for signature by appropriate officials, and providing administrative services to the Commission. The Town Clerk administers oaths, records documents in the official records of Palm Beach County, and is responsible for codification of all applicable Town Ordinances.



Vivian Mendez, CMC, Town Clerk

History of the City Clerk

The term "clerk" is an ancient and honorable one. It comes from the early Middle Ages when churches regulated many local government matters and only clergymen were educated and could write. The idea of clerk as writer, keeper of records and local official comes from this history.

The first settlers in America soon created the office of parish or town clerk, and the post has continued to this day as an essential municipal post. Every city and town in the nation, regardless of size or form of government, has a clerk or equivalent position.

In Florida, the Municipal Clerk is an important and exacting position in municipal government. The Clerk is expected to know virtually everything about the operation of a city and how to

accomplish all that needs to be done. Even when the Clerk is not an expert, the Clerk's Office must know where to refer a question or problem for proper action or answer.

The general responsibilities of the Town Clerk are:

1. To maintain accurate minutes of the proceedings of the Town Commission and advisory boards.
2. To publish public notices as required by law.
3. To maintain custody of Town records and coordinate the storage and lawful disposal of said records.
4. To provide clerical support to the Town Commissioners, including preparation of memos, faxes and correspondence (limited), accepting telephone calls, and taking messages, opening Commission mail, distributing, and responding to, as directed.
5. To administer the publication of the code book, supplements and indexing of Town Commission minutes.
6. Conducting municipal elections in accordance with city, county, and state laws.
7. Establishing and coordinating the Town's records management program in compliance with state law.
8. Providing for preparation/distribution of Commission/Board agendas upon receipt of documentation/direction from the Town Manager.
9. Composing and preparing Proclamations, Certificates.
10. Serving as Financial Disclosure coordinator.
11. Swearing in new members of the Commission or hiring a duly elected official to perform the swearing in Ceremony.
12. Responding to requests for liens and copies of public records.
13. Preparing Ordinances and Resolutions as directed and providing for distribution/codification.

Operating Departments

Chief Information Technology Officer



Hoa Hoang, Information Technology

Department Description

The Information Technology Department supports all other Town departments through a series of services that includes integrating computer systems, coordinating and providing training, technology assistance and support. The department creates the technological environment that enables Town employees to quickly access vital information using the most efficient and cost effective system hardware and software. The department provides leadership as an active partner in the regional telecommunications and data-sharing network.

Mission

The Information Technology Department assists Town departments in responding to the needs of the citizens by enabling Town employees to quickly access vital information. We are dedicated to providing quality service through teamwork, partnerships, and developing team and individual strengths.

Services

Town Hall, Public Works, Library, Recreation, Marina and future EOC Disaster Recovery site:

- **Data:** The use of computers and networks to store, process and receive data
- **Computer systems and applications:** The development, installation, and implementation of computer systems and applications (IMS for Building Department, Ink Force for Code Compliance system, ADG for Finance, future GIS for CDD and Microsoft Exchange and Emails Protection System (EMPS)).
- **Hardware/Software/Printing/Scanning and Facsimile:** The support and management of computer, peripherals, and software (Virus and Malware Protection).
- **Network and Back up:** Virtualization Servers (Town Hall, Public Works, Recreation, Marina and future EOC server as Disaster Recovery site).

- **Voice support:** Manage and maintenance of the telephones (Landlines and Cellular)
- **Security systems:** CCTV systems throughout the Town to provide live information to Sheriff Department.
- **Communications:** Lake Park TV channel 18 available to subscribers of Comcast cable for the Town meetings (both live and re-broadcast).

Community Development



Nadia DiTommaso, Community Development Director

The Town of Lake Park Community Development Department is a full-service department. The Department's primary mission is to provide a platform that encourages appropriate growth and development within the guidelines and boundaries of the Town's Code of Ordinances, while at the same time assisting community businesses and residents in a professional and friendly manner. The Department strives to deliver the highest level of customer service and work in partnership with the community, while preserving the quality of life and providing for the Town's vision of the future.

The Department's three divisions, Planning and Zoning, Building, and Code Compliance, ensure that the Town's structures and natural environments are protected and enhanced according to the desires of the community and the letter of the Code.

Community Development Staff provides support to the Town Commission, Planning and Zoning Board, Historic Preservation Board, Local Planning Agency (LPA), and the Community Redevelopment Agency (CRA).

BUILDING DIVISION

The authority and statutory requirement for the Town of Lake Park to maintain and operate a Building Division are contained in the Florida Statutes, as well as numerous county and local codes and ordinances. The major programs/functions of the division - Permitting, Plan Review, Field Inspections, and Business Tax Receipts- are described below. Implementation of the Standard Building Code by the staff requires continuous training and certification of all inspectors and plan reviewers.

Permitting- Its purpose is to ensure that all the requirements of the Town's adopted technical codes as well as other pertinent state, county and local ordinances are complied with. Other duties include the collection of state, county and local fees, garage sale permits, and other informational services for the general public. Chapters 489 and 553 of the Florida Statutes specifically require local governments to enforce minimum building codes and standards through the issuance of building permits.

Plan Review - The review of construction documents is required prior to the issuance of permits in order to ensure compliance with all codes, ordinances, rules, and regulations. This includes building, plumbing, mechanical, electrical, gas, sign, contracting, accessibility, energy, flood, zoning, landscaping and other codes. Permits are issued based on construction documents that comply with all respective codes.

Field Inspections - On-site inspections are performed to ensure that building construction complies with codes, ordinances, rules and regulations. Certificates of Occupancy or Completion are required by State Statute as a condition of occupancy for new developments or substantial renovations. Other functions include the inspection of existing structures for minimum construction standards, inspections for business tax receipt applicants and processing of contractor registrations.

Business Tax Receipts- This function provides for the safe and orderly business activities within the Town boundaries by the issuing of business tax receipts. Monitoring of existing business activities is accomplished through the Palm Beach County Fire Rescue annual inspection of businesses and routine monitoring by the department's Code Compliance Division.

PLANNING AND ZONING DIVISION

Planning - One of the primary jobs of the Planning staff involves the review of site plans and other related applications for all new development and most redevelopment activities in the Town. The Planning staff coordinates site plan reviews with other Town departments, such as Public Works, as well as police and fire protection requirements, and develops recommendations for consideration by the Planning and Zoning Board. They also work with property owners and developers to explain the kind of development the Town desires. The Town's Comprehensive Plan contains a set of long range goals, objectives, and policies that describe a vision of the Town's future. It addresses all aspects of the Town, such as land use, environmental issues, housing, transportation, recreation facilities, and other infrastructure systems. The Planning staff keeps the plan up to date and uses it as a guide for making decisions about development issues.

Zoning - The Town's Zoning Code is found in Chapter 78 of the Town's Code of Ordinances. The Zoning Code is a set of regulations for how land can be used and developed. It contains regulations on the commercial, industrial, and residential use of land and includes specific requirements, such as how far a building must be set back from the street, what types of businesses may locate in a particular area of Town, as well as landscaping and parking requirements. The staff works with residents and business owners when new buildings or renovations to existing buildings are proposed to ensure that the proposed uses are consistent with the Town zoning requirements.

CODE COMPLIANCE DIVISION

The Code Compliance Division is comprised of code enforcement professionals who strive to assist the residents of the Town in the maintenance of the Town's residential, commercial, industrial, and undeveloped properties. All efforts are directed toward ensuring that all properties in the Town adhere to the codes and ordinances and that proper procedures are followed in order to accomplish this compliance. The Code Compliance Division's mission is to enforce the Town's codes uniformly, ensuring the health, safety and welfare, and quality of life for the residents, businesses, owners, and tourists of the Town of Lake Park. Maintaining and improving the quality of life is the primary responsibility of the Town's Code Compliance Division. This is achieved by the routine monitoring of all districts for potential violations of the Town's codes and other governing codes. Common code violations include: zoning violations, minimum housing standards, property maintenance standards, signage, landscaping, business tax receipts, outdoor storage, and building permits. The Code Compliance Division routinely works with residents of the Town and responds to requests for service. Code Compliance officers ensure all requests are tracked and investigated individually and that violations are corrected in a timely manner.

The general procedure for enforcement of Code violations is divided into a number of stages; each of which has a specific timeframe. A warning letter is the first document that can be issued to a property owner and these warning letters typically give the property owner one week to 10 days to correct the violation. If the violation is corrected within the stated timeframe, the case is then closed. If the violation is not corrected within the stated timeframe, a Code Enforcement Officer conducts a second inspection and issues a Notice of Violation to the property owner (the Notice of Violation can actually be the first step if the nature of the violation is serious enough to warrant an immediate issuance of the Notice of Violation). Each document provides a description of the violation(s), the corrective action needed to comply, and a timeframe for compliance of each violation. The Notice of Violation step has its own timeframe for compliance; typically 10 days to two weeks. If an Owner does not comply by the compliance date, they will then receive a final document known as the Notice of Hearing. This will explain that since their property is still in violation of the Code, their case will be considered by the Special Magistrate for final legal action on a specified date. Special Magistrate Hearings are held the first Thursday of every month in the Town of Lake Park Commission Chambers. Property owners are entitled to appear before the Special Magistrate to explain their reason for not complying with the Code. The Special Magistrate, after listening to a formal presentation by the Code Enforcement Officer and the property owner, will issue a final ruling (an Order) on the matter.

Finance Department



Blake Rane, Finance Director

The goal of the Finance Department is to assure the effective and efficient use of the Town's fiscal and monetary resources and to safeguard Town assets.

Among the Finance Department's responsibilities are the development of the Town's fiscal budget; the development and implementation of financial and accounting reporting policies and practices in accordance with Government Accounting Standards Board pronouncements and other legally mandated standards; and, the development of sound recordkeeping and centralized public financial services in order to meet the highest promulgated standards.

BUDGET PROCESS

The Town of Lake Park budget process usually begins in April with a staff meeting between the Town Manager and Department Directors to review budget philosophy and develop overall goals and objectives. The entire budget process encompasses approximately five (5) months of the fiscal year. During this period, meetings are held with Department Directors, the Town Commission and the public to ensure representative input. A budget calendar will be advanced to the Town Commission in the near future which details the actions taken during the budget process. The topics to be covered by the budget may be considered and discussed during several Town Commission workshops and meetings.

The Town Commission then sets and adopts the Ad Valorem millage rate, the Debt millage rate, and Town budget by Resolution during a two-step public hearing process.

BUDGET AMENDMENTS

The Town Manager has the authority to move line item expenses within a department/fund. After the budget has been adopted, any change or amendment to the budget which will increase the original total appropriated amount can only be accomplished with the preparation of a Resolution and approval by the Town Commission.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

This annual report consists of the following multiple sections:

- **THE INTRODUCTORY SECTION.** This section contains the transmittal letter from the Town Manager and several other documents.
- **The FINANCIAL SECTION.** This section consists of the following financial statements;
 - a. Government-wide financial statements that include the Statement of Net Assets and the Statement of Activities. These statements provide information about the activities of the Town as a whole.
 - b. Fund financial statements that tell how these services were financed in the short term, as well as what remains for future spending. Fund financial statements also report the Town's operations in more detail than the government-wide statements by providing information about the Town's most significant funds.
 - c. Notes to the financial statements expand upon information reported in the government-wide and governmental fund statements.
- **THE STATISTICAL SECTION.** This section includes a variety of reports typically showing comparative data going back eight or ten years.
- **OTHER REPORTS.** This section contains required correspondence between the auditor and the Town, most notably the Management Letter.

The Comprehensive Annual Financial Report (CAFR) is one of the most important documents for members of the Commission to understand. The Finance Director and the Town Manager are available to discuss this document at any time.

BASIS OF ACCOUNTING

Basis of Accounting refers to the time period when revenues and expenditures are recognized in the accounts and reported on the financial statements. Basis of Accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The accrual basis of accounting is followed for the proprietary fund types. The “modified accrual basis of accounting” is followed in the governmental fund types and the expendable trust funds type and means that revenues are recorded when they are both measurable and available. “Available” means collectible within the current period or soon enough thereafter to pay current liabilities. Expenditures are generally recognized under the modified accrual accounting when the related fund liability is incurred. Exceptions to this general rule are principal and interest on general long-term debt which is recognized when due.

Lake Park Harbor Marina



James Hart, Marina Director

MISSION STATEMENT

The mission of the Lake Park Harbor Marina of the Town of Lake Park is to support the Town's goals and objectives and to achieve economic growth through an increase in profitability from higher occupancy levels as a result of improvements in customer satisfaction, promotional efforts, and maintaining facilities to the highest possible standards.

GENERAL GOALS

The general goals of the Marina operation are as follows:

Increase occupancy levels to a measurable limit established each fiscal year for the fixed and floating piers; Improve customer satisfaction and transparency by increasing service levels and maintaining facilities to the highest possible standards; Increase the monthly attendance level at the Sunset Celebration to a measurable limit established each fiscal year.

OPERATION OF THE MARINA

The Lake Park Harbor Marina staff of five employees operates a marina office facility with 112 slips designed to accommodate vessels from 30' to a maximum of 80' with a combination of fixed and floating concrete piers. Also included within the facility is a boat ramp office operation that services 2 launch ramps with a maximum of 76 trailer parking spaces. The Marina operation also provides the following services:

- Night time security service
- Wi-Fi
- Ship's Store
- Fuel dock facility
- Laundry facility
- Public restrooms
- Pump-out stations

*The marina is also host to the Sunset Celebration occurring the last Friday of every month and several tournaments that are held on an annual basis.

Established as an enterprise fund the marina is designed with several profit centers for the purpose of operating as a self-sustaining business with surplus revenue to off-set budget expenditures. The primary purpose of the profit centers operating within the Marina is to generate revenues from the following; rental of dockage slips, retail sale of gas or diesel fuel to tenants and local customers, collection of boat launch and parking fees, and the retail sale of concession items from the ship's store including, beer, a variety of soft drinks, ice, bait, fishing tackle, and a limited number of marine products. Located off the Intracoastal Waterway approximately one-mile north of Lake Worth inlet and offering a competitive annual rate makes Lake Park Harbor Marina an ideal homeport for dive boat operations, charter fishing boats, and storage facilities for both long term and transient boaters looking for safe harborage.

DEPARTMENTAL RESPONSIBILITIES

The essential functions of the marina operation include, but are not limited to, the following:

- Under the Administrative direction of the Town Manager, the Marina Director is primarily responsible for administration, budgeting, marketing, sales, and direction and supervision of all Lake Park Harbor Marina activities, events, and personnel assigned to the operation.
- Under the Supervision of the Marina Director, Dock Attendants are primarily responsible for vessel reservations, customer billing, booking arrivals, closing out departures, collection, and reconciliation of revenues from all profit centers and maintaining files and related records.
- Dock Attendants are also responsible for maintaining facilities and related general tasks including, but not limited to, pressure washing facilities, dispensing fuel, trash removal, minor equipment repair, cleaning restrooms, and other assigned duties as required.

Human Resources Department



Bambi McKibbon-Turner, Human Resources Director

The goal of the Human Resources Department is to support the Town's mission by creating an environment to help promote the efficient and effective delivery of municipal services to the Town by its employees.

Among the Human Resources Director's major responsibilities are the following:

- Human Resource Planning – which includes working with each Department Director to determine the staffing needs of their departments; and, developing and administering an effective employee recruitment program

- Human Resource Policy Development – which includes annually reviewing the Town’s human resource policies, procedures and practices (including the Employee Handbook), making recommendations for improvement to the Town Manager, and the preparation of Ordinances and Resolutions concerning such improvements for approval by the Town Commission
- Employee Training and Development – which includes the development and implementation of programs to enhance job performance and to meet certain technical and ethical requirements
- Employee Classification and Compensation – which includes assisting the Town Manager in the annual review, preparation and administration of the Town’s Uniform Classification System which includes the positions titles, job codes and pay plan for Town employees
- Employee Benefit Planning – which includes annually working with the Town Manager and the Finance Director in the identification of employee benefit plans that comply with the Town’s budgetary requirements, and the administration of the employee benefit package which includes the planning and implementation of the annual open enrollment process.
- Labor Relations – which includes acting as the lead negotiator in the collective bargaining process
- Risk Management – which includes administration of the Town’s property, casualty and liability insurance coverage, and ensuring that the Town provides a safe and healthy working environment for its employees and customers

EQUAL EMPLOYMENT COMMITMENT

The Town of Lake Park adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal laws. The Town attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its employees and applicants.

It is the policy of the Town of Lake Park to prohibit discrimination based on race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

The Town strives to ensure a highly qualified staff in terms of educational background and experience which reflects the overall diversity in terms of factors such as race, ethnicity and gender of the pool of qualified candidates.

In recruiting applicants for Town positions, the Town encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The Town continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

No individual will be denied access, employment, training, or promotion on the basis of race, color, religion, national origin, sex, age, disability, familial status, marital status, sexual orientation or gender identity or expression.

Library



Karen Mahnk, Library Director

The Lake Park Library is committed to offering excellent service. The Mission of the Lake Park Public Library is to promote knowledge and preservation of information; make available materials that aid in the pursuit of education, information, research, and recreation; and provide the community with skilled guidance in navigating all information to fulfill their knowledge needs.

Our Vision is to cultivate and foster in the community an enthusiasm for knowledge and an atmosphere that promotes lifelong learning.

Our Motto is simply “This is where education continues after school ends; where readers are grown from the time they are young; and where doors are open for everyone. **This is YOUR library.**”

The library’s collection includes a wide selection of genre in a variety of the latest media. There are 19 computer terminals for adult use and an additional 12 more for Youth access. Internet service includes Wi-Fi access inside and outside of the library.

The Library boasts an enclosed outdoor patio with table and seating for outdoor reading in mild weather; a new Teen Room; electronic Kiosks for Ebook downloading and DVDs and a recently renovated Children’s library.

There are two entrances to the library building; the front is accessed at 529 Park Avenue and the other on Greenbriar Drive. Generous parking is available at the Greenbriar Drive entrance.

Programs offered include story hours for children, after school homework assistance for elementary school students, movie nights, advanced and beginner computer classes for adults and teens as well as writers’ workshops, book clubs and a Teen Anime group, There are three

study rooms and a mixed use room that also serves as a small art gallery that are available for use by individuals, local organizations and clubs.

In addition there is a children's library, Teen room, and gaming area.

The Library works closely with community organization partners to provide outreach services to preschools, local elementary schools and participates in community events to promote literacy and the joy of learning.

History of the Library:

The library was started by the Woman's Club in 1962 and taken over by the town in 1967. In 1969 the library moved from the second floor of the Lake Park Town Hall into a new building next door. As the size of the book collection and the population of the town increased, it became necessary in 1990 to add a separate children's room and a meeting room to the library. Rapid changes in library services and an increase in the types of materials available at the library made it necessary to expand the library again. Construction on the second expansion of the building began in December 1999 and was completed in October 2000, using funds available from the Lake Park Bond Issue and a construction grant from the Florida State Library. The library addition was dedicated October 21, 2000.

The Library follows the guidelines and standards of best practices set by the American Association of Libraries and the Florida State Divisions of Library and Information Services.

The library is eligible to apply for Federal and State grants. The library is also a member of the Palm Beach County Library Cooperative and the Southeastern Florida Library Consortium.

Lake Park residents are encouraged to become members of The Friends of the Lake Park Public Library. This group of supporters holds book sales and other fund raising events to provide additional funding for the library. *Friends'* supporters include local businesses as well as generous individuals.

The Town Commission also appoints a Library Board of five members and two alternatives that act in a non-administrative, advisory capacity.

Public Works Department



Dave Hunt, Public Works Director

Historically, Public Works Departments throughout the world have provided essential services to the citizens of their cities, towns and provinces, as well as staff support to other governmental bureaus, divisions or departments.

Sometimes when a service is taken for granted, few folks realize the many talents that are encompassed in a Public Works Department. Conducive to the residents' everyday quality of life and well-being, the Public Works staff is busy caring for and maintaining the infrastructure of the Town.

Lake Park's Public Works Department is staffed by employees comprising five divisions which operate out of 650 Old Dixie Highway under the direction of the Public Works Director. The Department is open from 7:30 AM to 4:00 PM, Monday thru Friday.

The Divisions of Public Works:

- The Administration Division provides supervision both to Public Works staff, consultants, and vendors providing support services. Administration sets goals and objectives and provides leadership through a united team spirit in order to complete the many tasks undertaken by the department.
- The Sanitation Division includes not only service to both residential and commercial customers, but also provides collection, disposal of garbage, trash, vegetation, and recycling pickup. The Town provides customers with the necessary garbage cans, recycling bins or dumpsters as needed.
- Grounds Maintenance Division is responsible for maintaining all Town parks (28.15 acres), ball fields (5.5 acres), medians, easements, alleyways, building grounds and greenery (including grass, trees and shrubs) throughout the Town.
- Facilities Maintenance Division cares for all Town streets, sidewalks, storm drains, street signs, and signals. The division is also responsible for building maintenance and repair and assists other departments in special festivities and functions.
- The Vehicle Maintenance Division provides service to all Town owned vehicles and equipment. This is quite a task considering the varied types of vehicles: passenger cars,

sanitation trucks, pickups, heavy equipment, mowers, grounds maintenance tools and equipment.

Public Works staff approaches every task with positive inner drive and an attitude to provide the best quality service for the citizens of Lake Park, as well as always helping to improve the appearance of the Town. Public Works is working hard to accomplish our goals, and live up to the Mission Statement of the Town of Lake Park.

Recreation Department



Kathleen Carroll, Recreation Director

The Lake Park Recreation Department offers recreational opportunities for residents and non-residents of all ages. Activities such as Bingo, Martial Arts, Yoga, Line Dance, Bus Trips, and a variety of instructional activities are offered throughout the year. On-going holiday events include the Independence Day Picnic, the Tree Lighting Ceremony, and events coordinated with local groups and businesses include the Easter Egg Hunt, the Pirates Fest, Trunk or Treat and Fill the Gap along with our annual “Santa’s Mailbox” and “Toys for Tots”.

Lake Park offers a number of facility rentals throughout the town. The Kelsey Park Gazebo, picnic pavilions in our parks, indoor rentals at the Marina, Lake Shore Park and the beautiful Mirror Ballroom located on the second floor of our Historic Town Hall.

Summer Camp is available, to both residents and non-residents, offering daily educational trips, arts and crafts, sport activities, cooperative games, board games, karaoke and “disco days”, as well as, computer activities, gardening and movies.

The Lake Park Tennis Center is located at 701 Lake Shore Drive offering a variety of lessons, clinics and tournaments for all skill levels and ages, as well as, free tennis lessons for children (residents of Lake Park). Please call Itamar Macedo at 561-310-1623.

⇒ For more information, please call the Recreation Department at 561-881-3338.

Palm Beach County Fire Rescue, Station 68



Battalion Chief Mike Wells

Palm Beach County Sheriff's Office, District 10

Lieutenant, Chris Myers

The Palm Beach County Sheriff's Office through a contractual arrangement provides law enforcement services to the Town of Lake Park and has a staff comprised of deputies and an administrative secretary. Additionally, the Palm Beach County Sheriff's Office makes available other resources to the town such as: aviation, canine, crime prevention, crime scene, emergency response team, marine enforcement, etc.

District 10, has a strong commitment to partnering with the community and is fortunate to have its own Citizens On Patrol and Community Watch Programs. These groups of dedicated volunteers are making a real difference in enhancing of the town's quality of life. Their efforts save the Town of Lake Park and Sheriff's Office hundreds of personnel hours yearly, which allow sworn personnel more time for crime prevention and criminal apprehension activities.

District 10, has a clear mission that guilds our service to the citizens of the community. That mission is: "The Palm Beach County Sheriff's Office is committed to protecting the public, reducing the incidence and fear of crime, and enhancing the quality of life in our community, always Putting Citizens First." We will strive each day to accomplish that mission following our guiding principles of Integrity, Professionalism, Respect, and Fairness.

A one page depiction of the Organizational Chart is attached on page 56.



RESOLUTION 47, 2001

A RESOLUTION OF THE TOWN OF LAKE PARK, FLORIDA, DIRECTING THAT ANY CORRESPONDENCE WRITTEN BY THE MAYOR, VICE-MAYOR OR COMMISSIONERS ON LAKE PARK LETTERHEAD BE APPROVED BY THE FULL COMMISSION AT A PUBLIC MEETING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Lake Park uses stationary which carries the official seal of the town; and

WHEREAS, When the mayor, vice-mayor, or a member of the commission uses the letterhead of the Town, they are speaking on behalf of the entire commission; and

WHEREAS, it is important to the interests of the Town that communications from the elected officials represent a spirit of unity and consistency,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

SECTION I

Any communications written by any or all of the elected officials of the Town on the official letterhead of the Town of Lake Park shall be submitted for the approval of the Commission at a public meeting prior to mailing.

SECTION II

Written communications from individual elected officials representing themselves which are not on the official letterhead of the Town are not subject to the above approval.

SECTION III

This Resolution shall take effect immediately upon adoption by the Town Commission


The foregoing RESOLUTION was offered by Commissioner Balius, who moved its adoption. The motion was seconded by Commissioner Otterson, and upon being put to a vote, the results were as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR G. CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>X</u>	_____
COMMISSIONER BILL OTTERSON	<u>X</u>	_____

The Mayor thereupon declared the foregoing RESOLUTION 47, 2001 duly passed and adopted this 15th day of August, 2001

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Paul Castro, Mayor

ATTEST 
Bonnie L. Goralski
Bonnie L. Goralski
Town Clerk

(Town Seal)

Betty Resch
BETTY RESCH, Town Attorney
Approved as to form and legal sufficiency

RESOLUTION NO. 65-12-08

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 47-2001 DIRECTING THAT ANY WRITTEN COMMUNICATIONS WHEREBY THE MAYOR, VICE-MAYOR OR A COMMISSIONER USES THEIR TITLE OR USES THE OFFICIAL TOWN STATIONERY MUST FIRST BE APPROVED BY A MAJORITY OF THE FULL COMMISSION AT A PUBLIC MEETING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park uses stationery which carries the official seal of the Town; and

WHEREAS, the use of the Town's stationery by the Mayor, Vice-Mayor, or a Commissioner may impute or be attributed by recipients thereof as an "official" policy position of the Town Commission; and

WHEREAS, the use of his or her title by the Mayor, Vice-Mayor or a Commissioner when communicating in writing may impute or be attributed by recipients thereof as an "official" policy position of the Town Commission; and

WHEREAS, it is important to the interests of the Town that communications from the Mayor, Vice-Mayor or Commissioners represent a spirit of unity and consistency.

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

Section 1. The general substance of any written communication wherein the Mayor, Vice-Mayor or a Commissioner proposes to use his or her official title or to be written on the official letterhead of the Town of Lake Park shall be subject to the approval of a majority of the Commission at a public meeting prior to mailing.

Section 2. Written communications from the Mayor, Vice-Mayor, or a Commissioner when representing themselves, which are not on the Town's official letterhead, shall not be subject to the approval of a majority of the Town Commission.

Section 3. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Balius, who moved its adoption. The motion was seconded by Commissioner Carey, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	—
VICE-MAYOR ED DALY	<u>/</u>	—
COMMISSIONER CHUCK BALIUS	<u>/</u>	—
COMMISSIONER JEFF CAREY	<u>/</u>	—
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	—

The Town Commission thereupon declared the foregoing Resolution NO. 65-12-08 duly passed and adopted this 3 day of December, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
 DESCA DUBOIS
 MAYOR

ATTEST:

Vivian Mendez Lemley
 VIVIAN MENDEZ LEMLEY
 TOWN CLERK



Approved as to form and legal sufficiency:

BY: Thomas J. Baird
 THOMAS J. BAIRD
 TOWN ATTORNEY

ORDINANCE NO. 26 - 2002

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CREATING SECTION 2-2 OF CHAPTER 2, ARTICLE 1 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, ESTABLISHING PROCEDURES GOVERNING THE CONDUCT OF QUASI-JUDICIAL HEARINGS; PROVIDING FOR DEFINITIONS, NOTICE OF HEARING AND ORDER OF PRESENTATIONS AT QUASI-JUDICIAL HEARINGS; PROVIDING FOR OPPORTUNITIES FOR AFFECTED PARTIES TO INTERVENE IN QUASI-JUDICIAL HEARINGS; PROVIDING FOR THE RENDITION OF WRITTEN FINAL ORDERS; PROVIDING FOR THE AMENDMENT OF CHAPTER 2, ARTICLE 2, DIVISION 2, SECTION 2-28, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, WITH RESPECT TO THE APPLICATION OF ROBERTS RULES OF ORDER TO MEETINGS OF THE TOWN COMMISSION AND ITS APPOINTED BOARDS; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in *Brevard County v. Snyder*, 627 So.2d 469 (Fla. 1993), the Florida Supreme Court determined that the application of a general rule of policy to site specific zoning applications which do not affect a large portion of the public are quasi-judicial in nature;

WHEREAS, the Florida Supreme Court held that rezoning applications which have an impact on a limited number of persons or property owners are subject to quasi-judicial proceedings;

WHEREAS, in accordance with Section 286.0115(1)(c), F.S., persons are not prohibited from discussing the merits of any matter on which action may be taken by a quasi-judicial commission or board with any local public official ; and

WHEREAS, adherence to adopted procedures for public officials to disclose communications regarding the merits of any matter on which quasi-judicial action may be taken by the commission or board shall remove the presumption of prejudice arising from ex parte communications with local officials; and

WHEREAS, these procedures are intended to be followed by the Town Commission when sitting in its quasi-judicial capacity and the Planning and Zoning Board when sitting as the Board of Adjustment; and

WHEREAS, the amendments adopted herein are intended to provide for a more efficient and effective quasi-judicial process while maintaining due process.

NOW THEREFORE, be it ordained by the Town Commission of the Town of Lake Park, Florida:

Section 1. The whereas clauses are hereby incorporated as true and correct as the findings and fact and conclusions of law of the Town Commission.

Section 2. Chapter 2, Article II, Division 1, Section 2-2 of the Code of Ordinances of the Town of Lake Park, Florida, to be entitled "Quasi-judicial hearings" is hereby created as follows:

Sec. 2-2. Quasi-judicial hearings.

- (A) *Legislative intent.* It is the intent of the town to provide a fair and efficient process to hear and consider matters in a quasi-judicial context to afford all parties due process of law in accordance with the standards proscribed by the Florida Supreme

Court in *Brevard County v. Snyder*. These procedures shall be followed by the Town's board of adjustment and the town commission, where applicable, in regard to quasi-judicial hearings.

- (B) **Definitions.** For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Affected person. A person or persons, natural or corporate, who is the owner of the subject property or who owns property within 300 feet of the subject property as in the records of the county property appraiser, or who resides in or operates a business within 300 feet of the subject property.

Board. The planning and zoning board sitting as the board of adjustment of the Town of Lake Park.

Party, party intervener or parties. The petitioners, the town and any affected person who may be represented by counsel or other authorized representative and who has filed a notice requesting to be heard at the proceeding.

Petitioner or applicant. The person or authorized agent who has submitted an application which is quasi-judicial in nature.

Quasi-judicial in nature. The application of a general rule or policy to specific individuals, interests or activities.

Quasi-judicial proceeding. The hearing held by a board or the town commission to adjudicate private rights with respect to a particular person or property after a hearing which comports with due process requirements, and makes findings of fact and conclusions of law on the issue.

Site specific. An individual piece of real estate which can be clearly defined by street address, legal description or similar means at a single identifiable location.

Town or town commission. The Town Commission of the Town of Lake Park.

- (C) **Notice of hearing.** The town shall publish such notices of the hearing as are required by Town Code or state law.

- (D) **Procedure to be followed for quasi-judicial hearings.**

(1) Where applicable, hearings regarding the following quasi-judicial matters, regardless of whether the final determination is made by the town commission or one of its appointed boards, shall be in accordance with the procedures herein.

- (a) Site specific rezonings that are not comprehensive in nature;
- (b) Special exceptions;
- (c) Site plans;
- (d) Variances;
- (e) Administrative Appeals.

(2) The parties to quasi-judicial proceedings shall include the town staff, the petitioner, and any party intervener. To be a party intervener, a notice shall be filed with the Department of Community Development at least ten (10) days prior to the date of the hearing. The petitioner, the town staff, and any party intervener shall be given the opportunity to present evidence, bring forth witnesses and ask questions of, or cross-examine any other party or party-intervener's witnesses. The town commission or board shall have the authority to refuse to hear any testimony of a witness of a party or party intervener or member of the public that is irrelevant, cumulative or repetitive. If there is disagreement among the commission or board as to the relevance or repetitiveness of any testimony, the commission or board shall be polled and the majority shall prevail in such rulings. The members of the board or the town commission shall assign such weight and credibility to the testimony of any witness as it deems appropriate. All witnesses of a party or party-intervener shall be sworn. Members of the public shall not be required to be sworn as witnesses.

(3) Prior to any presentation by staff, party or party intervener, the members of the quasi-judicial board or town commission shall disclose any ex parte communications. The members of the quasi-judicial board or town commission shall disclose:

(a) the subject of the communication;

(b) the identity of the person, group, or entity with whom the communication took place;

(c) written communications received and which shall be made part of the record;

(d) investigations or site visits of a site which is the subject of the quasi-judicial hearing completed by the member; and

(e) receipt of any expert opinions regarding the pending quasi-judicial action.

(4) The quasi-judicial board or town commission may determine the order of presentation in order to expedite the proceeding. Unless otherwise determined by the town commission or board, the following shall be the order of the proceedings:

(a) The chairperson or mayor shall call the proceeding to order and announce the matter to be heard at the hearing. A majority of the town commission or board members must be continuously present during the proceeding; however, the absence of a board member or member of the town commission at any time during a proceeding shall not preclude the board member or member of the town commission from taking part in the vote on the matter before the town commission or board.

(b) The members of the quasi-judicial board or town commission shall disclose any ex parte communications as provided in Sec. 2-2.(D)(3).

(c) The town staff's report and/or presentation should not exceed 15 minutes. The staff may request that some portion of its 15 minutes be reserved for rebuttal or closing argument, following public comments, but prior to the board or commission's deliberation. The staff's report may include, but is not limited to a description of the request of the petitioner; background materials or reports related to the petition; an analysis which includes the petition's consistency with the town's comprehensive plan, and how the petition does or does not meet the requirements of the town code and the staff's recommendations for approval, approval with condition, continuance or postponement, or denial of the petition. Following the staff's presentation, the petitioner, or any intervener may ask questions of the staff. The questioning party shall not be permitted to make any arguments or statements, but shall only ask questions that are directly related to the testimony presented by the staff or contained in the staff report.

(d) The petitioner or a representative of the petitioner may make a presentation. If the petitioner chooses to make a presentation, it should include a description of the nature of the petition or any corrections to the staff's presentation of the nature of the petition, and a response to the staff's presentation, including objections to any conditions of approval recommended by the staff. This presentation should not exceed 15 minutes. A petitioner may request that some portion of its 15 minutes be reserved for rebuttal or closing arguments, following public comments, but prior to the commission's or board's deliberation. Additionally, petitioners may submit any relevant written materials which contribute to the explanation of the petitioner's application for incorporation into the record. The petitioner shall have provided these materials to the town at least seven (7) business days in advance of the hearing. At the discretion of the commission or board,

materials submitted less than seven (7) business days, or on the day/evening of the hearing, may be good cause for a continuance. In addition, the petitioner may introduce any exhibits and witnesses. Following the petitioner's presentation, the staff, or any intervener may ask questions of the petitioner's witnesses.

(e) Any party intervener may make a presentation. It should include any response or objections to the staff report and/or the petitioner's application. A party intervener's presentation should not exceed 15 minutes. An intervening party may request that some portion of its 15 minutes be reserved for rebuttal or closing argument, following public comment, but prior to the board or commission's deliberation. Additionally, intervenors may submit any relevant written materials which contribute to the explanation of the intervening party's position for incorporation into the record. The intervening party shall have provided these materials to the town at least seven (7) business days in advance of the hearing. At the discretion of the commission or board, materials submitted less than seven (7) business days, or on the day/evening of the hearing, may be good cause for a continuance. The intervening parties may introduce any exhibits or witnesses. Following the presentation of any party intervener, the staff or the representative of the petitioner may ask questions of the intervening party's witnesses.

(f) Following the presentations of the staff, petitioner, and intervener, the commission or board shall address questions about the petition to these parties.

(g) Members of the public shall make their presentation. Unless waived by the town commission or board, presentations by members of the public are limited to three minutes per person.

(h) If desired, and sufficient time has been reserved, any of the parties may make closing arguments or offer rebuttal testimony. Any rebuttal testimony that is presented shall not be repetitive or cumulative and shall be limited to directly responding to matters raised by members of the public or another party. No questions shall be permitted at this time.

(i) Following the presentation of closing arguments or any rebuttal testimony, if any, the mayor or chairperson shall announce that the town commission or board is beginning its deliberation. During deliberation, the mayor or chairperson shall take comments only from the members of the commission or board and shall do so in a sequential order. No further testimony shall be taken and the members of the town commission or board

should not ask further questions of parties or persons who have presented testimony or comments. Rather, each of the members of the town commission or board may comment on the evidence that was presented at the proceeding and indicate their position, if they choose, with respect to the application before the board or commission.

(j) After each of the members of the commission or board have made their comments, the chairperson or mayor shall call for a motion. Once a motion has been made and seconded, the mayor or chairperson may invite discussion from the members of the board or commission; however the discussion shall be limited to the contents of the motion. The members of the board or commission may invite comments from the town manager or the board or commission's attorney regarding the contents of the motion. At the conclusion of the board or commission's discussion, the mayor or chairperson shall call the vote or request that the commission or board be polled.

(5) All evidence relied upon by reasonably prudent persons in the conduct of their business shall be admissible, whether or not such evidence would be admissible in a court of law. The town commission or board shall consider only that evidence which is presented to the town commission or board at the hearing, or which is specifically incorporated into the record at the hearing as the basis for its decision.

(6) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding of fact.

(7) Documentary evidence may be presented in the form of a copy of the original, if available. Upon request, parties and party-interveners shall be given an opportunity to compare the copy with the original.

(8) Statements of counsel shall be considered as legal argument and shall not be considered competent, substantial evidence, unless counsel is sworn as a witness to offer testimony as to facts or to express opinions about a subject for which he or she might qualify as an expert witness. Counsel for the parties shall not be subject to cross-examination unless they present factual information or offer testimony as an expert witness.

(E) *Preparation of resolution/order.* The town commission or board's attorney shall prepare the final order or resolution of the town commission or board which shall reflect the decision of the town commission or board. The resolution or order shall include, but not be limited to the findings of fact and conclusions of law as are necessary, and any conditions,

requirements or limitations on the approval of the petition. The appeal of any decision of the town commission or quasi-judicial board shall be taken within 30 days of the written decision of the town commission or board.

(F) *Continuances.* If, in the opinion of the town commission or board, there is good cause shown for a continuance, the town commission or board may continue the hearing to a time certain at the request of the staff, the petitioner, or a party intervener. Good cause may include, but is not limited to, instances where the testimony or documentary evidence presented at the hearing would require additional time to allow additional data or information by a party or party-intervener to be produced, or due to the absence or illness of a material witness. The dates to which the proceeding shall be continued shall be announced at the proceeding or presented on the board or commission's agenda. Such continuances shall be within the sole discretion of the town commission or board. In its sole discretion, the board or commission may require the party requesting the continuance to re-advertise the hearing.

(G) *Maintenance of evidence.* The official transcript of a proceeding shall be preserved by tape recording or other device by the town clerk's office. Nothing precludes any party from providing a court reporter to transcribe the proceeding. The office of the town clerk shall retain all of the evidence and documents presented at the proceeding, except for large scale exhibits which shall be retained by the town manager or a designee, all of which become part of the public records of the proceeding.

(H) *Rehearings.* The town commission or board may reconsider its decision at any time before an appeal has been taken or before its decision becomes a final order by lapse of time without appeal.

(I) *Appeals.* The final determination of the town commission or board is subject to judicial review in a court of competent jurisdiction within 30 days of the town commission or board's rendition of its written final order.

Section 3. Chapter 2, Article II, Division 2, Section 2-28 of the Code of Ordinances of the Town of Lake Park, Florida, entitled "Rules of Order" is hereby amended as follows:

Sec. 2-29. Rules of order.

~~The rules of order at all~~ All Town ~~commission~~ meetings which are not quasi-judicial ~~in nature~~ shall be conducted according to the latest edition of Robert's Rules of Order.

Section 4. Codification. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase 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 4th day of September, 2002, the foregoing ORDINANCE was offered by Commissioner Otterson, who moved its adoption. The motion was seconded by, Commissioner Garretsin and upon being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u> X </u>	<u> </u>
VICE MAYOR CHUCK BALIUS	<u> X </u>	<u> </u>
COMMISSIONER PAUL GARRETSON	<u> X </u>	<u> </u>
COMMISSIONER JEANINE LONGTIN	<u> X </u>	<u> </u>
COMMISSIONER BILL OTTERSON	<u> X </u>	<u> </u>

PUBLISHED IN THE PALM BEACH POST THIS 8th DAY OF SEPTEMBER, 2002

Upon Second Reading, this 18th day of September 2002, the foregoing ORDINANCE was offered by Commissioner Garretson, who moved its adoption. The motion was seconded by Commissioner Balius, and upon being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u> ✓ </u>	<u> </u>
VICE MAYOR CHUCK BALIUS	<u> ✓ </u>	<u> </u>
COMMISSIONER PAUL GARRETSON	<u> ✓ </u>	<u> </u>
COMMISSIONER JEANINE LONGTIN	<u> ✓ </u>	<u> </u>
COMMISSIONER BILL OTTERSON	<u> ✓ </u>	<u> </u>

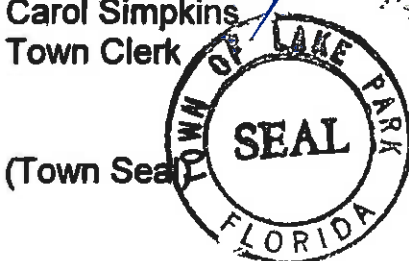
The Mayor thereupon declared Ordinance No.26 - 2002 duly passed and adopted this 18th day of September, 2002.

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro
Paul Castro, Mayor

ATTEST:

Carol Simpkins
Carol Simpkins
Town Clerk



Approved as to form and legal sufficiency

Thomas Baird
Thomas Baird, Town Attorney

TOWN OF LAKE PARK, FLORIDA ORGANIZATIONAL CHART

