



TOWN OF HILLSBORO BEACH  
1210 Hillsboro Mile, Hillsboro Beach, FL 33062

Thursday,  
September 15, 2016

Charter Review Committee

2:00 P.M.

MINUTES

CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:02 P.M. with a roll call by Deputy Town Clerk Basler, and the Pledge of Allegiance.*

*Present: Chairman Ambrose, Vice Chair Schubert, Members Germano, Reiser, Weiss and Alternate Maggioro*

*Also present: Attorney Doody, Attorney Wallen, and Deputy Town Clerk Basler*

1. **Approval of September 8, 2016 Minutes**

*A motion was made by Mr. Germano to accept the September 8, 2016 minutes, seconded by Ms. Weiss. A Roll Call vote followed.*

*All in favor. (6-0)*

2. **Report from Town Counsel**

- *Atty. Doody said his office had prepared seven (7) separate ordinances for the Committee's review and requested feedback regarding any appropriate changes the Committee would like to submit.*
- *Atty. Doody contacted Bond counsel who reviewed the existing Charter re. bond referendums who advised us to delete most of that section as FL Home Rule would provide the town with the authority to engage in 'how to go about incurring debt.' Bond counsel also thought the language in the Charter was very restrictive and would handcuff the town in making a financial arrangement; and, suggested very little language [change] which is what we have proposed.*
- *Atty. Doody said his office revisited the Police Ordinance (see Binder #2) and inserted some 'catch-all' language and deleted what appeared to be obsolete language.*
- *At this time, Atty. Doody indicated he had a conflict and would have to leave and go to another meeting. He said he felt confident in having Shari (Atty. Wallen) continue with the meeting as she has worked with him very closely and he felt confident in her abilities to assist the Committee. He concluded by saying time is drawing to a close and suggested that the Committee start considering what ordinances they will recommend to the Town Commission (all or some) who will vote on and have placed on the March 2017 ballot. He complimented the Committee on all of the work they have done to date and thanked them for the opportunity to work with them. (Atty. Doody left the meeting – 2:20 P.M. and Atty. Wallen assumed the role of Town Attorney.)*
- *Attorney Wallen gave details of what was proposed in each of the following proposed ordinances:*
  - a. **Proposed Ordinance – Authorizing Town Manager to Appoint Town Clerk**  
*Simplified the language in Section 4, tab 1, pg 2, subsection 14, and stated, "There shall be an office of the Town Clerk and the Town Manager shall appoint the Town Clerk and all employees within the Town Clerk's Office."  
A question arose around "Advertisement." Atty. Wallen explained that whenever the Charter is amended there needs to be an advertisement pursuant to State statute.*

**b. Proposed Ordinance – Article VII Police**

Saying there was previous discussion about language that was not necessary, they left the first and second paragraphs in the Charter pertaining to the Police Department, but added some [language] saying the Police Department needed to comply with National, State and Local standards and procedures, obtain proper licenses and certifications and enforce all laws for the protection of residents in Hillsboro Beach. They also inserted the Town Manager has the authority over the Police Department. A concern was expressed by Vice Chair Schubert who said the ballot question made her feel uncomfortable by saying it seems as if the Police Chief would be responsible for ordinances only. Explaining what was said previously, the change was in respect to the Town Manager, said Atty. Wallen. Vice Chair Schubert asked if in the ballot question, could “... for the enforcement of all ordinances?” be removed. All members agreed. Chairman Ambrose said the focus is to bring the Charter into compliance around the Town Manager concept. Section 2, Article VII. Section 1., Line 4 – remove “Mayor and the” and leave it to read “Town Commission”; Section 2, Article VII. Section 1., Line 10 – after Town Manager put a period and remove “and Town Commission.” Vice Chair Schubert also asked if there was “... some policy from this group to severely limit the mayor ...” The conversation continued at length around the Town Manager/Town Commission form of government and attempted to be consistent throughout the document, they said.. As a member of the Commission, the Mayor is a part of the Commission and the Town Manager reports to the Town Commission. It was made clear by members of the committee that the Commission leads the Town.

**c. Proposed Ordinance – Amending Charter Terms for Members of the Town Commission**

Atty. Wallen explained the change in the terms of office to three 3-year terms commencing in 2018.

**d. Proposed Ordinance – Bonds**

Atty. Wallen reviewed what was previously discussed by Atty. Doody and said this ordinance change will give the Town more authority to borrow funds. Discussion continued and because members felt the ballot question was confusing, it was agreed to change the ballot question to read as follows: “Shall the Charter be amended to provide the Town with greater authority to borrow funds and obtain revenue by deleting restrictive provisions?”

**e. Proposed Ordinance – Town Treasurer**

Mr. Maggiore suggested at the reorganization meeting the Commission nominate a Treasurer. Section 2, Article V. Section 1. Finance Department – changed to read as follows: “There shall be the Town Treasurer who shall be appointed by the Town Commission and be subject to removal by it. The Town Manager shall serve as Assistant Treasurer and be responsible for the functioning of the Finance Department.”

Section 2, Article V. Section 3. Fund Structure (8) – 2<sup>nd</sup> sentence, remove “for compensation”; next paragraph, 2<sup>nd</sup> sentence, remove “The Mayor and” and insert “Only the” and at the end of the line remove “he or they have” and insert “it has”. It was decided to table the ballot question on page 3 for appropriate verbiage.

**f. Proposed Ordinance – Town Manager’s Authority to Hire and Fire all Personnel**

Section 2, Article IV. Sections 2 and 5, changed as discussed previously to reflect the authority of the Town Manager to hire and fire, etc. The ballot question, Section 4. Town Manager’s Authority to Hire and Fire – 2<sup>nd</sup> sentence, “Shall the Charter be amended to authorize the Town Manager ...” insert “with the involvement of Department Heads for the purposes of making recommendations” and continue with the sentence “to hire and fire all Town personnel, except the Town Attorney?”

**g. Proposed Ordinance – Housekeeping & Exhibit “A” Charter of the Town of Hillsboro Beach, Florida**

Chairman Ambrose said the committee must be sure that everything they want is included in the document for the September 29<sup>th</sup> meeting. Discussion arose around what constitutes an “emergency” and who makes that determination. Vice Chair Schubert said something in writing was needed as to the procedure. Continuing, it was said the Town Manager lives 50 miles away and the question was can the Commission speak to one another or

do the Sunshine laws continue during this time, to which Atty. Wallen said they do. It was determined to have Atty. Wallen draft a procedure regarding this issue.

3. **Old Business**

a. **Discussion of Emergency Funding [when Town Manager is out of town]**

*Discussed above.*

4. **New Business**

a. **Continued Discussion of Charter Revisions**

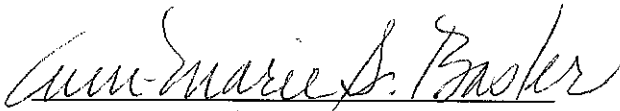
*Chairman Ambrose said he would like to think about the format for the September 29<sup>th</sup> final meeting. He said the document should have a place where all members of the Charter Review Committee could sign their names. Vice Chair Schubert said the ordinances needed to be ranked in order of importance. (Vice Chair Schubert left the meeting at 3:57 p.m.)*

5. **Public Comments – No one present.**

6. **Adjournment – 4:02 P.M.**

*A motion was made by Chairman Ambrose to adjourn the meeting, seconded by Ms. Weiss, all in favor. (5-0)*

*Respectfully submitted,*



Ann-Marie S. Basler  
Deputy Town Clerk