

**ORDINANCE NO 274**

**AN ORDINANCE OF THE TOWN OF HILLSBORO BEACH, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF HILLSBORO BEACH PROVIDING FOR AN AMENDMENT TO ARTICLE IV, ENTITLED "FORM OF GOVERNMENT"; SPECIFICALLY AMENDING SECTION 4, ENTITLED "COMMISSION POWERS AND DUTIES"; BY CREATING SECTION 5, TO BE ENTITLED "TOWN MANAGER"; PROVIDING FOR THE CREATION OF THE POSITION OF TOWN MANAGER; PROVIDING FOR POWERS AND DUTIES OF THE TOWN MANAGER; PROVIDING FOR THE TOWN MANAGER APPOINTMENT, REMOVAL AND COMPENSATION; PROVIDING FOR AN ACTING TOWN MANAGER IN THE EVENT OF THE TOWN MANAGER'S ABSENCE; PROVIDING FOR ENHANCED EMERGENCY POWERS, SUBJECT TO SECTION 252.38, F.S., AS AMENDED FROM TIME TO TIME, TO BEST PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF RESIDENTS OF THE TOWN OF HILLSBORO BEACH DURING TIMES OF CRISIS; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF HILLSBORO BEACH, ON THE MARCH 2016 SPECIAL MUNICIPAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article II, Section 2 of the Town of Hillsboro Beach Charter (the "Charter") provides that the Charter may be amended from time to time by a duly enacted act of Legislature of the State of Florida; and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, further provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Hillsboro Beach, Florida (the "Town"); and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Commission of the Town of Hillsboro Beach, Florida, in an ordinance format.

**WHEREAS**, the Town Commission has considered various forms of government and finds it to be in the best interest of the citizens and residents of the Town to incorporate a Town Commission/Town Manager governmental structure; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2. Town Manager**

There shall be a Town Manager who shall be responsible to the Town Commission for the administration of all Town affairs placed in his or her charge by or under this Charter and be involved with all department heads for the purpose of making recommendations to the Town Commission for all hiring and firing of Town department heads, including the Police Chief and the Town Clerk.

(1) Qualifications. The Town Manager shall ideally have at a minimum, a baccalaureate degree and at least three (3) years' experience as a City Manager or Assistant City Manager or equivalent governmental administrative experience.

(2) Appointment. The Town Commission shall appoint the Town Manager. The appointment shall be by a three-fifths (3/5) vote of all Commission members.

(3) Removal. The Town Commission may remove the Town Manager by a three-fifths (3/5) vote of all Commission members.

(4) Compensation. Compensation and benefits of the Town Manager shall be fixed by the Town Commission.

(5) Powers and Duties. The powers, duties, and responsibilities of the Town Manager shall be as follows:

(a) To insure that the laws and ordinances of the Town are enforced.

(b) To attend all meetings of the Town Commission and may be invited to take part in discussion but having no vote.

(c) To recommend to the Town Commission for adoption of measures as he/she may deem necessary or expedient.

(d) To direct and supervise the administration of all departments of the Town and be responsible for the maintenance of sound personnel policies and administrative practices and submit monthly reports pertaining to this subsection to the Town Commission.

(e) To coordinate with department heads working, personnel, and vacation schedules and appropriate records and reports and to prepare and present to the Town Commission the annual budget.

(f) To maintain a policy and procedure manual with input from the department heads and to review it on an annual basis.

(g) The Town Manager shall be involved with department heads in making recommendations to the Town Commission for hiring and firing of personnel.

(l) To perform such other duties as may be required by ordinance or resolution of the Town Commission.

(6) Emergency Powers. In times of emergency or natural disaster, as defined in Section 252.34, F.S., as amended from time to time, the Town Manager, in accordance with Section 252.38, F.S, as amended from time to time, and in conjunction with the Town Commission and the powers set forth in this Article, shall have the authority to expedite the decision-making process to best ensure the uninterrupted operation of Town business and to best provide for the health, safety and welfare of Town residents

(7) Acting Town Manager. By letter filed with the Town Commission, the Town Manager shall designate a qualified Town administrative employee to exercise his/her powers and perform the duties of the Town Manager during his/her temporary absence or disability. During such absence or disability, the Town Commission may remove the designated acting Town Manager by an affirmative vote of at least three (3) members of the Town Commission and appoint another employee of the Town, by a three-fifths (3/5) vote, to serve until the Town Manager reassumes his/her responsibilities or his/her disability ceases.

**SECTION 3.** The Charter of the Town of Hillsboro Beach shall be amended to provide for consistency with the Town Manager/Town Commission form of government throughout.

**SECTION 4.** The Ballot Title shall be as follows:

TOWN MANAGER/TOWN COMMISSION FORM OF GOVERNMENT

**SECTION 5.** At the Special Municipal Election in March 2016, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Hillsboro Beach, Florida, and shall read as follows:

The Charter of the Town of Hillsboro Beach currently provides for a Town Commission form of government with the Town Commission responsible for the day to day operation of the Town. Shall the Charter be amended to provide for a Town Manager/Town Commission form of government with the Town Manager serving as the Chief Administrative officer of the Town responsible for the daily operation of the Town?

YES  NO

**SECTION 6. Advertisement.** The Town Clerk of the Town of Hillsboro Beach is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the Town of Hillsboro Beach, Florida, as well as the State of Florida Election Code and to coordinate with the Broward County Supervisor of Elections office the submittal of this Ordinance to referendum to be voted on at the March 2016 special municipal election.

**SECTION 7. Codification.** It is the intention of the Town Commission of the Town of Hillsboro Beach that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Hillsboro Beach, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the

word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**SECTION 8. Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Ordinance.

**SECTION 9. Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

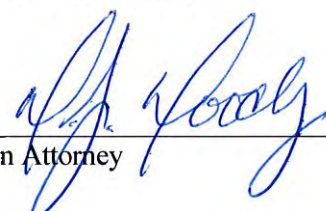
**SECTION 10. Effective Date.** This Ordinance shall take effect fifteen (15) days from its adoption by the Town Commission and shall be submitted to referendum as set forth herein.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 7<sup>th</sup> DAY OF April, 2015.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 5<sup>th</sup> DAY OF May, 2015.

By:   
Mayor Richard Maggione

ATTEST:  
By:   
Town Clerk

APPROVED AS TO FORM:  
By:   
Town Attorney