

ORDINANCE NO. O-1-17

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, APPROVING PROPOSED TOWN INITIATED AMENDMENTS TO THE TOWN'S CHARTER; WHICH PROPOSED AMENDMENTS WOULD PROVIDE CONFORMANCE WITH CURRENT STATE LAW BY REVISING PROVISIONS FOR RECALL OF ELECTED OFFICIALS AND USE OF REFERENDUM FOR ZONING RELATED MATTERS, ALSO ELIMINATING THE OFFICE OF TOWN TAX COLLECTOR, AND RE-CLASSIFYING THE TOWN MANAGER POSITION AS ONE OF EMPLOYMENT AND NOT A TOWN OFFICER; STATING THE GENERAL AUTHORITY VESTED IN THE MAYOR, AND PROVIDING SPECIFIC AUTHORITY TO THE MAYOR TO FILL A VACANCY IN AN APPOINTED OFFICE, PRESCRIBING RESIDENCY REQUIREMENTS FOR ELIGIBILITY TO SERVE ON THE TOWN PLANNING AND ZONING BOARD, AND PROVIDING GENERAL LANGUAGE REVISIONS TO EXISTING CHARTER PROVISIONS WITHOUT ALTERING THE SUBSTANCE OF SUCH PROVISIONS; AND WHICH PROPOSED AMENDMENTS WOULD REVISE THE STRUCTURE AND OPERATION OF THE TOWN COMMISSION BY BETTER DESCRIBING THE POWERS AND AUTHORITY AND RESPONSIBILITIES OF THE TOWN COMMISSION, CREATING AT-LARGE COMMISSION SEATS FOR ELECTION PURPOSES, PRESCRIBING RESIDENCY REQUIREMENTS FOR ELIGIBILITY TO HOLD ELECTED OFFICE, ADDING FLEXIBILITY TO THE DATE UPON WHICH THE TOWN COMMISSION MAY RE-ORGANIZE EVERY YEAR, AND DEFINING THE TERM "EXTENDED ABSENCE OR DISABILITY" FOR PURPOSES OF A COMMISSION SEAT VACANCY; AND WHICH PROPOSED AMENDMENTS WOULD ALLOW THE TOWN COMMISSION THE OPTION OF PROVIDING REMUNERATION TO THE MAYOR AND/OR COMMISSIONERS BY ORDINANCE; FURTHER PROVIDING BALLOT TITLES AND BALLOT SUMMARIES IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA LAW; PROVIDING FOR PROPOSED CHARTER AMENDMENT QUESTION LANGUAGE; AND PUTTING SAID CHARTER AMENDMENT QUESTIONS TO A VOTE OF THE ELECTORS OF THE TOWN AT THE MARCH 14, 2017 MUNICIPAL ELECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission created a charter review committee which reviewed the Town Charter of the Town of Palm Beach Shores in 2015/2016, and made recommendations for charter revisions; and

WHEREAS, the Town Commission has studied the recommendations of the charter review committee and has held multiple Town Commission workshop meetings to discuss those recommendations, take public comment regarding same, and listen to presentations from professionals regarding local government operations and charter provisions; and

WHEREAS, based on the foregoing, the Town Commission desires to place certain proposed revisions to the Town Charter before the Town Electors to be considered for adoption in accordance with state law; and

WHEREAS, the questions to be placed before the Town Electors are whether to amend the Town Charter:

- (1) to provide conformance with current state law on matters relative to recall of elected officials and use of referendum for certain zoning related matters, and to provide general language revisions to existing provisions that do not alter the substance of such provisions;
- (2) to eliminate the presently non-existent office of Town Tax Collector, specify that the position of town manager is not an officer but is an employee; state the general authority vested in the Mayor, and provide specific authority to the Mayor to fill a vacancy in an appointed position, and to prescribe residency requirements to serve on the Planning & Zoning Board,
- (3) to better describe the powers, duties and responsibilities of the Town Commission, creating at-large commission seats for election purposes, prescribing residency requirements to hold elected office, creating flexibility for the date upon which the Town Commission must re-organize annually, and defining the term "extended absence or disability" for purposes of a commission seat vacancy;
- (4) to allow the Town Commission the option of providing remuneration to the Mayor and/or Commissioners by ordinance; and

WHEREAS, the next municipal election to be held within the Town is March 14, 2017; and

WHEREAS, the deadline for submission of such ballot titles and summaries to the Palm Beach County Supervisor of Elections Office for the March 14, 2017 municipal election is February 3, 2017; and

WHEREAS, the Town Commission desires to provide the Palm Beach County Supervisor of Elections Office with legally sufficient ballot titles and summaries as set forth in this ordinance within the deadline for placement on the March 14, 2017, municipal election.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: The above recitals are true and accurate, and are incorporated herein.

Section 2: The Town Commission hereby directs that the following ballot title and ballot summary shall be put to a vote of the Town Electors at the March 14, 2017 municipal election:

"CHARTER AMENDMENT PROVIDING FOR STATE LAW CONFORMANCE, AND
GENERAL CLEAN-UP"

“SHALL THE CHARTER OF PALM BEACH SHORES BE AMENDED TO CONFORM WITH STATE LAW FOR RECALL OF ELECTED OFFICIALS, AND FOR USE OF REFERENDUM WITH ZONING CHANGES; AND TO UPDATE LANGUAGE THROUGHOUT THE DOCUMENT WITHOUT ALTERING SUBSTANCE?”

YES _____

NO _____

Section 3: Based on the language contained in the summary, the proposed new Charter language, if approved by a majority of the Town Electors at the March 14, 2017 municipal election, would be throughout the Town Charter as follows:

FOOTNOTE(S):

--- (1) ---

Editor's note— The Charter of the town, consisting of Ch. 24792, Acts 1947 as amended by Ch. 31144, Acts 1955 and Ch. 65-2066, is included as Part I of this Code, "The Charter." The sections thereof have been given numbers arranged numerically by articles in the same form as the numbering of the Florida Statutes by chapter for the convenience of the user, and for ease in reference. ~~However, the original section numbers and amendments are included in parentheses at the end of each section.~~ There is also included after Part I a comparative table showing the original section numbers in one column with the Code number of each appearing opposite. The editors have omitted all repealed or amended sections, those that have been executed as well as sections containing mere legislative dictum, i.e., "All laws and parts of laws in conflict herewith are hereby repealed." The original article headings and numbers have been retained. Each section has been given a catchline. ~~Material contained in brackets [] is included by way of correction, internal reference or explanation.~~

State Law reference— Municipal home rule powers, F.S. ch. 166; charter amendments, F.S. § 166.031.

ARTICLE I. - CORPORATE NAME

Sec. 1.1. - Corporate name.

The municipality hereby established shall be known as the "Town of Palm Beach Shores."

ARTICLE II. - CORPORATE LIMITS

Sec. 2.1. - Corporate limits.

{The territorial limits of said municipality are hereby defined and shall be as follows:}

Beginning at the point of intersection of the south line of the City of Riviera Beach and the east

right-of-way line of the southerly extension of State Road No. 703, said point of intersection being further described as the southwest corner of a tract of land now, or formerly, owned by Inlet Investment Corporation as recorded in Deed Book 613 at page 547, in the Public Records of Palm Beach County, Florida; thence along the said south line of the City of Riviera Beach, south 89;deg;34;min;21;sec; west, [a distance of 1,589.05 feet; thence continuing along said] south line of the City of Riviera Beach north 88;deg;29;min;09;sec; west, a distance of 510.95 feet; thence south 0;deg;25;min;34;sec; east, a distance of 3,132 feet, more or less, to an intersection with the north line, or the westerly prolongation thereof, of a certain tract of land 500 feet in width, north and south, conveyed as an inlet right-of-way by Goodman Estates, Inc. to H.C. Hood, et al, constituting the Board of Commissioners of the Lake Worth Inlet District, as recorded in Deed Book 110, page 169, Public Records of Palm Beach County, Florida; thence easterly along the north line, and/or the westerly prolongation thereof, a distance of 3,400 feet to the waters of the Atlantic Ocean; thence northerly along the waters of the Atlantic Ocean to an intersection with the easterly prolongation of the said south line of the City of Riviera Beach; thence westerly along said easterly prolongation and along said south line of the City of Riviera Beach to the point of beginning.

Sec. 2.2. - Additional lands.

The territorial limits of said municipality shall also include any and all lands which shall be annexed thereto from time to time as provided by law.

State law reference— Local Government Boundaries ~~Annexation of lands by cities and towns~~, F.S. Ch. 171.

ARTICLE III. - GOVERNMENT

Sec. 3.1. - Offices of town commission and mayor created.

The government of said municipality shall be vested in a governing body to be known as the "Town Commission of the Town of Palm Beach Shores," sometimes hereinafter referred to as the town commission, composed of five (5) members, one of whom shall be called the mayor, and the remaining four (4) of whom shall be called commissioners.

Sec. 3.2. - Eligibility to elective office.

No person shall be eligible to any elective office of the Town of Palm Beach Shores unless he or she is ~~shall be~~ a citizen of the United States and a qualified voter in Palm Beach County,

Florida, and is a resident of the Town of Palm Beach Shores.

Sec. 3.3. - Term of office.

The A mayor and the four (4) commissioners shall each be elected to serve for a period of two (2) years. A candidate for office shall qualify for one office only.

Sec. 3.4. - {Qualifications of} electors; conduct of elections.

The town commission shall by ordinance prescribe the qualifications of electors. The town commission shall also by ordinance regulate the conduct of elections.

Sec. 3.5. - Incumbents to hold office until successors qualify.

The mayor and vice-mayor, elected and appointed respectively as herein provided, as well as all commissioners, elected as herein provided, shall each hold office until their ~~his~~ successors are ~~shall be~~ elected or appointed, as applicable, in accordance with the provisions of this article ~~act and shall qualify~~; and the person or persons appointed hereinafter to hold the various offices of the town shall hold their respective offices until their successors shall be appointed and shall qualify, or during the pleasure of the town commission.

Sec. 3.6. - Regular municipal election dates.

On the second Tuesday in March of each year an election by qualified electors of the municipality shall be held to elect members of the town commission to succeed the members whose election is provided for herein.

Sec. 3.7. - Regular terms of office.

The term of office of the elected members of the town commission ~~to be elected~~ shall commence on the last Monday in March after the mayor's or commissioner's election and shall continue ~~thereafter for two (2) years thereafter~~ and until their successors are elected and qualified.

Sec. 3.9. - Appointment of vice-mayor.

The members of the town commission elected shall meet for organization immediately following their qualification on the last Monday in March next following the date of their election, and at said meeting the town commission shall, by resolution, appoint one commissioner ~~member~~ as a vice-mayor of the town, who shall hold such office for a term of one year and until his or her successor shall be appointed and qualified.

Sec. 3.10. - Appointment of town clerk, tax collector, treasurer, and planning and zoning board; fixing and determining authority, duties and compensation of certain officers.

At each such organization meeting as provided for in Sec. 3.9. above, the town commission shall also appoint a town clerk, a town treasurer, a tax collector and a five-person ~~man~~ planning and zoning board. Alternates to the planning and zoning board may be appointed at the discretion of the town commission. Any one person other than a member of the town commission or a member of the planning and zoning board may be appointed to serve as town clerk ~~hold any one or more of the said offices~~, and the officer ~~or officers~~ so appointed shall hold office for a term of one year and until their successors ~~are~~ is appointed and qualified or at the pleasure of the town commission. The town commission shall also have the power to fix and determine the authority, duties and compensation of all ~~elected and~~ appointed officers, assistants and employees.

Sec. 3.12. - Vacancies.

If there shall be a vacancy in any elective office, other than by recall pursuant to Section 3.18, the town commission shall, by resolution, fill such vacancy by the appointment of a suitable person to hold such office for the unexpired term and until his or her successor shall be elected and qualified. If by reason of extended absence or disability any elective officer of the Town of Palm Beach Shores is unable to perform the duties of his or her office, then the town commission shall, by resolution, appoint some suitable person to hold such office for and during the absence or disability of such officer, and the person so appointed shall have, during such period of absence or disability, all the powers and duties conferred by law upon the elective officer for whom he is appointed to act.

Sec. 3.14. -Incumbent officers to deliver records to successors.

It shall be the duty of every officer of the town, within ten (10) days after the expiration of his term of office or of his removal therefrom, to deliver to his successor in office, or to such person as the town commission may designate, all books, records, papers, vouchers and property of every kind in his possession or control belonging to said municipality.

Sec. 3.15. – Reserved Performance bonds.

~~The town commission shall have the power to require any elected or appointed officer, before any of them enters upon the duties of his office, within such time as it may prescribe, to enter into a good and sufficient bond conditioned as it may require for the faithful performance of his duties, and it may from time to time require further or additional bonds, and for failure to give the same it may declare such office vacant.~~

Sec. 3.16. – Meetings – rules and records ~~Rules; meetings; records; admissibility as evidence; permits.~~

~~The town commission of the said municipality shall be the judge of the election and qualification of its members, shall have power to determine and establish by ordinance or resolution the rules governing its own proceedings and to determine the time and place for holding its meetings, and the notice of special meetings shall be posted in a public place two (2) days prior to the meeting date. Special meetings shall be held when called by the mayor, or by any three (3) members of the town commission. The mayor, or in his or her absence the vice-mayor, shall preside at all meetings of the town commission and the town clerk shall be present at all meetings of the town commission and shall keep a record of the proceedings of the town commission as required by law. in a minute book to be provided and kept for that purpose, and he~~ The town clerk ~~shall also enter in full in an ordinance book to be provided and kept for that purpose, all ordinances, which ordinance book shall be deemed to be a public record and each ordinance so recorded shall be signed by the mayor and by the town clerk. Copies from said minute book or ordinance book, duly certified by the town clerk under the corporate seal of the town, shall be received in evidence in all courts and places as proof thereof. The town clerk shall certify and keep a record of all permits issued by the town or pursuant to its authority.~~

Sec. 3.17. - Removal or suspension of appointed officers; procedure and hearing.

Removal. All officers appointed by the town commission shall serve at the pleasure of the town commission. Any appointed officer appointed by the town commission, other than police officers below the rank of chief, may be removed from office, with or without cause, by the town commission. In the event such appointed officer shall be so removed, then and in that case his or her term of office shall expire and end when such removal becomes effective, anything herein contained to the contrary notwithstanding.

Suspension. All officers appointed by the town commission shall serve at the pleasure of the town commission. The mayor shall have the power, for sufficient cause, to suspend any appointed officer appointed by the town commission, and in case of the suspension of any such appointed officer, the mayor shall, within fifteen (15) days thereafter, deliver to the town clerk a specification in writing of the charges preferred against such officer and cause a copy of the same to be delivered to the officer suspended; and it shall be the duty of the town clerk to present such charges to the town commission at its next meeting following the receipt of such charges ~~by him~~; and thereafter the town commission shall proceed to hear and determine the said charges, after reasonable notice of such hearing to the suspended officer, who shall be given an opportunity to be heard with his witnesses. If upon such hearing the charges preferred against such officer shall not be sustained by the town commission, the officer shall be thereby immediately restored to office; but if such charges be sustained, then the office of such officer shall be and become vacant and his or her term of office shall immediately expire and end, anything herein contained to the contrary notwithstanding.

Sec. 3.18. – Removal/recall of elected officers ~~for cause~~.

Any member of the town commission, including the mayor and all commissioners, may be removed from office in accordance with the procedures set forth at Sec. 100.361, Florida Statutes, as that section may be amended or revised from time to time. ~~Any elected officer may be removed from office and deprived of the right to serve as such official for misfeasance, nonfeasance, malfeasance, or any conduct of an immoral or criminal nature committed while in office; but, before any such official shall be so removed and denied the right to perform his official duties, written charge(s) shall be filed with and presented to the town commission by some citizen or taxpayer of said town, or by any member of the town commission, setting forth in detail the offense of which said official is charged. Such charge(s) shall be considered by the town commission and if said town commission shall determine that the offense charged is of such nature and gravity as to constitute a ground, or cause, for the removal of such official, the commission shall thereupon set a date for the hearing of the said charge(s) and direct the chief of police, or some other officer to [of] the town, to give the official so charged written notice of the date of hearing and also deliver to him a copy of the charge(s) so filed.~~

~~Upon the hearing of such charge(s), testimony shall be heard by the town commission, both in~~

~~support and in defense of the charge(s) made, and both the charging party and the official charged shall have the right to be represented by legal counsel. If the charge(s) is filed by other than a commissioner, a four-fifths (4/5) vote of the commission is required for a dismissal. If the charge(s) is made by a town commissioner, he shall not sit in judgement of the case, but shall testify like any other witness called in to testify in said case. If by unanimous vote of the remaining members of the town commission, they shall find and determine that such official is guilty of either or all of the offenses designated as charged, the town commission shall thereupon adopt a resolution removing such official and depriving him of the right to perform his official duties in and declaring his office vacant; and the said official shall no longer have the privilege of performing his official duties, his office shall be vacated and his successor shall thereafter be appointed or elected in the manner provided herein.~~

~~Upon any hearing under the provisions of this section, all witnesses shall give testimony under oath and any member of the town commission present at such hearing, mayor, and town clerk, shall be authorized to administer oaths.~~

~~No later than thirty (30) days of the date of such decision by the town commission, an aggrieved party may file a petition in the Circuit Court of Palm Beach County seeking review by certiorari.~~

Editor's note—

Ord. No. O-1-17 repealed former language inconsistent with state law and provided for current language referencing state law.

State law reference— Recall of municipal elected officials, F.S. § 100.361 061.

Sec. 3.19. - Reserved.

ARTICLE IV. - TOWN OFFICERS, TOWN MANAGER, PLANNING AND ZONING BOARD

Sec. 4.2. - Powers and duties—Office of Mayor.

The mayor shall be the chief executive of the town, and it shall be his or her duty to attend to the proper and effective enforcement of the laws and ordinances of the town. Subject to the ultimate and final control of the town commission, the mayor shall supervise and direct the town manager, the town clerk, police department and fire department, planning and zoning board of the town.

Sec. 4.3. Powers and duties—~~Same~~—Office of Vice-mayor.

The vice-mayor, in the absence or during the disability of the mayor, shall have all the powers and duties of the mayor.

Sec. 4.4. Powers and duties—~~Same~~—Office of Town clerk.

The town clerk shall, in addition to the duties which are or may be required of him or her by this act or by any law of the state or by any ordinance of the said municipality, shall have the custody of all the general records, books and documents of the town, and shall perform such further duties as are imposed upon him or her by the town commission by resolution or ordinance.

Sec. 4.5. Powers and duties—~~Same~~—Office of Town treasurer.

The town treasurer shall receive, safely keep and disburse, under the direction of the town commission, all funds belonging to or under the control of the municipality; shall keep an accurate account of all receipts and disbursements in such manner as the town commission shall direct and no money shall be paid out of the treasury except upon approval of the town commission to the persons entitled to receive the same; the town treasurer shall annually, on or before the first day of November, furnish to the mayor and to the town commission a full report of all receipts and disbursements during the preceding fiscal year; and he or she shall, whenever required by the mayor or by the town commission, make a special report covering any designated period and shall lay before the mayor or town commission for examination and audit all books, papers and vouchers pertaining to this ~~his~~ office whenever required so to do. The town treasurer shall deposit funds of the town in such banks or other depositories including but not necessarily limited to trust companies as the town commission shall from time to time designate, and all checks drawn upon any depository of the town funds shall be signed and cosigned by such persons as the town commission may direct, and no monies shall be paid except by check unless express authority so to do has been first given to the town treasurer by the town commission.

Sec. 4.6. —~~Same~~—Town manager.

The town commission shall have the power and authority to employ or appoint some person not one of its own members as a town manager and to prescribe the town manager's ~~his~~ specific powers and duties. The town manager shall generally be the administrative head of the municipal government. The town manager He shall be under the supervision and direction of the mayor,

but subject to the ultimate and final authority of the town commission. The town manager shall be chosen solely on the basis of his or her executive and administrative qualifications and he need not be a resident of the Town of Palm Beach Shores. The town manager shall receive such compensation as shall be fixed by resolution of the town commission and shall hold office at the pleasure of the town commission.

Sec. 4.7. –~~Same~~—Planning and zoning board.

It shall be the duty of the planning and zoning board to periodically review the general overall welfare, design and appearance of the municipality with regard to buildings, roads, utilities, storm and sanitary sewers, improvements and all new projects of any nature. They shall periodically review the town ordinances and codes and shall further revise, amend or rewrite such ordinances and codes to properly meet the requirements of necessity, future planning or growth of the municipality. Such suggested revisions, amendments or new ordinances and codes shall be submitted in writing to the town commissioners for ~~their~~ disposition as to further action.

The planning and zoning board shall review all plans and specifications for ~~covering~~ new buildings, piers, docks, seawalls, property line walls and all building renovations and additions. The planning and zoning board They shall approve, correct or disapprove such plans and specifications with regard to meeting the intent of lawful codes, ordinances, deed restrictions and general overall aesthetic value of the Town of Palm Beach Shores.

ARTICLE V. – RESERVED

ARTICLE VI. – RESERVED

ARTICLE VII. – RESERVED

ARTICLE VIII. – RESERVED

ARTICLE IX. –PLANNING AND DEVELOPMENT

~~{~~Sec. 9.1. - Building height and lot coverage regulation.~~}~~

Any increase proposed to be codified in the Town's Zoning Ordinance to maximum height

of any building by 10% or more or ~~and~~ any increase of 10% or more in the maximum building lot coverage, currently existing in all zone districts, shall be submitted to the electors of the town for approval or disapproval in a referendum election to be held in conjunction with the next scheduled general election.

Section 4: The Town Commission hereby directs that the following ballot title and ballot summary shall be put to a vote of the Town Electors at the March 14, 2017 municipal election:

“CHARTER AMENDMENT PROVIDING FOR MAYOR AUTHORITY, OFFICER REVISIONS AND PLANNING AND ZONING BOARD SERVICE PREREQUISITES”

“SHALL THE CHARTER OF PALM BEACH SHORES BE AMENDED TO ELIMINATE THE OFFICE OF TOWN TAX COLLECTOR, MAKE THE TOWN MANAGER A NON-OFFICER EMPLOYEE, CLARIFY AND DETAIL THE MAYOR’S OVERALL AUTHORITY, PROVIDE SPECIFIC MAYOR AUTHORITY TO FILL A VACANCY IN AN APPOINTED POSITION AND PRESCRIBE RESIDENCY REQUIREMENTS FOR PLANNING AND ZONING BOARD SERVICE?”

YES _____

NO _____

Section 5: Based on the language contained in the summary, the proposed new Charter language, if approved by a majority of the Town Electors at the March 14, 2017 municipal election, would be at Sections 3.10, 3.17, 4.1, 4.2, 4.6 and 4.7 of the Town Charter as follows:

Sec. 3.10. - Appointment of town clerk, ~~tax collector~~, treasurer, planning and zoning board.

At each such organization meeting, the town commission shall also appoint a town clerk, a town treasurer, ~~a tax collector~~ and a five-man planning and zoning board. Alternates to the planning and zoning board may be appointed at the discretion of the town commission. Any one person other than a member of the town commission or a member of the planning and zoning board may be appointed to hold any one or more of the said offices, and the officer or officers so appointed shall hold office for a term of one year and until their successors are appointed and qualified or at the pleasure of the town commission. The town commission shall also have the power to fix and determine the authority, duties and compensation of all elected and appointed

officers, assistants and employees.

Sec. 3.17. - Removal or suspension of appointed officers; filling vacancies; procedure and hearing.

Removal. Any appointed officer, other than police officers below the rank of chief, may be removed from office, with or without cause, by the town commission. In the event such appointed officer shall be so removed, then and in that case his term of office shall expire and end when such removal becomes effective, anything herein contained to the contrary notwithstanding.

Suspension. The mayor shall have the power, for sufficient cause, to suspend any appointed officer, and in case of the suspension of any such appointed officer, the mayor shall, within fifteen (15) days thereafter, deliver to the town clerk a specification in writing of the charges preferred against such officer and cause a copy of the same to be delivered to the officer suspended; and it shall be the duty of the town clerk to present such charges to the town commission at its next meeting following the receipt of such charges ~~by him~~; and thereafter the town commission shall proceed to hear and determine the said charges, after reasonable notice of such hearing to the suspended officer, who shall be given an opportunity to be heard with his witnesses. If upon such hearing the charges preferred against such officer shall not be sustained by the town commission, the officer shall be thereby immediately restored to office; but if such charges be sustained, then the office of such officer shall be and become vacant and his term of office shall immediately expire and end, anything herein contained to the contrary notwithstanding.

Filling of vacancies. In the event that any officer appointed by the town commission shall be removed or suspended as provided herein, the mayor shall have the power to appoint some person or some other officer of the town temporarily to perform the duties of the officer suspended or removed, until such suspension is concluded, or until the town commission appoints a new officer into the removed officer's position.

Sec. 4.1. - Officers.

The officers of the Town of Palm Beach Shores shall be a mayor, vice-mayor, a town treasurer, ~~tax collector~~, town clerk, and such other officers as may be provided for by law or by the town commission pursuant to the authority conferred by law.

Cross reference— Appointment of certain town officers, employees and planning and

zoning board members at organization meeting of commission, § 3.10.

Sec. 4.2. - Powers and duties—Mayor.

The mayor shall be the chief executive of the town, and it shall be his duty to attend to the proper and effective enforcement of the laws and ordinances of the town. The mayor shall supervise and direct all aspects of town administration, as well as town boards, in accordance with town commission policy. The mayor shall represent the town and shall advocate for the town's interests with other governmental jurisdictions, business organizations and other entities. Nothing contained in this section shall be construed to mean that the mayor has membership on, or voting ability on any town board. ~~Subject to the ultimate and final control of the town commission, the mayor shall supervise and direct the town manager, the town clerk, police department and fire department, planning and zoning board of the town.~~

Sec. 4.6. Position of - Same—Town manager.

The town commission shall have the power and authority to employ or otherwise hire or retain ~~appoint~~ some person not one of its own members as a town manager and to prescribe his powers and duties. The town manager shall be the administrative head of the municipal government. He shall be under the supervision and direction of the mayor, ~~but~~ subject to the ultimate and final authority of the town commission. The town manager shall be chosen solely on the basis of his executive and administrative qualifications and he need not be a resident of the Town of Palm Beach Shores. The town manager shall receive such compensation as shall be fixed by contract or resolution of the town commission and shall work for the town ~~hold office pursuant to contractual terms and/or~~ at the pleasure of the town commission.

Sec. 4.7. - Same—Planning and zoning board.

It shall be the duty of the planning and zoning board to periodically review the general overall welfare, design and appearance of the municipality with regard to buildings, roads, utilities, storm and sanitary sewers, improvements and all new projects of any nature. They shall periodically review the town ordinances and codes and shall further revise, amend or rewrite such ordinances and codes to properly meet the requirements of necessity, future planning or growth of the municipality. Such suggested revisions, amendments or new ordinances and codes shall be submitted in writing to the commissioners for their disposition as to further action.

The planning and zoning board shall review all plans and specifications covering new

buildings, piers, docks, seawalls, property line walls and all building renovations and additions. They shall approve, correct or disapprove such plans and specifications with regard to meeting the intent of lawful codes, ordinances, deed restrictions and general overall aesthetic value.

No person shall be eligible for appointment to any planning and zoning board seat of the Town of Palm Beach Shores unless he or she is a citizen of the United States and a qualified voter in Palm Beach County, Florida, and has been a resident of the Town of Palm Beach Shores for a minimum of two (2) years prior to appointment, and is not a member of the town commission or any other officer of the town. The composition and appointment of planning and zoning board members shall be set by ordinance of the town commission. Appointments to the planning and zoning board shall occur annually as set forth in Section 3.10.

Section 6: The Town Commission hereby directs that the following ballot title and ballot summary shall be put to a vote of the Town Electors at the March 14, 2017 municipal election:

“CHARTER AMENDMENT RESTATING TOWN COMMISSION AUTHORITY,
CREATING ELECTION SEATS, REVISING REORGANIZATION DATES AND
VACANCY PROVISIONS”

“SHALL THE CHARTER OF PALM BEACH SHORES BE AMENDED BY CLARIFYING THE POWERS, AUTHORITY AND RESPONSIBILITIES OF THE TOWN COMMISSION; BY CREATING AT-LARGE COMMISSION SEATS FOR ELECTION PURPOSES; BY PRESCRIBING RESIDENCY REQUIREMENTS FOR ELIGIBILITY TO HOLD ELECTED OFFICE; BY ADDING FLEXIBILITY TO THE DATE UPON WHICH THE TOWN COMMISSION MAY RE-ORGANIZE EVERY YEAR; AND BY DEFINING THE TERM “EXTENDED ABSENCE OR DISABILITY” FOR PURPOSES OF A COMMISSION SEAT VACANCY?”

YES _____

NO _____

Section 7: Based on the language contained in the summary, the proposed new Charter language, if approved by a majority of the Town Electors at the March 14, 2017 municipal election, would be at Sections 3.1, 3.2, 3.3, 3.7, 3.9, and 3.12 of the Town Charter as follows:

Sec. 3.1. - Offices of town commission and mayor created; enumeration of powers.

The government of said municipality shall be vested in a governing body to be known as "Town Commission of Palm Beach Shores," sometimes hereinafter referred to as town commission, composed of five (5) members, one of whom shall be called the mayor, and the remaining four (4) shall be called commissioners.

The town commission shall have all governmental, corporate, and proprietary powers needed to enable it to conduct the government of said municipality, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.

The town commission shall enact local legislation, adopt an annual town budget, determine town policies and appoint town officers as set forth herein. The town commission shall also be the judge of the election and qualification of its members.

Sec. 3.2. - Eligibility to elective office.

No person shall be eligible to any elective office of the Town of Palm Beach Shores unless he shall be a citizen of the United States and a qualified voter in Palm Beach County, Florida, and a current resident of the Town of Palm Beach Shores, and has been a resident of the Town of Palm Beach Shores for a minimum of two (2) years prior to qualifying to hold office.

Sec. 3.3. - Term of office; seats.

A mayor and four (4) commissioners shall be elected to serve for a period of two (2) years; the mayor shall be elected at-large to seat 1, and each of the four (4) commissioners shall be elected at-large to seats 2, 3, 4 and 5. The mayor in seat 1, and the commissioners in Seats 3 and 5 shall be elected in the even years, and the commissioners in seats 2 and 4 shall be elected in the ~~odd years the mayor and two (2) commissioners shall be elected on even-numbered years, and two (2) commissioners shall be elected on odd-numbered years.~~ A candidate for office shall qualify for one office/seat only.

Sec. 3.7. - Regular terms of office.

The term of office of the members of the town commission to be elected shall commence at the next scheduled commission meeting ~~on the last Monday in March~~ after the election and shall continue thereafter and until their successors are elected and qualified.

Sec. 3.9. - Appointment of vice-mayor.

The members of the town commission elected shall meet for organization immediately

following their qualification at the next scheduled commission meeting ~~on the last Monday in March next~~ following the date of their election, and at said meeting the town commission shall, by resolution, appoint one member as a vice-mayor of the town, who shall hold such office for a term of one year and until his successor shall be appointed and qualified.

Sec. 3.12. - Vacancies.

If there shall be a vacancy in any elective office, the town commission shall, by resolution, fill such vacancy by the appointment of a suitable person to hold such office for the unexpired term and until his successor shall be elected and qualified. If by reason of extended absence or disability any elective officer of the Town of Palm Beach Shores is unable to perform the duties of his office, then the town commission shall, by resolution, appoint some suitable person to hold such office for and during the absence or disability of such officer, and the person so appointed shall have, during such period of absence or disability, all the powers and duties conferred by law upon the elective officer for whom he is appointed to act. For purposes of this section, "extended absence or disability" shall generally be considered as any condition that prevents or will prevent an elective officer of the Town of Palm Beach Shores from fulfilling his or her duties or attending regularly scheduled meetings for a period of six months or longer.

Section 8: The Town Commission hereby directs that the following ballot title and ballot summary shall be put to a vote of the Town Electors at the March 14, 2017 municipal election:

"CHARTER AMENDMENT TO ALLOW OPTION FOR REMUNERATION FOR THE
MAYOR AND/OR COMMISSIONERS BY ORDINANCE"

"SHALL THE CHARTER OF PALM BEACH SHORES BE AMENDED TO ALLOW THE TOWN COMMISSION THE OPTION OF PROVIDING REMUNERATION TO THE MAYOR AND/OR COMMISSIONERS BY ORDINANCE, WHICH REMUNERATION WOULD NOT BE EFFECTIVE FOR THE MAYOR OR ANY COMMISSIONER UNTIL THEIR NEXT TERM FOLLOWING THE TERM DURING WHICH SUCH ORDINANCE IS ADOPTED?"

YES _____

NO _____

Section 9: Based on the language contained in the summary, the proposed new Charter

language, if approved by a majority of the Town Electors at the March 14, 2017 municipal election, would be at Section 3.13 of the Town Charter as follows:

Sec. 3.13. - Remuneration of elected officials.

The mayor and/or all commissioners may be entitled to an annual salary and/or other remuneration which may, at the discretion of the Town Commission be fixed by ordinance; provided, however, that neither the mayor nor any commissioner shall be entitled to any creation or increase in salary or other remuneration adopted during their then current term. No elected officer shall receive any remuneration either directly or indirectly during his term in office, and any remuneration of an elected officer which has been prescribed shall not be increased during his term of office.

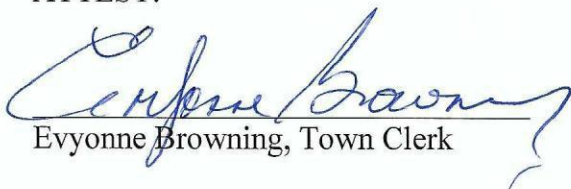
Section 10: The Town Clerk is hereby directed to provide a certified copy of this Ordinance to the Palm Beach County Supervisor of Elections immediately, but in no event any later than Noon of February 3, 2017.

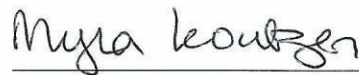
Section 11: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 23rd day of January, 2017.

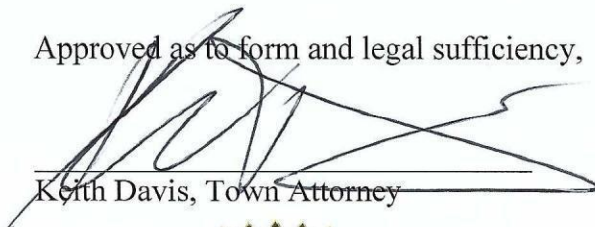
SECOND & FINAL READING this 30th day of January, 2017.

ATTEST:


Evyonne Browning, Town Clerk


Myra Koutzen, Mayor

Approved as to form and legal sufficiency,


Keith Davis, Town Attorney

(Seal)

