Item No. 17i

TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Town Attorney
Department Submitting Request

Susan Trevarthen
Dept Head's Signature

	Commission Meeting Dates	Last date to turn in to Town Clerk's Office		Commission Meeting Dates	Last date to turn in to Town Clerk's Office		Commission Meeting Dates	Last date to turn in to Town Clerk's Office
☐	Nov 10, 2009	Oct. 30 (5:00 p.m.)	☐	Jan 26, 2010	Jan 15 (5:00 p.m.)	☐	March 23, 2010	Mar 12 (5:00 p.m.)
☐	Dec 1, 2009	Nov 20 (5:00 p.m.)	☐	Feb 9, 2010	Jan 29 (5:00 p.m.)	☒	April 13, 2010	April 2 (5:00p.m.)
☐	Dec 8, 2009	Nov 25 (5:00 p.m.)	☐	Feb 23, 2010	Feb 12 (5:00 p.m.)	☐	April 27, 2010	April 16 (5:00p.m.)
☐	Jan 12, 2010	Dec 31 (5:00 p.m.)	☐	Mar 4, 2010	Feb 19 (5:00p.m.)	☐	May 11, 2010	April 30 (5:00p.m.)

NATURE OF AGENDA ITEM

☐ Presentation	☐ Resolution	☒ New Business
☐ Report	☐ Ordinance	☐ Manager's Report
☐ Consent Agenda	☐ Public Hearing	☐ Attorney's Report
☐ Bids	☐ Old Business	☐ Other

EXPLANATION: Discussion regarding Ordinance 2010-03 amending Chapter 2 "Administration", Article III "Departments", and Article IV, "Officers And Employees", of the Town Code of Ordinances, in order to update Town departments and duties.

STAFF RECOMMENDATION:

BOARD/COMMITTEE RECOMMENDATION:

FISCAL IMPACT AND APPROPRIATION OF FUNDS:

☐ Amount $_____ ☐ Acct # _____
☐ Transfer of funds required ☐ From Acct #_____
☐ Bid ☐ Grant ☐ Amount represents matching funds

RECEIVED
MAR 12 2010
3:19 PM

Town Attorney review required
☒ Yes ☐ No

Town Manager's Initials: _____

Revised 1/14/2010

ORDINANCE 2010-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE III "DEPARTMENTS," AND ARTICLE IV, "OFFICERS AND EMPLOYEES," OF THE TOWN CODE OF ORDINANCES, IN ORDER TO UPDATE TOWN DEPARTMENTS AND DUTIES; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

WHEREAS, the Town Commission of the Town of Lauderdale-by-the-Sea recognizes it is in the Town's best interest to amend the general administrative Town Code provisions so as to provide for continued updating, remove obsolete provisions, and comply with recent case law, legislative changes and custom and usage within the Town; and

WHEREAS, the Town Commission finds that this Ordinance shall accomplish such purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing "Whereas" clauses are ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

SECTION 2. Amendment. Division 2 "Department of Public Works" of Article III "Departments," Chapter 2 "Administration" is hereby amended[1] and renamed as follows:

* * * * *

DIVISION 2. ~~DEPARTMENT OF PUBLIC WORKS~~ SPECIFIC DEPARTMENTS

Sec. 2-41. Department of Municipal Services ~~created; composition~~.

(a) *Created; composition.* The Department of ~~Public Works~~ Municipal Services is hereby established as an administrative branch or division of the Town. ~~and shall be comprised of the following departments:~~

~~(1) Building Inspection Department;~~

~~(2) Engineering Department;~~

~~(3) Street Department;~~

[1] Words in ~~strike through~~ type are deletions; words in underlined type are additions.

~~(4) Docks Department;~~
~~(5) Water Plant Department;~~
~~(6) Sewer Plant Department;~~
~~(7) Water Distribution Department;~~
~~(8) Sewer Distribution Department;~~
~~(9) Garbage Department;~~
~~(10) Health and Sanitary Department.~~

~~(b)~~ Whenever deemed necessary, the Town Commission may, by ordinance, temporarily or permanently ~~combine~~ create any ~~of the~~ sub-departments under the Department of ~~Public Works~~ Municipal Services or may combine the duties of any positions under such department or sub-departments.

~~**Sec. 2-42. Director of Public Works--Position created; appointment.**~~

(b) *Position created; appointment*. The position of Director of the Department of ~~Public Works~~ Municipal Services is hereby established, and the Director ~~shall not be under the classified service but~~ shall be appointed by the Town Manager. He or she shall serve at the pleasure of the Town Manager.

~~**Sec. 2-43. Same--Duties and powers.**~~

(c) *Duties and powers.* The Director of the Department of ~~Public Works~~ Municipal Services shall serve under the direction of the Town Manager and assist in carrying out the policies and programs of the Town Commission. He or she shall coordinate the work and activities of the various sub-departments created for his or her department. ~~He shall keep an inventory of all of the machinery, automotive equipment and personal property of all of the departments of the Town, arranged according to departments, and shall make recommendations for repair and replacement to the Town Manager from time to time. He shall make periodic inspections of streets, docks, wharves, public buildings, public works, public machinery and all public property and make report of such inspections to the Town Manage~~r. He or she shall perform such other duties as may be delegated to him or her.

Sec. 2-42. Department of Parking.

(a) *Created; composition.* The Department of Parking is hereby established as an administrative branch or division of the Town. Whenever deemed necessary, the Town Commission may, by ordinance, temporarily or permanently create any sub-departments under the Department of Parking or may combine the duties of any positions under such department or sub-departments.

(b) *Position created; appointment.* The position of the Parking Department Supervisor is hereby established, and the Supervisor shall be appointed by the Town Manager. He or she shall serve at the pleasure of the Town Manager.

(c) *Duties and powers.* The Director of the Department of Parking shall serve under the direction of the Town Manager and assist in carrying out the policies and programs of the Town Commission. He or she shall coordinate the work and activities of the various sub-

departments created for his or her department. He or she shall perform such other duties as may be delegated to him or her.

Sec. 2-43. Department of Development Services.

(a) *Created; composition.* The Department of Development Services is hereby established as an administrative branch or division of the Town. Whenever deemed necessary, the Town Commission may, by ordinance, temporarily or permanently create any sub-departments under the Department of Development Services or may combine the duties of any positions under such department or sub-departments.

(b) *Position created; appointment.* The position of the Director of the Department of Development Services is hereby established, and the Director shall be appointed by the Town Manager. He or she shall serve at the pleasure of the Town Manager.

(c) *Duties and powers.* The Director of the Department of Development Services shall serve under the direction of the Town Manager and assist in carrying out the policies and programs of the Town Commission. He or she shall coordinate the work and activities of the various sub-departments created for his or her department. He or she shall perform such other duties as may be delegated to him or her.

Sec. 2-44. Department of Town Clerk.

(a) *Created; composition.* The Department of the Town Clerk is hereby established as an administrative branch or division of the Town. Whenever deemed necessary, the Town Commission may, by ordinance, temporarily or permanently create any sub-departments under the Department of the Town Clerk or may combine the duties of any positions under such department or sub-departments.

(b) *Position created; appointment.* The position of Town Clerk is hereby established, and the Town Clerk shall be appointed by the Town Manager. He or she shall serve at the pleasure of the Town Manager.

(c) *Duties and powers.* The Town Clerk shall serve under the direction of the Town Manager and assist in carrying out the policies and programs of the Town Commission. He or she shall coordinate the work and activities of the various sub-departments created for his or her department. He or she shall perform such other duties as may be delegated to him or her.

Sec. 2-45. Department of Administration.

(a) *Created; composition.* The Department of Administration is hereby established as an administrative branch or division of the Town. Whenever deemed necessary, the Town Commission may, by ordinance, temporarily or permanently create any sub-departments under the Department of Administration or may combine the duties of any positions under such department or sub-departments.

(b) *Department head.* The position of the Director of the Department of Administration is hereby established, and the Director shall be appointed by the Town Manager. He or she shall serve at the pleasure of the Town Manager.

(c) *Duties and powers.* The Director of the Department of Administration shall serve under the direction of the Town Manager and assist in carrying out the policies and programs of the Town Commission. He or she shall coordinate the work and activities of the various sub-departments created for his or her department. He or she shall perform such other duties as may be delegated to him or her.

* * * * *

SECTION 3. Amendment. Sections 2-63 through 2-65 of Article IV "Officers and Employees," Chapter 2 "Administration" are hereby amended as follows:

~~**Sec. 2-63. Town Auditor-Clerk--Appointment.**~~

~~There shall be a Town Auditor-Clerk who shall work under the direction and supervision of the Town Manager. He shall be required to furnish such bond as the Town Commission deems proper.~~

~~**Sec. 2-64. Same--Duties.**~~

~~The Town Auditor-Clerk shall perform the following duties:~~
~~(1) Issue all warrants for the payment of money by the Town;~~
~~(2) Keep an accurate account of all moneys collected from taxes, assessments, departmental revenues and other sources and of all receipts and disbursements by the Town;~~
~~(3) Keep separate account of each fund or appropriation and of the debits and credits pertaining thereto;~~
~~(4) Submit to the Town Commission, not later than the second meeting in each month, a complete and comprehensive report of the receipts and expenditures of the Town during the preceding month and of the financial condition of the Town as of the first day of the preceding month;~~
~~(5) Keep a list of outstanding Town bonds and revenue certificates, to whom issued, for what purpose, when and where payable and the rate of interest such obligations respectively bear and recommend such action from time to time to the Town Commission, through the Town Manager, as will ensure punctual payment of the principal and interest of such bonds;~~
~~(6) Furnish the Town Manager at the time of his monthly report such data and information as may be necessary to fully inform the Town Manager as to the financial condition of the Town and furnish such estimates of the expenses of the Town government as may be necessary to form the basis of the annual budget and to determine the revenue necessary to be raised each year;~~
~~(7) Sign all written contracts made on behalf of the Town, and no written contracts made on behalf of the Town or to which the Town is a party shall be valid unless signed by the Town Auditor and Clerk;~~
~~(8) Keep regular books of accounts and records in which shall be entered all receipts and disbursements of the Town and which shall at all times show the financial condition of the Town on a consistent, modified cash basis of accounting and assets and liabilities;~~
~~(9) Countersign all bonds, revenue certificates or other indebtedness of the Town and keep accurate account thereof and keep records showing for what purpose such evidence of indebtedness was issued, to whom and the amount thereof;~~

~~(10) Keep account with all officers and employees of the Town showing the amounts they have received from different sources of revenue and the amounts they have disbursed as authorized under the ordinances of the Town;~~

~~(11) Examine, audit and certify the correctness of all claims and demands against the Town and submit such claims and demands to the Town Manager for his approval or disapproval before such claims and demands are presented to or allowed by the Town Commission;~~

~~(12) Adopt, prescribe and require the use of a uniform system of books of account by all Town departments, officers or employees who are charged with the receipt or disbursement of any of the funds for the Town or who may be authorized to purchase materials or supplies or to employ labor for the Town; prescribe the form of voucher or other evidence of the receipt of money from the Town or for the establishment of demands against the Town; require a daily report from each department, office, officer or employee of the Town receiving and disbursing funds of the Town showing all sums received and disbursed, from what source and for what purpose as he deems necessary;~~

~~(13) Audit the accounts of the several departments, officers and employees and make report thereof to the Town Commission monthly or more often as required or desired. He shall at all times have access to and may inspect and take copies of books on which entries are made or are required to be made relating to the receipt or expenditure of money on account of the Town and of all vouchers, accounts, bills, warrants, drafts, contracts or other papers relating thereto;~~

~~(14) At the end of each fiscal year and more often, if so required by the Town Commission, submit his annual audit covering all of the moneys received and disbursed by the several departments, officers and employees of the Town. Such annual audit shall show the moneys on hand in the respective fund at the beginning of the fiscal year, the moneys received during the year, and all expenditures made by the Town. The Town Auditor and Clerk shall have the right to estimate expenses for the month of August of each year in making such annual report. By and with the consent of the Town Commission, a certified public accountant may be employed from time to time to assist the Town Auditor and Clerk in preparing his annual report or other reports or audits as deemed necessary;~~

~~(15) Administer any oath required by the laws and ordinances of the Town for the purpose of obtaining the facts relating to any charge or claim against the Town or in connection with any public transaction with the Town; inquire into and inform himself as to the legality of all claims to be paid out of the Town Treasury, the reasonableness of the prices charged or claimed for materials, supplies or labor and the facts as to the delivery thereof to or for the use of the Town, and for such purposes he shall have the power to require sworn evidence that the amount of any claim is justly due and in conformity with laws and ordinances and for that purpose he may summon before him every officer, agent or employee of any department of the Town and examine them upon oath or affirmation relative thereto;~~

~~(16) Establish an accounting procedure adequate to provide a record in detail of all transactions affecting the acquisition, custody and disposition of values, including cash receipts and disbursements, and such fact shall be so presented in the reports which he is required to return periodically and shall be supported with such summaries and analytical schedules as may be necessary to show in detail the full account of such transactions for each fiscal year upon the finances of the Town and the relation to each department of the Town government including distinct summaries and schedules for each public utility owned by the Town or publicly operated golf course, tennis court, public pool or other public facilities for which charge is made for the use thereof;~~

~~(17) Upon the death, resignation, removal or expiration of the term of office of any officer, audit the officer's accounts, and, if such officer shall be found to be indebted to the Town, the~~

~~Town Auditor and Clerk shall at once give notice thereof through the Town Manager or to the Town Commission and to the Town Attorney, and the latter shall forthwith proceed to collect the sum of such indebtedness;~~

~~(18) Attend all meetings of the Town Commission, in his capacity as Clerk, and keep minutes of its proceedings, the correctness of which proceedings shall be certified to by his signature and by the signature of the presiding officer of the Town Commission at such meeting; and the official minutes of the Town Commission, when duly certified by the signature of the Clerk and mayor-commissioner or acting mayor-commissioner shall be prima facie evidence of the facts and happenings stated therein;~~

~~(19) Be the official custodian of the seal of the Town and of all records and papers of a general character pertaining to the affairs of the Town, and, whenever an official seal is required on any official document of the Town, the seal shall be affixed by the Town Auditor and Clerk or Deputy Auditor and Clerk;~~

~~(20) Keep a list of all security held by the Town Commission for the benefit of the Town or any securities of the Town held in trust for the benefit of any particular fund or funds, including any insurance reserve fund which may be established. He shall keep an accurate list of all bonds held by the Town and know when and where interest coupons or other interest shall be paid, and, within 30 days prior to such time the coupon or other interest shall become due, he shall certify the same to the Town Treasurer;~~

~~(21) Remit and transmit to the proper depository or payee bank all sums of money falling due from time to time as principal or interest on obligations of the Town, and in connection therewith he shall see that all necessary moneys are properly budgeted and allocated for the payment of the principal and interest upon the Town indebtedness as such become due from time to time;~~

~~(22) Issue warrants for the payment of money from a fund of the Town only to the extent that there are moneys to the credit of the fund to be drawn on with which to pay such warrant;~~

~~(23) Be the official registrar for the Town and keep and maintain the official registration file, books, cards and lists of electors and administer the oath required of each elector;~~

~~(24) Perform any and all duties required by the Charter or the ordinances of the Town or any duties applicable and proper to be performed by the Town Auditor and Clerk.~~

~~**Sec. 2-65. Deputy Auditor and Clerk; powers and duties; supervision.**~~

~~The Deputy Auditor and Clerk or Deputy Auditor Clerks shall have the same power and authority as the Town Auditor and Clerk. Such Deputy Auditor Clerk or clerks shall work under the direction and supervision of the Town Auditor and Clerk and may perform any duty designated to be performed by the Town Auditor and Clerk, and the Deputy Auditor Clerk or clerks shall be under the direction of the Town Manager.~~

* * * * *

SECTION 4. "Auditor-Clerk" renamed.

The Town has not had a "Town Auditor-Clerk" for many years and the terminology is obsolete. Consistent with the above changes, all references to "Town Auditor Clerk" in the Town

of Lauderdale-by-the-Sea Code of Ordinances are hereby changed to "Town Clerk," and the codifier is hereby directed to make this change wherever this term appears in the Code.

SECTION 5. Codification.

This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7. Conflicting Ordinances.

All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Effective Date.

This Ordinance shall become effective immediately upon passage on second reading.

Passed on the first reading, this ____ day of _____, 2010.

Passed on the second reading, this ____ day of _____, 2010.

_____
Mayor Roseann Minnet

	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Clottey	_____	_____
Commissioner Vincent	_____	_____
Commissioner Sasser	_____	_____

Attest:

_____
Town Clerk, June White

(CORPORATE SEAL)

Approved as to form:

_____
Susan L. Trevarthen, Town Attorney