

RESOLUTION NO. 2007 – 015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA REQUESTING THAT THE MAYOR AND THE TOWN CLERK THROUGH THIS RESOLUTION AUTHENTICATE THE ELECTORATE'S APPROVAL OF NINE CHARTER AMENDMENTS; DIRECTING THE TOWN CLERK TO INCORPORATE THE APPROVED CHARTER AMENDMENTS INTO THE TOWN'S CHARTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 7, 2006, the Town's electorate approved nine amendments to the Town's Charter; and

WHEREAS, pursuant to Section 4.07(a) of the Town's Charter the Mayor and the Town Clerk must authenticate the Charter Amendments to reflect the approval of the electorate; and

WHEREAS, this Resolution is necessary to document the authentication of the Charter Amendments.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2. The Broward County Supervisor of Elections has certified the results of the November 7, 2006, election, as follows:

COUNCIL MEMBER DISTRICT 1 SOUTHWEST RANCHES
Al Avello. 1,006 45.42%
Steve Breitkreuz . . 1,209 54.58%

SOUTHWEST RANCHES AMENDMENT # 1
ADJUSTMENT TO MONTH OF VICE MAYOR APPOINTMENT
YES/SI 2,002 91.12%
NO/NO. 195 8.88%

SOUTHWEST RANCHES AMENDMENT # 2
CHANGE OF TOWN CLERK APPOINTMENT
YES/SI1,872 86.79%
NO/NO. 285 13.21%

SOUTHWEST RANCHES AMENDMENT # 3
TOWN COUNCIL INFORMATION REQUEST
YES/SI 1,849 86.44%
NO/NO. 290 13.56%

SOUTHWEST RANCHES AMENDMENT # 4
TOWN CLERK CODE OF ETHICS
YES/SI 1,977 91.61%
NO/NO. 181 8.39%

SOUTHWEST RANCHES AMENDMENT # 5
MODIFICATION OF TOWN ADMINISTRATOR'S RESPONSIBILITIES
YES/SI1,661 78.72%
NO/NO. 449 21.28%

SOUTHWEST RANCHES AMENDMENT # 6
MODIFICATION OF TOWN ADMINISTRATOR'S RESPONSIBILITIES
YES/SI1,698 80.36%
NO/NO.415 19.64%

SOUTHWEST RANCHES AMENDMENT # 7
CLARIFICATION OF TOWN ATTORNEY'S POWERS AND DUTIES
YES/SI1,523 71.94%
NO/NO.594 28.06%

SOUTHWEST RANCHES AMENDMENT # 8
APPOINTMENT OF FINANCIAL ADMINISTRATOR
YES/SI 1,734 81.10%
NO/NO. 404 18.90%

SOUTHWEST RANCHES AMENDMENT # 9
INTERFERENCE WITH TOWN ADMINISTRATOR
YES/SI 1,510 71.94%
NO/NO. 589 28.06%

Section 3. The Mayor and the Town Clerk are hereby requested to and hereby authenticate the electorate's approval of amending the following sections of the Town's Charter as follows:

1. Section 2.03 Vice Mayor

The Vice Mayor shall act as Mayor in the absence of the Mayor. The Vice Mayor shall be elected from among council members for a period of 1 year by a majority of the Council in ~~March~~ November of each year. No Council Member shall serve consecutive terms as Vice Mayor unless no other Council Member is willing to serve as Vice Mayor.

2. Section 3.06 Town Clerk

The Administrator shall appoint a Town Clerk (the "Clerk"), subject to the approval by a majority of the Council. The Council shall establish the hiring criteria, job description, and job duties for the Clerk. In addition to the duties prescribed by the Town Council, the Clerk shall give notice of Council meetings to its members and the public, shall keep minutes of its proceedings, and shall perform such other duties as the Council or Administrator may prescribe from time to time. The Clerk shall report to the Administrator, but shall also directly respond to requests deemed necessary and appropriate by a member of the Council. The Administrator shall, subject to and upon a vote of a majority of the Council, discharge the Clerk and replace the Clerk with an alternative Clerk acceptable to the Council. The Clerk shall be compensated at a rate commensurate with industry standards. The Clerk shall be bound by the State of Florida's Code of Ethics, as delineated in Chapter 112, Florida Statutes, as may be amended from time to time.

3. Section 3.03 Powers and duties of the Administrator

The Administrator shall:

(a) Be responsible for the hiring, supervision, and removal of all Town employees, except as otherwise provided in this Charter.

...

(e) Prepare in conjunction with the Financial Administrator, and submit to the Council a proposed annual budget and capital program.

...

~~(j) Implement the purchase code and guidelines adopted by the Council for the acquisition of goods and services for the Town.~~

...

4. Section 3.08 Powers and duties of the Town Attorney

...

(e) When requested by the Mayor, Town Council, a member of the Town Council, ~~or~~ the Town Administrator, or such other person or entity authorized by Ordinance, provide legal counsel on matters pertaining to the powers and duties of the Mayor, Town Council, a member of the Town Council or the Town Administrator, or other

matters relevant to the Town. The Town Council may, by Ordinance, establish the parameters under which advice from the Town Attorney may be sought. ~~the Mayor, Town Council, a member of the Town Council or the Town Administrator can seek advice from the Town Attorney.~~

...

5. Section 3.11 Town Financial Administrator

The Town Council shall have the authority to appoint a Financial Administrator and to delegate to the Financial Administrator such powers and duties which the Council deems necessary and appropriate. To the extent that the powers and duties of the Financial Administrator overlap with the powers and duties of the Town Administrator, the powers and duties delegated to the Financial Administrator shall control. The Financial Administrator shall work in concert with the Town Administrator, however the Financial Administrator shall report directly to the Council, which alone shall have the authority to appoint and to remove the Financial Administrator. Appointment and removal of the Financial Administrator shall be by a vote of a majority of the Council. The Financial Administrator shall be bound by the State of Florida's Code of Ethics, as delineated in Chapter 112, Florida Statutes, as may be amended from time to time.

6. Section 4.02 Prohibitions

(b) INTERFERENCE WITH ADMINISTRATION. Except as otherwise provided in this Charter, and except for the purpose of inquiries and investigations made in good faith, the Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Administrator solely through the Administrator, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in the Town government operations by individual Council members be made solely to and through the Administrator. Council members may discuss with the Administrator any matter of Town business; however, no individual Council member shall give orders to the Administrator.

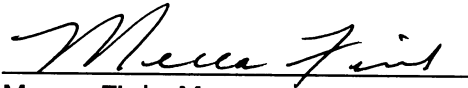
Section 4. The Town Clerk is hereby directed to incorporate the approved Charter Amendments into the Town's Charter.

Section 5. That this Resolution shall become effective immediately upon its adoption.

[SIGNATURE ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 7th day of December 2006, on a motion by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

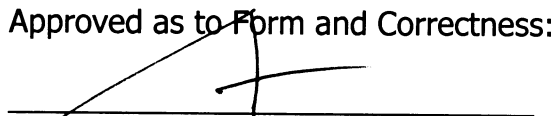
Fink	<u>Y</u>	Ayes	<u>5</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		


Mecca Fink, Mayor

ATTEST:


Susan A. Owens, Town Clerk

Approved as to Form and Correctness:


Gary A. Poliakoff, J.D., Town Attorney

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