



AGENDA
CHARTER REVIEW COMMISSION
Meeting 2022-03

Tuesday, February 8, 2022 - 6:00 P.M.
Council Chambers, 120 Malabar Road SE, Palm Bay, Florida 32907

CALL TO ORDER:

PLEDGE OF ALLEGIANCE

ROLL CALL:

ADOPTION OF MINUTES:

1. Meeting 2022-02; January 25, 2022.

PUBLIC COMMENTS (Non-agenda Items Only):

Public Comments on Agenda Items – Individuals wishing to address items on the agenda can do so at the time the item is being considered by the Commission. The Chairperson will ask for public comment prior to the Commission taking action on the item. Speakers are limited to three (3) minutes for agenda and non-agenda items each.

UNFINISHED AND OLD BUSINESS:

1. Article III, Legislative – Section 3.03, Compensation
2. Article III, Legislative – Section 3.05, Prohibitions
(Subsection 3.053, Holding Other Office)
3. Article III, Legislative – Section 3.06, Vacancies
(Subsection 3.062, Filling of Vacancies)
4. Article III, Legislative – Section 3.08, Procedures
(Subsection 3.081, Meetings)

NEW BUSINESS:

1. Review and discussion of the City Charter.
 - a. Article VIII, Public Safety

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE.

- b. Article IX, Miscellaneous Provisions
- c. Article X, Transition Schedule

NEXT MEETING DATE: Tuesday, February 22, 2022, at 6:00 P.M.

ADJOURNMENT:

If an individual decides to appeal any decision made by the Charter Review Commission with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

City of Palm Bay, Florida
CHARTER REVIEW COMMISSION
Meeting 2022-02

Held on Tuesday, the 25th day of January, at the Palm Bay City Hall Council Chambers, 120 Malabar Road, Palm Bay, Florida.

The meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida. The minutes are not a verbatim transcript, but a brief summary of the discussions and actions taken at the meeting.

The meeting was called to order by Chair Capote at 6:03 P.M.

ROLL CALL:

| | | |
|--------------------|-----------------|----------------|
| CHAIR: | William Capote | Present |
| VICE-CHAIR: | Phil Weinberg | Present |
| MEMBER: | Ken Delgado | Present |
| MEMBER: | David Myers | Present |
| MEMBER: | Jeffrey McLeod | Present (Late) |
| MEMBER: | Phil Moore | Present |
| MEMBER: | David Jones | Absent |
| MEMBER: | Jordin Chandler | Present |
| MEMBER: | Aaron Parr | Absent |
| MEMBER: | Kay Maragh | Present |

ALSO PRESENT:

Patricia Smith, City Attorney; Suzanne Sherman, City Manager; Terese Jones, City Clerk.

ADOPTION OF MINUTES:

1. Meeting 2022-01; January 11, 2022.

Motion by Mr. Chandler, seconded by Mr. Moore, to adopt the minutes as presented.
Motion carried unanimously.

PUBLIC COMMENTS:

Bill Battin, resident, asked if a matter could be reconsidered by the Commission after being voted on at a previous meeting. Mrs. Jones confirmed same.

Mr. McLeod joined the meeting at this time.

Mr. Delgado asked if public comments would only be heard under the Public Comments section on the agenda. Mrs. Jones responded that individuals could speak on any Charter related issues under the Public Comments section and could also speak under specific agenda items as shown on the agenda prior to be considered by the Commission.

NEW BUSINESS:

1. Review and discussion of the City Charter.

Note: Article I, Creation, Powers, and Definitions; and Article II, Boundaries, would remain as is and required no discussion.

a. Article III, Legislative

Except as noted below, there were no other proposed revisions to this Article.

Section 3.03 Compensation.

Mr. Moore said he had compared Palm Bay to other cities in population, such as Clearwater, Lehigh Acres and Del Ray Beach. He proposed to increase the compensation as follows: “Mayor shall be at a rate of 20 >>25<< cents per capita and the salary for the office of Councilmember shall be set at the rate of 40 >>20<< cents per capita.”

There was further discussion as to the average hours per week councilmembers dedicated to the positions. Mr. Delgado felt that an appropriate increase was 30 cents for the Mayor and 15 cents for councilmembers. Mr. Chandler felt councilmembers should receive 20 cents. Mrs. Jones clarified that the salaries were initially set in 2016 and were based on a per capita rate but Council received annual increases based on the Consumer Price Index.

Vice-Chair Weinberg supported including language stating that the salaries shall be compatible with salaries as portrayed by the Florida League of Municipalities for cities of comparable size. Mr. Delgado asked the current salary of City Council. He also felt utilizing the Florida League of Municipalities would cause an issue as there were so many variables, such as the cost of living, median income, etc. Mrs. Jones said the current salary was \$23,982.51 for the Mayor and \$11,991.25 for each councilmember.

Mr. Chandler asked if staff could come up with comparisons based on that model. Mrs. Jones said it would be presented at the next meeting under Old Business.

Bill Battin, resident, suggested comparing the percentage of ad valorem taxes instead of population. Mr. Chandler said the Florida League of Municipalities also incorporated the ad valorem taxes as part of the study.

Mr. Myers said that he may be unable to attend the next meeting but supported the consensus of the Commission to whatever increase was approved.

Subsection 3.053 Holding other office.

Vice-Chair Weinberg said that subparagraphs (a) and (b) should reflect “>>current or<< former elected city official”. Ms. Maragh questioned how it would apply to someone that had an existing contract with the city, was seeking employment with the city or was currently running for office. Ms. Smith said the language would have to be tailored but anyone currently employed would be grandfathered in. She said that language could be placed in the Charter and then ordinances would be implemented as well which would provide further detail. Vice-Chair Weinberg said the purpose was to eliminate any appearance of impropriety. Ms. Smith would provide some additional language at the next meeting.

Subsection 3.062 Filling of vacancies.

Mr. Moore proposed the following language: “When a vacancy occurs on council as a result of death, resignation, illness, disability, written court order, forfeiture of office, or other lawful written order or action, such vacancy shall be filled ~~in accordance with the procedures prescribed by ordinance~~ >>by appointment of the majority of the remaining members. All vacancy elections will run concurrent with the regularly scheduled city elections. Appointments will be to serve the remainder of the term until the next regular election cycle. If there are less than six (6) months remaining in the unexpired term, the term will extend to the next regularly scheduled city election.<<

Mr. Delgado did not agree with the proposed language. He said this occurrence did not happen often and he wanted representation by vote, not by appointment. Regardless of the cost of an election, it would get budgeted. The people should elect by representation unless the remainder of the term was so short that it would become irrelevant. Mr.

Delgado supported what was currently in the Code of Ordinances, which was to hold a special election if there was more than one year remaining in the term.

Mr. Chandler was against reverting back to the language prior to 2012 and did not feel it would be stealing the people's vote and hoped that the people would trust the elected officials to make the right decision in the best interests of the city. Ms. Maragh felt the proposed language was clear and concise and supported same.

Mr. Moore said that the Governor recently appointed two officials in Broward County without an election. He said appointments occurred all the time and sometimes were for longer than one year.

Subsection 3.081 Meetings.

There was discussion of mirroring Brevard County's process of having no meetings annually during the month of June to allow staff and elected officials to have a break, take vacations, etc. The Charter Officers commented they had no preference as to the timeframe of when the break would occur. Ms. Maragh felt it should mirror Brevard County.

Motion by Vice-Chair Weinberg, seconded by Mr. Moore, to amend Section 3.081 to read that City Council shall have regular Council meetings at least twice each month, except for the month of June, where City council would not have any meetings. Motion carried unanimously.

Subsection 3.092 Petitions.

Mr. Delgado felt that the last sentence of subparagraph (1) should read as follows: "Petitions to propose or repeal ordinances must be signed by at least ~~five percent (5%)~~ >>ten percent (10%)<< of the registered electors as of the last preceding municipal general election." He felt it should be consistent between changing the Charter and changing an ordinance.

Mr. McLeod asked if the premise of the existing language was because modifying the Charter was more significant than changing an ordinance. Vice-Chair Weinberg confirmed same.

Motion by Vice-Chair Weinberg, seconded by Mr. Delgado, to approve the revised language as presented.

Motion carried with members voting as follows:

| | |
|---------------------|-----|
| Chair Capote | Yea |
| Vice-Chair Weinberg | Yea |
| Mr. Delgado | Yea |
| Mr. Myers | Yea |
| Mr. McLeod | Nay |
| Mr. Moore | Yea |
| Mr. Chandler | Yea |
| Ms. Maragh | Yea |

b. Article IV, Administrative

Except as noted below, there were no other proposed revisions to this Article.

Subsection 4.011 Appointment.

Mr. Myers suggested that the last sentence read as follows: “However, should the manager change residency subsequent to his >>or her<< appointment, the manager shall reside within the city during his >>or her<< tenure.”

Motion by Mr. Myers, seconded by Vice-Chair Weinberg, to approve the revised language as presented. Motion carried unanimously.

Subsection 4.014 Bond.

Mr. Delgado asked the purpose of the language. Ms. Smith said the language could be eliminated as the Charter Officers were covered by insurance through the Risk Management Division.

Motion by Vice-Chair Weinberg, seconded by Ms. Maragh, to repeal Subsection 4.014 in its entirety. Motion carried unanimously.

c. Article V, Qualifications and Elections

Bill Battin, resident, commented on flyers being distributed by candidates stating that they were being supported by or literature being paid for by a specific party organization. Ms.

Smith advised that the city could not prevent other groups from exercising their First Amendment rights as to which candidate they supported or endorsed.

Except as noted below, there were no other proposed revisions to this Article.

Subsection 5.041 Councilmembers.

Vice-Chair Weinberg suggested that the third sentence read as follows: “In the event of a tie vote in a special or regular election in which two (2) or more candidates are seeking the same designated seat on the council, a run-off election will only be held ~~if breaking the tie would~~ **>>to<<** determine the successful candidate.

Motion by Vice-Chair Weinberg, seconded by Mr. Chandler, to approve the revised language as presented. Motion carried unanimously.

The next meeting would be held on Tuesday, February 8, 2022, at 6:00 P.M. The items for review would be as follows: Article VIII, Public Safety; Article IX, Miscellaneous Provisions; and Article X, Transition Schedule.

ADJOURNMENT:

The meeting adjourned at approximately 8:01 P.M.

William Capote, Chair

ATTEST:

Terese M. Jones, City Clerk

UNFINISHED AND OLD BUSINESS

1. Article III, Legislative – Section 3.03, Compensation

Language proposed by Phil Moore

Effective November 9, ~~2016~~ >>8, 2022<<, the salary for the office of Mayor shall be at the rate of 20 >>25<< cents per capita, and the salary for the office of Councilmember shall be set at the rate of 40 >>20<< cents per capita. The per capita numbers utilized shall be the population as of the date of approval of this revision as set forth in the most recent population estimate of the Bureau of Economic and Business Research of the University of Florida. The annual salary of the Council shall not be increased by more than the increase in the Consumer Price Index, or the annual increase given to City employees, whichever is lower. The annual salary shall be reviewed during the City's annual budget process. No increase in salary shall become effective until October 1.

2. Article III, Legislative – Section 3.05, Prohibitions (Subsection 3.053, Holding Other Office)

Language proposed by Vice-Chair Phil Weinberg

- (a) No >>current or<< former elected city official, nor any relative of such former elected city official, shall hold any compensated appointive city office or employment until, at least, two (2) years after the expiration of the term for which elected. This provision shall not apply to relatives of any current or former elected city official holding a compensated appointive city office or position of employment prior to November 9, 2016.
- (b) For the purposes of this section, "relative" shall mean an individual who is related to the >>current or<< former elected city official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Language options provided by staff – see attached examples from City of Lauderhill and Broward County

**3. Article III, Legislative – Section 3.06, Vacancies
(Subsection 3.062, Filling of Vacancies)**

Language proposed by Phil Moore

“When a vacancy occurs on council as a result of death, resignation, illness, disability, written court order, forfeiture of office, or other lawful written order or action, such vacancy shall be filled in accordance with the procedures prescribed by ordinance >>by appointment of the majority of the remaining members. All vacancy elections will run concurrent with the regularly scheduled city elections. Appointments will be to serve the remainder of the term until the next regular election cycle. If there are less than six (6) months remaining in the unexpired term, the term will extend to the next regularly scheduled city election.<<

**4. Article III, Legislative – Section 3.08, Procedures
(Subsection 3.081, Meetings)**

Language options provided by staff

“>>Beginning January 2023,<< the council shall have regular council meetings at least twice each month, >>except for June,<< at the city hall or other municipal building, at such times and places as the council may prescribe. Special meetings and workshops may be held at the call of any councilmember and, whenever practicable, upon no less than twenty-four (24) hours verbal and written notice to each member and the public. Such notice shall state the specific purpose or purposes of the meeting. No additional items shall be considered at such special meetings.

ARTICLE III, LEGISLATIVE – SECTION 3.05, PROHIBITIONS (SUBSECTION 3.053, HOLDING OTHER OFFICE)

LANGUAGE OPTIONS PROVIDED BY STAFF

Lauderhill, Florida Code of Ordinances Section 1.04

CODE OF ORDINANCES City of LAUDERHILL, FLORIDA Codified through Ordinance No. 21O-06-121, enacted July 12, 2021. (Supp. No. 190)

Florida Municipal Codes > Florida > Lauderhill Code of Ordinances > PART I - CHARTER > ARTICLE I. CREATION AND POWERS

§ Section 1.04 Citizens' Bill of Rights.

The citizens of the City establish this City government in order to protect and serve the citizens of the City. In order to secure to the City's citizens protection against abuses and encroachments by City government, and to insure all persons fair and equitable treatment, the following rights are guaranteed:

- A. *Access to Government* - As provided in the Florida Statutes, each person has the right to transact business with the City with a minimum of personal inconvenience. It is the duty of the City to provide reasonably convenient times and places for transacting business with the City.
- B. *Truth in Government* - As provided in the Florida Statutes, each person has the right to truthful and accurate information from Commissioners and City employees. Commissioners and City employees shall not knowingly omit any information or significant facts when disseminating public information.
- C. *Public Records* - As provided in the Florida Statutes and the City of Lauderhill Code of Ordinances, each person has a right to access City records. All audits, reports, minutes, documents and other City public records shall be open for public inspection at reasonable times and places.
- D. *Right to be Heard* - As provided in the Florida Statutes, any person has the right to appear before the City Commission, a Board, or Committee for the presentation, adjustment or determination of an issue, matter or request within the City's jurisdiction. Matters shall be scheduled for the convenience of the public, and specific portions of each agenda shall provide for designated times so that the public may know when a matter may be heard. The City may establish reasonable procedures relating to public hearings, including limitations on the time members of the public may speak on an issue.
- E. *Right to Notice* - As provided in the Florida Statutes and the City of Lauderhill Code of Ordinances, the City shall provide timely notice to persons entitled to notice of a hearing before the City Commission, Board, or Committee. The notice shall include the time, place and nature of the scheduled hearing, and the legal authority which forms the basis for the hearing. The City shall provide copies of proposed ordinances and resolutions at a

reasonable time prior to the hearing, unless the matter involves the adoption of an emergency ordinance or resolution.

- F. *Right to Notice of Decision and Reasons* - As provided in the Florida Statutes, the City, if requested, shall provide members of the public notice of the City's denial of a person's request made in connection with any City decision or proceeding. A statement indicating the grounds for denial shall accompany the notice provided by the City.
- G. *Right to City Manager's Report* - As provided in the City of Lauderhill Charter and Code of Ordinances, the public is entitled to a status report, on a periodic basis, from the City Manager on all major matters which are either still pending or have been concluded.
- H. *Rights to Public Budget Process* - As provided in the Florida Statutes, the City Manager shall annually prepare a budget which illustrates the cost of each City program. Prior to the City Commissioner's first public hearing on a proposed budget, the City Manager shall publish a budget summary which sets forth the proposed cost of each individual program, all major proposed increases and decreases in funding and personnel for each City program, the reasons for any increase or decrease, the estimated millage cost of each program, and the amount of any contingency and carryover funds for each program.
- I. *Right to a Management Report on the Performance of City Government* - As provided in the City of Lauderhill Charter and Code of Ordinances, the public is entitled to have access to a Management Report published by the City Manager, and made public on a quarterly basis, detailing the performance of the City government offices, divisions and departments. The Management Report shall include, but not be limited to, a report on the receipt and expenditure of City funds by each City Office, division and department, and a report of the expected and actual performance of the activities of each County office, division and department.
- J. *Right to Prohibit Conflicts of Interest and the Implementation of a Code of Conduct* - As provided in the Florida Statutes and the City of Lauderhill Code of Ordinances, the City Commission shall enact, by ordinance, a conflict of interest section in the City Code that requires Commissioners, City employees, and individuals appointed to Boards, Committees, Agencies, and Authorities to avoid even the appearance of impropriety in the performance of their duties and responsibilities. The City Commission shall also enact, by ordinance, a Code of Official Conduct that shall apply to Commissioners, City employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. In the ordinances enacted pursuant to this sub-section, the City Commission shall provide procedures for the examination of matters related to the conduct of Commissioners, City employees and individuals appointed to Boards, Committees, Agencies, and Authorities. The ordinances enacted pursuant to this sub-section shall also provide procedures for the removal of an employee or individual, other than a Commissioner.
- K. *Proper Use of Public Property* - As provided in the Florida Constitution and the Florida Statutes, the City shall prevent the use of public property or its taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10, of the Florida Constitution, or by the laws of the State of Florida.

- L. *Power of Recall* - As provided in the Florida Statutes and the City of Lauderhill Charter, the public shall have the power to recall any Commissioner in accordance with the laws of the State of Florida.

All provisions of this Article shall be construed to be supplementary to and not in conflict with the laws of the State of Florida. If any part of this Article shall be declared invalid, such invalidity shall not affect the validity of the remaining provisions.

HISTORY NOTE:

(Ord. No. 08O-06-125, 1, 7-14-08)

Broward County, Florida Code of Ordinances Sec. 1.04

CODE of BROWARD COUNTY, FLORIDA Codified through Ordinance No. 2021-35, enacted June 15, 2021. (Supp. No. 58)

Florida Municipal Codes > Florida > Broward County Code of Ordinances > PART I - CHARTER > ARTICLE I. CREATION OF COUNTY AND POWERS OF GOVERNMENT

§ Sec. 1.04 Citizens' bill of rights.

The citizens of the County establish this County government in order to protect and serve the citizens of the County. In order to secure to the County's citizens protection against abuses and encroachments by County government, and to insure all persons fair and equitable treatment, the following rights are guaranteed:

- A. *Access to Government.* Each Person has the right to transact business with the County with a minimum of personal inconvenience. It is the duty of the County to provide reasonably convenient times and places for transacting business with the County.
- B. *Truth in Government.* Each Person has the right to truthful and accurate information from Commissioners and County employees. Commissioners and County employees shall not knowingly omit any information or significant facts when disseminating public information.
- C. *Public Records.* Each Person has a right to access County records. All audits, reports, minutes, documents and other County public records shall be open for public inspection at reasonable times and places.
- D. *Right to be Heard.* Any Person has the right to appear before the County Commission, a Board, or Committee for the presentation, adjustment or determination of an issue, matter or request within the County's jurisdiction. Matters shall be scheduled for the convenience of the public, and specific portions of each agenda shall provide for designated times so that the public may know when a matter may be heard. The County may establish reasonable procedures relating to public hearings, including limitations on the time members of the public may speak on an issue.
- E. *Right to Notice.* The County shall provide timely notice to Persons entitled to notice of a hearing before the County Commission, Board, or Committee. The notice shall include the time, place and nature of the scheduled hearing, and the legal authority which forms the basis for the hearing. The County shall provide copies of proposed ordinances and resolutions at a reasonable time prior to the hearing, unless the matter involves the adoption of an emergency ordinance or resolution.
- F. *Right to Notice of Decision and Reasons.* The County, if requested, shall provide members of the public notice of the County's denial of a Person's request made in connection with any County decision or proceeding. A statement indicating the grounds for denial shall accompany the notice provided by the County.

- G. *Right to County Administrator's Report.* The public is entitled to a status report, on a periodic basis, from the County Administrator on all major matters which are either still pending or have been concluded.
- H. *Right to Public Budget Process.* The County Administrator shall annually prepare a budget which illustrates the cost of each County program. Prior to the County Commission's first public hearing on a proposed budget, the County Administrator shall publish a budget summary which sets forth the proposed cost of each individual program, all major proposed increases and decreases in funding and personnel for each County program, the reasons for any increase or decrease, the estimated millage cost of each program, and the amount of any contingency and carryover funds for each program.
- I. *Right to a Management Report on the Performance of County Government.* The public is entitled to have access to a Management Report published by the County Administrator, and made public on a quarterly basis, detailing the performance of the County government offices, divisions and departments. The Management Report shall include, but not be limited to, a report on the receipt and expenditure of County funds by each County office, division and department, and a report of the expected and actual performance of the activities of each County office, division and department.
- J. *Right to Prohibit Conflicts of Interest and the Implementation of a Code of Conduct.* The County Commission shall enact, by ordinance, a conflict of interest section in the County Code that requires Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities to avoid even the appearance of impropriety in the performance of their duties and responsibilities. The County Commission shall also enact, by ordinance, a Code of Official Conduct that shall apply to Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. In the ordinances enacted pursuant to this sub-section, the County Commission shall provide procedures for the examination of matters related to the conduct of Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. The ordinances enacted pursuant to this sub-section shall also provide procedures for the removal of an employee or individual, other than a Commissioner.
- K. *Just and Equitable Taxation.* The County shall prevent the imposition of any tax within the County in excess of the limitations imposed by Article VII, Section 9, of the Florida Constitution or by the laws of the State of Florida.
- L. *Proper Use of Public Property.* The County shall prevent the use of public property or its taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10, of the Florida Constitution, or by the laws of the State of Florida.
- M. *Power of Recall.* The public shall have the power to recall any Commissioner in accordance with the laws of the State of Florida.
- N. *Protection of Human Rights.* The County shall establish provisions, for protection of citizen human rights from discrimination based upon religion, political affiliation, race, color, age, gender, disability, familial status, marital status, or national origin by providing and ensuring equal rights and opportunities for all citizens of the County.

- O. *Protection of Consumer Rights.* The County shall enact ordinances for protection of citizen consumer rights from unfair trade practices by all Persons.
- P. *Sustainable Environment.* Broward County shall enact ordinances which protect its citizens' right to a sustainable environment, including clean air and clean water, while encouraging the stewardship of natural resources.

All provisions of this Article shall be construed to be supplementary to and not in conflict with the laws of the State of Florida. If any part of this Article shall be declared invalid, such invalidity shall not affect the validity of the remaining provisions.

ARTICLE VIII. PUBLIC SAFETY

Section 8.01 POLICE DEPARTMENT.

There shall be a police department.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 8.02 FIRE DEPARTMENT.

There shall be a fire department.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 8.03 CIVIL DEFENSE.

The city manager shall cause to be prepared and maintained current a plan to deal with all disasters, emergencies and catastrophes such as floods, hurricanes, tornadoes, other "acts of God," riots, and civil disturbances.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

ARTICLE IX. MISCELLANEOUS PROVISIONS

Section 9.01 CHARTER REVIEW COMMISSION.

Within one (1) month after receipt of the results of the federal decennial census in 1990 and following each federal decennial census thereafter, the council shall appoint a commission of not less than ten (10) electors of the city, to be known as a charter review commission. The council may appoint a charter review commission at any other time when deemed appropriate. This commission shall review and recommend to the council any additions or deletions to this charter as in its judgment it deems advisable. The council shall submit to the electors any proposed additions or deletions to the charter in the manner provided in article III, section 3.09, of this charter.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 9.02 BOARDS, COMMITTEES, COMMISSIONS.

The council shall establish such boards, committees or commissions, and appoint members, as it deems advisable to make recommendations regarding the general welfare of Palm Bay residents and to ensure planned orderly growth and development of the city in accordance with state law.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

ARTICLE X. TRANSITION SCHEDULE

Section 10.01 CONFLICTING LAWS AND ORDINANCES.

Any section of a law, ordinance, or regulation, insofar as it conflicts with or is inconsistent with the provisions of this charter, is hereby repealed.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 10.02 PENDING MATTERS.

All rights, claims, actions, orders, contracts, legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this charter.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 10.03 SEVERABILITY CLAUSE.

If any article, part of article, or any provision of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such article, part of article, or provision so held invalid may appear, except to the extent that an entire article or part may be inseparably connected in meaning and effect with the provision to which the court holding shall apply.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 10.04 EFFECTIVE DATE.

This charter, except as herein otherwise provided, shall take effect as prescribed by law. The city clerk shall place the effective date of this charter on the official copy filed in the clerk's office.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)