



***Riviera Beach Charter Review Advisory Board
Joint Workshop with
City of Riviera Beach City Council***



**OCTOBER 16, 2018
JAVARIOUS JACKSON**



CHARTER REVIEW MEMBERS

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- **Karen Hoskins, City Manager**
 - **Claudene Anthony-Robinson, City Clerk**
 - **Deborah Hall, Board Liaison**

CHARTER REVIEW



- [**Note: The following is a preliminary compilation of proposed City Charter text amendments(shown in underline and strikethrough format) , which is subject to further review and is not a final recommendation of the Charter Review Advisory Board]**



CHARTER REVIEW



- 1. PROPOSED AMENDMENT TO CREATE NON- INTERFERENCE CLAUSE BETWEEN LEGISLATIVE AND ADMINISTRATIVE BRANCHES:**
 - Except for the purposes of inquiry and information, the members of the City Council are expressly prohibited from interfering with the performance of the duties of any employee (other than their aides or assistants), who are under the direct supervision or indirect supervision of the City Manager. Such action shall be malfeasance within the meaning of Section 112.51, Florida Statutes.**

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2. PROPOSED AMENDMENT TO PROVIDE TERM LIMITS (ELECTED BODY):

- **No individual shall be elected to the office of City Council member for more than three consecutive terms, irrespective of the district for which the individual is elected to serve. No individual shall be elected to serve as Mayor for more than three consecutive terms. If a council member or mayor already has served three terms upon the adoption of this charter amendment, that official shall be permitted to serve one additional term.**



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3. PROPOSED AMENDMENT TO PROVIDE PROCEDURE FOR SUSPENSION AND TERMINATION OF A CITY MANAGER:

- The City Manager may be suspended by a resolution approved by the majority of the total membership of the City Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served within one business day upon the City Manager. The City Manager shall have seven days in which to reply thereto in writing, and upon request, shall be afforded a public hearing which shall occur not earlier than 10 days nor later than 15 days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the City Council, by the super majority vote of its total membership, may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.**

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4. PROPOSED AMENDMENT TO SECTIONS 4 AND 5 OF ARTICLE II, TO PROVIDE FOR THE ELIMINATION OF SECOND RUN-OFF ELECTION; AND TO CREATE PROCEDURE TO RESOLVE TIE VOTES AT A RUN-OFF ELECTION

Section 4. – Date of election – Run-off elections.

The names of the persons so qualifying shall appear as candidates on the ballot for an election to be held on the second Tuesday in March of each election year. In case any one candidate for any office shall receive a majority of the votes of the registered and qualified electors of the city actually voting at such election, such person shall be deemed elected to such office. In case, as to any office, no candidate receives such a majority, then the two who receives the highest vote shall continue to be voted upon at ~~an~~ a run-off election to be held on the fourth Tuesday of March, and the one who then obtains the highest number of votes at the run-off election ~~a~~ majority shall be deemed elected to such office. In the event of a tie vote at the first election between the persons receiving the second highest number of votes cast, the names of those persons receiving such tie votes shall be placed on the ballot, along with the person receiving the highest number of votes, so that at the run-off election a candidate can be elected to such office.

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Section 5. – ~~Run-off~~ Procedure in case of tie

~~In the event of a tie vote at a run-off election, the candidates, all of whom shall be qualified electors residing in the city, receiving the tie votes in each group shall continue to be voted on at a special run-off election to be held in the same manner and by the same officers holding the previous elections. In the event of a tie vote at the run-off election held in accordance with Section 4 above, the final outcome shall be determined in public by the drawing of lots under the supervision of the City Clerk. The specific procedure which is to be utilized for the drawing of lots shall be, as follows: The name of each candidate who has tied shall be placed on a separate piece of paper which shall be placed in an opaque container so that the candidate's names are not visible. The City Clerk shall then reach into the container and randomly select one piece of paper from the container. The candidate whose name appears on that piece of paper shall be declared elected.~~

~~In the event of a tie vote at the first election between the persons receiving the second highest number of votes cast, the names of those persons receiving such tie votes shall be placed on the ballot, with the person receiving the highest number of votes, so that at the run-off election a candidate can be elected to such office.~~

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5. PROPOSED AMENDMENT OF SECTION 15 OF ARTICLE II, TO DELETE MAYOR'S AUTHORITY TO SUSPEND CITY OFFICERS AND EMPLOYEES

Section 15. - Mayor.

A mayor shall be elected by the qualified voters of the city in the same manner as provided hereinabove for councilpersons. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for the purpose of serving civil process and by the governor of the state for military purposes. In time of public danger or emergency, he/she may, with the consent of the city council, take command of the police and maintain order and enforce the laws.

During his/her absence or disability his/her duties shall be performed by the chairperson of the city council. The mayor shall report to the city manager violation or neglect of duty on the part of employees of the city that may come to his /her knowledge.

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Section 15. - Mayor. CONTINUED

He/she may examine into the condition of the books, records and papers of any department, and the manner of conducting official business. He/she shall report to the city council all violations and neglect of duty of any official that may come to his/her knowledge; he/she may make such recommendations about the business and the general welfare of the city to the council as he/she deems advisable; he/she may communicate from time to time to the council such information and make recommendations of the measures touching the public service as he/she may deem proper. He/she shall have a voice at the council meetings but he/she shall vote only in the matter of the appointment of a councilperson in case of a tie vote of the city council when a vacancy exists.

~~The mayor shall have power to suspend any officer or employee of the city, except members of the council, for misconduct in office or neglect of duty, but shall report his/ her action in writing to the council with the reasons thereof at the next regular meeting of the council for its approval or disapproval, and the said officer or employee shall stand and remain suspended only upon the approval thereof by a majority vote of the council, and upon disapproval thereby, shall receive his/ her compensation for the time during which he/ she was suspended.~~

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6. PROPOSED AMENDMENT OF CITY CHARTER ARTICLE II, TO CREATE A NEW SECTION 25, "RESTRICTION ON FORMER ELECTED CITY OFFICIALS".

Section 25. Restriction on former elected city officials.

No former elected City official shall hold any compensated appointive City office or employment until one year after the expiration of his/her term of office.

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7. PROPOSED AMENDMENT OF CITY CHARTER ARTICLE VII TO CREATE A NEW SECTION 8 “CONFLICTS OF INTEREST; ETHICAL STANDARDS”

Section 8. - Conflicts of interest; ethical standards.

The Mayor and Council Members, and all officers and employees of the City shall be subject to the standards of conduct for public officers and employees set by Federal, State, County or other applicable law. The City Council may adopt additional standards of conduct and code of ethics requirements that are not inconsistent with Federal, State, County or other applicable law.

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8. PROPOSED AMENDMENT OF CITY CHARTER ARTICLE II, SECTION 18 “REMOVAL OF OFFICERS AND EMPLOYEES”, TO DELETE REQUIREMENT THAT CITY MANAGER NEEDS JUSTIFIABLE CAUSE TO REMOVE CITY OFFICERS AND DEPARTMENT HEADS

Section 18. - Removal of officers and employees.

(a) Any officer or employee appointed by the city manager or head of any department may be removed by the city manager or head of that department at any time, with the approval of the city manager; subject to the provisions of article III of this Charter.

~~(b) The city manager shall have the power to appoint and remove any city officer or head of a department, except for the city attorney. However, the city manager shall have the power to remove any such city officer or head of a department only for justifiable cause. The city council may, by ordinance, define the term "justifiable cause" as used herein.~~

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