

Meeting Date: May 26, 2015

Agenda Item 22

REQUESTED COMMISSION ACTION:

Consent

Ordinance

Resolution

Consideration/
Discussion

Presentation

SHORT TITLE APPOINTMENT TO THE EMPLOYEES BOARD OF APPEALS

Summary of Purpose and Why:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE EMPLOYEES BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF SAM WEINSTOCK; SAID TERM TO EXPIRE ON MARCH 6, 2020; PROVIDING AN EFFECTIVE DATE.

- APPLICANTS: Joseph L. Fitzpatrick – District 1
 JaMeesha Bernadin – District 4
 Frederic L. Conway – District 5
 Sharon Pinto – District 5
 Sandra Ruise – District 5



Accomplishing this item supports achieving *Initiative 5.2.1*. "Ensure boards/committees are at 90% capacity with qualified members", as identified in the Strategic Plan.

This is a Commission's appointment.

The Employees' Board of Appeals meets on an "as needed" basis, and the two incumbents have perfect attendance for those meetings held. Additionally, the Board consists of five (5) members, two are appointed by the City Commission for a six-year term. Of the remaining three (3) members, two are appointed by the regular city employees, and the fifth is appointed by the City Manager.

- (1) Origin of request for this action: City Clerk's Office
 (2) Primary staff contact: Asceletha Hammond Ext. 4611
 (3) Expiration of contract, if applicable: _____
 (4) Fiscal impact and source of funding: _____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
City Clerk's Office	5/14/15	Approve	
<input checked="" type="checkbox"/> City Manager			

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading	1 st Reading	Results:	Results:
2 nd Reading			

RESOLUTION NO. 2015-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE EMPLOYEES BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF SAM WEINSTOCK; SAID TERM TO EXPIRE ON MARCH 6, 2020; PROVIDING AN EFFECTIVE DATE.

WHEREAS, _____ is well qualified to serve as a member of the Employees Board of Appeals of the City of Pompano Beach and the City Commission desires to appoint a member thereto; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That _____ is hereby appointed to the Pompano Beach Employees Board of Appeals of the City of Pompano Beach to fill the unexpired term of Sam Weinstock; said term to expire on March 6, 2020.

SECTION 2: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK



CITY OF POMPANO BEACH
OFFICE OF THE CITY CLERK
2009 MAY -8 AM 8:59

CITY OF POMPANO BEACH, FLORIDA
ADVISORY BOARD/COMMITTEE APPLICATION

City Clerk's Office
Post Office Drawer 1300
Pompano Beach, Florida 33061

www.ci.pompano-beach.fl.us
Phone No. (954) 786-4611
Facsimile No. (954) 786-4095

IN ORDER TO ASSIST THE CITY COMMISSION IN MAKING MUNICIPAL BOARD AND COMMITTEE APPOINTMENTS, THE FOLLOWING INFORMATION IS REQUESTED:

NAME OF BOARD/COMMITTEE: EMS

NAME OF APPLICANT: Joseph L. Fitzpatrick

RESIDENCY ADDRESS: 2890 NE 23 Street

ZIP CODE: 33062 HOME PHONE NO.: 954-942-5165

MAILING ADDRESS: 2890 NE 23 Street

CITY/STATE/ZIP CODE: Pompano Bch, FL 33062

ARE YOU A CITY RESIDENT? YES: NO:

IF YES, PLEASE INDICATE DISTRICT YOU RESIDE IN: 1 2 3 4 5

DO YOU OWN REAL PROPERTY IN POMPANO BEACH? YES: NO:

ARE YOU A REGISTERED VOTER? YES: NO:

HAVE YOU BEEN CONVICTED OF A FELONY IN FLORIDA, OR ANY OTHER STATE, WITHOUT YOUR CIVIL RIGHTS HAVING BEEN RESTORED? YES: NO:

BUSINESS OR OCCUPATION: Broward Sheriffs office

BUSINESS ADDRESS: 1901 Eller Drive

CITY/STATE: Ft. Lauderdale, FL 33312

ZIP CODE: 33312 BUSINESS PHONE NO.: 954-224-4608

ARE YOU PRESENTLY SERVING ON ANY OTHER CITY BOARD OR COMMITTEE?

IF YES, PLEASE LIST NAME: _____

WOULD YOU CONSIDER SERVING ON ANY OTHER CITY BOARD OR COMMITTEE? No

IF YES, PLEASE LIST NAME(S): _____

HAVE YOU EVER SERVED ON A CITY OF POMPANO BEACH BOARD/COMMITTEE? NO

IF YES, PLEASE STATE NAME OF BOARD OR COMMITTEE: _____

PLEASE LIST THE FOLLOWING BACKGROUND INFORMATION, WHICH WOULD QUALIFY YOU TO SERVE ON THIS BOARD OR COMMITTEE: _____

EDUCATION: Attended BCC, Nova Sea Patrol, Numerous Law Enforcement Leadership classes

EXPERIENCE: Police officer / Sheriff's deputy for over 30 yrs. Started working for City of Pompano in 1979.

CURRENT POSITION: Sgt. for PEO

PAST POSITIONS: Commissioner in Inspected General's office - IA Sgt. etc

HOBBIES: Raising children (he held many positions)

MAKING ANY FALSE STATEMENTS HEREIN MAY BE CAUSE FOR REMOVAL BY THE CITY COMMISSION.

[Signature]
SIGNATURE OF APPLICANT

5/8/09
DATE OF APPLICATION

INITIALS OF CLERK OR DEPUTY

2/13/14
DATE RECEIVED OR CONFIRMED

NOTE: IF YOU DO NOT WISH TO SERVE ON THIS BOARD OR COMMITTEE, PLEASE EITHER CHECK HERE _____ AND RETURN TO CITY CLERK, OR NOTIFY THE CITY CLERK'S OFFICE IN WRITING OF YOUR DESIRE NOT TO SERVE.

THIS SECTION MUST BE COMPLETED BY THE ADVISORY BOARD SECRETARY ONLY

NUMBER OF MEETINGS HELD: _____ NUMBER OF MEETINGS ATTENDED: _____



**CITY OF POMPANO BEACH
ADVISORY BOARD / COMMITTEE
APPLICATION**

City Clerk's Office Phone: 954-786-4611 Fax: 954-786-4095
Post Office Drawer 1300, Pompano Beach, FL 33061
www.mypompanobeach.org

CITY OF POMPANO BEACH
OFFICE OF THE CITY CLERK
2015 FEB 11 PM 1:09

Mr. ___ Mrs. ___ Ms. Miss ___ Name: Ja Meesha BERNADIN
(Optional)

Residence Information:

Home Address: 1100 NE 23th AVE.
City/State/Zip: Pompano Beach
Home Phone: 754-245-1524 Cell Phone: 754-245-1524
Email: Jameeshabernadin@yahoo.com Fax: -

Business Information:

Employer/Business Name: Pompano Post Community Newspaper
Current Position / Occupation: Publisher
Business Address: 2755 NW Atlantic Blvd.
City/State/Zip: Pompano Beach
Business Phone: 754-245-1524 Fax: - Email: pompanopost@yahoo.com

Are you a U.S. Citizen? Yes No ___

Are you a resident of Pompano Beach? Yes No ___ Reside in District: 1 ___ 2 ___ 3 ___ 4 5 ___

Do you own real property in Pompano Beach? Yes ___ No

Are you a registered voter? Yes No ___

Have you ever been convicted of a felony? Yes ___ No

Current or prior service on governmental boards and/or committees: Nominee to the Education Board 2012

Please make a check next to the Advisory Boards/Committees you would like to serve on:

<input checked="" type="checkbox"/> Affordable Housing	<input checked="" type="checkbox"/> Cultural Arts	<input checked="" type="checkbox"/> Parks and Recreation
<input type="checkbox"/> Air Park	<input type="checkbox"/> Education	*Planning & Zoning/Local Planning Agency
<input type="checkbox"/> Architectural Appearance	<input type="checkbox"/> Emergency Medical Services	*Police & Firefighter's Retirement System
<input checked="" type="checkbox"/> Budget Review	<input checked="" type="checkbox"/> Employee's Board of Appeals	<input checked="" type="checkbox"/> Pompano Beach Economic Development Council
<input type="checkbox"/> Charter Amendment	<input type="checkbox"/> Employee's Health Insurance	Public Art Committee
<input type="checkbox"/> Community Appearance	*General Employee's Retirement System	Recycling & Solid Waste
<input checked="" type="checkbox"/> Community Development (CDAC)	Golf	Sand & Spurs Riding Stables
<input checked="" type="checkbox"/> CRA East	Historic Preservation	Marine
<input checked="" type="checkbox"/> CRA West	*Housing Authority of Pompano Beach	*Unsafe Structures
		<input checked="" type="checkbox"/> Zoning Board of Appeals

*Financial Disclosure Form is required, if appointed to serve, upon appointment and upon resignation/retirement.

In addition a Resume may be attached

Education: Pursuing Masters Degree, Mass Communications, Public Administration,
Religion.

Experience: Public Relations, Marketing, Writing, Editing, Business Management
and Development. Promotions. Advocate, Activist, Author, Entrepreneur &
Evangelist.

Past Positions: Administration with Time Warner Communications, SBA Communications,
Anheiser Busch & Aetna. Publisher/ Editor of On The Move Magazine,
and writer for The Florida Sentinel and WTMP-Tampa Broadcasting.

Hobbies: Beach, spending time with my daughter & family. Attending and
volunteering at community events.

Making any false statements herein may be cause for revocation by the City Commission of any appointment to a Board/Committee.

Signature: J. M. Di

Date: 2/11/2015

Initials of Clerk or Deputy: _____

Date received or confirmed: 2/11/15

Please check one: New Application Currently Serving on Board Updated Information

Note: Application is effective for one year from date of completion. If you have any questions on the above, please call the City Clerk's Office at: 954-786-4611, or send via fax to: 954-786-4095.



CITY OF POMPANO BEACH ADVISORY BOARD / COMMITTEE APPLICATION

City Clerk's Office Phone: 954-786-4611 Fax: 954-786-4095
Post Office Drawer 1300, Pompano Beach, FL 33061
www.mypompanobeach.org

CITY OF POMPANO BEACH
OFFICE OF THE CITY CLERK
2015 MAR - 9 PM 3:39

Mr. Mrs. ___ Ms. ___ Miss ___ Name: Frederic L. Conway
(Optional)

Residence Information:

Home Address: 805 Cypress Blvd. # 306
City/State/Zip: Pompano Beach FL 33069
Home Phone: 954-960-5298 Cell Phone: 321-506-5298
Email: fredconway@yahoo.com Fax: _____

Business Information:

Employer/Business Name: Dept. of Veterans Affairs (30 years)
Current Position / Occupation: Retired Attorney
Business Address: _____
City/State/Zip: _____
Business Phone: _____ Fax: _____ Email: _____

Are you a U.S. Citizen? Yes No ___
Are you a resident of Pompano Beach? Yes No ___ Reside in District: 1 ___ 2 ___ 3 ___ 4 ___ 5
Do you own real property in Pompano Beach? Yes No ___
Are you a registered voter? Yes No ___
Have you ever been convicted of a felony? Yes ___ No
Current or prior service on governmental boards and/or committees: Public Health Advisory Comm., Alexandria VA

Please make a check next to the Advisory Boards/Committees you would like to serve on:

Affordable Housing	Cultural Arts	Parks and Recreation
Air Park	Education	*Planning & Zoning/Local Planning Agency
Architectural Appearance	Emergency Medical Services	*Police & Firefighter's Retirement System
Budget Review	<input checked="" type="checkbox"/> *Employee's Board of Appeals	Pompano Beach Economic Development Council
Charter Amendment	Employee's Health Insurance	Public Art Committee
Community Appearance	*General Employee's Retirement System	Recycling & Solid Waste
*Community Development(CDAC)	Golf	Sand & Spurs Riding Stables
CRA East	Historic Preservation	Marine
CRA West	*Housing Authority of Pompano Beach	*Unsafe Structures
		*Zoning Board of Appeals

***Financial Disclosure Form is required, if appointed to serve, upon appointment and upon resignation/retirement.**

In addition a Resume may be attached

Education: See Attached

Experience: _____

Past Positions: _____

Hobbies: _____

Making any false statements herein may be cause for revocation by the City Commission of any appointment to a Board/Committee.

Signature: Frederick Conway

Date: 5/2/15

Initials of Clerk or Deputy: _____

Date received or confirmed: _____

Please check one: New Application Currently Serving on Board Updated Information

Note: Application is effective for one year from date of completion. If you have any questions on the above, please call the City Clerk's Office at: 954-786-4611, or send via fax to: 954-786-4095.

Frederic L. Conway
805 Cypress Boulevard
Apt. 306
Pompano Beach Florida 33069
Home telephone: 954-960-5298
Cell phone: 321-506-7762

Education:

B.A. History, University of Massachusetts, Amherst, MA - 1969
J.D. with Honors, National Law Center, George Washington University
Washington D.C. - 1972

Experience:

1972-1976: Attorney Advisor, Board of Veterans Appeals, Department of
Veterans Affairs (VA)

1976-1980: Deputy Assistant General Counsel, VA

1980-1989: Special Assistant to the General Counsel, VA

1989-2000: Deputy Assistant General Counsel, VA

2000-2003: Senior Dispute Resolution Counsel, Board of Contract
Appeals VA

During my career with the Office of General Counsel at the Department of Veterans Affairs, I supervised attorneys specializing in employment law. I also served as advisor to the Secretary of Veterans Affairs reviewing appeals from disciplinary actions and recommending appropriate action. I also was responsible for providing continuing legal education to VA attorneys and training in personnel law and dispute resolution for VA human resources personnel. I concluded my career overseeing the Department's Workplace Dispute Resolution program. In this position, I served as advisor to VA facilities in establishing local dispute resolution programs and as a mediator for workplace disputes.

In addition to my legal experience, I served as Executive Secretary to the Veterans Advisory Committee on Environmental Hazards. This committee was charged with reviewing the scientific literature relating to the health consequences of exposure to dioxin (a contaminant of "Agent Orange") and exposure to radiation as a result of military personnel participating in the occupation of Hiroshima and Nakasaki, Japan, or in the atomic weapons testing programs of the late 1940's and 1950's.



D11.5
ch 8

City of Pompano Beach, Florida

Phone: (305) 786-4611

In order to assist the City Commission in making Municipal Board/ Committee Appointments, the following information is requested:

NAME OF BOARD/COMMITTEE: ZONING BOARD of Appeals

NAME OF APPLICANT: SHARON PINTO

AGE: UNDER 20: 21 - 35 35 - 50 OVER 50

HOME ADDRESS: 2661 S. COURSE DR. #906 PHONE 973-0305

ZIP CODE 33069 OCCUPATION: Admin. Asst.

RETIRED: No

BUSINESS ADDRESS: 7491 W. OAKLAND PARK BLVD. PHONE 572-0305

ARE YOU A REGISTERED VOTER? Yes ARE YOU A CITY RESIDENT? Yes

HOW LONG HAVE YOU BEEN A CITY RESIDENT? 9 yrs.

PREVIOUS RESIDENCE: N. SHALLOWFORD RD., ATLANTA, GA.

ARE YOU A UNITED STATES CITIZEN? Yes

ARE YOU PRESENTLY SERVING ON ANY OTHER CITY BOARD/COMMITTEE? No

IF YES, PLEASE LIST NAME: N/A

WOULD YOU CONSIDER SERVING ON ANY OTHER CITY BOARD/COMMITTEE? Yes

IF YES, PLEASE LIST NAME:
Comm. Develop. Advisory Committee Comm. Affairs Advisory Committee
Library Advisory Board Employees Board of Appeals

Note: Would appreciate consideration be given to changing afternoon meetings to evening in order to accommodate working individuals.

BOARD/COMMITTEE APPLICATION

PAGE 2

HAVE YOU EVER SERVED ON A CITY BOARD OR COMMITTEE? No

IF YES, PLEASE STATE NAME OF BOARD OR COMMITTEE: N/A

NUMBER OF MEETINGS HELD: N/A NUMBER OF MEETINGS ATTENDED: N/A
PLEASE LIST YOUR BACKGROUND, EXPERIENCE, EDUCATION, ETC., WHICH WOULD
QUALIFY YOU TO SERVE ON THIS BOARD OR COMMITTEE.

EDUCATION: High School

EXPERIENCE: Shopping Center Development / Management

CURRENT POSITION: Admin. Asst. to Owner - Redenco Corp. - Allan Kolsky or

PAST POSITIONS: Admin Asst to Owner - David J. Meares, Margate Debra Sinkle

HOBBIES: Reading, Tennis, Golf

Sharon Pinto

Signature

Date Sent

02/13/14
Date Rec'd

MAKING ANY FALSE STATEMENTS MAY BE CAUSE FOR REMOVAL BY THE
CITY COMMISSION.

NOTE: IF YOU DO NOT WISH TO SERVE ON THIS BOARD/COMMITTEE,
PLEASE EITHER CHECK HERE _____ AND RETURN TO CITY
CLERK, OR NOTIFY THE CITY CLERK'S OFFICE IN WRITING OF
YOUR DESIRE NOT TO SERVE.



CITY OF POMPANO BEACH
ADVISORY BOARD / COMMITTEE
APPLICATION

CITY OF POMPANO BEACH
OFFICE OF THE CITY CLERK

2014 SEP -9 AM 10: 20

City Clerk's Office Phone: 954-786-4611 Fax: 954-786-4095
Post Office Drawer 1300, Pompano Beach, FL 33061
www.mypompanobeach.org

Mr. ___ Mrs. X Ms. ___ Miss ___ Name: SANDRA RUISE
(Optional)

Residence Information:

Home Address: 2410 N.W. 6th Street
City/State/Zip: Pompano Beach, FL 33069
Home Phone: Cell Phone (954) 815-6675
Email: Sandra.ruise@browardschools.com Fax:

Business Information:

Employer/Business Name: School Board of Broward County
Current Position / Occupation: Instructional Employee (Teacher) Markham Elem.
Business Address: 1501 NW 15th Street Ave, Pomp. Bch., FL 33069
City/State/Zip: Pomp. Bch., FL 33069
Business Phone: (954) 322-6957 Fax: Email: Sandra.ruise@broward
schools.com

Are you a U.S. Citizen? Yes X No ___
Are you a resident of Pompano Beach? Yes X No ___ Reside in District: 1 ___ 2 ___ 3 ___ 4 ___ 5 X
Do you own real property in Pompano Beach? Yes ___ No ___
Are you a registered voter? Yes X No ___
Have you ever been convicted of a felony? Yes ___ No X
Current or prior service on governmental boards and/or committees: None

Please make a check next to the Advisory Boards/Committees you would like to serve on:

Table with 3 columns: Affordable Housing, Cultural Arts, Parks and Recreation, etc. Includes a checkmark next to 'Employee's Board of Appeals'.

*Financial Disclosure Form is required, if appointed to serve, upon appointment and upon resignation/retirement.

In addition a Resume may be attached

Education: See Resume

Experience: " "

Past Positions: " "

Hobbies: Reading & Writing

Making any false statements herein may be cause for revocation by the City Commission of any appointment to a Board/Committee.

Signature: [Signature]

Date: 9/5/14

Initials of Clerk or Deputy: K.D.A

Date received or confirmed: 9/9/14

Please check one: New Application Currently Serving on Board Updated Information

Note: Application is effective for one year from date of completion. If you have any questions on the above, please call the City Clerk's Office at: 954-786-4611, or send via fax to: 954-786-4095.

Sandra Ann Ruise
2410 North West 6th Street
Pompano Beach, Fl 33069
(954) 815-6675
harden2harden@aol.com

Objective

To be a productive resident of Pompano Beach, Florida through service and commitments of time and energy to both the local government and the youth.

Experience

Tutor

1999-Present

Provide tutoring services to those students who are not able to afford the academic help needed for success.

Teacher

1985-Present

Classroom Teacher- Provide educational services to those students whose past performances has evidence a need for intensive remediation.

Resource Teacher-Work with students identified as performing in the lowest quartile for both reading and math.

Math Coach- Provide the teachers of mathematics with the information needed to assist students in meeting proficiency.

YMCA Teacher- Provide academic assistance to students via homework assistance and test preparation.

Retail Management

1978-1985

Create displays of store's merchandise. Create schedules. Track inventory of the store's merchandise. Cash out registers. Compute payroll. Balance payroll and scheduling of employees.

Education

Master of Science (Reading and Mathematics) 2011
Walden University

Bachelor of Science (Biology) 1978
Bethune Cookman University

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 34 "CITY POLICY" OF THE POMPANO BEACH CODE OF ORDINANCES BY ENACTING A NEW SECTION 34.148.1 "EMPLOYEES BOARD OF APPEALS: CANONS OF CONDUCT" TO PROVIDE FOR CANONS OF CONDUCT FOR MEMBERS OF THE EMPLOYEES BOARD OF APPEAL; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach Florida; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That a Chapter 34 "City Policy" of the Pompano Beach Code of Ordinances is hereby amended by creating a new Section 34.148.1 "Employees Board of Appeals: Canons of Conduct" to read as follows:

Members of the Employees Board of Appeals shall, in addition to any and all requirements of law applicable to members of municipal boards, be bound by the following canons of conduct:

I. CANON 1: A board member should uphold the integrity and independence of the Employees Board of Appeals. An independent and honorable Employees Board of Appeals is indispensable for maintaining the integrity of the civil service merit system. A board member should participate in establishing, maintaining, and enforcing, and should himself or herself observe high standards of conduct so that the integrity and independence of the civil service merit system may be preserved. The provisions of these canons should be construed and applied to further that objective.

CANON 2: A board member should avoid impropriety and the appearance of impropriety in all his or her board activities.

(a) A board member should respect and comply with the law and the provisions of the Pompano Beach Code of Ordinances and should conduct himself or herself in a manner that promotes confidence in the integrity and impartiality of the Employees Board of Appeals.

(b) A board member should not allow his or her personal relationships to influence his or her conduct or judgment while acting in his or her official capacity as a board member. A board member should not lend the prestige of his or her position to advance the private interests of others, nor should a board member convey or authorize others to convey the impression that they are in a special position to influence the board member. A board member should not testify voluntarily as a character witness for any City of Pompano Beach employee in any disciplinary proceeding.

CANON 3: A board member should perform the duties of the Employees Board of Appeals impartially and diligently.

(a) A board member should be faithful to the law and should be unswayed by partisan interests, public clamor or fear of criticism.

(b) A board member should maintain order and decorum in proceedings before him or her.

(c) A board member should be patient, dignified and courteous to parties, witnesses, lawyers and others with whom he or she deals in his or her official capacity.

(d) A board member should accord to every person who is legally interested in a proceeding, or his or her lawyer, full right to be heard according to the law and the procedures of the Employees Board of Appeals. A board member shall not communicate with any person whatsoever regarding a pending disciplinary action unless such communication occurs in a meeting which complies with all provisions of Florida Statutes, Chapter 286.011, commonly referred to as the Sunshine Law; provided, however, that a board member may obtain the advice of the Board's legal counsel on the law, admissibility of evidence, procedures or other related items which are applicable to a proceeding before the board.

(e) The board should dispose promptly of the business of the board.

CANON 4: (A) A board member should disqualify himself or herself in a proceeding in which his or her impartiality might be reasonably questioned, including but not limited to, instances where,

(a) he or she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) a board member served as a lawyer in the matter in controversy, or a lawyer

with whom he or she previously practiced law served during such association, or the board member or such lawyer has been a material witness concerning it;

(c) the board member knows that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings;

(d) he or she, or his or her spouse, or a person within the third degree of relationship to either of them, or the spouse of such person, (i) is a party to the proceeding, or an officer, director or trustee of a party; (ii) is acting as a lawyer in the proceeding; (iii) is known by the board member to have an interest that could be substantially affected by the outcome of the proceedings; (iv) is to the board member's knowledge likely to be a material witness in the proceeding.

For the purposes of this section:

(a) The degree of relationship is calculated according to the civil law system.

(b) Fiduciary includes such relationships as executor, administrator, trustee and guardian.

(c) Financial interest means ownership of a legal or equitable interest, however small, or a relationship as a director, advisor or other active participant in the affairs of a party, except that, (i) ownership in a mutual or common investment fund that holds securities is not a financial interest in such securities unless the

board member participates in the management of the fund; (ii) an office in an educational, religious, charitable, fraternal or civic organization is not a financial interest in securities held by the organization; (iii) the proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a financial interest in the organization only if the outcome of the proceeding could substantially affect the value of the interest; (iv) ownership of government securities and a financial interest in the insurer only if the outcome of the proceeding should substantially affect the value of the security.

(B) If the disqualified board member holds his or her position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the board member is an employee representative, an emergency election pursuant to the requirements of Section 34.148 may be held to appoint an alternate member. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute to serve in the matter from which the individual is disqualified and such decision shall be made solely by the City Commission.

(a) The time periods for holding a hearing shall be adjusted to allow a decision as to whether an alternate should be appointed and to allow such appointment to be made if the City Commission so determines.

(b) Any board action taken by a duly appointed substitute for a disqualified board member shall be as conclusive and effective as if the board action had been taken by the agency as it was constituted prior to any substitution.

CANON 5: A board member should regulate his extra-board activities to minimize the risk of conflict with his or her official board duties.

II. Violations of the canons set forth herein may subject a board member to removal as set forth in the Pompano Beach Charter.

SECTION 2: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3: This Ordinance shall become effective upon passage.

PASSED FIRST READING this 26TH day of FEBRUARY,
1991.

PASSED SECOND READING this 5TH day of MARCH,
1991.

Nathan N. Braverman

NATHAN N. BRAVERMAN MAYOR

ATTEST:

for
Vernadette Fuller
VERNADETTE FULLER
CITY CLERK

SVD/mh
2/8/91
2/27/91
D-12 91-117

ARTICLE VII: FIRE DEPARTMENT**Sec. 45. FIRE DEPARTMENT.***Editor's note:*

Pursuant to the Municipal Home Rule Powers Act, the substantive provisions of Art. VII, section 45, have been transferred to § 32.50 of the Code of Ordinances.

ARTICLE VIII:**DEPARTMENT OF PUBLIC WORKS****Secs. 46.-51. (RESERVED).***Editor's note:*

Pursuant to the Municipal Home Rule Powers Act, the substantive provisions of Art. VIII, sections 46-49, 51, have been transferred to §§ 32.10 through 32.14 of the Code of Ordinances. Sections 32.13 and 32.14 of the Code of Ordinances were subsequently deleted.

ARTICLE VIII A:**DEPARTMENT OF ENGINEERING****Sec. 51.1. DEPARTMENT OF ENGINEERING.***Editor's note:*

Pursuant to the Municipal Home Rule Powers Act, the provisions of Art. VIII A, section 51.1, have been transferred to § 32.30 of the Code of Ordinances.

ARTICLE IX: BUILDING DEPARTMENT**Sec. 52. BUILDING DEPARTMENT.***Editor's note:*

Pursuant to the Municipal Home Rule Powers Act, the provisions of Art. IX, section 52, have been transferred to § 152.02 of the Code of Ordinances.

ARTICLE X: DEPARTMENT OF PERSONNEL**Sec. 53. CIVIL SERVICE MERIT SYSTEM.**

(1) Reserved.

Editor's note:

Amendment No. 4 of Ord. No. 73-10, enacted Jan. 3, 1973, repealed former subsection (1), "Definitions."

(2) System established:

There is hereby established for the City of Pompano Beach a system of personnel administration, based on merit principles and scientific methods governing the appointment, promotion, lay-off, suspension, removal and discipline of certain of its officers and employees and other incidents of city employment. To carry out this system there shall be a Department of Personnel and an Appellate Board to review such personnel actions.

(3) Personnel policy and rules:

(a) It is hereby declared the personnel policy of the city that employment in the city government shall be based on merit and fitness, free of personal and political considerations; that just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of city government; that positions having similar duties and responsibilities shall be classified and compensated on a uniform basis; that appointments, promotions and other actions requiring the application of the merit principle shall be made according to merit and fitness to be ascertained, so far as practicable, by competitive examinations; that high morale shall be maintained by fair administration and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city; and that tenure of employees covered by this Article shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work, and availability of funds.

(b) The City Commission, by ordinance, shall adopt personnel rules and regulations to effectuate the purposes and intent of this Article; provided, however, that any existing personnel rules or regulations adopted otherwise than by ordinance and existing on April 1, 1963, shall remain in full force and effect, to the extent not inconsistent with this Article, until readopted by ordinance as provided for herein. Any personnel rules and

regulations may also include rules of procedure for the conduct of appeal hearings, including rules of evidence.

(4) Classified and exempt service:

The classified service to which this law shall apply shall comprise all positions in the city government now existing or hereafter established, except the following:

(a) The City Commissioners and other elected officials and persons appointed to fill vacancies in elective offices.

(b) The City Manager and/or Acting City Manager.

(c) The Municipal Judge and Assistant Municipal Judge.

(d) The City Attorney and Assistant City Attorneys.

(e) The City Clerk.

(f) Members of boards, commissions or committees and other persons appointed by the City Commission.

(g) Intermittent or temporary and probationary employees.

(h) Consultants, counsel, architects, auditors and the like rendering temporary specialized technical and professional services for pay.

(i) The Internal Auditor as provided in Section 30.

(5) Status of present officers and employees:

When this Article becomes effective, all persons then holding positions hereunder:

(a) Shall have permanent status if they have held their present positions for at least six months immediately preceding the effective date of this Act; or,

(b) Shall have a probationary period of six months before acquiring permanent status if they have held their positions for less than six months immediately preceding the effective date of this Act.

(6) Personnel Director - administration:

The personnel program established by this Article shall be administered by the Personnel Director. The Personnel Director shall be a person who has had experience in the field of personnel administration and is familiar with its principles and methods, and who is in sympathy with the application of merit principles and scientific methods of public employment. The Personnel Director shall perform the duties required by the Personnel Rules and Regulations and such other duties as the City Manager may direct.

(7) Employees' Board of Appeals - Creation:

There shall be an Employee's Board of Appeals consisting of five (5) members with the powers, duties and qualifications hereinafter enumerated.

(8) Employees' Board of Appeals - Qualifications:

The members of the Board shall be qualified electors of the city, and shall be in sympathy with the application of merit principles to public employment. No member of the Board shall be a member of any local, state or national committee of a political party, or an officer or a member of a committee in any partisan political club or organization, or shall hold or be a candidate for any elective public office. No person shall be eligible to be a member of the Board who is a city employee or official, or who is serving the city upon an advisory board or in any capacity except as a member of the Board, nor shall the husband or wife or relative of such person be eligible for membership.

(9) Employees' Board of Appeals - Appointment:

The Board shall consist of five (5) members, two of whom shall be appointed by the City Commission, two of whom shall be appointed by the regular city employees, and the fifth of whom shall be appointed by the City Manager. Each member shall be appointed for a full six (6) years except that of the members first appointed, the two recommended by the regular city employees shall serve for four (4) years and the one recommended by the City Manager shall be appointed to serve for two years, but the provisions of this section shall not effect the terms of any member of the Board at the time of its adoption. All members of the Board shall file with the City Clerk an oath to support and defend the Constitution of the United States and of the State of Florida, and to faithfully perform the duties of the office. Such board shall elect one of its members to serve as chairman for a two (2) year term.

(10) Same - Removal of Members:

A member of the Board shall be removable by the Commission only for cause, after being given a copy of charges against him and an opportunity to be heard publicly on such charges before the Commission. A copy of the charges and a transcript of the record of the hearing shall be filed with the City Clerk.

(11) Same - Compensation; reimbursement for expenses:

Members of the Board shall serve thereon without recompense, unless otherwise provided by the Commission. They shall be entitled to reimbursement for necessary expenses. The necessary secretarial help and financial assistance will be furnished by the city.

(12) Same - "Hearings"; quorum:

The Board shall meet at such times and places as shall be specified by call of the Chairman of the Board or a majority of the Board members. All hearings shall be open to the public. Notice of such hearing shall be given in writing to each member by the Personnel Director. Three members shall constitute a quorum for the transaction of business.

(13) Same - Duties.

It shall be the duty of the Board and it shall have the power to:

(a) Hear appeals of any permanent employee hereunder in the method provided in the personnel rules and regulations and as provided in subsection 14.

(b) Represent the public interests in the improvement of personnel administration in the city service.

(c) Advise the Commission, the City Manager, and the Personnel Director on problems concerning personnel administration.

(d) Advise and assist the Personnel Director in fostering the improvement of personnel standards in the city service.

(e) Make any investigation which it may consider desirable, concerning the administration of personnel in said departments and to review any personnel

action therein which may appear to be arbitrary, capricious or illegal, and make recommendations to the Personnel Director with respect thereto.

(f) Make such special reports, as it considers desirable to the Commission and to the City Manager concerning personnel administration and recommendations for improvement therein.

(14) Appeals to Board:

(a) Any employee holding a classified position to which this Article applies who for disciplinary reasons is dismissed, demoted, reclassified in job position, or suspended for a period in excess of three (3) regularly scheduled working days may appeal such disciplinary action to the City Manager and then to the Board in accordance with the procedure outlined herein and in the personnel rules and regulations; provided, however, that any employee who has received two such suspensions of three regularly scheduled working days within sixty (60) days, or three such suspensions within one hundred twenty (120) days, or four such suspensions within one hundred eighty (180) days, may appeal to the City Manager and the Board in the same manner as other appeals are allowed, the effective date of the last such suspension being the date from which the time within which all actions required to be taken under this Article shall be determined.

(b) Disciplinary action resulting in dismissal, demotion, reclassification in job position, or suspension for a period in excess of three regularly scheduled working days shall not become effective unless and until the Personnel Director, or other person legally authorized to take such disciplinary action, shall have, (a) served upon the employee a written "Order of Disciplinary Action" setting forth the action taken and specifying the grounds or reasons for the action and a statement of facts sufficient to enable such employee to understand the charge and make an explanation or prepare his defense; and (b) filed a copy of such order with the Board. Within five (5) calendar days of the effective date of any such "Order of Disciplinary Action" the aggrieved employee if he desires to appeal the action shall first file an administrative appeal to the City Manager setting forth his explanations and defenses to the charges so made, and the City Manager shall forthwith have an informal hearing in which both sides shall be given an opportunity to be heard. The City Manager shall make a written decision and shall file a copy of such decision with the Board. A notice of appeal from the decision of the City Manager must be filed in writing with the Board within ten (10) calendar days from the date such decision is filed with the Board, and a copy of such notice of appeal shall be served on the City Manager. A

copy of the explanations and defenses filed with the City Manager pursuant to the administrative appeal of the employee shall not be filed with the Board, nor shall the employee be entitled to file an answer or response of any nature to the "Order of Disciplinary Action" except that of "Not Guilty."

(c) The appeal shall be heard within thirty (30) days from the date of filing the notice thereof with the Board and the hearing shall be restricted to a consideration of the truth or falsity of the reasons or grounds contained in the written "Order of Disciplinary Action" and the sufficiency of said grounds and reasons to support the disciplinary action taken. At least five (5) calendar days written notice of the time and place of the hearing of the appeal shall be given to the parties in interest. At the hearing, the Board shall consider only the grounds and reasons contained in the "Order of Disciplinary Action" and shall only admit evidence which tends to prove the factual truth or falsity of the charges against the appellant and the hearing shall be as informal as is compatible with justice. The Board Chairman shall have the power to issue subpoenas to compel the attendance of witnesses and the production of books and documents in the same manner and under the same conditions as clerks of the circuit courts of this state. Any such subpoena shall be served by the sheriff or constable of any county in the same manner as other similar subpoenas are so served, or, if directed to persons within the municipal limits of Pompano Beach, Florida, they may be served by any policeman of the City of Pompano Beach, as the Chairman of the Board shall direct. Subpoenas shall be obeyed by the person or persons to whom directed in the same manner as subpoenas issued by a clerk of a circuit court within the State of Florida and the Board Chairman shall have the same powers to enforce compliance with such subpoenas by contempt proceedings or otherwise as judges of the circuit courts of this state. The Board Chairman shall also be empowered to administer oaths. The parties in interest may be represented by counsel.

(d) Immediately upon the completion of the hearing of the evidence on the charges, if the appellant desires to assert that the disciplinary action taken against him was taken discriminatorily, arbitrarily, capriciously, or falsely or for any political, religious or racial reason, he may do so by filing with the Board written affidavits supporting such assertions, which affidavits shall not be considered in determining the truth or falsity of the grounds and reasons contained in the "Order of Disciplinary Action" but may be considered only in mitigation of the disciplinary action taken. Counter-affidavits shall be allowed to be filed by the city to any

such affidavits filed by the appellant; copies of all affidavits shall be served upon the City Manager and the appellant.

(e) The Board shall, after due consideration, prepare and file a detailed finding of fact regarding the truth or falsity of the grounds or reasons contained in the "Order of Disciplinary Action," concluding with a judgment affirming, reversing or modifying the disciplinary action against the appellant, said finding of fact and judgment to be filed within ten (10) calendar days after the completion of the hearing, and copies thereof served on all parties in interest. If the Board finds that the grounds and reasons contained in the "Order of Disciplinary Action" are not true, or finds that said grounds and reasons are only partially true, or finds that there are mitigating circumstances warranting reduction of the severity of the disciplinary action, or finds for any good, sufficient, and reasonable cause that the disciplinary action should be modified, it shall also determine, in its discretion, the question of the back pay which the employee shall receive, if any pay has been lost or forfeited.

(f) Unless otherwise provided, the original and six (6) copies of any matter or thing required to be filed with the Board shall be filed with the Chairman of the Board, at his home or business address, or with such other person as is designated by the personnel rules and regulations to represent the Board. A matter or thing is considered filed or served when actually mailed or when delivered by hand and shall bear a certificate as to the date and manner of filing or serving.

(14.1) Administrative appeals:

There shall be provided in the personnel rules and regulations an administrative procedure for the consideration and disposition of grievances and disciplinary actions which are not appealable to the Board under the terms of this Article, with final action thereon to be vested solely in the City Manager.

(15) Appeal to courts:

Either the appellant or the city may seek judicial review of a decision of the Employees Board of Appeals by filing a petition for writ of certiorari in a court of competent jurisdiction within the time limit and according to the procedures established by the applicable Florida Rules of Civil or Appellate Procedure.

(16) Refusal of employee to testify:

If any employee hereunder shall wilfully refuse or fail to appear before this Board, or having appeared shall refuse to testify or answer any questions relating to the charges or specifications then before the Board regarding the conduct of any city employee, he shall forfeit his position and shall not be eligible for appointment to any position in the city service as provided in subsection 17.

(17) Disqualification for reappointment:

Any permanent employee hereunder who is dismissed for cause or who resigns while charges are pending shall be disqualified and ineligible for appointment to or employment in a position in the city service for a period of five years from such action.

(18) Penalties:

Any person who wilfully violates any provisions of this Article shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment.

(19) Amendments:

The Civil Service system, having been established by a referendum vote, cannot be abolished or substantially changed or modified except upon approval by a referendum vote, except that notwithstanding the provisions of Section 261 of this Charter, all or part of the provisions of Section 53 of this Charter relating to the Employees' Board of Appeals may be amended, supplemented, replaced or superseded by ordinance established by the City Commission, provided that any procedure providing for a post-disciplinary evidentiary hearing for Civil Service employees shall meet the requirements of due process, including an impartial finder of fact, pursuant to applicable law.

(Special Acts, Ch. 59-1763, § 4; Ch. 61-2712, § 14; Ch. 63-1826, §§ 7, 8; Ch. 67-1949, § 10; Ref. of 3-9-76; Ord. No. 86-32, § 2, Am'd. No. 2, 1-14-86, Ratified 3-11-86; Am. Ord. 88-28, passed 1-19-88, Ref. of 3-8-88; Am. Ord. 90-64, passed 9-4-90, Ref. of 11-6-90; Am. Ord. 90-65, passed 9-4-90, Ref. of 11-6-90)

Editor's note:

Section 14 of Ch. 61-2712, ratified by the electors Aug. 15, 1961, amended subsection (9) of § 53, Ch. 57-1754, previously established by § 4 of Ch. 59-1763, to read as set out. Section 7 of Ch. 63-1826, filed with the Secretary of State on June 18, 1963, amended subsections (3), (7), (12) and (14) of the same section, to read as set out, and

§ 8 of said Act added subsection (14.1). The editors renumbered the subsections of (14) to conform to the format of the Code. Ch. 67-1949, § 10, amended subparagraph (1), subsections (b) and (c) of § 53 of Ch. 57-1754, by adding the exception as to patrolmen.

Sec. 54. PENSION AND RETIREMENT PLANS.

The pension or retirement plans established and in force and effect on January 1, 1974, may not be abolished nor the benefits thereunder reduced.

(Res. No. 74-109, § 1, Am'd. No. 1, 1-15-74)

Editor's note:

Section 4 of Ch. 59-1763 approved by the electors April 14, 1959, repealed Art. X, §§ 53 and 54 of Ch. 57-1754 and substituted in lieu thereof a new Art. X containing section 53 as hereinabove set out. Res. No. 74-109, ratified on Feb. 19, 1974, added section 54.

ARTICLE XI: MUNICIPAL COURT AND CITY ATTORNEY

Secs. 55. - 61. (RESERVED).

Editor's note:

Former Sections 55-61, 64, 64.1, which pertained to the municipal court, have been deleted pursuant to Art. V, § 20(d) (4) of the Constitution of the State of Florida, which provides for the abolishment of all municipal courts effective January 3, 1977. Said deleted sections had been derived from Special Acts, Ch. 59-1763, §§ 5-7; Ch. 61-2712, § 15; Ch. 63-1826, §§ 9, 10; Ch. 65-2141, § 6; Ch. 67-1949, §§ 11, 12, and Ord. No. 75-46, § 1, and adopted April 8, 1975.

Sec. 62. CITY ATTORNEY; APPOINTMENT AND QUALIFICATIONS.

The City Commission shall appoint a City Attorney who and such assistant attorneys as may be necessary, shall act as the legal advisor to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties. He shall be a lawyer of at least two (2) years experience and practice in the Court of the State of Florida. He shall prepare all contracts, bonds, leases and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the

(24) When his position requires the operation of a motor vehicle in the performance of his duties, has lost his driver's license and driving privileges by due process of law.

(B) Nothing contained above, however, shall interfere with the right and duty of the City Commission or the City Manager or department head in accordance with the Charter to file charges against any employee on any grounds which they consider justifiable.

('58 Code, § 11.98.4) (Ord. 69-85, passed 9-9-69; Am. Ord. 74-67, passed 7-2-74; Am. Ord. 85-80, passed 9-10-85)

§ 34.147 DEMOTION.

When a regular employee becomes physically or mentally incapacitated for the performance of the duties of his position, he may on request from the City Manager, or on his own initiative with the approval of the Personnel Director and the City Manager, be given status to and appointed to a position, the duties of which he is able to perform, which carries a lower classification or compensation, provided an opening is available.

('58 Code, § 11.98.5) (Ord. 69-85, passed 9-9-69)

§ 34.148 ELECTION OF EMPLOYEE REPRESENTATIVE TO EMPLOYEES' BOARD OF APPEALS.

(A) Nominations. The selection of the members to be recommended by the classified city employees to the City Commission for appointment to the Employees' Board of Appeals shall be made in the following manner.

(1) Not less than 30 days before the expiration of the term of an employee's representative, or immediately upon the resignation of an employee's representative, the Personnel Director shall notify all employees in the classified service that he will receive names for a period of seven days from the following named departments, or group of departments, for a representative or representatives as indicated, to serve as a seven-member nomination committee to select three candidates for the appointment to be filled.

(a) Two from administration. Includes all employees working in city hall plus library and golf course employees.

(b) Two from the Police Department, including Court.

(c) One from the Fire Department.

(d) One from the Public Works Department.

(e) One from the Recreation, Water and Sewers Departments.

(2) The permanent employees of each of the departments, or groups of departments, listed above shall have the right to name any other permanent employee of the department or departments as a member of the nominating committee. At the expiration of seven days from the notification, the above groups shall certify to the Personnel Director the name or names of the persons to serve on the nominating committee. The committee so selected shall, on notice of the Personnel Director, meet to nominate three candidates for the appointment to be filled. ('58 Code, § 11.99)

(B) Election. The Personnel Director shall then prepare appropriate ballots containing the names so nominated by the committee for vote by the eligible employees. The vote shall be a secret ballot. Upon tabulation of the vote by the employees, the Personnel Director shall certify to the City Commission for appointment to the Employees' Board of Appeals, the person receiving the highest number of votes. ('58 Code, § 11.99.1)

(Ord. 69-85, passed 9-9-69)

§ 34.148.1 EMPLOYEES BOARD OF APPEALS; CANONS OF CONDUCT.

Members of the Employees Board of Appeals shall, in addition to any and all requirements of law applicable to members of municipal boards, be bound by the following canons of conduct.

(A) Canon 1. A board member should uphold the integrity and independence of the Employees Board of Appeals. An independent and honorable Board is indispensable for maintaining the integrity of the civil service merit system. A board member should participate in establishing, maintaining and enforcing and should himself or herself observe high standards of conduct so that the integrity and independence of the civil service merit system may be preserved. The provisions of these canons should be construed and applied to further that objective.

(B) Canon 2. A board member should avoid impropriety and the appearance of impropriety in all of his or her board activities.

(1) A board member should respect and comply with the law and the provisions of the City Code and should conduct himself or herself in a manner that promotes confidence in the integrity and impartiality of the Employees Board of Appeals.

(2) A board member should not allow his or her personal relationships to influence his or her conduct or judgment while acting in his or her official capacity as a board member. A board member should not lend the prestige of his or her position to advance the private interests of others, nor should a board member convey or authorize others to convey the impression that they are in a special position to influence the board member. A board member should not testify voluntarily as a character witness for any city employee in any disciplinary proceeding.

(C) Canon 3. A board member should perform the duties of the Employees Board of Appeals impartially and diligently.

(1) A board member should be faithful to the law and should be unswayed by partisan interests, public clamor or fear of criticism.

(2) A board member should maintain order and decorum in proceedings before him or her.

(3) A board member should be patient, dignified and courteous to parties, witnesses, lawyers and others with whom he or she deals in his or her official capacity.

(4) A board member should accord to every person who is legally interested in a proceeding, or his or her lawyer, full right to be heard according to the law and the procedures of the Employees Board of Appeals. A board member shall not communicate with any person whatsoever regarding a pending disciplinary action unless such communication occurs in a meeting which complies with all provisions of F.S. Ch. 286.011, commonly referred to as the Sunshine Law; provided, however, that a board member may obtain the advice of the Board's legal counsel on the law, admissibility of evidence, procedures or other related items which are applicable to a proceeding before the Board.

(5) The Board should dispose promptly of the business of the Board.

(D) Canon 4.

(1) A board member should disqualify himself or herself in a proceeding in which his or her impartiality might be reasonably questioned, including but not limited to, instances where:

(a) He or she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) A board member served as a lawyer in the matter in controversy, or a lawyer with whom he or she previously practiced law served during such association, or the board member or such lawyer has been a material witness concerning it;

(c) The board member knows that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings; or

(d) He or she, or his or her spouse, or a person within the third degree of relationship to either of them, or the spouse of such person, is a party to the proceeding, or an officer, director or trustee of a party; is acting as a lawyer in the proceeding; is known by the board member to have an interest that could be substantially affected by the outcome of the proceedings; or is to the board member's knowledge likely to be a material witness in the proceeding.

(2) For the purposes of this section:

(a) The degree of relationship is calculated according to the civil law system;

(b) Fiduciary includes such relationships as executor, administrator, trustee and guardian; and

(c) Financial interest means ownership of a legal or equitable interest, however small, or a relationship as a director, advisor or other active participant in the affairs of a party, except that, ownership in a mutual or common investment fund that holds securities is not a financial interest in such securities unless the board member participates in the management of the fund; an office in an educational, religious, charitable, fraternal or civic organization is not a financial interest in securities held by the organization; the proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a financial interest in the

organization only if the outcome of the proceeding could substantially affect the value of the interest; and ownership of government securities and a financial interest in the insurer only if the outcome of the proceeding should substantially affect the value of the security.

(3) If the disqualified board member holds his or her position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the board member is an employee representative, an emergency election pursuant to the requirements of § 138.148 of this chapter may be held to appoint an alternate member. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute to serve in the matter from which the individual is disqualified and such decision shall be made solely by the City Commission.

(a) The time periods for holding a hearing shall be adjusted to allow a decision as to whether an alternate should be appointed and to allow such appointment to be made if the City Commission so determines.

(b) Any board action taken by a duly appointed substitute for a disqualified board member shall be as conclusive and effective as if the board action had been taken by the agency as it was constituted prior to any substitution.

(E) Canon 5. A board member should regulate his or her extra-board activities to minimize the risk of conflict with his or her official board duties.

(F) Violations of the canons set forth in this section may subject a board member to removal as set forth in the City Charter.
(Ord. 91-38, passed 3-5-91)

§ 34.149 DEPARTMENT RULES AND REGULATIONS.

All departmental rules and regulations must be approved by the City Manager. Should there be a conflict between this subchapter and the administrative rules of any department, the provisions of this subchapter shall govern. All departmental rules and regulations as presently constituted or hereinafter adopted, which are not in conflict with this subchapter, shall be in effect.
(‘58 Code, §§ 11.100 through 11.100.2) (Ord. 69-85, passed 9-9-69)

§ 34.150 CHANGES TO PERSONNEL RULES AND REGULATIONS.

(A) Any changes to the personnel rules and regulations must be accomplished by the City Commission by ordinance, and the exceptions to the enforcement of these rules may be accomplished by the City Commission by resolution. (‘58 Code, § 11.101) (Ord. 70-12, passed 12-16-69)

(B) The City Clerk is required to notify all city employees of any proposed change to the personnel rules at least seven days prior to the time the change is submitted to the City Commission for formal action. To accomplish this notification the City Clerk shall furnish copies of the proposed change to all department heads who will post copies of the proposed change in each city building.
(‘58 Code, § 11.102) (Ord. 77-9, passed 12-21-76)
(Ord. 69-85, passed 9-9-69)

§ 34.151 CONFLICT WITH COLLECTIVE BARGAINING AGREEMENT.

Should there be a conflict between the provisions of any personnel rule or regulation contained in this Chapter and the provisions of any collective bargaining agreement in effect, the provisions of such collective bargaining agreement shall prevail and be applied to those persons subject to such agreement.
(Ord. 90-61, passed 7-31-90)

MONEY PURCHASE RETIREMENT PLAN

§ 34.200 MONEY PURCHASE PLAN AND TRUST.

(A) The city shall establish a money purchase plan and trust as provided for under Section 401(A) of the Internal Revenue Code for the benefit of persons in the following positions who are not employees as defined in § 34.010:

- (1) Director of Planning and Growth Management
- (2) Assistant City Manager
- (3) Assistant to City Manager
- (4) Budget Officer

ARTICLE VII: FIRE DEPARTMENT**Sec. 45. FIRE DEPARTMENT.****Editor's note:**

Pursuant to the Municipal Home Rule Powers Act, the substantive provisions of Art. VII, section 45, have been transferred to § 32.50 of the Code of Ordinances.

**ARTICLE VIII:
DEPARTMENT OF PUBLIC WORKS****Secs. 46.-51. (RESERVED).****Editor's note:**

Pursuant to the Municipal Home Rule Powers Act, the substantive provisions of Art. VIII, sections 46-49, 51, have been transferred to §§ 32.10 through 32.14 of the Code of Ordinances. Sections 32.13 and 32.14 of the Code of Ordinances were subsequently deleted.

**ARTICLE VIII A:
DEPARTMENT OF ENGINEERING****Sec. 51.1. DEPARTMENT OF ENGINEERING.****Editor's note:**

Pursuant to the Municipal Home Rule Powers Act, the provisions of Art. VIII A, section 51.1, have been transferred to § 32.30 of the Code of Ordinances.

ARTICLE IX: BUILDING DEPARTMENT**Sec. 52. BUILDING DEPARTMENT.****Editor's note:**

Pursuant to the Municipal Home Rule Powers Act, the provisions of Art. IX, section 52, have been transferred to § 152.02 of the Code of Ordinances.

ARTICLE X: DEPARTMENT OF PERSONNEL**Sec. 53. CIVIL SERVICE MERIT SYSTEM.****(1) Reserved.****Editor's note:**

Amendment No. 4 of Ord. No. 73-10, enacted Jan. 3, 1973, repealed former subsection (1), "Definitions."

(2) System established:

There is hereby established for the City of Pompano Beach a system of personnel administration, based on merit principles and scientific methods governing the appointment, promotion, lay-off, suspension, removal and discipline of certain of its officers and employees and other incidents of city employment. To carry out this system there shall be a Department of Personnel and an Appellate Board to review such personnel actions.

(3) Personnel policy and rules:

(a) It is hereby declared the personnel policy of the city that employment in the city government shall be based on merit and fitness, free of personal and political considerations; that just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of city government; that positions having similar duties and responsibilities shall be classified and compensated on a uniform basis; that appointments, promotions and other actions requiring the application of the merit principle shall be made according to merit and fitness to be ascertained, so far as practicable, by competitive examinations; that high morale shall be maintained by fair administration and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city; and that tenure of employees covered by this Article shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work, and availability of funds.

(b) The City Commission, by ordinance, shall adopt personnel rules and regulations to effectuate the purposes and intent of this Article; provided, however, that any existing personnel rules or regulations adopted otherwise than by ordinance and existing on April 1, 1963, shall remain in full force and effect, to the extent not inconsistent with this Article, until readopted by ordinance as provided for herein. Any personnel rules and

regulations may also include rules of procedure for the conduct of appeal hearings, including rules of evidence.

(4) Classified and exempt service:

The classified service to which this law shall apply shall comprise all positions in the city government now existing or hereafter established, except the following:

(a) The City Commissioners and other elected officials and persons appointed to fill vacancies in elective offices.

(b) The City Manager and/or Acting City Manager.

(c) The Municipal Judge and Assistant Municipal Judge.

(d) The City Attorney and Assistant City Attorneys.

(e) The City Clerk.

(f) Members of boards, commissions or committees and other persons appointed by the City Commission.

(g) Intermittent or temporary and probationary employees.

(h) Consultants, counsel, architects, auditors and the like rendering temporary specialized technical and professional services for pay.

(i) The Internal Auditor as provided in Section 30.

(5) Status of present officers and employees:

When this Article becomes effective, all persons then holding positions hereunder:

(a) Shall have permanent status if they have held their present positions for at least six months immediately preceding the effective date of this Act; or,

(b) Shall have a probationary period of six months before acquiring permanent status if they have held their positions for less than six months immediately preceding the effective date of this Act.

(6) Personnel Director - administration:

The personnel program established by this Article shall be administered by the Personnel Director. The Personnel Director shall be a person who has had experience in the field of personnel administration and is familiar with its principles and methods, and who is in sympathy with the application of merit principles and scientific methods of public employment. The Personnel Director shall perform the duties required by the Personnel Rules and Regulations and such other duties as the City Manager may direct.

(7) Employees' Board of Appeals - Creation:

There shall be an Employee's Board of Appeals consisting of five (5) members with the powers, duties and qualifications hereinafter enumerated.

(8) Employees' Board of Appeals - Qualifications:

The members of the Board shall be qualified electors of the city, and shall be in sympathy with the application of merit principles to public employment. No member of the Board shall be a member of any local, state or national committee of a political party, or an officer or a member of a committee in any partisan political club or organization, or shall hold or be a candidate for any elective public office. No person shall be eligible to be a member of the Board who is a city employee or official, or who is serving the city upon an advisory board or in any capacity except as a member of the Board, nor shall the husband or wife or relative of such person be eligible for membership.

(9) Employees' Board of Appeals - Appointment:

The Board shall consist of five (5) members, two of whom shall be appointed by the City Commission, two of whom shall be appointed by the regular city employees, and the fifth of whom shall be appointed by the City Manager. Each member shall be appointed for a full six (6) years except that of the members first appointed, the two recommended by the regular city employees shall serve for four (4) years and the one recommended by the City Manager shall be appointed to serve for two years, but the provisions of this section shall not effect the terms of any member of the Board at the time of its adoption. All members of the Board shall file with the City Clerk an oath to support and defend the Constitution of the United States and of the State of Florida, and to faithfully perform the duties of the office. Such board shall elect one of its members to serve as chairman for a two (2) year term.

(10) Same - Removal of Members:

A member of the Board shall be removable by the Commission only for cause, after being given a copy of charges against him and an opportunity to be heard publicly on such charges before the Commission. A copy of the charges and a transcript of the record of the hearing shall be filed with the City Clerk.

(11) Same - Compensation; reimbursement for expenses:

Members of the Board shall serve thereon without recompense, unless otherwise provided by the Commission. They shall be entitled to reimbursement for necessary expenses. The necessary secretarial help and financial assistance will be furnished by the city.

(12) Same - "Hearings"; quorum:

The Board shall meet at such times and places as shall be specified by call of the Chairman of the Board or a majority of the Board members. All hearings shall be open to the public. Notice of such hearing shall be given in writing to each member by the Personnel Director. Three members shall constitute a quorum for the transaction of business.

(13) Same - Duties.

It shall be the duty of the Board and it shall have the power to:

(a) Hear appeals of any permanent employee hereunder in the method provided in the personnel rules and regulations and as provided in subsection 14.

(b) Represent the public interests in the improvement of personnel administration in the city service.

(c) Advise the Commission, the City Manager, and the Personnel Director on problems concerning personnel administration.

(d) Advise and assist the Personnel Director in fostering the improvement of personnel standards in the city service.

(e) Make any investigation which it may consider desirable, concerning the administration of personnel in said departments and to review any personnel

action therein which may appear to be arbitrary, capricious or illegal, and make recommendations to the Personnel Director with respect thereto.

(f) Make such special reports, as it considers desirable to the Commission and to the City Manager concerning personnel administration and recommendations for improvement therein.

(14) Appeals to Board:

(a) Any employee holding a classified position to which this Article applies who for disciplinary reasons is dismissed, demoted, reclassified in job position, or suspended for a period in excess of three (3) regularly scheduled working days may appeal such disciplinary action to the City Manager and then to the Board in accordance with the procedure outlined herein and in the personnel rules and regulations; provided, however, than any employee who has received two such suspensions of three regularly scheduled working days within sixty (60) days, or three such suspensions within one hundred twenty (120) days, or four such suspensions within one hundred eighty (180) days, may appeal to the City Manager and the Board in the same manner as other appeals are allowed, the effective date of the last such suspension being the date from which the time within which all actions required to be taken under this Article shall be determined.

(b) Disciplinary action resulting in dismissal, demotion, reclassification in job position, or suspension for a period in excess of three regularly scheduled working days shall not become effective unless and until the Personnel Director, or other person legally authorized to take such disciplinary action, shall have, (a) served upon the employee a written "Order of Disciplinary Action" setting forth the action taken and specifying the grounds or reasons for the action and a statement of facts sufficient to enable such employee to understand the charge and make an explanation or prepare his defense; and (b) filed a copy of such order with the Board. Within five (5) calendar days of the effective date of any such "Order of Disciplinary Action" the aggrieved employee if he desires to appeal the action shall first file an administrative appeal to the City Manager setting forth his explanations and defenses to the charges so made, and the City Manager shall forthwith have an informal hearing in which both sides shall be given an opportunity to be heard. The City Manager shall make a written decision and shall file a copy of such decision with the Board. A notice of appeal from the decision of the City Manager must be filed in writing with the Board within ten (10) calendar days from the date such decision is filed with the Board, and a copy of such notice of appeal shall be served on the City Manager. A

copy of the explanations and defenses filed with the City Manager pursuant to the administrative appeal of the employee shall not be filed with the Board, nor shall the employee be entitled to file an answer or response of any nature to the "Order of Disciplinary Action" except that of "Not Guilty."

(c) The appeal shall be heard within thirty (30) days from the date of filing the notice thereof with the Board and the hearing shall be restricted to a consideration of the truth or falsity of the reasons or grounds contained in the written "Order of Disciplinary Action" and the sufficiency of said grounds and reasons to support the disciplinary action taken. At least five (5) calendar days written notice of the time and place of the hearing of the appeal shall be given to the parties in interest. At the hearing, the Board shall consider only the grounds and reasons contained in the "Order of Disciplinary Action" and shall only admit evidence which tends to prove the factual truth or falsity of the charges against the appellant and the hearing shall be as informal as is compatible with justice. The Board Chairman shall have the power to issue subpoenas to compel the attendance of witnesses and the production of books and documents in the same manner and under the same conditions as clerks of the circuit courts of this state. Any such subpoena shall be served by the sheriff or constable of any county in the same manner as other similar subpoenas are so served, or, if directed to persons within the municipal limits of Pompano Beach, Florida, they may be served by any policeman of the City of Pompano Beach, as the Chairman of the Board shall direct. Subpoenas shall be obeyed by the person or persons to whom directed in the same manner as subpoenas issued by a clerk of a circuit court within the State of Florida and the Board Chairman shall have the same powers to enforce compliance with such subpoenas by contempt proceedings or otherwise as judges of the circuit courts of this state. The Board Chairman shall also be empowered to administer oaths. The parties in interest may be represented by counsel.

(d) Immediately upon the completion of the hearing of the evidence on the charges, if the appellant desires to assert that the disciplinary action taken against him was taken discriminatorily, arbitrarily, capriciously, or falsely or for any political, religious or racial reason, he may do so by filing with the Board written affidavits supporting such assertions, which affidavits shall not be considered in determining the truth or falsity of the grounds and reasons contained in the "Order of Disciplinary Action" but may be considered only in mitigation of the disciplinary action taken. Counter-affidavits shall be allowed to be filed by the city to any

such affidavits filed by the appellant; copies of all affidavits shall be served upon the City Manager and the appellant.

(e) The Board shall, after due consideration, prepare and file a detailed finding of fact regarding the truth or falsity of the grounds or reasons contained in the "Order of Disciplinary Action," concluding with a judgment affirming, reversing or modifying the disciplinary action against the appellant, said finding of fact and judgment to be filed within ten (10) calendar days after the completion of the hearing, and copies thereof served on all parties in interest. If the Board finds that the grounds and reasons contained in the "Order of Disciplinary Action" are not true, or finds that said grounds and reasons are only partially true, or finds that there are mitigating circumstances warranting reduction of the severity of the disciplinary action, or finds for any good, sufficient, and reasonable cause that the disciplinary action should be modified, it shall also determine, in its discretion, the question of the back pay which the employee shall receive, if any pay has been lost or forfeited.

(f) Unless otherwise provided, the original and six (6) copies of any matter or thing required to be filed with the Board shall be filed with the Chairman of the Board, at his home or business address, or with such other person as is designated by the personnel rules and regulations to represent the Board. A matter or thing is considered filed or served when actually mailed or when delivered by hand and shall bear a certificate as to the date and manner of filing or serving.

(14.1) Administrative appeals:

There shall be provided in the personnel rules and regulations an administrative procedure for the consideration and disposition of grievances and disciplinary actions which are not appealable to the Board under the terms of this Article, with final action thereon to be vested solely in the City Manager.

(15) Appeal to courts:

Either the appellant or the city may seek judicial review of a decision of the Employees Board of Appeals by filing a petition for writ of certiorari in a court of competent jurisdiction within the time limit and according to the procedures established by the applicable Florida Rules of Civil or Appellate Procedure.

(16) Refusal of employee to testify:

If any employee hereunder shall wilfully refuse or fail to appear before this Board, or having appeared shall refuse to testify or answer any questions relating to the charges or specifications then before the Board regarding the conduct of any city employee, he shall forfeit his position and shall not be eligible for appointment to any position in the city service as provided in subsection 17.

(17) Disqualification for reappointment:

Any permanent employee hereunder who is dismissed for cause or who resigns while charges are pending shall be disqualified and ineligible for appointment to or employment in a position in the city service for a period of five years from such action.

(18) Penalties:

Any person who wilfully violates any provisions of this Article shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment.

(19) Amendments:

The Civil Service system, having been established by a referendum vote, cannot be abolished or substantially changed or modified except upon approval by a referendum vote, except that notwithstanding the provisions of Section 261 of this Charter, all or part of the provisions of Section 53 of this Charter relating to the Employees' Board of Appeals may be amended, supplemented, replaced or superseded by ordinance established by the City Commission, provided that any procedure providing for a post-disciplinary evidentiary hearing for Civil Service employees shall meet the requirements of due process, including an impartial finder of fact, pursuant to applicable law.

(Special Acts, Ch. 59-1763, § 4; Ch. 61-2712, § 14; Ch. 63-1826, §§ 7, 8; Ch. 67-1949, § 10; Ref. of 3-9-76; Ord. No. 86-32, § 2, Am'd. No. 2, 1-14-86, Ratified 3-11-86; Am. Ord. 88-28, passed 1-19-88, Ref. of 3-8-88; Am. Ord. 90-64, passed 9-4-90, Ref. of 11-6-90; Am. Ord. 90-65, passed 9-4-90, Ref. of 11-6-90)

Editor's note:

Section 14 of Ch. 61-2712, ratified by the electors Aug. 15, 1961, amended subsection (9) of § 53, Ch. 57-1754, previously established by § 4 of Ch. 59-1763, to read as set out. Section 7 of Ch. 63-1826, filed with the Secretary of State on June 18, 1963, amended subsections (3), (7), (12) and (14) of the same section, to read as set out, and

§ 8 of said Act added subsection (14.1). The editors renumbered the subsections of (14) to conform to the format of the Code. Ch. 67-1949, § 10, amended subparagraph (1), subsections (b) and (c) of § 53 of Ch. 57-1754, by adding the exception as to patrolmen.

Sec. 54. PENSION AND RETIREMENT PLANS.

The pension or retirement plans established and in force and effect on January 1, 1974, may not be abolished nor the benefits thereunder reduced.

(Res. No. 74-109, § 1, Am'd. No. 1, 1-15-74)

Editor's note:

Section 4 of Ch. 59-1763 approved by the electors April 14, 1959, repealed Art. X, §§ 53 and 54 of Ch. 57-1754 and substituted in lieu thereof a new Art. X containing section 53 as hereinabove set out. Res. No. 74-109, ratified on Feb. 19, 1974, added section 54.

ARTICLE XI: MUNICIPAL COURT AND CITY ATTORNEY

Secs. 55. - 61. (RESERVED).

Editor's note:

Former Sections 55-61, 64, 64.1, which pertained to the municipal court, have been deleted pursuant to Art. V, § 20(d) (4) of the Constitution of the State of Florida, which provides for the abolishment of all municipal courts effective January 3, 1977. Said deleted sections had been derived from Special Acts, Ch. 59-1763, §§ 5-7; Ch. 61-2712, § 15; Ch. 63-1826, §§ 9, 10; Ch. 65-2141, § 6; Ch. 67-1949, §§ 11, 12, and Ord. No. 75-46, § 1, and adopted April 8, 1975.

Sec. 62. CITY ATTORNEY; APPOINTMENT AND QUALIFICATIONS.

The City Commission shall appoint a City Attorney who and such assistant attorneys as may be necessary, shall act as the legal advisor to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties. He shall be a lawyer of at least two (2) years experience and practice in the Court of the State of Florida. He shall prepare all contracts, bonds, leases and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the

(24) When his position requires the operation of a motor vehicle in the performance of his duties, has lost his driver's license and driving privileges by due process of law.

(B) Nothing contained above, however, shall interfere with the right and duty of the City Commission or the City Manager or department head in accordance with the Charter to file charges against any employee on any grounds which they consider justifiable.

('58 Code, § 11.98.4) (Ord. 69-85, passed 9-9-69; Am. Ord. 74-67, passed 7-2-74; Am. Ord. 85-80, passed 9-10-85)

§ 34.147 DEMOTION.

When a regular employee becomes physically or mentally incapacitated for the performance of the duties of his position, he may on request from the City Manager, or on his own initiative with the approval of the Personnel Director and the City Manager, be given status to and appointed to a position, the duties of which he is able to perform, which carries a lower classification or compensation, provided an opening is available.

('58 Code, § 11.98.5) (Ord. 69-85, passed 9-9-69)

§ 34.148 ELECTION OF EMPLOYEE REPRESENTATIVE TO EMPLOYEES' BOARD OF APPEALS.

(A) Nominations. The selection of the members to be recommended by the classified city employees to the City Commission for appointment to the Employees' Board of Appeals shall be made in the following manner.

(1) Not less than 30 days before the expiration of the term of an employee's representative, or immediately upon the resignation of an employee's representative, the Personnel Director shall notify all employees in the classified service that he will receive names for a period of seven days from the following named departments, or group of departments, for a representative or representatives as indicated, to serve as a seven-member nomination committee to select three candidates for the appointment to be filled.

(a) Two from administration. Includes all employees working in city hall plus library and golf course employees.

(b) Two from the Police Department, including Court.

(c) One from the Fire Department.

(d) One from the Public Works Department.

(e) One from the Recreation, Water and Sewers Departments.

(2) The permanent employees of each of the departments, or groups of departments, listed above shall have the right to name any other permanent employee of the department or departments as a member of the nominating committee. At the expiration of seven days from the notification, the above groups shall certify to the Personnel Director the name or names of the persons to serve on the nominating committee. The committee so selected shall, on notice of the Personnel Director, meet to nominate three candidates for the appointment to be filled. ('58 Code, § 11.99)

(B) Election. The Personnel Director shall then prepare appropriate ballots containing the names so nominated by the committee for vote by the eligible employees. The vote shall be a secret ballot. Upon tabulation of the vote by the employees, the Personnel Director shall certify to the City Commission for appointment to the Employees' Board of Appeals, the person receiving the highest number of votes. ('58 Code, § 11.99.1)

(Ord. 69-85, passed 9-9-69)

§ 34.148.1 EMPLOYEES BOARD OF APPEALS; CANONS OF CONDUCT.

Members of the Employees Board of Appeals shall, in addition to any and all requirements of law applicable to members of municipal boards, be bound by the following canons of conduct.

(A) Canon 1. A board member should uphold the integrity and independence of the Employees Board of Appeals. An independent and honorable Board is indispensable for maintaining the integrity of the civil service merit system. A board member should participate in establishing, maintaining and enforcing and should himself or herself observe high standards of conduct so that the integrity and independence of the civil service merit system may be preserved. The provisions of these canons should be construed and applied to further that objective.

(B) Canon 2. A board member should avoid impropriety and the appearance of impropriety in all of his or her board activities.

(1) A board member should respect and comply with the law and the provisions of the City Code and should conduct himself or herself in a manner that promotes confidence in the integrity and impartiality of the Employees Board of Appeals.

(2) A board member should not allow his or her personal relationships to influence his or her conduct or judgment while acting in his or her official capacity as a board member. A board member should not lend the prestige of his or her position to advance the private interests of others, nor should a board member convey or authorize others to convey the impression that they are in a special position to influence the board member. A board member should not testify voluntarily as a character witness for any city employee in any disciplinary proceeding.

(C) Canon 3. A board member should perform the duties of the Employees Board of Appeals impartially and diligently.

(1) A board member should be faithful to the law and should be unswayed by partisan interests, public clamor or fear of criticism.

(2) A board member should maintain order and decorum in proceedings before him or her.

(3) A board member should be patient, dignified and courteous to parties, witnesses, lawyers and others with whom he or she deals in his or her official capacity.

(4) A board member should accord to every person who is legally interested in a proceeding, or his or her lawyer, full right to be heard according to the law and the procedures of the Employees Board of Appeals. A board member shall not communicate with any person whatsoever regarding a pending disciplinary action unless such communication occurs in a meeting which complies with all provisions of F.S. Ch. 286.011, commonly referred to as the Sunshine Law; provided, however, that a board member may obtain the advice of the Board's legal counsel on the law, admissibility of evidence, procedures or other related items which are applicable to a proceeding before the Board.

(5) The Board should dispose promptly of the business of the Board.

(D) Canon 4.

(1) A board member should disqualify himself or herself in a proceeding in which his or her impartiality might be reasonably questioned, including but not limited to, instances where:

(a) He or she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) A board member served as a lawyer in the matter in controversy, or a lawyer with whom he or she previously practiced law served during such association, or the board member or such lawyer has been a material witness concerning it;

(c) The board member knows that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings; or

(d) He or she, or his or her spouse, or a person within the third degree of relationship to either of them, or the spouse of such person, is a party to the proceeding, or an officer, director or trustee of a party; is acting as a lawyer in the proceeding; is known by the board member to have an interest that could be substantially affected by the outcome of the proceedings; or is to the board member's knowledge likely to be a material witness in the proceeding.

(2) For the purposes of this section:

(a) The degree of relationship is calculated according to the civil law system;

(b) Fiduciary includes such relationships as executor, administrator, trustee and guardian; and

(c) Financial interest means ownership of a legal or equitable interest, however small, or a relationship as a director, advisor or other active participant in the affairs of a party, except that, ownership in a mutual or common investment fund that holds securities is not a financial interest in such securities unless the board member participates in the management of the fund; an office in an educational, religious, charitable, fraternal or civic organization is not a financial interest in securities held by the organization; the proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a financial interest in the

organization only if the outcome of the proceeding could substantially affect the value of the interest; and ownership of government securities and a financial interest in the insurer only if the outcome of the proceeding should substantially affect the value of the security.

(3) If the disqualified board member holds his or her position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the board member is an employee representative, an emergency election pursuant to the requirements of § 138.148 of this chapter may be held to appoint an alternate member. However, if a quorum remains after the individual is disqualified, it shall not be necessary to appoint a substitute to serve in the matter from which the individual is disqualified and such decision shall be made solely by the City Commission.

(a) The time periods for holding a hearing shall be adjusted to allow a decision as to whether an alternate should be appointed and to allow such appointment to be made if the City Commission so determines.

(b) Any board action taken by a duly appointed substitute for a disqualified board member shall be as conclusive and effective as if the board action had been taken by the agency as it was constituted prior to any substitution.

(E) Canon 5. A board member should regulate his or her extra-board activities to minimize the risk of conflict with his or her official board duties.

(F) Violations of the canons set forth in this section may subject a board member to removal as set forth in the City Charter.
(Ord. 91-38, passed 3-5-91)

§ 34.149 DEPARTMENT RULES AND REGULATIONS.

All departmental rules and regulations must be approved by the City Manager. Should there be a conflict between this subchapter and the administrative rules of any department, the provisions of this subchapter shall govern. All departmental rules and regulations as presently constituted or hereinafter adopted, which are not in conflict with this subchapter, shall be in effect.
(‘58 Code, §§ 11.100 through 11.100.2) (Ord. 69-85, passed 9-9-69)

§ 34.150 CHANGES TO PERSONNEL RULES AND REGULATIONS.

(A) Any changes to the personnel rules and regulations must be accomplished by the City Commission by ordinance, and the exceptions to the enforcement of these rules may be accomplished by the City Commission by resolution. (‘58 Code, § 11.101) (Ord. 70-12, passed 12-16-69)

(B) The City Clerk is required to notify all city employees of any proposed change to the personnel rules at least seven days prior to the time the change is submitted to the City Commission for formal action. To accomplish this notification the City Clerk shall furnish copies of the proposed change to all department heads who will post copies of the proposed change in each city building.
(‘58 Code, § 11.102) (Ord. 77-9, passed 12-21-76)
(Ord. 69-85, passed 9-9-69)

§ 34.151 CONFLICT WITH COLLECTIVE BARGAINING AGREEMENT.

Should there be a conflict between the provisions of any personnel rule or regulation contained in this Chapter and the provisions of any collective bargaining agreement in effect, the provisions of such collective bargaining agreement shall prevail and be applied to those persons subject to such agreement.
(Ord. 90-61, passed 7-31-90)

MONEY PURCHASE RETIREMENT PLAN

§ 34.200 MONEY PURCHASE PLAN AND TRUST.

(A) The city shall establish a money purchase plan and trust as provided for under Section 401(A) of the Internal Revenue Code for the benefit of persons in the following positions who are not employees as defined in § 34.010:

- (1) Director of Planning and Growth Management
- (2) Assistant City Manager
- (3) Assistant to City Manager
- (4) Budget Officer

Name	Address	District	Phone	Appointed	Expires	Reso No.
Regina Glenn Elected by Employees	416 N.W. 9th Avenue (33060)	4	954-946-1969	4/13/2010	1/14/2015	2010-152
VACANCY Elected by Commission					3/6/2020 *Weinstock	
VACANCY Elected by Employees					3/25/2020 Judi Ahern term	2014-175
Albert Assael Elected by City Manager	1007 E. Cypress Drive (33069)	5	954-972-5801	9/13/2011	9/12/2017	2011-327
John Way Elected by Commission	279 S.W. 10th Court (33060) jway@browardsoe.org	3	954-592-7785 h 954-712-1963 o	9/23/2014	3/6/2020 Fryer Term	2014-341
Secretary Michael Smith	City Hall		ext. 5549			

Meets: On call by the Chairman
Established: City Charter Section 53 - Article X

Revised 09/15/11