

TOWN OF DAVIE
OFFICE OF THE TOWN ADMINISTRATOR

MEMORANDUM

TO: Mayor and Town Council

FROM: Thomas J. Willi, Town Administrator

DATE: May 25, 2004

Re: Charter Change Suggestions

Attached for your review and included within the content of this memo, please find Town of Davie Charter change recommendations from effected departments.

This information was compiled to assist in discussion of the formulation of a Charter Review Committee. The list provided does not include all aspects of the Charter that could potentially be revised.

Section 6(e)(2) - Town Clerk's Office

Remove "*shall act as the town treasurer and shall be responsible as collector of all taxes and assessments and other monies due to the town; act as official custodian for all town monies; disburse funds on the basis of valid authorization;*" and place in Section 8.

Remove "*Adequate surety bonds as determined by the town council must be carried by the town upon the town treasurer and employees in his office performing duties in connection with the collections, custody and disbursements of the town monies.*" and place in Section 8.

Section 6(h) - Advisory Committees

Add section that all appointments shall be electors of the town unless prevailing State Statutes provide otherwise. Add "ordinance" to "*The length of service of each committee and terms of office shall be designated in the enacting resolution.*" as current boards of continuing existence were created by resolution and then amended by ordinance.

Section 7(G) - Council Meetings

Remove "written" from special meetings being called at the "written request of the mayor or any two (2) councilmembers."

Provide language to allow Council to cancel a regular meeting held during the summer months.

Section 7(K)(2) - Ordinances/Resolutions Procedures

Replace public hearings shall follow the publication “*by at least seven (7) days*” to “by at least ten (10) days” or “as required by State Statutes.”

Section 7(K)(8) - Codification of Ordinances

Change language regarding codifying every six months to allow for the possibility that there may not have been any changes to the Code during a six month period.

Section 8(G) - Council Action on Capital Program

Add section that amendments can be made by resolution because the capital program is approved by resolution. Provide language for amendments to capital program.

Section 8(I)(4) - Transfer of Appropriations

Increase amount the town administrator may transfer without Council approval.

Section 8(P) - Insurance and Surety Bonds

Remove “clerk” from “*The town clerk shall obtain all insurance and surety bonds in accordance with ordinances or resolutions authorizing the same.*” as this function is handled by Human Resource Management.

Section 8(R) - Revenue Collection, Custodian of Funds and Sure Employees

Remove “town clerk” from “*The town clerk, under the direction of the administrative head, shall provide for the collection of all personal and special taxes or assessments due the town, act as official custodian for all town monies, disburse funds on the basis of valid authorizations in the administration of town functions, in accordance with Section 12(V), and comply with the provisions of this Charter and ordinances adopted hereunder. Adequate surety bonds for the town clerk and for employees in his office performing duties in connection with the collection, custody and disbursement of town monies shall be obtained in accordance with the provisions hereinabove set forth.*” and replace with appropriate department.

Section 8(V) - Payment

Remove town clerk from “*Moneys shall be paid out of the town treasury only on warrants or checks signed by the mayor and the town clerk or their designees as provided by resolution of the town council.*” and replace with finance director.

Section 14(A) - Fees

Remove "ordinance" from "No officer or employee of the town shall retain any fees or costs for any services he may perform, nor shall he receive any compensation other than the salary affixed by ordinance except as may be provided by ordinance." as salaries are approved by resolution.

Remove "clerk" from "All fees and remuneration for services shall be part of the revenue of the town and shall be paid to the town clerk by the town official or employee receiving same."

Please advise if additional information is required.

TOWN ADMINISTRATOR'S APPROVAL

____ Approved ____ Denied ____ Hold for Discussion

Comments:

Sec. 8. Finance.

(A) [Finance Department.] The finance department, as created by the town council, shall assist the town administrator in all budget matters. The finance department shall consist of a Director of Finance and such employees as are required to perform such work and duties as may be assigned to the Director of Finance by the town administrator.

(A.1) Fiscal Year. The fiscal year of the town shall begin on the first day of October and end on the last day of September.

(B) Submission of Budget and Budget Message. On or before the 1st day of September of each year, the administrative head shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

(C) Budget Message. The administrative head's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall describe important features of the budget, indicate any major changes from the current budget in financial policies, expenditures and revenues, together with the reason for such changes, and include such other material as the administrative head deems desirable.

(D) Budget. The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, and, except as required by law or this Charter, shall be in such form as the administrative head deems desirable or the council may require. It shall comply with applicable state law as it pertains to appropriations of the Town. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year.

(E) Capital Program:

(1) Submission to council. The administrative head shall prepare and submit, if necessary, to the council a five-year capital program at least three (3) months prior to the final adoption date of the annual fiscal budget.

(2) Contents. The capital program shall include:

(a) A clear general summary of its contents;

(b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(c) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year, if necessary, with regard to capital improvements still pending or in process of construction or acquisition.

(F) Council Action on Budget:

- (1) Notice and hearing. The council shall follow state statutes as they relate to the budget.
- (3) Adoption. The council shall adopt by resolution the budget in accordance with the requirements of the Florida Statutes.

- (G) Council Action on Capital Program:
 - (1) Notice and hearing. The council shall publish in one or more daily newspapers of general circulation the proposed adoption of the capital program and a notice stating.

- (H) Public Records. Copies of the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.
- (I) Amendments After Adoption:
 - (1) Supplemental appropriations. If during the fiscal year the administrative head certifies that there are resources available for appropriation in excess of those estimated in the budget, the council by resolution may make supplemental appropriations for the year up to the amount of such excess.
 - (2) Emergency appropriations. To meet a public emergency affecting life, health, property, or the public peace, the town administrator or designee may recommend emergency appropriations which may be made by emergency resolution. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency resolution authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
 - (4) Transfer of appropriations. At any time during the fiscal year the administrative head may transfer part or all of any unencumbered appropriation balance among departments.
 - (5) Limitations; effective date. No appropriations for debt service may be reduced or transferred, and no appropriation may be reduced by any amount required by law to be appropriated or by more than the amount of unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately.
- (J) Reserved.
- (K) Reserved.
- (L) Reserved.
- (M) Reserved
- [(2) Reserved.]
- (N) Reserved.
- (O) Centralized Purchasing. The administrative head, acting in accordance with this Charter, town ordinances, resolutions and departmental rules and regulations, shall purchase and contract for all materials, parties, supplies, equipment and services required by any department or agency of the town. The town council shall adopt centralized purchasing procedures by duly enacted resolutions.
- (P) Reserved.
- (Q) Reserved.

(R) Revenue Collection, Custodian of Funds, and Surety of Employees. The town clerk, under the direction of the administrative head, shall provide for the collection of all personal and special taxes or assessments due the town, act as official custodian for all town monies, disburse funds on the basis of valid authorizations in the administration of town functions, in accordance with Section 12(V), and comply with the provisions of this Charter and ordinances adopted hereunder. Adequate surety bonds for the town clerk and for employees in his office performing duties in connection with the collection, custody and disbursement of town monies shall be obtained in accordance with the provisions hereinabove set forth.

(S) Notes and Bonds can be issued pursuant to applicable state statutes.

(T) Reserved.

(U) Reserved.

(V) Reserved.

(Sp. Acts, Ch. 61-2056, § 12; Sp. Acts, Ch. 67-1269, § 1; Sp. Acts, Ch. 67-1273; § 1; Sp. Acts, Ch. 69-978, § 1; Sp. Acts, Ch. 69-980, § 1; Sp. Acts, Ch. 69-985, § 1, Sp. Acts, Ch. 69-986, § 1; Charter Amend. 4-17-73; Ord. No. 74-17, § 5, 4-3-74; Ord. No. 75-6, § 4(1)-(10), 4-2-75; Ord. No. 78-10, § 3, 2-1-78; Ord. No. 82-5, § § 8-1, 1-21-82; Ord. No. 88-44, § 1, 8-17-88; Ord. No. 90-2, §§ 12--15, 17, 18, 1-17-90; Ord. No. 97-7, §§ 25--36, 47, 1-15-97)