

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ORDINANCE NO. 2008-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CREATING A NEW SECTION OF THE TOWN'S CODE OF ORDINANCES, TO BE ENTITLED "ADMINISTRATION"; TO PROVIDE FOR THE ADMINISTRATION OF TOWN COUNCIL MEETINGS, PUBLIC RECORDS REQUESTS, INDEMNIFICATION OF TOWN OFFICIALS, INVESTMENT OF SURPLUS FUNDS, ADOPTION OF TOWN BUDGET, AND SETTLEMENT OF CLAIMS; INVESTMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town of Loxahatchee Groves ("Town") has a governmental and corporate powers of a duly constituted municipality; and

WHEREAS, pursuant to Section 10(5) of Chapter 2006-328, Laws of Florida, hereinafter referred to as the "Town Charter", the provisions of the Palm Beach County Code of Ordinances are to apply within the Town; and

WHEREAS, pursuant to the Town Charter, the Town Council for the Town of Loxahatchee Groves is authorized to rescind provisions contained within the Palm Beach County Code of Ordinances in order to provide for the enactment of a new Town of Loxahatchee Code of Ordinances; and

WHEREAS, the Town Council desires to adopt a new Chapter of the Town of Loxahatchee Groves Code of Ordinances to provide for the administration of Town Council

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meetings, the handling of public records, indemnification of Town officials, settlement of any claims against the Town, the adoption of the Town budget, and other general Town administrative procedures, as provided herein; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens and residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. That the Town of Loxahatchee Groves Code of Ordinances is hereby amended by enacting a new Chapter entitled "Administration" to read as follows:

Chapter 2 - Administration

ARTICLE I. IN GENERAL

Sec. 2-1. Special meetings of Town council.

The Town Clerk shall, at the request of the mayor or on written request of three (3) or more council members, call special meetings of the Town council by notifying, in writing, or otherwise, all of the members of the Town council that a special meeting has been called and supplying said members with the time, date and place thereof.

Except in cases of an emergency meeting, notification supplied to each Town councilmember and the public, pursuant to this section, whether in writing or otherwise, must be received at least seventy two (72) hours prior to the scheduled time of said special meeting.

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Sec. 2-2. Town council meetings generally.

(a) Ground rules for behavior of members of the Town council. The following shall constitute the guidelines for behavior to be adhered to by members of the Town council in their respective roles as elected public officers of the Town:

- (1) Members of the Town council shall:
 - a. Forgive each other;
 - b. Each conduct themselves with dignity;
 - c. Agree to disagree with each other; and
 - d. Show respect for the points of view of other members of the Town council.

- (2) Members of the Town council shall not:
 - a. Falsely accuse another member of the Town council of wrongdoing;
 - b. Criticize each other in a rancorous or unprofessional manner;
 - c. Make personal attacks on another member of the Town council; or
 - d. Individually act without the support of the Town council.

(b) Procedures and scope.

- (1) The Charter of the Town of Loxahatchee Groves provides that the Town council may determine its own rules of procedure. All other municipal meetings shall be conducted in accordance with the procedural requirements as established by Roberts Rules of Order, said rules of order being incorporated into this section by reference.
- (2) The Town council, the Town manager, the Town clerk, and the public shall be governed by the terms, conditions, and provisions of this section as the basis and framework for procedures of the Town council.
- (3) Members of the Town council and other public officers attending or participating in any regular OR special meeting of the Town council shall abide by the standards of conduct and values set forth in the Town of Loxahatchee Groves Code of Ethics for Public Officers.

(c) Agenda. The Town clerk shall prepare the agenda for each Town council meeting. Citizens requesting to address the Town council may be scheduled on the agenda by giving to the Town clerk's office their name, address, phone number and subject on which they wish to address the Town council pursuant to subsection (f).

(d) Duties and responsibilities of mayor.

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(1) The mayor or presiding officer at any regular or special meeting of the Town council shall only introduce agenda items by the agenda item number and the brief title as listed on the agenda with no further explanation or comment. Thereafter, the mayor or presiding officer may call on the Town manager, and the Town manager or his or her designee shall furnish a brief explanation of the item under consideration. The item shall then be opened for public hearing or discussion by the Town council as required for the particular item under the time limits imposed by this section.

(2) Any comments or questions by the attending public shall be directed to the mayor or presiding officer. Members of the Town council shall direct all comments and questions on the subject matter being discussed to the mayor or presiding officer only and shall not engage in cross conversations with other members of the public or direct any questions to other members of the Town council or to the public. The mayor or presiding officer shall not unreasonably withhold or delay recognition of any member of the Town council desiring to speak. The mayor or presiding officer shall recognize other members of the Town council in rotation and not call on any member a second and subsequent time until such time as all members of the Town council shall have had the opportunity to speak.

(3) If the mayor or presiding officer desires to participate in a discussion, he or she shall do so only when the speaking member of the Town council has relinquished the floor. The mayor or presiding officer shall not interrupt a speaking member of the Town council for the purpose of comment.

(4) The mayor or presiding officer shall not use his or her power as chair to dominate debate or discussion, nor shall the mayor or presiding officer unreasonably cut short or prolong any debate, discussion, or taking of a vote.

(5) Motions to change the order of business shall require a majority vote of the Town council.

(6) A member of the Town council may not reintroduce any discussion item that has failed due to lack of second for at least six (6) months after the motion failed, unless either an emergency exists and the public business requires reconsideration of the item, or a member of the Town council who was on the prevailing side of the prior vote, introduces the discussion item for reconsideration.

(7) The mayor or presiding officer, in consultation with the Town attorney, shall make rulings on parliamentary procedure. At least three (3) votes of members of the Town council is required to overrule the mayor or presiding officer on rulings of parliamentary procedure.

(8) The mayor or presiding officer may, during Town council proceedings, request that the Town council move on to the next item on the meeting agenda by voting or otherwise.

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(e) Time of meetings. All regularly scheduled meetings of the Town council shall begin not later than 7:00 p.m. and shall end on or about 11:00 p.m. By majority vote of those present, the Town council may extend the length of the council meeting. Agenda items scheduled but not considered during a meeting shall be automatically set over by the Town clerk to the next Town council meeting or may be considered at a special meeting called for that purpose in the manner provided herein. In setting matters over to the next meeting or a special meeting, the Town clerk is directed to take into consideration all notice provisions relative to municipal ordinances and, specifically, Florida Statutes, Section 166.041.

(f) Town council discussion.

(1) Discussion by a member of the Town council shall not be limited, unless a motion to limit debate is made and adopted. Each member of the Town council shall be afforded the opportunity to offer rebuttal to each item discussed. A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order, or a motion to table. The motion to limit debate shall not be debated and, to be adopted, shall require an affirmative vote of at least supermajority of the members of the Town council present.

(2) Each member of the Town council and the public who desires to speak shall address the mayor or presiding officer, and upon recognition by the mayor or presiding officer, shall confine himself or herself to the issues under debate, avoiding all personalities and indecorous language.

(3) Members of the Town council shall not interrupt anyone who has the floor, unless it is to call the meeting to order, or as otherwise provided in this section. If a member of the Town council desires to direct questions to another member of the Town council or the public, the questions shall be directed to the mayor or presiding officer who in turn will recognize the individual who wishes to answer the specific question. If a member of the Town council wishes to direct a question to Town staff, the question shall be directed to the Town manager, through the mayor, who will, in turn, recognize such member of Town staff.

(4) While the Town council is in session, members of the Town council and the public present at the meeting shall not, by conversation or otherwise, delay or interrupt the proceedings, nor the peace of the Town council.

(5) Members of the Town council may request that the mayor or presiding officer recess the public meeting.

(g) Citizen requests.

(1) The Town council of the Town of Loxahatchee Groves, on each night that a regularly scheduled meeting is to be held, shall convene at 7:00 p.m. Citizens requests shall be entertained on or about 8:45 p.m. Any citizen desiring to

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address the Town council during this time interval must submit a written request to the Town clerk prior to 8:45 p.m. but subject nonetheless to the discretion of the mayor or presiding officer. Citizen requests will be held in the priority order in which they are received by the Town clerk.

(2) Each request shall succinctly detail the matter to be brought before the Town council, and shall contain the name, address, and phone number where the citizen can be reached if the need arises; and shall be dated and signed by the citizen.

(3) Subject to the waiver rule contained within this section, public discussion by individual citizens shall be limited to three (3) minutes during the citizens request period. The Town clerk shall be charged with the responsibility of notifying each citizen thirty (30) seconds before said time shall elapse and when said time limit has expired.

(h) *Waiver of rules.* By majority vote the Town council may invite citizen discussion on any agenda item and thereby waive the proscriptions otherwise outlined in the section. In every case where a citizen is recognized by the mayor to discuss an agenda item, the citizen shall step to the podium, state his or her name and address for the benefit of the Town clerk, and identify any group or organization he or she represents. The citizen shall then succinctly state his or her position regarding the item before the Town council.

(i) *Decorum to be maintained.* Order shall be maintained at each Town council meeting and the mayor is hereby empowered to order from the room any citizen who refuses to comply with the rules and regulations outlined in this section.

(1) It shall be unlawful for any individual or member of the Town council to disturb or disrupt a meeting of the Town council or refuse to obey the orders of the mayor or presiding officer in the conduct of the meeting. Any individual or member of the Town council who causes a disturbance of the meeting shall be warned by the mayor or presiding officer or, alternatively, by a majority vote of the Town council, with dispatch, that the conduct is interfering or disturbing the order of the meeting and shall be given the opportunity to cease the conduct constituting an interruption or disturbance. If, after sufficient warning, the individual or member of the Town council fails to cease the offending conduct and continues to interrupt or disturb the meeting, the individual or member of the Town council shall be removed from the meeting by an authorized law enforcement officer or his authorized agent in attendance at the meeting if so directed by the mayor or presiding officer. Once removed, the individual or member of the Town council shall be barred from further audience for the remainder of the meeting.

(2) In the event the mayor or presiding officer shall fail to act, any member of the Town council may move to require the mayor or presiding officer to act to enforce the rules of this section, and the affirmative vote of a majority of the

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members of the Town council present at that time shall require the mayor or presiding officer to act.

(3) If the audience or a part thereof becomes unruly, the mayor is empowered to either recess or adjourn the meeting.

(4) Any individual or member of the Town council who, at a Town council or board meeting, willfully interrupts or disturbs such meeting in violation of Section 871.01, Florida Statutes, entitled "Disturbing Schools and Religious and Other Assemblies," as the same is amended from time to time, is subject to arrest by those law enforcement officers present. No action by the mayor or presiding officer is required for a law enforcement officer to enforce Section 871.01, Florida Statutes. The mayor and Town council shall be guided by the following definitions/elements of disturbance under the aforementioned statute:

a. To commit an offense under Section 871.01, a person must have deliberately acted to create a disturbance. That is, he must act with the intention that his behavior impede the successful functioning of the assembly in which he has intervened, or with reckless disregard of the effect of his behavior;

b. The acts complained of must be such that a reasonable person would expect them to be disruptive; and

c. The acts must, in fact, significantly disturb the assembly.

(5) In addition to any other remedy provided by law, a violation of this subsection (h) may be prosecuted as a municipal ordinance violation through the issuance of a notice to appear, served on the violator as set forth in Rule 3.125, Florida Rules of Civil Procedure, as amended from time to time.

(j) Nothing herein shall be construed to limit any member of the public from expressing their opinions outside of a public meeting or by expressing their opinions in written form to the Town council.

(k) *Application to Town boards.* All references in this section to "Town council" shall also mean the various Town boards provided for in this code or created by the Town council.

(l) *Special meetings.* Special meetings of the governing body shall be called solely for specific and stated purposes only. It is the intention of the Town council that no items shall be added to a special meeting agenda other than those items for which the meeting was called.

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Sec. 2-3. Requests for readily available information; reporting citizen complaints.

With respect to requests for action or assistance, or reports, including but not limited to complaints regarding, by, or about employees of the Town, members of the Town council shall deal solely with the Town manager or his or her designee or office. All follow-up to inquiries by members of the Town council shall be made to the Town manager.

Nothing in this section shall be construed to permit any member of the Town council to suggest, direct, or instruct any Town staff member to perform any duties or functions, not previously directed by the Town manager or to resolve citizen complaints in a specific manner. The mayor and members of the Town council shall, pursuant to the Town Charter have unrestricted access to the Town manager and to the Town attorney as Charter officers.

Sec. 2-4. Public records--Definition.

For the purposes of this Code, the term "public records" is defined as the books, records, documents, letter, memoranda, written proceedings, minutes, instruments, ordinances, resolutions, or copies or reproductions, prepared by, enacted or received by any Town official group, body, committee or board or the Town council of the Town pertaining to Town business; with the exception however of confidential records as provided by State Law or as provided for in this Code.

Sec. 2-5. Same--Clerk designated custodian, duties.

The Town clerk shall be the custodian of the public records of the Town. Any public record coming into the possession of any officer, official, employee, agent or servant of the Town, shall be filed with the Town clerk within seventy-two (72) hours of receipt or if the same falls upon a day that the Town hall is not open for conduct of municipal business, then by noon of the first ensuing business day. All public records received by the Town clerk shall have placed thereon an appropriate designation as to the time and date of receipt. Duplicates of any instruments or records of which the Town clerk has the original, need not be filed with the Town clerk.

Sec. 2-6. Same--Inspection by citizens.

The public records of the Town shall be open for personal inspection of any interested

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person or party during the customary business hours of the Town clerk's office, subject however to the proper rules and regulations for the efficient conduct of the clerk's business.

Sec. 2-7. Same--Removing or withholding from custodian.

No person shall remove, conceal, withhold, retain or keep any public record from the lawful custody of the Town clerk.

Sec. 2-8. Public hearings.

It is the intent of this provision to provide citizens of the Town of Loxahatchee Groves with the earliest opportunity to comment on proposed ordinances. Public hearings shall be held at second reading of the ordinance, except as otherwise provided by law.

Sec. 2-9. Indemnification of municipal offices for losses and expenses incurred in defense of litigation instituted against official for actions in discharging municipal duties.

(a) Definitions.

(1) "Official" shall mean the mayor, every Town councilmember, officer, agent, or employee of the Town, whether elected, appointed or employed, with or without compensation.

(2) "Indemnification" shall include the payment of all expenses and losses, including reasonable counsel fees, paid, incurred or imposed upon an official as a result of any litigation or proceeding.

(3) "Expense" shall include any monies paid by an official and incurred in the defense or settlement of any litigation or proceeding, including but not limited to, legal fees, costs of litigation, and the amount of any settlement, judgment or verdict.

(b) Indemnification.

(1) Whenever in the performance of, or in connection with the performance of, official duties in behalf of the Town, an official has been involved or shall hereafter be involved in a dispute, proceeding or litigation, either in a representative or personal capacity, with or without the Town as a co-party in the matter, the Town shall promptly indemnify said official. The Town shall promptly preserve, protect, defend, aid and assist said official, and exonerate, indemnify and hold harmless said official from and against any and all expenses, liabilities, claims, demands, proceedings, damages, losses, charges, advances, disbursements, payments, expenses, costs, including reasonable counsel fees,

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awards, settlements, judgments, decrees and mandates, paid, incurred by, or imposed upon said official in all disputes, proceedings, trials and appeals, by reason of said official being or having been a Town official, even though he is no longer an official at the time the expenses are incurred or the claims are made against him. The protection herein guaranteed shall exist during and after the term of office or employment, for liabilities incurred during the term of office or employment.

(2) Each official protected hereby shall promptly cooperate in his or her own defense, and shall:

(a) File a written notice with the Town manager requesting indemnification, which notice shall include all summons, writs and other documents pertaining to the claim made against said official;

(b) Attend hearings, trials, and depositions and furnish such evidence as shall be needed;

(c) Grant the Town full rights of subrogation and the right to recover under any claims, offsets, or counterclaims of the protected official arising out of or in connection with the controversy involved in this section; provided, that if the protected official shall recover any sum, then the Town shall deduct all disbursements, costs, and expenses of litigation including attorneys' fees, and any award against the Town, and the remainder shall belong to the protected official;

(d) Execute and deliver to the Town all assignments, papers, and documents needed to carry out the purposes of this section.

(3) All officials of the Town are hereby authorized, required and directed promptly to perform any and all acts necessary, expedient or proper to carry out the purposes of this section, including, but not limited to the following:

(a) The Town attorney shall appear in all disputes, proceedings, litigation and appellate proceedings, and conduct the same in behalf of said officials, and is authorized to incur costs and expenses;

(b) The Town Manager, or his designee shall promptly pay, disburse, and reimburse the necessary funds required, for said costs, expenses and indemnification and shall satisfy any awards, settlements, judgments, mandates or decrees recovered or entered against said officials;

(c) The Town officials shall execute as principal or surety any and all judicial or other bonds, including supersedeas or appeal bonds, or post cash or securities in lieu of surety bonds;

(d) The payment of all the foregoing sums is hereby declared to be a proper municipal purpose and expense, and the appropriation of all funds necessary for such payment is hereby authorized and made.

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(4) If at any time it shall appear that the controversy has no connection with official duties, the Town council may require an investigation and report by the Town manager or Town attorney. The Town may, for good cause, refuse to proceed with the indemnification or defense by use of the following procedure:

(a) The official shall be given a written notice, at least twenty (20) days before a hearing, and a written complaint showing that the controversy has no connection with official duties. The notice shall state the particulars of the complaint with enough detail so that the person may prepare his defense;

(b) At the hearing, which shall be before the Town council, the Town and the official shall produce witnesses who shall give sworn testimony;

(c) At the conclusion of the hearing, the council shall make its findings of fact and conclusions on the evidence. If the council shall find that the controversy has no connection with official duties, and involves only a private or personal matter, then the council may refuse to proceed with the indemnification and defense.

(5) After final determination the Town may, for good cause, refuse to pay any judgment or decree entered against any official by following this procedure after a final judgment or decree, including any appellate proceedings:

(a) The official shall be given a written notice, at least twenty (20) days before a hearing, and a written complaint showing that he did not act in good faith and was guilty of a flagrant, willful, and intentional violation of a Town ordinance or a law of Florida. The notice shall state the particulars of the complaint with enough detail so that the person may prepare his defense;

(b) At the hearing, which shall be before the Town council, the Town and the official shall produce witnesses who shall give sworn testimony;

(c) At the conclusion of the hearing the council shall make its findings of fact and conclusions on the evidence. If the council shall conclude that the official did not act in good faith and was guilty of a flagrant, willful and intentional violation of a Town ordinance or a law of Florida, then the council may refuse to pay all or a part of said judgment or decree;

(d) If the official shall willfully fail or refuse to cooperate in his defense, then the council may, to the extent that the Town was damaged thereby, reduce the protection and indemnification provided under this section.

(6) At all hearings hereunder the sole question shall be the obligation of the Town to indemnify the official, and the merits of the claim made against the official shall not be an issue, so that the defense of the claim shall not be prejudiced.

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Sec. 2-10. Investment of surplus funds.

(a) Definitions.

(1) "Surplus funds." Those funds held in any municipal account which would not be called upon for payment by the Town for a period of at least thirty (30) calendar days.

(2) Custodian; duties. The Town Manager is hereby designated as custodian of the surplus funds of the Town and is hereby empowered, within the confines of this section, to prudently invest the surplus funds of the Town of Loxahatchee Groves. Notwithstanding, this section does not preclude the Town council from appointing an external investment manager.

(3) Investment policy. Surplus funds of the Town may be invested by the Town Manager, or an external investment manager appointed by the Town council, pursuant to the requirements of Section 218.415, Florida Statutes, as amended from time to time and as provided for in the Town of Loxahatchee Groves Investment Policy ("policy"). The policy, as amended from time to time, shall be adopted by the Town council by resolution. Copies of the policy shall be kept by the Town clerk and available for public inspection.

Sec. 2-11. Interest and administrative fees assessable on monies due.

(a) Overdue accounts; interest assessable. The Town council hereby authorizes imposing a one and a half (1.5%) percent penalty per month on past-due invoices owing to the Town for services rendered. The penalty may be imposed on the thirtieth day after the invoice becomes first due and payable. The penalty may be imposed each month until the invoice is fully paid to the Town. The one and a half (1.5%) percent penalty may be imposed by the director of financial management or one and a half (1.5%) of his designees pursuant to a plan established by that office.

(b) Checks returned for insufficient funds. In the event that a check, draft, or other order for the payment of money is returned to the Town dishonored for any reason, then the Town shall not accept payment on said account without receiving a service fee of twenty dollars (\$20.00) or five (5%) per cent of the face amount of the check, draft, or order, whichever is greater.

Sec. 2-12. Incurring debts.

It shall be unlawful for the Town in any one (1) year to incur a debt in excess of the appropriations for such year, except as provided in the charter, and except debts payable

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from the proceeds of bonds or other obligations or moneys lawfully available therefor from any source.

Sec. 2-13. Fiscal year; budget.

(a) The fiscal year for the Town begins on the first day of October of each year and ends on the last day of September of each year. No later than July 1st of each year, the Town manager shall prepare and submit to the council a budget estimate of the expenses and revenues, including the budgeted full-time positions, of all Town departments, divisions, and offices for the ensuing fiscal year. The council shall consider this budget and make such changes as it deems advisable. Then an appropriate ordinance or resolution shall be passed based upon the budget estimate. The budget estimate prepared by the Town manager shall be open for inspection in the manager's office. After adoption of the budget by the Town council, the Town manager may, on a temporary basis, create, transfer or remove budgeted full-time positions at his discretion. The Town manager may also transfer funds between respective departments, divisions and/or programs within a fund. However, approval of the Town council is required to change the appropriated funding and/or number of budgeted full-time positions.

(b) In the event that the final budget is not adopted by the beginning of the fiscal year on October 1st, the Town may expend monies based on its adopted tentative budget or readopt its prior year's final adopted budget until such time as the final budget is adopted, as provided in Florida Statutes, Section 200.065.

Sec. 2-14. Payment of money.

Money shall be paid out of the Town treasury only on warrants, checks and electronic fund transfers signed by the mayor, vice-mayor, director of financial management or the Town controller and countersigned by the manager.

Sec. 2-15. Settlement of claims; administrative procedure for expeditious processing of claims against and in favor of Town.

(a) In those instances where municipal property has been damaged or municipal employees have been injured due to the actions of third parties, and municipal funds have been or will be expended for property repairs or medical costs, recovery shall be sought as follows:

- (1) The Town Council shall evaluate all such claims and shall attempt to secure full reimbursement.
- (2) Whenever the municipal claim can be satisfied in full and the Town completely indemnified, the Town Council may release the third party from

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liability upon payment in full. The form of the release shall be reviewed and approved by the Town attorney before being executed and provided to the person/party being released.

(3) Whenever partial settlement of a municipal claim has been offered, the Town manager shall evaluate the settlement offer and provide a recommendation to the Town Council upon recommendation by the Town manager, the Town council shall then determine whether or not to accept the proposed settlement offer.

(4) The Town attorney's office shall be available to advise the Town council and the Town manager at all stages of the above proceedings.

(5) In those instances where settlement of municipal claims cannot be effected within a reasonable time, the Town attorney, with an approving vote of the Town council, shall file the appropriate lawsuit to effect collection of the claim.

(b) In those instances where claims have been asserted against the Town for property damage or bodily injuries, those claims shall be processed as follows:

(1) The Town attorney's office shall be provided prompt notification of any incident or accident which is likely to result in a claim against the Town. All letters or other correspondence indicating the possibility of a claim, and all formal notices of claim, summonses, complaints, lawsuits and notices of deposition of any municipal employee or officer shall immediately be turned over, upon receipt, to the office of the Town attorney. The Town attorney shall evaluate all such information received and appear on behalf of the Town in all appropriate proceedings. Furthermore, the Town attorney shall immediately collect and evaluate all information pertaining to claims against the Town, and, where no lawsuit has been filed and where the claim, in the opinion of the Town attorney, is for five thousand dollars (\$5,000.00) or less, the Town attorney shall forward the settlement proposal to the Town Council.

(c) It is acknowledged that the provisions of the Florida Worker's Compensation Law are intended by the state legislature to be self-executing. Therefore, any payments required by law pursuant to the terms of the Florida Worker's Compensation Law shall be specifically exempted from the terms of this section.

Sec. 2-16. Audit of books.

At the end of each fiscal year, the books and records of the Town shall be audited and the council shall be furnished with a copy of said audit.

Sec. 2-17. All fees to the Town Manager (investment officer).

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No officer or employee of the Town shall retain any fee or cost for any service he may perform, nor shall he receive any compensation other than the salary fixed by ordinance except as hereinafter prescribed, and all fines shall be part of the revenue of the Town, and shall be paid to the Town Manager (investment officer) by the officer receiving same.

Section 3. Codification.

It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida. The Sections of this ordinance may be re-numbered or re-lettered, and the word "Ordinance" may be changed to "Section", "Article", or such other word or phrase necessary to accomplish such intention.

Section 4. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict.

All ordinances or parts of ordinances of the Town of Loxahatchee Groves, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. The provisions of this Ordinance shall become effective upon adoption.

CODING: Words in ~~strike-through~~ type are deletions from existing law;
 Words in underlined type are additions.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ORDINANCE NO. 2008-04

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 17th DAY OF June, 2008.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1st DAY OF July, 2008.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Matthew Zimmerman
TOWN CLERK or Authorized Representative

David Browning
Mayor David Browning

Margie Herzog
Vice Mayor

Bill Mack
Council Member

APPROVED AS TO LEGAL FORM:

[Signature]
Office of the Town Attorney

[Signature]
Council Member

[Signature]
Council Member

DNT:dnt
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STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:
Ordinance 2008-004
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 1st day of July, A.D. 2008

TOWN OF Loxahatchee Groves
BY: Matthew Zimmerman

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