

ORDINANCE NO. 2020-008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, RELATING TO CHAPTER 2, ADMINISTRATION; PROVIDING FOR THE ESTABLISHMENT OF THE OFFICE OF TOWN ATTORNEY, APPOINTMENT, QUALIFICATIONS AND COMPENSATION; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE TOWN ATTORNEY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has regularly contracted with attorneys or law firms as independent contractors to serve as Town Attorney; and

WHEREAS, the Town Commission has determined it is in the best interest of the Town to hire an attorney as a full-time employee of the Town to provide legal services for the Town; and

WHEREAS, the Town Commission has determined it is appropriate to establish the office of the Town Attorney in the Pembroke Park Code of Ordinances to provide for the appointment, qualifications, compensation and duties and responsibilities for the Town Attorney.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA:

Section 1: That the Code of Ordinances of the Town of Pembroke Park, Florida, is hereby amended by adding a section, to be numbered Section 2-100.1, which section reads as follows:

“Sec. 2-100.1 – Town Attorney; appointment; qualifications; compensation.

The Town Commission shall appoint a Town Attorney who shall serve at the will of the Town Commission under such terms and conditions as it deems appropriate. The Town Attorney shall be a member in good standing of the Florida Bar with at least ten years of experience and

practice in the courts of the State of Florida. The Town Attorney shall receive such compensation as the Town Commission may fix by resolution. Neither the Town Attorney nor any of his or her assistants shall receive any compensation in connection with the performance of the duties of the office other than the amounts paid directly by the Town for services rendered to the Town. The Town Commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel.”

Section 2: That the Code of Ordinances of the Town of Pembroke Park, Florida, is hereby amended by adding a section, to be numbered Section 2-100.2, which section reads as follows:

“Sec. 2-100.2 – Duties and responsibilities.

The Town Attorney shall be the legal advisor to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties, and in that capacity shall have the following authority:

- (1) To act as legal counsel and advisor to the Town Commission and Town Manager, as well as to Town departments, boards, and committees, and to provide legal opinions where warranted in the performance of such function.
- (2) To prepare or review ordinances, resolutions, contracts, and other legal instruments, and to approve as to form and legal sufficiency.
- (3) To file, prosecute or defend, for and on behalf of the Town, all complaints, suits, code violations, enforcement actions, offenses and controversies to which the Town is a party, or to which it is in the Town’s interests to become a party, before any court or other tribunal; to file suit where expressly authorized by the Pembroke Park Code of

Ordinances. The approval of the Town Commission shall be sought before filing suit, except where immediate action is warranted, in which case the Town Attorney, with the approval of the Town Manager, may act in the best interest of the Town, and will promptly notify the Town Commission of such legal action.

- (4) To file amicus curiae briefs or intervene in actions already pending on behalf of the Town where the Town Attorney determines that the Town has an interest in such proceedings and where such action is warranted to protect the Town's interests.
- (5) To represent or provide for the representation of Town officers and employees where required by law or where otherwise appropriate, and where such officers and employees are sued based on actions taken in their official capacities. This authority does not limit any right to indemnification as established elsewhere in this code.
- (6) To settle disputes and sign settlement agreements on behalf of the Town consistent with settlement authority as designated by applicable law or by resolution of the Town Commission unless such authority is provided to the Town Manager or another Town officer under the Town Charter, this code, or zoning code.
- (7) To attend and speak at meetings of the Town Commission or any Town board.
- (8) To interpret the Town Charter, this code, and zoning code on behalf of the Town.
- (9) To renumber or make corrections to ordinances, resolutions, this code and the zoning code where appropriate to address scrivener's and typographical errors, to delete provisions that have been superseded or preempted by applicable law, and to improve the format by moving provisions within and between the ordinances, resolutions and code.
- (10) To issue cease and desist letters in accordance with the provision of this code relating

to cease and desist letters.

(11) To act as parliamentarian and to make rulings on matter of parliamentary law.

(12) To prosecute municipal ordinance violations, to coordinate with prosecutorial entities, and to name a Town Prosecutor to carry out those functions.

(13) To exercise all other authority granted to the Town Attorney in the Town Charter, this code, and zoning code.”

Section 3: That the provisions of this Ordinance are to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4: That it is the intention of the Commission of the Town of Pembroke Park that the provisions of this Ordinance shall be included in the Pembroke Park Code of Ordinances, and the sections may be renumbered, or relettered, ordinance may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

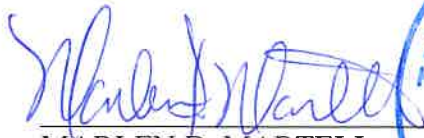
Section 5: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions, in conflict herewith be and the same are hereby superseded to the extent of such conflict.

Section 6: That this Ordinance shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading this 14<sup>th</sup> day of October, 2020.

PASSED AND ADOPTED on Second Reading this 9<sup>th</sup> day of December, 2020.

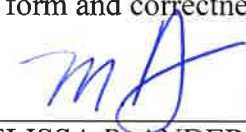
ATTEST:

  
MARLEN D. MARTELL  
Town Clerk



  
GEOFFREY JACOBS  
Mayor-Commissioner

I HEREBY CERTIFY that I have approved  
the form and correctness of this Ordinance

  
MELISSA P. ANDERSON  
Town Attorney

VOTE

|                      |        |
|----------------------|--------|
| GEOFFREY JACOBS      | YES    |
| GEORGINA COHEN       | YES    |
| HOWARD P. CLARK, JR. | YES    |
| REYNOLD DIEUVEILLE   | ABSENT |