

FAQ for the Workshop on the Proposed Change to the Town Charter

**September 13, 2023 @ 6:00 pm at
The Village of Tequesta Council Chambers
345 Tequesta Drive, Tequesta
Zoom Link to be Emailed in Advance of Meeting**

This FAQ answers questions about the proposed change to the Town Charter.

Residents are encouraged to read and review the attached draft Charter prior to the Workshop on September 13 where it will be discussed. The intention is that the Proposed Charter will be on the agenda and up for a vote at the second September Commission meeting on September 25. The Town will send communications to confirm the Workshop meeting date and time.

What is the purpose of these FAQs?

The purpose of this document is to provide information to Town residents in an accurate, fair, and impartial manner concerning the proposed ballot question pertaining to the revision of the Town Charter from a “Strong Mayor” model to a “Manager-Commission” form of government. It is not the purpose of this document to advocate either passage or denial of passage of the proposed Charter amendment.

What is the purpose of the Town Charter?

The Charter defines the organization, powers, functions, and essential procedures of a Town government. In a sense it is similar to a State or United States Constitution.

What is the purpose of the September 13 Workshop?

The purpose is to discuss proposed changes in the Town’s Charter from a strong-mayor form of government to a commission-manager form of government.

How did the possibility of changing the Town Charter come about?

Jupiter Inlet County was incorporated in 1959. Since then, we have had several changes in how we govern ourselves, often to stay current with the requirements of being an authorized municipality in the State of Florida.

In all Florida municipalities today, the citizens who are council members and commissioners face increasing challenges to serve residents, fulfill Federal, State and County obligations and requirements, and provide security and safety without informed professional support.

Why change the Town Charter now?

JIC is in a transition period. Recent events have spurred interest in the Town’s government and prompted stronger civic participation. The Town has a recently installed mayor and new commissioner; four commission seats will be up for vote March 18, 2024. We have a new Chief of Police. To meet the complex and rigorous statutory and legal requirements to maintain the town’s municipal status, there is a recognition that the town needs a professional with municipal management experience to oversee the day-to-day operations of JIC.

In response to many JIC residents’ organized direction in late spring and early summer, JIC Commissioners discussed at the June 12 meeting the option of changing the Town’s charter from a

strong- mayor system to a commission- manager system. Mayor Block accepted resident Janet Saura's offer to work with Town Attorney Bill Doney and willing residents to draft a new Charter.

How was information for the draft gathered?

Ms. Saura solicited the input of Commissioners and several residents. Ms. Saura, Ms. Sherry Karas, and Mr. Doney also reviewed the charters of neighboring and similar towns across Florida and spoke with those towns' councilors and commissioners about their roles.

Ms. Saura did a literature review of current best practices. In that regard, the draft charter for JIC reflects a "complementarity view" commission-manager system — "a conceptualization of cooperation between elected officials and administrative officials in the policy-making process. According to this view, elected officials should engage in administration and public administrators should contribute to policy making. The emphasis is on ongoing interaction, shared responsibilities, and reciprocal influence." *Source: Understanding Shared Roles in Policy and Administration: An Empirical Study of Council-Manager Relations; Tansu Demir, Christopher G. Reddick, Sheryl Sculley and Ivy R. Taylor*

Can the Commissioners just vote to change the Charter?

No. The commissioners will discuss the proposal at the September 25 meeting and vote to put it to a referendum that will be voted on by registered voters within the town. This is why your participation in the Workshop is so important. Commissioners will hear your questions, comments, and concerns.

Who can vote on the referendum?

JIC residents who are eligible to vote* in Florida will decide whether to adopt the new Charter, just as they vote to elect commissioners. The referendum will be on the ballot, along with four Commission seats, at the March 19, 2023, election.

Topline, what are the key proposed changes to the Town Charter?

There are three key changes that residents should understand.

The first, as mentioned above, is the shift from a mayoral system where the mayor oversees day to day operations of the town to a commission-town manager system, where the town manager oversees day to day operations of the town but reports to the town commission. In section .3.01 of the draft Charter, it states, "There shall be a Town Manager who shall be the chief administrative officer of the Town. The Town Manager shall be responsible to the Town Commission for the administration of all Town affairs under or in pursuance of this Charter."

The Town Commission appoints a Town Manager by a majority vote of all the Town Commissioners and is chosen solely based on executive and administrative qualifications and need not be a resident or landowner of the Town. The Town Commission may remove the Town Manager by a majority vote of all the Town Commissioners. Compensation of the Town Manager shall be fixed by the majority vote of the Town Commission."

The system envisioned is that there will be cooperation between elected officials and administrative officials in the policy-making process. The emphasis is on ongoing interaction, shared responsibilities, and reciprocal influence. However, in general, the Town Commission (with input from the Town Manager) will make policy decisions for the town and the Town Manager will implement the policies adopted by the Town Commission. See above ***How was information gathered for the draft?***

What is the second change?

This charter proposal recommends a change in how the mayor is elected. Currently, JIC voters choose the mayor during regular term elections. In this proposed commission-manager system, it is recommended that the mayor be selected by the JIC Commission for a one-year term, or until the next Town organizational meeting. Other than as noted below, the Mayor will have no additional powers or authority than the other Town Commissioners.

The mayor serves as chairperson during the meetings of the Commission and serves as the head of JIC for executing of legal documents as required by ordinance. The mayor would also serve as the ceremonial head of the Town. The Charters of Palm Beach Gardens, Tequesta and several other area towns and cities are governed with a “rotating” Mayor system. Jupiter on the other hand elects its mayor directly.

And the third change from JIC’s current practice?

The Town Commission continues to hire and fire a Chief of Police and approves his contract. The Town Commission may remove the Chief of Police by a majority vote of all the Town Commissioners. Compensation for the Chief of Police shall be fixed by a majority vote of the Town Commission.

The proposed change from the current Charter is that the Chief of Police reports to the Town Manager rather than to the Mayor. As is the case today, the Chief of Police is responsible for the overall operation of the police department and, in consultation with the Town Manager, is responsible for hiring and disciplinary actions involving police officers.

Any proposed changes in the organizational structure of the police department shall be presented to and approved by the Town Commission.

Nothing in this draft Charter precludes the Town Commission from contracting with the Palm Beach County Sheriff or another municipality to improve police or law enforcement services in the Town.

What are the duties of the Town Manager under this Charter?

The Town Manager will be the chief administrative officer of the Town. The Town Manager will be responsible to the Town Commission for the administration of all Town affairs under or in pursuance of this Charter. **As listed in Section 3.03,** The powers and duties of the Town Manager include, but are not limited to, the following:

- Appointing, and when he or she deems it necessary for the good of the Town, suspending or removing the Town Clerk and other employees, except as otherwise provided by this Charter.
- Directing and supervising the Town Clerk and administration of all departments, offices, and agencies of the Town, except as provided by this Charter, by Florida general or special law or by the Town Commission.
- Attending all Town Commission meetings.
- Participating in discussion at all Town Commission meetings, but not voting.
- Seeing that all laws, provisions of this Charter and acts of the Town Commission subject to enforcement by the Town Manager or by officers subject to the direction and supervision of the Town Manager are faithfully executed.
- Preparing and submitting the annual fiscal budget to the Town Commission in written form.
- Within budgetary guidelines, hire, supervise and discipline if necessary additional Town staff.

- Making such other reports as the Town Commission may require concerning the operations of the Town's departments, offices, and agencies subject to direction and supervision of the Town Manager.
- Keeping the Town Commission fully advised as to the financial condition and future needs of the Town and making such recommendations to the Town Commission concerning the affairs of the Town.
- Performing such other duties and exercising such other administrative powers as are specified in this Charter or may be required by the Town Commission.

Any other major changes?

No. As you review the document, you'll see that everything else generally stays the same — from the election of commissioners to the administration of elections, to the ability of town residents to initiate the petition and referendum process.

Does JIC still need five commissioners to remain a Town?

Yes, that has not changed. By the March 18, 2024, election, four of the five Commission seats will be up for election. The filing period for the March 2024 election is November 14-28, 2023.

What happens if there are fewer than five persons willing to serve as Commissioners?

The current JIC Town Charter and the proposed Charter stipulate that the town be governed by “five commissioners, who shall be elected from the municipality at large.” In the instance that fewer than five would wish to serve for an extended period of time could raise the possibility that the town would have to be dissolved and annexed into Tequesta or Jupiter or unincorporated Palm Beach County.

What are the requirements to become a Commissioner?

Those seeking the position must be a qualified voter in JIC. Also, the candidate must be a resident of the Town for at least one year before qualifying for office. Each Commission member must reside in the Town for the duration of his or her term. The term of office for each Commission member is two years. Starting January 1, 2024, each candidate must also complete Florida's new “Form 6” passed by recently by the Florida legislature. It requires disclosing any assets worth more than \$1000. To learn more, go to <https://ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>

Why should I attend this meeting?

Residents should understand the changes proposed in the draft JIC Charter and be aware of the requirements to manage the Town. To remain a Town, JIC must have five residents who are registered to vote in JIC to volunteer to serve as Commissioners.

Remind us again the benefits of remaining a town in Florida?

There are many substantial benefits to being a town rather than an HOA or a becoming part of a larger municipality such a Jupiter or Tequesta. We:

- control our own finances; set our tax rate; control expenditures and ensure an ample reserve for emergencies.
- can initiate and control funding for projects such as road repair, and the recently completed utilities undergrounding and the Neighborhood Rehabilitation Project
- control the physical appearance and maintenance of the town public areas and ensure continuing improvement in the quality of life in the community.
- benefit from our own police force to provide the highest standard of security for the town.
- provide individualized response for residents who have suggestions, complaints, or requests.

- control our building and zoning codes, nuisance codes, roads, and traffic laws.
- are on equal footing with neighboring towns in protecting our interests when it comes to quality-of-life issues such as safety, security, development, traffic, and environmental impact.
- have a voice in State and County affairs because we are a Florida town.

*NB:

The Florida legislature recently changed the rules about vote-by-mail registration. If you have voted by mail routinely, your vote-by-mail request expired on December 31, 2022. Voters who wish to vote by mail for the March 2024 elections are required to submit a new request to receive a vote-by-mail ballot.

To update your status, please visit VotePalmBeach.gov, call (561) 656-6200, or email info@votepalmbeach.gov. To speed the process, have your Driver's License, Florida ID card, or the last 4 digits of your Social Security number available when making your request.