

MOTION FAILED  
SEPTEMBER 5, 2007

**ORDINANCE NO. 3031**

MOTION FAILED MOTION FAILED  
SEPTEMBER 5, 2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, AMENDING THE RIVIERA BEACH MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, CHAPTER 14 OF THE CODE OF ORDINANCES BY AMENDING SECTION 14-47 ENTITLED "BOARD OF TRUSTEES; CREATED, POWERS, DUTIES" BY ALLOWING EQUITY INVESTMENTS OF THE FIREFIGHTERS' PENSION PLAN TO REACH A MAXIMUM OF SIXTY PERCENT AT COST OR SEVENTY-FIVE PERCENT AT FAIR MARKET VALUE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida law requires the Firefighters' Pension Plan (the "Plan") to retain a professionally qualified independent consultant to review and make recommendations concerning the Plan's investments; and

**WHEREAS**, the Plan's professionally qualified independent consultant recommends that in order to stay properly invested in the stock market and to maximize the potential of meeting actuarial assumptions in the long term, the investment of the Fund's assets should be modified to include that the aggregate of the funds invested in equities shall not exceed seventy-five percent at fair market value of the assets of the Fund; and

**WHEREAS**, the present requirement that the equity investments of the Fund shall not exceed sixty percent at cost will remain in effect.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:**

**SECTION 1.** Chapter 14, Section 14-47, entitled "Board of trustees; created, powers and duties" of the City of Riviera Beach Code of Ordinances is hereby amended as follows (added language has been underlined):

There is hereby created a board of trustees of the city firefighters' pension trust fund. The board of trustees shall consist of five members, two of whom shall be legal residents of the city who shall be appointed by the city council, and two of whom shall be full-time firefighters as defined in F.S. § 175.032(1), who shall be elected by a majority of the firefighters who are members of the plan. The fifth member shall be chosen by majority of the previous four members as provided for in this

section, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board of trustees as its fifth member. The fifth member shall have the same rights as each of the other four members appointed or elected as provided in this section and may be succeeded in office. Each resident member shall serve as trustee for a period of two years from October 1, 1986, unless sooner replaced by the city council, at whose pleasure the resident member shall serve, and may be succeeded as a trustee. Each firefighter member shall serve as a trustee for a period of two years from October 1, 1986, unless the firefighter sooner leaves the employment of the city as a firefighter, whereupon the city council shall choose a successor in the same manner as an original appointment. Each firefighter may be succeeded in office. The board of trustees shall be a legal entity which, in addition to other powers and responsibilities contained in this section, shall have the power to bring and defend lawsuits of every kind, nature and description. The trustees shall by a majority vote elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law. The board of trustees may:

(1) Invest the assets of the firefighters' pension fund as authorized by F.S. ch. 175, except the board of trustees may invest not more than five percent of its assets in the common stock or capital stock of any one issuing company, nor exceed five percent of the outstanding capital stock of that company, nor shall the aggregate of its investments in common stock at cost exceed 60 percent of the assets of the fund, nor shall the aggregate of its investments in common stock at fair market value exceed 75% of the assets of the Fund.

\* \* \*

**SECTION 2.** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the section of this ordinance may be renumbered to accomplish such intentions.

**SECTION 3.** If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

**SECTION 4.** That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 5.** Specific authority is hereby granted to codify this ordinance.

**SECTION 6.** This ordinance shall be in full force and effect immediately upon its final passage and adoption.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

**PASSED AND ADOPTED** on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

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ORDINANCE NO. 3031  
PAGE 4

APPROVED:

\_\_\_\_\_  
THOMAS A. MASTERS,  
MAYOR

\_\_\_\_\_  
SHELBY L. LOWE  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
LYNNE. L. HUBBARD  
CHAIR PRO-TEM

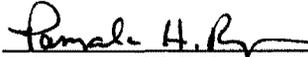
\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

\_\_\_\_\_  
NORMA DUNCOMBE  
COUNCILPERSON

\_\_\_\_\_  
CEDRICK THOMAS  
COUNCILPERSON

\_\_\_\_\_  
JAMES "JIM" JACKSON  
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 8/29/07

ORDINANCE NO. 3031

PAGE 5

**1<sup>ST</sup> READING**

**2<sup>ND</sup> & FINAL READING**

MOTIONED BY: J. JACKSON

MOTIONED BY: \_\_\_\_\_

SECONDED BY: L. HUBBARD

SECONDED BY: \_\_\_\_\_

S. LOWE                    NAY

S. LOWE                    \_\_\_\_\_

L. HUBBARD                NAY

L. HUBBARD                \_\_\_\_\_

N. DUNCOMBE             AYE

N. DUNCOMBE             \_\_\_\_\_

C. THOMAS                 NAY

C. THOMAS                 \_\_\_\_\_

J. JACKSON                AYE

J. JACKSON                \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: \_\_\_\_\_

**ORDINANCE NO. 3031**  
**PAGE 6**

**CERTIFICATION OF PUBLICATION**

**I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper or general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK**

ORDINANCE NO: 3032

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" BY CREATING ARTICLE IV ENTITLED "YOUTH PROTECTION ORDINANCE"; ESTABLISHING PURPOSES; PROVIDING DEFINITIONS; ESTABLISHING DESIGNATED CONDUCT BY MINORS AS UNLAWFUL REGARDING PRESENCE ON PUBLIC PROPERTY OR SEMI-PUBLIC PROPERTY WITHIN CERTAIN HOURS; ESTABLISHING PARENTAL RESPONSIBILITY; PROVIDING EXCEPTIONS; SETTING OUT REQUIREMENTS FOR BUSINESS OPERATORS; ESTABLISHING PROCEDURES TO BE FOLLOWED BY LAW ENFORCEMENT OFFICERS REGARDING MINORS SUSPECTED OF VIOLATION; SETTING OUT SPECIAL NON-CRIMINAL PENALTIES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, it is the intent of the Mayor and City Council of the City of Riviera Beach to adopt an ordinance for the protection of youths by establishing a limited curfew during certain hours of the day or night under certain circumstances, in a manner which will protect the fundamental constitutional rights of juveniles and parents by setting out a body of regulations and standards which are narrowly tailored so as to advance public interests deemed by the City as compelling, which shall conform with requirements set out by the Florida Supreme Court in *State v. J.P.*, 907 So.2d 1101 (Fla. 2004), and guidelines of other State Courts and Federal Courts, as well as meeting all requirements of the Constitutions of the United States and of the State of Florida; and

**WHEREAS**, children are unfortunately the victims of crime and violence in significant numbers throughout the City of Riviera Beach. The Chief of Police has maintained statistics for the calendar years 2002 through 2006, which show a continuous increase in the number of persons under the age of eighteen who are the victims of crimes. This victimization of children is not limited to certain parts of the city but is a city-wide problem. The statistics kept by the Police Department shows that over the period of time from 2002 through 2006 the total number of juvenile crime victims steadily increased, totaling one thousand six hundred and thirty-nine (1639). Of that total, two hundred and twenty-three (223) of these crimes were committed between the hours of the proposed restriction time of 11 p.m. to 6 a.m. The instances of children as victims of violent crime (homicide, sex offenses, robbery, aggravated assault/battery, and simple assault/battery) in the city are nine hundred and three (903) juvenile victims; and

**WHEREAS**, children are committing violent crimes in significant numbers throughout the city. The number of violent crimes committed by children is significant over the past several years. The Chief of Police has maintained statistics for the calendar years 2002 through 2006, which show a significant increase in the number of persons under the age of eighteen who have been arrested for crimes of violence. The unacceptable level of juvenile crime threatens citizens and presents a clear and present danger to the public. This problem is not limited to certain parts of the city but is a city-wide problem, as demonstrated by the following statistics for the City. The statistics kept by the Police Department shows that over the period of time from 2002 through 2006 the total number of juvenile crime offenders are one thousand eight hundred and forty-six (1846). Of that total, two hundred and fifty-three (253) of these crimes were committed between the hours of the proposed restriction time of 11 p.m. to 6 a.m. These statistics reveal the arrests of children for violent crimes (homicide, sex offenses, robbery, aggravated assault/battery, and simple assault/battery) over 2002 to 2006 year period is close to five hundred (500) juveniles; and

**WHEREAS**, Florida Statutes, section 877.25 authorizes counties and municipalities to enact curfew ordinances regulating the presence of minors in public places and establishments which provide restrictions more stringent or less stringent than the curfew established by the legislature in Florida Statutes, section 877.22; and

**WHEREAS**, in furtherance of the above stated goal and statistics, the City Council held two public hearings, considered or invited testimony of witnesses and interested parties, and extensively reviewed a significant number of statistical data, documents, materials and studies.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That Chapter 12, entitled "Offenses and Miscellaneous Provisions" of the City of Riviera Beach Code of Ordinances is hereby amended by creating Article IV entitled "Youth Protection Ordinance of the City of Riviera Beach, Florida" to read as follows:

**ARTICLE IV  
YOUTH PROTECTION ORDINANCE**

**(1) Findings/Purposes.**

The City Council of the City of Riviera Beach finds as follows:

- (a) Reducing juvenile crime and victimization, while promoting juvenile safety and well-being, is a matter of compelling governmental interest.
- (b) The general inability of children to make critical decisions in an informed, mature manner also exposes them to influences which lead to their committing crimes. Children perceive even less risk of apprehension if they commit crimes at night. This is compounded because children often see no real risk of being or in being punished for a crime.
- (c) Juvenile crime brings adverse consequences to the youth of the City in the form of decreased school performance, increased school dropout rates, criminal records, and diminished opportunity at worthwhile future employment.
- (d) The City has an interest in the protection of minors from adults and from each other on the street during nighttime hours and is obligated to act in a positive manner for the safety and welfare of the juveniles of the City.
- (e) A narrowly tailored ordinance that imposes reasonable time, place and manner restrictions upon minors in an effort to reduce juvenile crime and victimization, without unduly limiting the free exercise of religion, freedom of speech, and the right of assembly secured to all citizens by the United States and Florida Constitutions, is in the best interest of the public health, safety and general welfare of the citizens of Riviera Beach.

**(2) Definitions.**

- (a) General. For the purposes of this Article, certain words and phrases are defined as indicated herein. Words in the present tense include the future, the singular includes the plural and the plural the singular; the words "shall", "will" and "must" are mandatory, and the word "may" is permissive.
- (b) Chief of Police means and includes the City's Chief of Police and any sworn law enforcement office under the direction of the Chief of Police.
- (c) Direct route means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

- (d) Emergency means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (e) Holding location means child protection center, to which a minor taken into custody for a violation of this section, will be delivered to await pick up by a parent or juvenile authorities.
- (f) Minor means any person under eighteen (18) years of age, who is not married and has not been adjudicated an adult.
- (g) Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of any association or partnership and the officers of a corporation.
- (h) Parent means a person who is:
  - (1) A natural or adoptive parent of another person;
  - (2) A court-appointed guardian of another person; or
  - (3) At least twenty-one (21) years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.
- (i) Public place means any street, alley, highway, sidewalk, playground, park, plaza, building, any property owned by or controlled by the City of Riviera Beach, or other place used by or open to the public.
- (j) Remain means to:
  - (1) Linger or stay unnecessarily; or
  - (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (k) Restricted hours means:
  - (1) The hours between 11:00 p.m. and 6 a.m., Sunday through Thursday.
  - (2) The hours between 12:01 a.m. and 6:00 a.m., Friday and Saturday.

- (3) The hours between 12:01 a.m. and 6:00 a.m. on legal holidays.
- (l) Semi-public place means any privately-owned or privately-operated real property (including any structure thereon) to which the general public is invited or has a legal right of access and right to resort for business, recreation, entertainment or other lawful purpose, including, but not limited to, any store, shop, restaurant, theater, shopping center, bowling alley, parking lot, alley, or road. "Semi-public place" shall also mean any vacant lot, or any vacant or abandoned building.
- (m) Swale means the low tract of land in front of or between houses often used for drainage.
- (3) **Violation by Minor.** It is a violation of this ordinance for any minor to remain, linger, stay, congregate, move about, wander, or stroll in any public or semi-public place in the city, either on foot or in or upon any vehicle, during restricted hours.
- (4) **Parental responsibility in regard to Restricted Hours.** It shall be unlawful for a parent of a minor to knowingly permit or by insufficient control allow the minor to remain in any public or semi-public place or on the premises of any establishment within the city during the restricted hours.
- (5) **Exceptions.** It shall not be a violation of this ordinance for a minor to be in any public or semi-public place or on the premises of any establishment within the city during the restricted hours if the minor is:
- (a) Accompanied by the minor's parent/guardian or other person at least twenty-one (21) years of age, having the care and control of the minor with the parent or guardian's permission;
- (b) On an errand or to a relative's home at the direction of the minor's parent or guardian with permission, without any detour and by using a direct route;
- (c) In a motor vehicle involved in interstate travel;
- (d) Engaged in a lawful employment activity, without any detour and by using a direct route;
- (e) Involved in an emergency;

- (f) On the swale or sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;
- (g) Attending an official school, religious, recreational or academic activity supervised by adults at least twenty-one (21) years of age, which organization takes responsibility for the minor as an invitee, or going to or returning home from any such activity without any detour and by using the most direct route;
- (h) Attending or returning home directly from specific activity at a public or semi-public place which is open to the general public and supervised by adults; provided further, that the child has permission from his or her parent or legal guardian authorizing the child to attend or engage in that specific activity; and provided further that the Chief of Police may verify such authorization through contact with the parent or legal guardian or otherwise;
- (i) Exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article 1, Section 3, 4, and 5 of the Florida Constitution), such as the free exercise of religion, freedom of speech, and the right of assembly;
- (j) Married or had been married or emancipated in accordance with Florida Statutes;
- (k) Homeless, or uses a public place as their usual place of abode;
- (l) When the City Council, pursuant to an application by a sponsor of an event not provided for in these exceptions, authorizes minors to be in a public place during restricted hours. An application by a sponsor of said event shall be completed by the sponsor and filed with the Office of the Chief of Police not later than 21 days prior to the event and in sufficient time for the Council to consider the application at a regularly or specially scheduled meeting prior to the event. The application shall include provisions for the protection of any minors participating in the event and shall be approved by the Chief of Police prior to submission to the city council for consideration.

- (7) **Responsibility of Parents.** It shall be unlawful for a parent, guardian, or other person at least twenty-one (21) years of age having legal care and control of a minor to permit, or by inefficient control, to allow such minor to be or remain, linger, stay, congregate, move about, wander or stroll in any public or semi-public place during restricted hours, or, through willful inaction, fail to assure that the minor makes timely payment of any civil penalty provided by this ordinance. It shall constitute a defense:
- (a) if the parent, guardian or other person informed the police department that the minor was missing or had left or remained away from the minor's residence during restricted hours, over the objection of the parent, guardian, or other person; or
  - (b) if the parent, guardian or other person did not know of the minor's presence in a public or semi-public place during restricted hours, if said parent, guardian or other person, through the exercise of reasonable care and diligence, should not have known of the minor's unlawful act.
- (8) **Responsibility of Operators.** It shall be unlawful for the operator of any business to knowingly permit a minor to remain, linger, stay, congregate, move about, wander or stroll upon the premises of the business during restricted hours. Operators are encouraged, but not required, to post in or about their business premises a notice in substantially the following form: "IT IS UNLAWFUL FOR ANY PERSON WHO IS LESS THAN EIGHTEEN (18) YEARS OF AGE TO REMAIN ON THESE PREMISES BETWEEN 11 P.M. AND 6:00 A.M., UNLESS SPECIFICALLY ALLOWED BY LAW". It shall constitute a defense if the operator notified the police department that the minor was present on the premises of the business during restricted hours and the minor refused to leave the premises after being requested by the operator to leave. It shall also constitute a defense if the operator has posted a notice in the form set forth above, has notified the minor that the minor is not permitted on the premises during the restricted hours and has provided reasonable notice.
- (9) **Enforcement Procedures as to Minors.** Unless flight by the person or other circumstances makes it impractical, a law enforcement officer, upon finding a suspected minor in violation of this ordinance shall:
- (a) have the suspected minor identify himself/herself by name, age and address; make every reasonable effort to verify the information

provided by the minor, through written documentation, contact with the parent or otherwise;

- (b) ascertain the minor's reason for being in the public or semi-public place during restricted hours;
- (c) if the minor is found to be in violation of the ordinance, the minor shall be either immediately sent home and/or taken to a parent or to the holding location. The officer may file the appropriate papers to request that a petition be filed in court in accordance with Florida Statutes Chapter 984, Children/Family in Need of Services (CINS/FINS).

**(10) Penalties.**

- (a) A minor who violates this ordinance for the first time, may receive a written warning by the police officer.
- (b) A minor who violates the ordinance for the second time and who had received a written warning will be afforded the opportunity to participate in community service, as approved by the City. If he/she chooses not to participate, does not qualify for the program, or fails to successfully complete the program, the minor shall be assessed a civil fine of \$50 and court costs. The Clerk of the Court shall have the authority to collect said fines and costs.
- (c) A minor who violates the ordinance for the third time, is guilty of a civil infraction, and shall be assessed a civil fine of \$100 and court costs. The Clerk of the Court shall have the authority to collect said fines and costs.
- (d) A minor who violates the ordinance for the fourth (or more) time, will receive a referral for CINS/FINS from Law Enforcement, in accordance with Florida Statutes, Chapter 984.
- (e) When the Chief of Police reasonably believes that any state law concerning child care has been violated the Chief of Police shall notify the State Department of Children and Families.
- (f) Any parent or operator who violates any section of this ordinance shall receive a written warning for his or her first violation. Any parent or operator who violates any section of this ordinance, after

having received a prior written warning, is guilty of a civil infraction and shall be assessed a civil fine of \$100.00 for each violation along with court costs. The Clerk of the Court shall have authority to collect said fines.

**SECTION 3.** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 4.** If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

**SECTION 5.** That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 6.** Specific authority is hereby granted to codify this ordinance.

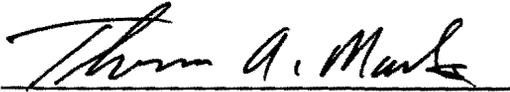
**SECTION 7.** This ordinance shall be in full force and effect immediately upon its final passage and adoption.

**PASSED AND APPROVED** on the first reading this 19TH day of SEPTEMBER 2007.

**PASSED AND ADOPTED** on second and final reading this 3RD day of OCTOBER 2007.

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APPROVED:



THOMAS A. MASTERS  
MAYOR



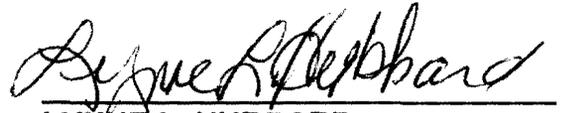
SHELBY L. LOWE  
CHAIRPERSON

(MUNICIPAL SEAL)

ATTEST:



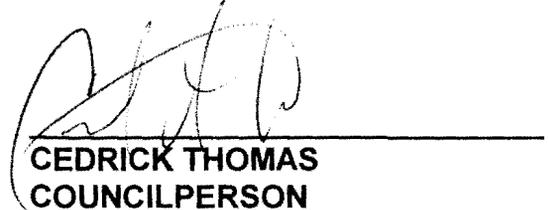
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK



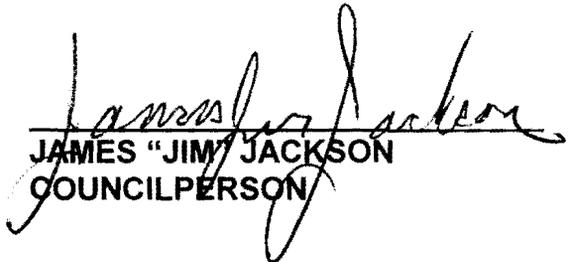
LYNNE L. HUBBARD  
CHAIR PRO TEM



NORMA DUNCOMBE  
COUNCILPERSON



CEDRICK THOMAS  
COUNCILPERSON



JAMES "JIM" JACKSON  
COUNCILPERSON

1<sup>ST</sup> READING

MOTIONED BY: L. HUBBARD

SECONDED BY: J. JACKSON

S. LOWE AYE

L. HUBBARD AYE

N. DUNCOMBE NAY

C. THOMAS AYE

J. JACKSON AYE

2<sup>ND</sup> & FINAL READING

MOTIONED BY: L. HUBBARD

SECONDED BY: J. JACKSON

S. LOWE AYE

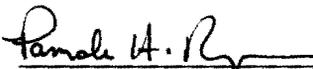
L. HUBBARD AYE

N. DUNCOMBE NAY

C. THOMAS AYE

J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
PAMALA H. RYAN, CITY ATTORNEY

DATE: 9/14/07

ORDINANCE NO. 3033

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II, SECTION 12 OF THE CITY CHARTER ENTITLED "SALARIES OF ELECTED OFFICIALS" BY INCREASING THE SALARIES OF THE MAYOR AND CITY COUNCIL BY \$10,000; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has determined that there is a need to increase the salaries of the Mayor and City Council by \$10,000; and

**WHEREAS**, the salaries for the Mayor and Council are set out in Article II, Section 12 of the Charter, as amended; and

**WHEREAS**, Chapter 166, Florida Statutes, which is known as the Municipal Home Rule Powers Act, allows a municipal government to change certain provisions of its charter by ordinance; and

**WHEREAS**, it has been determined that Article II, section 12, of the Charter of the City of Riviera Beach can be amended by ordinance; and

**WHEREAS**, increases in salary for elected officials have occurred by ordinance in years 1983, 1993, and 2003, and 2006.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, as follows:**

**SECTION 1.** That Article II, Section 12 of the City's Charter entitled "Salaries of elected officials" is hereby amended to read:

The salaries of the elected officials of the City shall be ~~\$19,000~~ \$29,000 for members of the City Council and ~~\$20,200~~ \$30,200 for the Mayor. The City Council member serving as Chairperson shall be entitled to an annual stipend of \$1,200.00 in addition to the above stated salary.

**SECTION 2.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Charter of the City of Riviera Beach.

**SECTION 3.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

*Deleted*

**ORDINANCE NO.** \_\_\_\_\_  
**PAGE -2-**

**SECTION 4.** That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

**SECTION 5.** Specific authority is hereby granted to codify this Ordinance.

**SECTION 6.** This Ordinance shall take effect upon final adoption by the City Council.

**PASSED and APPROVED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**PASSED and ADOPTED** on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]**

ORDINANCE NO. \_\_\_\_\_

PAGE -3-

APPROVED:

\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

\_\_\_\_\_  
SHELBY L. LOWE  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
LYNNE L. HUBBARD  
CHAIR PRO TEM

\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

\_\_\_\_\_  
NORMA DUNCOMBE  
COUNCILPERSON

\_\_\_\_\_  
CEDRICK THOMAS  
COUNCILPERSON

\_\_\_\_\_  
JAMES "JIM" JACKSON  
COUNCILPERSON

ORDINANCE NO. \_\_\_\_\_  
PAGE -4-

1<sup>ST</sup> READING

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

S. LOWE \_\_\_\_\_

L. HUBBARD \_\_\_\_\_

N. DUNCOMBE \_\_\_\_\_

C. THOMAS \_\_\_\_\_

J. JACKSON \_\_\_\_\_

2<sup>ND</sup> & FINAL READING

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

S. LOWE \_\_\_\_\_

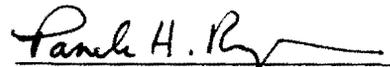
L. HUBBARD \_\_\_\_\_

N. DUNCOMBE \_\_\_\_\_

C. THOMAS \_\_\_\_\_

J. JACKSON \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN/CITY ATTORNEY

DATE: 9/19/07