

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1010A.96

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH FLORIDA, FLORIDA; ESTABLISHING PROCEDURES FOR THE PERSONNEL BOARD, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.04(f) of the Town Charter provides for a "board of personnel appeals" known as the Personnel Board", to "hear the appeal of any employee or department head subject to appointment and removal by the Mayor from any disciplinary order, suspension or removal"; and

WHEREAS, the Town Council desires to establish rules of procedure for conduct of such meetings when the designated members sit as the Personnel Board;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AS FOLLOWS:

Section 1. That Sec. 1. Pursuant to the Town Charter, 1996/97 Personnel Board shall be :

Vice Mayor Charles Fistel, Chairman  
Councilman Kerry Rosenthal  
Councilman Michael Addicott

Councilwoman Lisa Lowrance shall serve as an alternate member. Board Members shall serve until their successors are appointed for terms as provided in the Town Charter (Sec. 3.04(f)).

Section 2. The following procedures are hereby established for conduct of hearings before the Personnel Board.

- C. The employee may be represented by an attorney, a union representative of the employee's bargaining unit, or the employee may represent himself or herself at the hearing.
- D. The Aggrieved employee shall receive at least seven calendar days advance notice of the meeting. Notice may be by telephone if contact is made with the employee or attorney or staff member (not left on an answer machine or voice mail), and followed up by written confirmation.
- E. The proceedings are quasi-judicial.
- F. Each party may give a brief opening and closing statement; the length of which is determined by the Board with equal time being authorized to each party. The employee may reserve a portion of the closing statement time as rebuttal.
- G. Testimony shall be under oath. The aggrieved employee shall have the burden of proof and shall present his or her case first. The aggrieved employee and the Town may present witnesses and documentary evidence.
- H. The Board Members may ask questions (cross examination) of the witnesses or the employee at the conclusion of the parties' examination of each witness. Narrative testimony is permitted
- I. The Board's decision shall be to affirm the Mayor's action, reverse the Mayor's action or modify the Mayor's action regarding the aggrieved employee.

Section 3. The Board may adopt supplemental procedures that are not in conflict with the Town Charter, Florida Statutes or this Resolution.

Section 4. Severability. Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be

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Section 6. Effective Date. That this Resolution shall become effective upon approval of the Town Council.

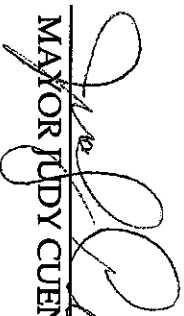
The Motion to adopt the foregoing Resolution on first reading was offered by Councilmember Rosenthal, seconded by Councilmember Lowrance and on roll call the following vote ensued:

Mayor Cuenca	AYE
Vice Mayor Fistel	AYE
Councilman Addicott	ABSENT
Councilwoman Lowrance	AYE
Councilman Rosenthal	AYE

PASSED AND ADOPTED on second reading this 17th day of December, 1995

ATTEST:

  
TOWN CLERK PAT MONGIELLO

  
MAYOR JUDY CUENCA

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY