

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1416.02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA PROVIDING PROCEDURES FOR THE CONDUCT OF EMPLOYEE APPEALS; PROVIDING STANDARDS FOR QUASI-JUDICIAL PROCEEDINGS; PROVIDING THE PROCESS AND GUIDELINES FOR EVIDENTIARY MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.04 of the Charter provides for a Personnel Board; and

WHEREAS, Section 3.04 of the Charter provides that the council shall establish procedures for the conduct of employee appeals before the Personnel Board;

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

Section 1. The following procedures are hereby established for the conduct of employee appeals before the Personnel Board:

A. Procedure.

1. All witnesses shall be collectively sworn, excluding attorneys licensed to practice law in the State of Florida, unless they intend to present testimony.
2. The Town may present an opening statement, followed by an opening statement by the employee or the employee's attorney.
3. The Town may present any and all witnesses in support of its position.
4. The employee may present witnesses in support of his or her position.
5. The Town may present rebuttal witnesses, if any.
6. All witnesses shall be subject to cross-examination.

7. No further evidence will be accepted.

8. The Town and the employee may present final arguments referring only to facts which were admitted into evidence.

9. The Board shall deliberate on the matter. No further presentation or testimony shall be permitted, and Board members shall not ask further questions of persons presenting testimony. The Board shall discuss the evidence which was presented and vote on the matter.

B. Evidence.

1. The Board shall not be bound by strict rules of evidence, or limited to consideration of evidence which would be admissible in a court of law. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida.

2. The Board will determine the relevancy of evidence.

3. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a court.

C. Judicial Notice.

The Board shall take judicial notice of all state and local laws, ordinances, and regulations, and make take judicial notice of such other matter as are generally recognized by the courts of the State of Florida.

D. Record of the Proceeding.

1. The proceedings shall be preserved by tape recording or other device. Either party may have a court reporter present to transcribe the proceeding.

2. All evidence admitted at the hearing shall be maintained by the Clerk of the Board.

E. Decision.

The Personnel Board shall deliberate immediately upon conclusion of the hearing and shall render a written order within ten days. The order shall be signed by the Vice Mayor.

Section 2. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be

invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 3. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

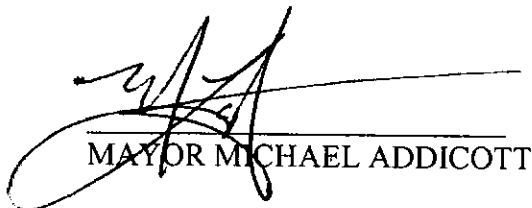
Section 4. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Administration.

The Motion to adopt the foregoing resolution was offered by Mayor Adicott seconded by Councilmember Singer and on roll call the following vote ensued:

Mayor Addicott	<u>AYE</u>
Vice Mayor Einstein	<u>AYE</u>
Councilmember Singer	<u>AYE</u>
Councilmember Feinman	<u>AYE</u>
Councilmember Paruas	<u>AYE</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 25th day of June, 2002.


MAYOR MICHAEL ADDICOTT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


EDWARD PAUL KREILING
TOWN ATTORNEY