

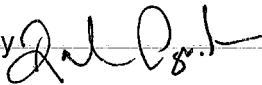
MIAMIBEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Mayor Philip Levine
Members of the City Commission
Jimmy Morales, City Manager

cc: Rafael Granado, City Clerk

From: Raul J. Aguila, City Attorney 

Date: July 26, 2017

Subject: **Strong-mayor form of government**



Pursuant to the request of Commissioner Kristen Rosen Gonzalez, the City Attorney's Office has researched local governments throughout Florida with strong-mayor forms of government. Attached is a compilation of ballot questions and charter provisions detailing the powers and duties of strong mayors in Miami-Dade County, Miami, Hialeah, Jacksonville, Orlando, St. Petersburg, Tampa, and West Palm Beach. The attached research demonstrates a variety of ways in which powers may be divided in a strong-mayor system.

If you have any questions, please do not hesitate to contact me.

Miami-Dade County

Miami-Dade County Ballot Question (2007)

OFFICIAL SAMPLE BALLOT

OFFICIAL SPECIAL ELECTION BALLOT	
MIAMI-DADE COUNTY, FLORIDA	JANUARY 23, 2007
Charter Amendment	
Charter Amendment Expanding the Mayor's Responsibilities and Restricting the Responsibilities of the County Manager	
<p>Shall the Miami-Dade County Charter be amended to transfer from the County Commission and County Manager to the Mayor certain additional powers and responsibilities including the authority to:</p>	
<ol style="list-style-type: none"> 1. administer County government; 	
<ol style="list-style-type: none"> 2. appoint the County Manager unless disapproved by supermajority of the Commission; 	
<ol style="list-style-type: none"> 3. appoint department directors unless disapproved by supermajority of the Commission; except as otherwise required by law; and 	
<ol style="list-style-type: none"> 4. direct, supervise, reprimand or remove the County Manager and department directors? 	
YES	20 
NO	21 

ARTICLE 2. - MAYOR

SECTION 2.01. - ELECTION OF MAYOR.

There shall be elected by the qualified electors of the county at large a Mayor who shall be a qualified elector residing within the county at least three years before qualifying. The Mayor shall not serve as a member of the Commission.

SECTION 2.02. - RESPONSIBILITIES OF THE MAYOR.

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

- A. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.
- B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.
- C. Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.
- D. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.
- E. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners.
- F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.

SECTION 2.03. - TEMPORARY TRANSFER OF MAYORAL POWERS AND RESPONSIBILITIES UPON A VACANCY OR INCAPACITY IN THE OFFICE OF MAYOR.

Upon a vacancy or incapacity in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter or the Mayor is no longer incapacitated, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of

the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in a commissioner chosen by a majority of those Board members present. The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. The Board shall by ordinance establish a definition of incapacity in the Office of Mayor for purposes of this Section.

City of Miami

City of Miami Ballot Question (1997)

J-97-406
7/3/97

RESOLUTION NO. 97- 447

A RESOLUTION, WITH ATTACHMENTS, APPROVING, SETTING FORTH AND SUBMITTING TO THE ELECTORATE A PROPOSED CHARTER AMENDMENT, AMENDING THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, KNOWN AS CHARTER AMENDMENT NO. 1, TO PROVIDE, COMMENCING IN NOVEMBER, 1997, FOR A NON-VOTING EXECUTIVE MAYOR ELECTED CITY-WIDE WHO WILL NOT BE A MEMBER OF THE CITY COMMISSION, AND FIVE (5) COMMISSIONERS FROM FIVE (5) DISTRICTS WITH BOUNDARIES DELINEATED BY THE COMMISSION, AND AUTHORIZING THE MAYOR TO: (1) EXERCISE VETO POWER, SUBJECT TO COMMISSION OVERRIDE; (2) APPOINT AND REMOVE THE CITY MANAGER, SUBJECT TO COMMISSION REVIEW AND VETO OVERRIDE; (3) APPOINT COMMITTEES; AND (4) DELIVER AN ANNUAL BUDGET ADDRESS; MORE PARTICULARLY BY AMENDING SECTIONS 4, 7, 8, 9, 10, 12, 14, 15, 16, 21 AND 42 OF SAID CHARTER; CALLING AND PROVIDING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD THE 4TH DAY OF SEPTEMBER, 1997, FOR THE PURPOSE OF SUBMITTING CHARTER AMENDMENT NO. 1 TO THE ELECTORATE AT SAID ELECTION; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF METROPOLITAN DADE COUNTY, FLORIDA, NOT LESS THAN 45 DAYS PRIOR TO THE DATE OF SUCH SPECIAL MUNICIPAL ELECTION.

WHEREAS, on July 1, 1997, by its adoption of Resolution No. 97-444, the City Commission directed the City Attorney to prepare the herein proposed Charter Amendment; and

**ATTACHMENT (S)
CONTAINED**

**CITY COMMISSION
MEETING OF**

JUL 03 1997
Resolution No.

97- 447

WHEREAS, the City Attorney's draft of the proposed Charter amendment is set forth in its final form in this Resolution, said draft being submitted to the electors of the City this date by means of the herein Resolution; and

WHEREAS, the proposed amendment shall be submitted to the electorate at a special municipal election on September 4, 1997, as called for and provided herein, and shall become effective upon approval by the electors;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 2. (a) Sections 4, 7, 8, 9, 10, 12, 14, 15, 16, 21 and 42 of the Charter of the City of Miami, Florida (Chapter 10847, Laws of Florida, as amended), are hereby proposed to be amended in the following particulars:^{1/}

^{1/} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

"Sec. 4. Form of government.

(a) General description. Commencing with the election of the mayor in 1997, ~~The~~ form of government of the City of Miami, Florida, provided for under this charter shall be known as the "mayor-commissioner-manager plan and the commission shall consist of five citizens, who are qualified voters of the city and who shall be elected at large from districts in the manner hereinafter provided. The Commission shall constitute the governing body with powers (as hereinafter provided) to pass ordinances, adopt regulations and exercise all powers conferred upon the city except as hereinafter provided, and The mayor shall exercise all powers conferred herein and shall appoint a chief administrative officer to be known as the "city manager".

(b) Election of mayor and commission; terms of office, recall. Commencing with the election of the mayor in 1997, ~~there~~ shall be elected by the qualified electors of the city at large a Mayor who shall be a qualified elector residing within the city at least one (1) year before qualifying and must maintain an actual and real residence for the duration of his term. The mayor shall not serve as a member of the commission.

The commission shall consist of five members who shall be elected from ~~districts~~ within the city at large in groups numbered I 1 through V 5. One of said commissioners shall be the mayor and shall be elected by the people from the group to be numbered I and all persons desiring to qualify as candidate for mayor shall file in group I. The mayor shall have the power set forth in the charter of the City of Miami in Dade County, Florida. All persons desiring to qualify for commissioners shall file in groups ~~districts~~ numbered ~~II~~ 1 through ~~V~~ 5. Commissioner in district numbered 1 shall be elected at the general election to be held in the year 1997 and shall serve for a two year term. Commissioners in groups ~~districts~~ numbered ~~II~~ 3 and ~~III~~ 5 shall be elected at the general elections to be held in the year ~~1955~~ 1997 and at each general election each four years thereafter. Commissioners in groups ~~districts~~ numbered ~~IV~~ 1, ~~V~~ 2 and 4 shall be elected at the general elections to be held in the year ~~1957~~ 1999 and at each general election each four years thereafter.

The mayor shall be elected at the general election in the year ~~1989~~ 1997 and at each general election each four years thereafter and shall hold office for a term of four years.

The mayor and all commissioners [are] to hold office until their successors are elected and qualified from twelve o'clock noon of the day after the canvass of the vote and the declaration of the result of the election. The mayor and all other members of the commission shall be subject to recall. Vacancies shall be filled as provided in section 12 of the charter of the City of Miami.

If a candidate for office of mayor or commissioner receives a majority of votes in the primary election in his group, he shall be considered elected upon and after the canvass of the vote and the declaration of the result of the election as hereinafter provided. If there be no majority, two candidates for nomination to the office of mayor or commissioner who receive the greatest vote in the primary election in each group shall be placed on the ballot at the next regular municipal election following the primary as provided in section 7 of this charter. The candidate for nomination receiving the greatest vote in the regular municipal election following the primary election, if otherwise qualified, shall be elected to office from the group in which he is qualified.

Any incumbent commissioner desiring to run for the office of mayor shall present an irrevocable resignation of his office of city commissioner to the city commission not less than ninety days prior to the date of election, whether primary or general, and said resignation shall become effective on the date of the election. Upon receipt of said resignation the commission shall make public announcement of the resignation and instruct the clerk to accept qualified candidates to run for election for the unexpired term of the commissioner resigning for the purpose of running for mayor. If any mayor or commissioner elected under the provisions of this act desires to run for some elective office other than the mayor or city commissioner, then under such circumstances he shall not be required to resign his city office unless and until he has been elected to such other elective office. In the event that such mayor or commissioner is elected to such other elective office other than that of mayor or commissioner, he shall immediately resign his office as mayor or commissioner and upon his failure or refusal to do so he shall be discharged and ousted from his office and said office declared vacant by a majority vote of the remaining members of the city commission.

(c) Qualifications of mayor and commission; mayor, commissioners, and other officers and employees not to be interested in contracts, etc.; franks, free tickets, passes or service. Commencing with the election of mayor in 1997, the mayor and members of the commission shall be residents of the city for at least one (1) year, prior to qualifying and shall have the qualifications of electors therein. Further, members of the commission shall have resided within the district at least one (1) year before qualifying, and shall maintain an actual and real residence for the duration of their term of office, except for the 1997 election. Those commissioners elected in 1997 must reside in the district they are elected to represent within three (3) months after the election, and maintain an actual and real residence for the duration of their term of office. The mayor, commissioners, and other officers and employees shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any The mayor or any commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office, and any such contract in which any member is or may become interested may be declared void by the commission.

No mayor, commissioner, or other officer or employee of said city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor. Such prohibition of free service shall not apply to policemen or firemen in uniform or wearing their official badges, where same is provided by ordinance.

(d) Commission to be judge of its own election; not to dictate appointments by or interfere with city manager. Commencing with the election of the mayor in 1997, the commission shall be the judge of the election and qualification of the mayor and of its own members, subject to review by the courts. Neither the mayor, commission, nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the mayor, the commission, and its members shall deal with the administrative service solely through the city manager, and neither the mayor nor the commission, nor any member thereof shall give orders to any of the

subordinates of the city manager, either publicly or privately. Any such dictation, prevention, orders or other interference on the part of the mayor or a member of the commission with the administration of the city shall be deemed to be violation of the charter, and upon conviction before ~~the city court~~ a court of competent jurisdiction any member individual so convicted shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term of not exceeding sixty days or both, and in the discretion of the court shall forfeit his office.

(e) *Election of officers by commission; rules of commission; quorum.* Commencing with the election of the mayor in 1997, ~~The~~ commission shall elect a city manager, a clerk and a city attorney, ~~a judge of the municipal court and civil service commission,~~ but no member of the commission ~~or the mayor~~ shall be chosen as manager or as a member of the civil service ~~commission board~~ or appointed to any other city office or employment. The commission may determine its own rules of procedure, may punish its own members for misconduct and may compel attendance of members. A majority of all the members of the commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

(f) *Meetings of commission; to act by ordinance or resolution; form of, manner of passage and publication of ordinances.* Commencing with the election of the mayor in 1997, At twelve o'clock noon on the day the mayor or commissioners take office, they shall meet at the city hall. Thereafter the commission shall meet at such time and place as may be prescribed by ordinance or resolution. The meetings of the commission and all sessions of committees of the commission shall be public. the commission shall act only by ordinance or written resolution; and all ordinances and resolutions, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on two separate days or the requirement of readings on two separate days has been dispensed with by a four-fifths vote of the members of the commission. Ordinances shall be read by title only. Copies of proposed ordinances shall be furnished to ~~the mayor and~~ each commissioner and shall be made available to all interested persons. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of proceedings of the commission, and every ordinance or resolution shall require on final passage, the

affirmative vote of a majority of all the members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or when his financial interests are involved.

(g) Powers and duties of mayor. Commencing with the election of mayor in 1997, the mayor shall serve as head of the city government with the following specific powers and duties:

(1) The mayor shall may preside at meetings of the commission and perform such other duties, consistent with his office and this charter, as may be imposed by the commission be the presiding officer of the commission with the authority to designate another member of the commission to serve as presiding officer.

(2) He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes.

(3) In time of public danger or emergency, he may, with the consent of the commissioners, take command of the police and maintain order and enforce the laws.

(4) During his absence or disability his duties shall be performed by another member appointed by the commission the mayor's designee who shall be a member of the city commission. However, in the event that the mayor is unable to make such designation, the same shall be made by a four-fifths vote of the commission.

(5) The mayor shall, within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the commission, including the budget or any particular component contained therein which was approved by the commission; provided, however that if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed. The commission may, at its next regularly scheduled or special meeting after the veto occurs, override that veto by a four-fifths vote of the commissioners present, notwithstanding any provisions to the

contrary contained in the charter and code of the City of Miami, Florida. Said veto power shall include actions pursuant to sections 29-B through 29-D of the city charter.

(6) When one person succeeds another in the position of mayor, the successor shall have the right to appoint the manager, subject to the approval within 14 days of a majority of the commissioners then in office. The mayor shall appoint the manager, subject to the approval within 14 days of a majority of the commissioners then in office. The mayor may remove the manager subject to the commission's conducting a hearing within 10 days of said removal and the commission's overriding the mayor's action by a four-fifths vote of those commissioners then in office. Additionally, the commission by a four-fifths vote of those commissioners then in office shall be able to remove the manager.

(7) The mayor shall appoint the members of all standing committees and the chairperson and vice-chairperson of each committee. There shall be as many standing and special committees as deemed necessary by the Mayor. Standing or special committees shall mean those comprised of commission members.

(8) The mayor shall prepare and deliver a report on the state of the city to the people of the city between November 1 and January 31 annually. Such report shall be prepared after consultation with the commissioners and the manager.

(9) The mayor shall prepare and deliver a budgetary address annually to the people of the city between July 1 and September 30. Such report shall be prepared after consultation with the manager.

(h) Salaries of the mayor and commission. There shall be paid to the commissioners of the City of Miami, Florida, by the City of Miami as compensation, the sum of five thousand dollars (\$5,000.00) per year for each commissioner, payable monthly in twelve equal installments. Commencing with the election of 1997, the compensation of the mayor shall be determined by the commission, and there shall be paid by the City of Miami to the mayor commissioner an additional sum not to exceed two thousand five hundred dollars (\$2,500.00).

~~annually to be used by the mayor commissioner to cover any or all entertainment expenses of the office of mayor commissioner of the City of Miami, Florida.~~

~~The said compensation of five thousand dollars (\$5,000.00) per year is to be paid, as provided in section 1 [the preceding paragraph] hereof, beginning December 1, 1949, to the three commissioners elected in the regular municipal election to be held in November, 1949, and the said compensation of five thousand dollars (\$5,000) is to be paid beginning December 1, 1951, for the other two commissioners who will be elected at the regular municipal election to be held in November, 1951. It is understood that the additional compensation of two thousand five hundred dollars (\$2,500.00) to be paid to the mayor commissioner, as provided in section 1 [the preceding paragraph] hereof, shall be paid beginning December 1, 1949. "~~

* * * * *

"Sec. 7. Regular and primary elections of commissioners.

A regular municipal election for the election of the mayor and the commissioners shall be held on the second Tuesday after the first Monday in November in odd-numbered years. A nonpartisan primary election for the nomination of candidates for the mayor and the commission shall be held on the first Tuesday after the first Monday in November in odd-numbered years. Any person who shall possess the qualifications requisite to an elector at the general state election and shall have resided in the City of Miami for six months next preceding the city election at which he offers to vote, and shall have been registered by the city registration books that have been prescribed by ordinance, shall be a qualified elector of the city, and all elections held in said city shall be conducted and held according to the provisions of the general election laws of the State of Florida, except as otherwise provided for in the charter of the City of Miami, and except that the city commission shall be substituted for a board of county commissioners. The name of any elector of the city shall be printed upon the primary ballot as a candidate for nomination to the office of mayor and commissioner upon paying to the City of Miami the sum of one hundred dollars (\$100.00) to be deposited with the city clerk as a qualifying fee not less than forty-five days prior to the date of such primary election, and said elector shall submit concurrently therewith a sworn statement of his or her name, address, occupation and willingness to serve, if elected.

All such qualifying fees shall be deposited with the said city clerk no later than 6:00 p.m. on the forty-fifth day prior to the election."

"Sec. 8. Form of ballots; what candidates in primary election for mayor and commissioners placed on ballot, ~~when no primary held.~~

All ballots used in any primary election or general election held under authority of this charter shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballot used in all general state elections.

The candidates for nomination to the office of commissioner who shall receive the greatest vote in the primary election shall be placed on the ballot at the next regular municipal election in number not to exceed double the number of commissioners to be elected, but where not more than six candidates have been nominated and legally qualified for the office of commissioner as required under this charter, ~~and no primary election is held, as provided herein, all the said candidates shall be placed on the ballot at the next regular municipal election.~~

The two (2) candidates for nomination to the office of mayor who shall receive the greatest vote in the primary election shall be placed on the ballot at the next regular municipal election, provided that they have been nominated and legally qualified for the office of mayor as required under this charter."

"Sec. 9. ~~What commissioners declared elected~~ Declaration of election; how tie vote decided.

At any regular municipal election held under the provisions of this charter, the candidates for the office of commissioner, in number equal to the number of commissioners to be elected, who shall have received the greatest number of votes cast, shall be declared elected. A tie between two or more candidates for the office of commissioner shall be decided by ~~let~~ the direction of the city judge a court of competent jurisdiction.

At any regular municipal election held under the provisions of this charter, the candidate for the office of mayor, who shall have received the greatest number of votes cast, shall be declared elected. A tie

between the candidates for the office of mayor shall be decided by a court of competent jurisdiction."

"Sec. 10. Distinction between general and special municipal election.

All elections held for the election of mayor and commissioners shall be known as general municipal elections. All other elections held under the provisions of this charter shall be known as special municipal elections."

* * * * *

"Sec. 12. Filling vacancies in for mayor and commission.

A vacancy on the commission or in the office of mayor caused by death, resignation, or other causes shall be filled within ten days after such vacancy occurs by a majority of the remaining commissioners and the term of office of the person so appointed shall be until his successor(s) in office is/are elected and qualified at either

- (1) the odd-year first general election for mayor and commissioners held pursuant to section 4 of the charter of the City of Miami, or
- (2) the even-year State of Florida general election, at which election national, state and county offices are filled,

whichever occurs first. In the event that the remaining commissioners shall fail or refuse to fill such vacancy within ten days after it occurs, as provided herein, then, and in that event, the city commission shall call a special election to be held at a date not less than thirty or more than forty-five days after the expiration of the said ten-day period, for the purpose of the electors selecting such the mayor, a commissioner, or commissioners. The person who receives the greatest number of votes in said special election is elected and shall be the mayor and/or city commissioner and his term of office shall be until his or her successor in office is elected and qualified at the first general election for mayor and/or commissioners held pursuant to section 4 of the charter the City of Miami subsequent to the special election held to fill such vacancy.

Should there be more than one such vacancy the commission, then, and in that event, the person or persons receiving the highest number of votes in such election shall be the city commissioner or commissioners.

In the event the commissioners shall fail to comply with their duties as set forth herein, then, and in that event, the court is hereby empowered and authorized to enforce compliance with this act or to call an election itself to fill such vacancy or vacancies on the commission."

"Sec. 14. Commission may investigate official transactions, acts and conduct.

The mayor, commission, or any committee thereof, ~~duly authorized by the commission so to do~~, may investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, and by similar investigations may secure information upon any matter. In conducting such investigations the mayor, commission, or any committee thereof, may require the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas which shall be signed by the presiding officer of the commission or the chairman of such committee, as the case may be, which may be served and executed by any policeman.

"Sec. 15. City manager-~~Appointment; Qualifications;~~ term; salary; sickness or absence; removal.

~~The commission shall within thirty days after taking office appoint a city manager who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments and may be the head of such department as the commission may by ordinance provide. He shall be chosen on the basis of his executive and administrative qualifications. He may or may not be a resident of the City of Miami or the State of Florida. No member of the city commission shall be appointed city manager. He shall hold office at the will of the commission. He shall receive such salary as may be fixed by the commission. In case of the sickness or absence of the city manager the city commission may appoint another person, not a member of the city commission, to act for the city manager, during his sickness or absence and the person so appointed may, during the absence or sickness of the city manager, act for him and perform all his duties and all such acts of the person so appointed shall be as valid as though~~

~~performed by the city manager. The person appointed by the city commission to act as city manager during the absence or sickness of the city manager shall not be entitled to or paid any compensation for his services as such city manager by the City of Miami.~~

- ~~(a) Removal of city manager. The commission shall appoint, by a majority vote of its members, the city manager for an indefinite term, and may remove him, by a majority vote of its members. At least thirty days before such removal shall become effective, the commission shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for his removal. The city manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration the commission, by a majority vote of its members, may adopt a final resolution of removal.~~

~~Commencing with the election of mayor in 1997, the manager shall be the head of the administrative branch of the city government. The commission shall fix the manager's compensation, and the manager shall serve as provided in section 4(g). The manager shall be chosen on the basis of the manager's executive and administrative qualifications. At the time of the manager's appointment the manager need not be a resident of the state. Neither the mayor nor any commissioner shall be eligible for the position of manager during or within two years after the expiration of their respective terms.~~

~~Commencing with the election of mayor in 1997, the mayor, subject to the approval of the commission, may designate a qualified administrative officer of the city to assume the duties and authority of the manager during periods of temporary absence or disability of the manager.~~

~~Commencing with the election of the mayor in 1997, the manager shall be responsible for the administration of all units of the city government under the manager's jurisdiction, and for carrying out policies adopted by the commission. The manager or his designee shall execute contracts and other instruments, sign bonds and other evidences of indebtedness.~~

Neither the mayor nor any commissioner shall direct or request the appointment of any person to, or his or her removal from, office by the manager or any of the manager's subordinates, or take part in the appointment or removal of officers and employees in the administrative services of the city. Except for the purpose of inquiry, as provided in section 14, the mayor and commissioners shall deal with the administrative service solely through the manager and neither the mayor nor any commissioner shall give orders to any subordinates of the manager, either publicly or privately. Any willful violation of the provisions of this section by the mayor or any commissioner shall be grounds for his or her removal from office by an action brought in the Circuit Court by the state attorney of this county."

"Sec. 16. Same-Powers and duties.

The powers and duties of the city manager shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) To appoint and remove, except as herein provided, all directors of the departments and all subordinate officers and employees in the departments in both the classified and unclassified service; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter.
- (c) To exercise control over all departments and divisions created herein or that may be hereafter created by the commission.
- (d) To attend all meetings of the commission with the right to take part in the discussion but having no vote.
- (e) To recommend to the mayor and commission for adoption such measures as he may deem necessary or expedient.
- (f) To keep the mayor and commission fully advised as to the financial condition and needs of the city; and
- (g) To perform such other duties as may be prescribed by this charter or be required of

him by the mayor or ordinance or resolution
of the commission. "

* * * *

"Sec. 21. Department of Law.

* * * *

The mayor, commission, the city manager, the
director of any department, or any officer or board not
included within a department, may require the opinion
of the city attorney upon question of law involving
their respective powers and duties.

* * * * "

Sec. 42. Power to appoint boards or commissions of
citizens.

The commission may, at the request of the mayor or
the city manager, appoint boards or commissions, to be
composed of such number of citizens as the commission
may deem expedient to act in an advisory capacity in
conjunction with any one or more of the departments
created or authorized hereby. The members of all such
boards and commissions shall service without
compensation, and may be removed at any time by a
majority vote of the commission. "

Section 3. In accordance with the provisions of the
City Charter (Chapter 10847, Laws of Florida, 1925, as amended),
and § 5.03 of the Metropolitan Home Rule Charter, a special
municipal election is hereby called and directed to be held in
the City of Miami, Florida, from 7:00 A.M. until 7:00 P.M. on
Thursday, September 4, 1997, for the purpose of submitting to
the qualified electors of the City of Miami for their approval
or disapproval the measure known as Charter Amendment No. 1.

Section 4. The special municipal election shall be held
at the voting places in the precincts designated, all as shown

on the list attached hereto and made a part hereof and referred to as Exhibit No. 1 or as may be designated by the Supervisor of Elections of Metropolitan Dade County, Florida, in conformity with the provisions of the general laws of the State. The Precinct Election Clerks and Inspectors to serve at said polling places on said election date shall be those designated by the Supervisor of Elections of Metropolitan Dade County, Florida, for such purpose in accordance with the general laws of the State. A description of the registration books and records which pertain to election precincts wholly or partly within the City and which the City is hereby adopting and desires to use for holding such special municipal election is as follows: all registration cards, books, records and certificates pertaining to electors of the City of Miami and established and maintained as official by the Supervisor of Elections of Metropolitan Dade County, Florida, in conformity with the provisions of the general laws of the State of Florida, are hereby adopted and declared to be, and shall hereafter be recognized and accepted as, official registration cards, books, records and certificates of the City of Miami.

Section 5. In compliance with Section 100.342, Florida Statutes (1995), the City Clerk is hereby authorized and directed to publish notice of the adoption of the herein resolution and of the provisions hereof, at least twice, once in the fifth week and once in the third week prior to the week in which the aforesaid special municipal election is to be held, in

newspaper(s) of general circulation in the City of Miami, Florida, which notice shall be substantially in the following form:

"NOTICE OF SPECIAL MUNICIPAL ELECTION
TO BE HELD ON
THURSDAY, SEPTEMBER 4, 1997
IN THE CITY OF MIAMI, FLORIDA
PURSUANT TO RESOLUTION NO. 97-447

A special municipal election will be held on Thursday, September 4, 1997, from 7:00 A.M. until 7:00 P.M. in the City of Miami, Florida, at the polling places in the several election precincts designated by the Board of County Commissioners of Dade County, Florida, as set forth herein, unless otherwise provided by law, for the purpose of submitting to the qualified electors of the City of Miami, Florida, the following question:

"Shall Charter Amendment No. 1 be adopted to provide, commencing in November, 1997, for a non-voting executive mayor elected City-wide who will not be a member of the City Commission, and five commissioners from five districts with boundaries delineated by the Commission, and authorizing the mayor to: (1) exercise veto power, subject to Commission override; (2) appoint and remove the city manager, subject to Commission review; (3) appoint committees; and (4) deliver an annual budget address?"

Charter Amendment No. 1 provides, commencing in November, 1997, for a non-voting executive mayor elected City-wide who will not be a member of the City Commission and five commissioners from five districts with boundaries delineated by the Commission, and authorizing the mayor to: (1) exercise veto power, subject to Commission override; (2) appoint and remove the city manager, subject to Commission review; (3) appoint committees; and (4) deliver an annual budget address?

By order of the Commission of the City of Miami, Florida.

CITY CLERK

A list of City of Miami polling places follows:
(Attach list of City of Miami Polling Places.)"

Section 6. The official ballot to be used at said election shall be in full compliance with the laws of the State of Florida with respect to absentee ballots and to the use of the mechanical voting machines or the Computer Election System (hereinafter "CES"), and shall be in substantially the following form, to wit:

"OFFICIAL BALLOT

SPECIAL MUNICIPAL ELECTION
THURSDAY, SEPTEMBER 4, 1997
FOR APPROVAL OR DISAPPROVAL OF
THE FOLLOWING QUESTION:

Charter Amendment to provide
for non-voting executive mayor
and single member districts.

 YES
(For the Measure)

 NO
(Against the Measure)

"Shall Charter Amendment No. 1 be adopted to provide, commencing in November, 1997, for a non-voting executive mayor elected City-wide who will not be a member of the City Commission and five commissioners from five districts with boundaries delineated by the Commission, and authorizing the mayor to: (1) exercise veto power, subject to Commission override; (2) appoint and remove the city manager, subject to Commission review; (3) appoint committees; and (4) deliver an annual budget address?"

Section 7. Electors desiring to vote in approval of said Question described above, shall be instructed to punch straight down with the stylus through the hole next to the word

"YES" within the ballot frame containing the statement relating to said Question. Electors desiring to vote in disapproval of said Question, shall be instructed to punch straight down with the stylus through the hole next to the word "NO" within the ballot frame containing the statement relating to said Question.

Section 8. The City Clerk shall cause to be prepared absentee ballots containing the Question set forth in Section 6 above for the use of absentee electors entitled to cast such ballots in said election.

Section 9. All qualified electors of said City shall be permitted to vote in said special municipal election and the Supervisor of Election of Metropolitan, Dade County, Florida, is hereby requested, authorized, and directed to furnish, at cost and expense of the City of Miami, a list of all qualified electors residing in the City of Miami as shown by the registration books and records of the Office of said Supervisor of Elections and duly certify the same for delivery to and for use by the election officials designated to serve at the respective polling places in said election precincts.

Section 10. For the purpose of enabling persons to register who are qualified to vote in said special municipal election to be held on September 4, 1997, and who have not registered under the provisions of the general laws of Florida and Chapter 16 of the Code of the City of Miami, Florida, or who

have transferred their legal residence from one voting precinct to another in the City, they may register Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Metropolitan Dade County Elections Department located at 111 N.W. 1st Street, Miami, Florida, within such period of time as may be designated by the Supervisor of Elections of Metropolitan Dade County, Florida. In addition to the above place and times, qualified persons may register at such branch offices and may also use any mobile registration van for the purpose of registration in order to vote in the herein described election during such times and on such dates as may be designated by the Supervisor of Elections of Metropolitan Dade County, Florida.

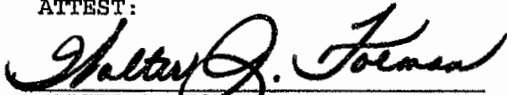
Section 11. WALTER J. FOEMAN, the City Clerk of the City of Miami, Florida, or his duly appointed successor, is hereby designated and appointed as the official representative of the Commission of the City of Miami, Florida, in all transactions with the Supervisor of Election of Metropolitan Dade County, Florida, in relation to matters pertaining to the use of the registration books and the holding of said special municipal election.

Section 12. The City Clerk shall deliver a certified copy of this Resolution to the Supervisor of Elections of Metropolitan Dade County, Florida, not less than forty-five (45) days prior to the date of the herein special municipal election.

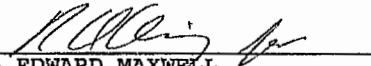
PASSED AND ADOPTED this 3rd day of July, 1997.


JOE CAROLLO, MAYOR


ATTEST:


WALTER J. FOMAN
CITY CLERK

PREPARED AND REVIEWED BY:


JOEL EDWARD MAXWELL
DEPUTY CITY ATTORNEY

APPROVED AS TO FORM AND CORRECTNESS:


A. QUINN JONES, III
CITY ATTORNEY

W1676A:BSS

Sec. 4. - Form of government; nomination and election.

- (a) *General description.* The form of government of the City of Miami, Florida, provided for under this Charter shall be known as the "mayor-city commissioner plan," and the city commission shall consist of five citizens, who are qualified voters of the city and who shall be elected from districts in the manner hereinafter provided. The city commission shall constitute the governing body with powers (as hereinafter provided) to pass ordinances adopt regulations and exercise all powers conferred upon the city except as hereinafter provided. The mayor shall exercise all powers conferred herein and shall appoint as provided in section 4(g)(6) of this Charter a chief administrative officer to be known as the "city manager."
- (b) *Election of mayor and city commission; terms of office; recall.* There shall be elected by the qualified electors of the city at large a mayor who shall be a qualified elector residing within the city at least one (1) year before qualifying and must maintain a residence in the city for the duration of his or her term. The mayor shall not serve as a member of the city commission.

The city commission shall consist of five members who shall be elected from districts within the city, numbered 1 through 5. All persons desiring to run for the office of city commissioner shall file in the district, numbered 1 through 5, for which they are qualified as provided in subsection (c) of this section of the Charter. City commissioners in districts numbered 3 and 5 shall be elected at the general municipal election or runoff election to be held in the year 2001 and at the general municipal election or runoff election each four years thereafter. City commissioners in districts numbered 1, 2, and 4 shall be elected at the general municipal election or runoff election to be held in the year 2003 and at the general municipal election or runoff election each four years thereafter.

The mayor shall be elected at large by the electors of the city and shall hold office for a term of four years.

The mayor and all city commissioners [are] to hold office from twelve o'clock noon five days after the canvass of the vote by the supervisor of elections and the declaration of the result of either 1) the general municipal election or 2) runoff election and until their successors are elected and qualified. Commencing with the election to be held in November 2001, and all elections subsequent thereto, no mayor or city commissioner elected and qualified for two consecutive full terms shall be eligible for reelection in the next succeeding term. The mayor and all other members of the city commission shall be subject to recall. Vacancies shall be filled as provided in section 12[.] of the.

If a candidate for office of mayor or city commissioner receives a majority of votes in the general municipal election for that office, the candidate shall be considered elected upon and after the canvass of the vote and the declaration of the result of the election as provided. If no candidate receives a majority of the votes for that office, the two candidates for the respective office who received the greatest number of votes for that office in the general municipal election shall be placed on the ballot at the runoff election. The candidate receiving the greatest number of votes in the runoff election, shall be considered elected to the office for which the candidate has qualified.

- (c) *Qualifications of mayor and city commission; mayor, city commissioners, and other officers and employees not to be interested in contracts, etc.; franks, free tickets, passes or service.* Candidates for mayor shall be residents of the city for at least one (1) year prior to qualifying and shall be electors therein. Further, candidates for the city commission shall have resided within the district at least one (1) year before qualifying and be electors in that district, and shall maintain residence in that district for the duration of their term of office. The mayor, city commissioners, and other officers and employees shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. The mayor or any city commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his or her office, and any such contract in which any member is or may become interested may be declared void by the city commission.

No mayor, city commissioner, or other officer or employee of said city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall

be a misdemeanor. Such prohibition of free service shall not apply to police or fire personnel in uniform or wearing their official badges, where same is provided by ordinance.

- (d) *City commission to be judge of its own elections; neither mayor nor city commission nor any committees nor members thereof to dictate appointments by or interfere with city manager.* The city commission shall be the judge of the election and qualifications of the mayor and its own members, subject to review by the courts. Neither the mayor nor the city commission, nor any committees nor members thereof shall direct, request, take part in or dictate the appointment or removal of any person in office or employment by the city manager or subordinates or in any manner interfere with the city manager or prevent the city manager from exercising his/her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry and as may be necessary as provided in section 14, the mayor, the city commission, any committees and members thereof shall deal with the administrative service solely through the city manager, and neither the mayor nor the city commission, nor any committees nor members thereof shall give orders to any of the subordinates of the city manager, city attorney, city clerk and independent auditor general, either publicly or privately. Any such dictation, prevention, orders or other interference or violation of this section on the part of the mayor or a member of the city commission or committees shall be deemed to be violation of the Charter, and upon conviction before a court of competent jurisdiction any individual so convicted shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term of not exceeding sixty days or both, and in the discretion of the court shall forfeit his or her office. Any willful violation of the provisions to this section by the mayor or any city commissioner shall be grounds for his or her removal from office by an action brought in the Circuit Court by the state attorney of this county.
- (e) *Election of officers by city commission; rules of city commission; quorum.* The city commission shall elect a city clerk and a city attorney. No member of the city commission or the mayor shall be chosen as city manager or as a member of the civil service board or appointed to any other city office or employment. The city commission may determine its own rules of procedure, may punish its own members for misconduct and may compel attendance of members. A majority of all the members of the city commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time.
- (f) *Meetings of city commission; ordinance to be read by title only.* At twelve o'clock noon on the day the mayor or city commissioners take office, they shall meet at the city hall. Thereafter, the city commission shall meet at such time and place as may be prescribed by ordinance or resolution. The meetings of the city commission and all sessions of committees of the city commission shall be public. Ordinances shall be read by title only. No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, or where his or her financial interests are involved.
- (g) *Powers and duties of mayor.* The mayor shall serve as the chief executive officer and head of the city government with the following specific powers and duties:
- (1) The mayor shall be the presiding officer of the city commission with the authority to designate another member of the city commission to serve as presiding officer.
 - (2) The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes.
 - (3) In time of public danger or emergency, the mayor may declare a state of emergency as provided in state law and may with the consent of the city commission, take command of the police and maintain order and enforce the laws.
 - (4) During the temporary absence or disability, the mayor shall appoint a member of the city commission to perform the duties of the mayor. However, in the event that the mayor does not or is unable to make such designation, the city commission shall designate a member of the city commission to perform the duties of the mayor during the temporary absence or disability of the mayor by a four-fifths vote of the city commissioners then in office.
 - (5) The mayor shall, within ten days of final adoption by the city commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the city commission,

including the budget or any particular component contained therein which was approved by the city commission; provided, however that if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed. The city commission may, at its next regularly scheduled or special meeting after the veto occurs, override that veto by a four-fifths vote of the city commissioners present, notwithstanding any provisions to the contrary contained in the Charter and city code. Said veto power shall include actions pursuant to sections 29-B through 29-D of the Charter.

- (6) When one person succeeds another in the position of mayor, the successor shall have the right to appoint the city manager, subject to the approval within 14 days of a majority of the city commissioners then in office. In the event of a vacancy in the office of city manager, the mayor shall appoint the city manager, subject to the approval within 14 days of a majority of the city commissioners then in office. The mayor may remove the city manager subject to the city commission's conducting a hearing within 10 days of said removal and the city commission's overriding the mayor's action by a four-fifths vote of those city commissioners then in office. Additionally, the city commission by a four-fifths vote of those city commissioners then in office shall be able to remove the city manager.
 - (7) The mayor shall establish and appoint the members of all standing and special committees of the city commission and the chairperson and vice-chairperson of each committee. There shall be as many standing and special committees of the city commission as deemed necessary by the Mayor. Standing or special committees of the city commission shall mean those comprised of city commission members only.
 - (8) The mayor shall prepare and deliver a report on the state of the city to the people of the city between November 1 and January 31 annually. Such report shall be prepared after consultation with the city commissioners and the city manager.
 - (9) The mayor shall prepare and deliver a budgetary address annually to the people of the city between July 1 and September 30. Such report shall be prepared after consultation with the city manager.
- (h) *Salaries of the mayor and commission.* Effective on November 4, 2003, there shall be paid to the city commissioners the sum of \$58,200, which is equal to sixty percent of the mayor's salary in effect on July 16, 2003. Such salary shall be paid per year for each commissioner, in twelve equal installments. The compensation of the mayor shall be determined by the commission.

(Laws of Fla., ch. 15344(1931); Laws of Fla., ch. 23401(1945); Laws of Fla., ch. 26022(1949); Laws of Fla., ch. 31000(1955); Char. Amend. No. 2, § 1, 1-1-60; Char. Amend. No. 1, 12-1-63; Char. Amend. No. 1, 12-1-65; Ord. No. 88-541, § 2a, 6-9-88/9-6-88; Res. No. 97-447, § 2, 7-3-97; Res. No. 99-613, § 3, 8-2-99; Res. No. 01-843, § 2, 8-9-01; Res. No. 03-918, § 3, 9-5-03)

Editor's note— Res. No. 01-843, § 2, adopted August 9, 2001, amended § 4 in its entirety to read as herein set out. Formerly, § 4 pertained to form of government. The historical notation has been retained for reference purposes.

Case Law reference— Officials provided for in subsection (e) shall be elected and none of them shall hold office at the will of the city commission when elected, but the city manager when appointed shall hold office subject to the will of the commission. *State v. Bloodworth*, 134 Fla. 369, 184 So. 1.

Where resolution adopted by the city commission appointing the city clerk failed to fix or state the period of time he was to hold the said office, clerk was entitled to hold office until the next

regular city election provided for in this charter unless lawfully removed. *Id.* See also, *State v. Bloodworth*, 135 Fla. 525, 185 So. 339.

City of Hialeah

ARTICLE II. - MAYOR AND CITY COUNCIL

Section 2.01. - Mayor.

- (a) *Powers and duties.* The mayor, who shall exemplify good citizenship and exhibit a cooperative spirit, shall have the following powers and duties:
- (1) To exercise the executive powers of the city and supervise all departments.
 - (2) To enforce the charter and ordinances of the city and all applicable county, state or federal general laws, special laws or ordinances.
 - (3) To present recommendations to the city council on the requirements of its municipal government.
 - (4) To appoint, subject to civil service rules and regulations, the head of each department, with the advice and consent of the city council by an affirmative vote of at least 4 councilmembers.
 - (5) To suspend, reduce or remove a department head for just cause in accordance with civil service rules and regulations. The removal of a department head by the mayor shall only become effective when ratified by an affirmative vote of at least 4 councilmembers.
 - (6) To prepare and submit the mayor's recommended annual budget to the city council. The mayor's annual budget or individual line items contained therein may be increased or decreased only by an affirmative vote of at least 5 councilmembers.
 - (7) To exercise a veto power over ordinances or resolutions adopted by the city council. A veto may be overridden only by an affirmative vote of at least 5 councilmembers.
 - (8) To attend all meetings of the city council with authority to participate in discussions, but without power to vote.
 - (9) To inquire into the conduct of any municipal office, department, agency or officer and investigate municipal affairs.
- (b) *Election and term of office.* In the general election held in November 2001 and in the general election held in November every four years thereafter, a mayor shall be elected who shall serve for a term of 4 years or until a successor shall be duly qualified and take office.
- (c) *Vacancies.*
- (1) *Permanent vacancy resulting from death, resignation, recall, court order or other lawful action.* If the office of the mayor becomes permanently vacant by reason of death, resignation, recall or other lawful action, such vacancy shall be filled with the person holding the office of council president, who shall exercise all authority of the office of mayor and shall perform the duties and assume the responsibilities of that office and shall become mayor and serve out only that portion of the former mayor's term that precedes the next regularly scheduled municipal election or state or federal general election for which there is sufficient time to adopt a special election ordinance establishing qualifying periods and related provisions, when an election shall be held to fill the balance of the term, if any.
 - (2) *Temporary vacancy resulting from disability, suspension, court order or other lawful action.* If the office of the mayor becomes temporarily vacant by reason of disability, suspension, court order or other lawful action, the temporary vacancy shall be filled by the person holding the office of council president, who shall exercise all authority of the office of mayor and who shall perform the duties and assume the responsibilities of that office and shall serve as acting mayor until the city council, in the regular course of its business, next appoints a council president, but in no event for more than 1 year unless reappointed to the position of council president by a majority vote of the city council. If the elected mayor is returned to office, the mayor will automatically resume the duties of the office of mayor for the balance of the term to which elected and the council president,

who was serving as acting mayor, will return to the city council to complete the balance of his or her elected term, if any. The existence of a disability incapacitating the elected mayor from performing the duties of the office shall be determined by an affirmative vote of at least 5 councilmembers based upon competent, substantial medical evidence.

- (d) *Term limitations; effective date.* No person shall be elected to serve as mayor for more than 2 consecutive terms on and after November 13, 1997.
- (e) *Compensation.* The annual salary of the mayor shall be established in the amount of \$150,000. The annual expense account of the mayor shall be established in the amount of \$40,000 to defray travel, per diem, meals and other travel-related expenses in connection with the duties of the mayor. The combined salary and the expense account shall be the total annual compensation of the mayor. The salary and expense account shall be provided in the annual budget adopted by ordinance.

(Ord. No. 2011-46, 7-26-2011/11-1-2011)

Section 2.02. - City Council.

- (a) *Powers and duties.* The City Council shall have the following powers and duties:
 - (1) To legislate for the city by adopting ordinances and resolutions in the best interests of all the citizens of the city. The city council shall carry out its duties mindful of and with due regard for the laws of God and country.
 - (2) To adopt the annual budget and all other appropriations necessary for efficient city government; to establish financial controls; and to fix the salaries of all elected officials as provided elsewhere in this charter.
 - (3) To determine, consistent with this charter, the organization of the city government and the power and duties assigned to the various departments.
 - (4) To approve the appointment of department heads by the mayor subject to civil service rules and regulations.
 - (5) To ratify the removal of a department head by the mayor, for just cause, in accordance with civil service rules and regulations, by an affirmative vote of at least 4 councilmembers.
 - (6) To inquire into the conduct of any municipal office, department, agency or officer and to investigate municipal affairs, and for that purpose, may subpoena witnesses, administer oaths and compel the production of books, papers or other evidence.
 - (7) To increase or decrease the mayor's budget or any line item within the mayor's budget by an affirmative vote of at least 5 councilmembers.
 - (8) To override the mayor's veto of an ordinance or a resolution by an affirmative vote of at least 5 councilmembers.
- (b) *Election and term of office.* In the general election held in November 1999 and in the general election held in November every four years thereafter, 4 councilmembers shall be elected, from the city at large in groups numbered I through IV, who shall each be elected to serve for a term of 4 years or until a successor shall be duly qualified and take office. In the general election held in November 2001 and in the general election in November every 4 years thereafter, 3 councilmembers shall be elected, from the city at large in groups numbered V through VII, who shall each be elected to serve for a term of 4 years or until a successor shall be duly qualified and take office.
- (c) *Vacancies.*
 - (1) *Permanent vacancy resulting from death, resignation, recall, court order or other lawful action.* If a seat on the city council becomes permanently vacant by reason of death, resignation, recall, court order or other lawful action, the vacancy shall be filled by appointment, by resolution, of a qualified elector, who shall also satisfy the residency requirements for candidacy, by an

affirmative vote of at least 4 councilmembers within 30 days of the occurrence of the vacancy. The appointee, who shall be known as an acting councilmember, shall exercise all authority of the office of councilmember, and shall perform the duties and assume the responsibilities of that office. The acting councilmember shall fill only that portion of the elected councilmember's term that precedes the next regularly scheduled municipal election or state or federal general election for which there is sufficient time to adopt a special election ordinance establishing qualifying periods and related provisions. If the city council does not fill the vacancy by appointment within the prescribed time, a special election shall be held at the earliest time permitted by law.

- (2) *Temporary vacancy resulting from disability, suspension, court order or other lawful action.* If a seat on the city council becomes temporarily vacant by reason of disability, suspension, court order or other lawful action, such temporary vacancy shall be filled by appointment, by resolution, of a qualified elector, who shall also satisfy the residency requirements for candidacy, by an affirmative vote of at least 4 councilmembers within 30 days of the occurrence of the vacancy. If the city council does not fill the vacancy within the prescribed 30 days, a special election shall be held at the earliest time permitted by law. The appointee, who shall be known as an acting councilmember, shall exercise all authority of the office of councilmember, and shall perform the duties and assume the responsibilities of that office. If the initially elected councilmember is returned to office, the initially elected councilmember shall automatically resume the duties of the office of councilmember for the balance of the elected term and the acting councilmember, whether appointed or elected pursuant to this section, shall cease to hold office. An appointed or elected acting councilmember, who assumes office after the council president becomes acting mayor, shall continue to serve so long as there is an acting mayor and otherwise complies with the requirements of office. The existence of a disability incapacitating the elected councilmember from the performance of the duties of the office shall be determined by an affirmative vote of at least 5 councilmembers based upon competent, substantial medical evidence. If death, resignation, recall, court order or other lawful action changes the temporary vacancy into a permanent vacancy, prior to the initial temporary vacancy having been filled, the now permanent vacancy will be filled according to the provisions of subparagraph 2.02(c)(1). If the temporary vacancy had already been filled, then the acting councilperson so appointed or elected would fill the permanent vacancy consistent with the procedure set forth in subparagraph 2.02(c)(1).
- (d) *Term limitations; effective date.* No person shall be elected to serve as councilmember for more than 3 consecutive terms on and after November 4, 1997.
- (e) *Compensation.* The annual salary of city councilmembers shall be approved as an annual budgetary item. Under circumstances where the council president or other elected person pursuant to paragraph 2.01(c) assumes the duties of the mayor, the council president shall receive the mayor's salary during the performance of the mayor's duties.

Section 2.03. - Recall.

Recall of elected officials shall be according to the provisions of state law, particularly F.S. § 100.361, as amended.

City of Jacksonville

ARTICLE 6. - THE MAYOR

Section 6.01. - Qualifications and term of office.^[4]

The mayor shall be a qualified elector of Duval County and a resident of Duval County, and shall have resided in and been a qualified elector of Duval County for at least 365 consecutive days immediately before the date on which he or she qualifies to run for the office of mayor. If he or she shall cease to possess any such qualifications during his or her term of office, he or she shall forthwith forfeit the office, and the council shall remove him or her therefrom. He or she shall be elected for a period of 4 years and shall assume office on the first day of July following his or her election and serve until his or her successor is elected and qualified. No mayor elected and qualified for two consecutive terms shall be eligible for election as mayor in the next succeeding term. The mayor shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment.

(Ord. 79-821-516, § 2; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Footnotes:

--- (4) ---

Case law annotations— The initial term of office provided for in § 6.01 does not constitute a term of office as set forth in this section, *Vieria v. Slaughter*, 318 So.2d 490 (D.C.App., 1975).

Section 6.02. - Elected constitutional officer.

The mayor shall be considered an elected constitutional officer for purposes of s. 8 of Article II, of the Florida Constitution.

(Laws of Fla., Ch. 77-582; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Section 6.03. - Compensation.

The mayor shall receive a salary fixed by the council, but no ordinance shall be effective to reduce the salary of the mayor during any term of the mayor unless adopted or approved by the council at least 90 days prior to the consolidated government election, immediately preceding such term. If any member of the council shall later be elected to the office of mayor or assume the duties and powers of the office of mayor, said member of the council shall not receive a benefit of any increase in the salary of the mayor which he voted for while serving as a member of the council.

(Laws of Fla., Ch. 77-580; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Section 6.04. - Powers and duties of mayor.

The executive power of the consolidated government (except such as is retained by the second, third, fourth, or fifth urban services districts) is vested in the mayor who is the chief executive and administrative officer of the consolidated government. He shall be responsible for the conduct of the executive and administrative departments of the consolidated government. The mayor shall administer, supervise, and control all departments and divisions created by this charter and all departments and divisions created by the council. The mayor shall appoint the directors and authorized deputy directors of each department and

the chief of each division within each department, subject to confirmation by the council, and they shall serve at the pleasure of the mayor. The mayor is authorized to require any executive officer of the consolidated government to submit to him written or oral reports and information relating to the business and affairs of the consolidated government. The mayor shall from time to time submit reports and recommendations to the council with respect to the financial condition, business, and general welfare of the consolidated government and all offices, departments, and divisions thereof. The mayor shall submit to the council an annual budget for the consolidated government.

(Laws of Fla., Ch. 78-536, § 8; Ord. 84-1307-754, §§ 4, 5; Laws of Fla., Ch. 92-341, § 1)

Section 6.05. - Mayor's veto power.

The mayor may veto any ordinance or resolution adopted by the council except ordinances and resolutions relating to:

- (a) Consolidation of the urban services districts.
- (b) Appointments to the zoning board and the building codes adjustment board.
- (c) Zoning exceptions and variances.
- (d) The auditor, the secretary of the council, or other employees of the council.
- (e) Internal affairs of the council.
- (f) Investigations by the council or any duly appointed committee thereof.
- (g) Quasi-judicial decisions made by the council.

Any ordinance or resolution adopted by the council over which the mayor has a veto power shall be presented to the mayor for his consideration and recommendations. If he approves the ordinance or resolution he shall sign it and it shall become effective according to the terms thereof. If he disapproves he shall return the ordinance or resolution to the council without his signature, accompanied by a message indicating the reasons for his disapproval and recommendations. Any resolution or ordinance so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be adopted by two-thirds of all the members of the council present at any meeting; except that if the mayor vetoes any item in the consolidated budget appropriation, only a majority vote of the members of the council shall be required to adopt the same as law over the mayor's veto. Any resolution or ordinance shall become effective on the date provided therein unless it be disapproved by the mayor and returned to the council at or prior to the next regular meeting of the council occurring 10 days or more after the date when the ordinance or resolution was delivered to the mayor's office for consideration. The mayor may disapprove the sum of money appropriated by any one or more items, or parts of items, in any ordinance appropriating money for the use of the consolidated government or any independent agency, in any manner provided herein. The one or more items or parts of items disapproved or reduced shall be void to the extent that they have been disapproved or reduced, unless they shall be restored to the ordinance and become effective by the vote of a majority of the members of the council.

(Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 98-467, § 1)

Section 6.06. - Vacancy in the office of mayor.

If the mayor should die, resign, or remove his residence from Duval County during his term of office, or be removed from office, the office of mayor shall become vacant. A vacancy in the office of mayor shall be filled in the following manner:

- (a) An incumbent mayor who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his

resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective no later than the date on which the general statewide election is held. A vacancy in the office of mayor shall exist as of the effective date of the resignation. In the event a mayor's resignation should be effective before the date of the general statewide election, then the vacancy in the office of mayor shall be temporarily filled in the following succession. The president of council, the vice president of council, the chairman of the council committee on rules, and the chairman of the council committee on finance are established as successors to the office of mayor for the purpose of filling a vacancy in the office. In the event a vacancy should occur, the president of council shall serve as mayor until a successor mayor is qualified and elected, and, if there is no president of council, then the vice president shall so serve. If there is no vice president, then the chairman of the council committee on rules shall serve, and, if there is no chairman of the council committee on rules, then the chairman of the council committee on finance shall serve. If none of these successors can serve as acting mayor, the council shall by ordinance designate an acting mayor until the office of mayor shall be filled as provided herein. If any elected official in the line of succession should refuse to serve as acting mayor or if any such official who is serving as acting mayor should qualify to run for the office of mayor, then he shall no longer serve as acting mayor and the official next in line of succession shall assume the duties of acting mayor. A candidate seeking election to fill the vacancy created by this resignation of an incumbent mayor seeking other elected office shall qualify to run in a special mayoral election to be held as part of and at the same time as the general statewide election. The time period during which such candidates may qualify to run in this special mayoral election shall commence at the same time as does the qualifying period for candidates seeking office in the general statewide election and shall terminate on noon of the seventh day following the date on which the qualifying period for the general statewide election ends. A mayor elected to fill an unexpired term shall take office and assume and exercise all duties of office immediately as of the date of certification of the election returns by the supervisor of elections as provided by law.

- (b) In the event that a vacancy in the office of mayor occurs other than as provided in subsection (a), then such a vacancy shall be filled for the remainder of the unexpired term by election of a mayor at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A resignation by the mayor shall be submitted to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If a mayor submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office of mayor occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting mayor shall exercise all the powers of the office of mayor until a successor mayor is qualified, elected, and assumes office. If an acting mayor should qualify to run for the office of mayor at this special election, then he shall no longer serve as acting mayor and the official next in line of succession shall assume the duties of acting mayor. Should a special mayoral election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of mayor to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special mayoral election, provided that at least 2 weeks shall intervene between the dates set for the first and second primary elections and at least 2 weeks shall intervene between the second special primary election and the special mayoral election. The time period during which candidates may qualify to run in the special primary elections and special mayoral elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date

on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

(Laws of Fla., Ch. 77-576; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 85-433, § 1; Laws of Fla., Ch. 92-341, § 1)

Note— At the City's direction, "President pro tempore" was changed to "Vice President."

Section 6.07. - Mayor's staff.

- (a) The mayor may appoint administrative aides and one personal secretary to have such duties as he may determine and to serve at his sole pleasure. The mayor's aides and secretary shall be excluded from the civil service provisions of the charter and ordinances of the City of Jacksonville.
- (b) The mayor shall appoint a Chief Administrative Officer (CAO) who shall be responsible for overseeing all operating departments; managing the day-to-day affairs of the City of Jacksonville; and overseeing the implementation of the City's annual operating budget and capital improvement plan. The Chief Administrative Officer shall have a bachelor's degree from an accredited post-secondary institution in business administration, public administration, or a similar field, and seven (7) years' experience in an administrative capacity in municipal government, three of which are in a management capacity, and a thorough understanding of the principles of municipal administration and of applicable provisions of the Laws of the State of Florida; or an equivalent combination of education and experience. The mayor shall fill any vacancy in the position of Chief Administrative Officer within 60 days of such position becoming vacant.

(Laws of Fla., Ch. 71-694; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1; Ord. 2015-51-E, § 1)

Section 6.08. - Mayor's absence, incapacity or suspension.

During any absence of the mayor from Duval County, the president of the council shall automatically become acting mayor, with emergency powers to act only when the public interest requires and with such additional powers to act only when the public interest requires and with such additional powers as the mayor may designate. If the mayor becomes incapable of acting as the mayor and incapable of delegating his duties, or in the event that the mayor is suspended in the exercise of his office, and in either case as long as the incapacity or suspension lasts, the president of the council shall automatically become acting mayor, with all the powers of the office. If the mayor and the president of the council are simultaneously absent from Duval County, or simultaneously incapable of acting as mayor and incapable of delegating the duties of the office of mayor, or simultaneously suspended in the exercise of the office of mayor, the vice president of the council shall automatically become acting mayor with the same powers as the president of the council would have had in like circumstances. The council may by ordinance provide for further succession to the same powers as provided in this section.

(Laws of Fla., Ch. 70-748; Laws of Fla., Ch. 77-576; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Note— At the City's direction, "President pro tempore" was changed to "Vice President."

City of Orlando

Sec. 1. - City Council.

There shall be a City Council of the City of Orlando, Florida, consisting of a Mayor-Commissioner representing the City at-large and six (6) City Commissioners each representing the district in which they reside. The members of the City Council shall be elected for a term of four (4) years in the manner herein provided, unless the term is altered due to an election date change authorized by ordinance. The Mayor-Commissioner shall be elected by the majority of the votes cast by the qualified electors of the City at large. Each of the six (6) other City Commissioners shall be elected by the majority of the votes cast by the qualified electors of the respective districts which they represent on the City Council.

City elections shall be nonpartisan and shall be held at the time designated by ordinance. Such municipal elections so held shall be general municipal elections and no other municipal primary or general election shall be necessary, any local or general law to the contrary notwithstanding.

It is contemplated by this section that there may be a "run-off" municipal election; that is, if there should be more than two (2) candidates for any office and no one candidate receives a majority of the votes cast in the general municipal election, then the two (2) candidates receiving the highest vote in the first election shall run again in a run-off municipal election to be held at the time designated by ordinance in the same year and then the candidate receiving the majority of the votes cast at such election shall be elected.

If a City Commissioner ceases to be a bona fide resident of the district from which he was elected or the Mayor-Commissioner ceases to be a bona fide resident of the City, his office shall immediately become vacant, provided that the district residency requirement shall not apply to a City Commissioner who, for the duration of his term, ceases to be a resident of his district due to action of City Council which redesignates district boundaries pursuant to Section 4-1 of this chapter.

If any vacancy occurs in the office of any member of the City Council and the unexpired term is less than one year, then the remaining members of said City Council shall, within forty (40) days from the date of such vacancy, by a majority vote, elect a person to fill such vacancy. If the unexpired term exceeds one year and the vacancy should be that of the office of Mayor-Commissioner, the remaining members of the City Council shall within ten (10) days after such vacancy or notice of an upcoming vacancy due to an irrevocable resignation call a special municipal election to be held within forty-five (45) days from such call to fill such vacancy or at the next regularly scheduled general election if one will occur within ninety (90) days. If the unexpired term exceeds one year and the vacancy should be that of the office of a City Commissioner other than the Mayor-Commissioner then the Mayor-Commissioner shall within ten (10) days after such vacancy or notice of an upcoming vacancy due to an irrevocable resignation occurs, call a special municipal election to be held within forty-five (45) days from such call to fill such vacancy or at the next regularly scheduled general election if one will occur within ninety (90) days. In all such cases, the person so elected, either by the remaining members of the City Council or by popular vote, as the case may be, shall hold office for the unexpired term.

(Ord. of 8-14-1978, § 1; Ord. of 1-10-2000, § 1, Doc. #32603)

Editor's note— Ord. of 8-14-1978, § 1, amended ch. 2, § 1, to read as herein set out. Until Oct. 31, 1980, the city council shall continue to be organized and the city government shall continue to be operated under the provisions of Charter ch. 2 in effect on Jan. 1, 1978. Prior to amendment by Ord. of 8-14-1978, § 1, ch. 2, § 1, was derived from Laws of Fla. ch. 31073(1955), § 1, and provided:

"Sec. 1. City Council.

"There shall be a city council of the City of Orlando, Florida, consisting of a mayor-commissioner and four (4) other city commissioners. The members of the city council shall be elected for a term of four (4) years in the manner herein provided and the mayor-commissioner

shall be elected from the city at large and each of the four (4) other city commissioners shall be elected by the vote of all of the qualified electors of the city at large but each of the four (4) city commissioners shall reside in the respective district which he represents on the city council.

"City elections shall be nonpartisan and shall be held at the same time as the holding of regular state and county primary elections every two (2) years, beginning in May of 1956 and in the event that the time for holding such state and county primary elections should be changed by law, then the time for holding such municipal elections shall be changed to the same time as the time designated for holding regular state and county primary elections. Such municipal elections so held shall be general election municipal elections and no other municipal primary or general election shall be necessary, any other local or general law to the contrary notwithstanding.

"In order to harmonize the terms of the present members of the city council with the procedures established by this act, it is hereby specifically provided as follows, to wit:

"The terms of the present mayor-commissioner and the city commissioner representing Commissioners District No. 4 be and the same are hereby respectively extended to November 1, 1956, and candidates to succeed to these offices shall run for election in the municipal election of 1956, as hereinabove provided. Successful candidates in said municipal election of 1956 shall take office on November 1, 1956 and serve for a term of four (4) years and thereafter their successors shall serve for terms of four (4) years.

"The terms of the city commissioners representing Commissioners District No. 1 and Commissioners District No. 3 are hereby extended to November 1, 1958 and candidates to fill these offices shall run in the municipal election as hereinabove described in 1958 and the successful candidates shall take office on November 1, 1958 and serve for a term of four (4) years and thereafter their successors shall serve for terms of four (4) years.

"The term of the city commissioner representing Commissioners District No. 2 shall expire November 1, 1956 and candidates to succeed this office shall run in the municipal election of 1956 and the successful candidate shall take office November 1, 1956 and serve for a term of four (4) years and thereafter his successors shall serve for terms of four (4) years.

"It is contemplated by this act that there may be a "run-off" municipal election; that is, if there should be more than two (2) candidates for any office and no one candidate receives a majority of the regular state and county primary, then the two (2) candidates receiving the highest vote in the first election shall run again in a run-off municipal election to be held at the time designated by law the same year and then the candidate receiving the majority of the votes cast at such election shall be elected.

"If any vacancy occurs in the office of any member of the city council and the unexpired term is less than one year then the remaining member of said city council shall, within forty (40) days from the date of such vacancy, by a majority vote, elect a person to fill such vacancy; if the unexpired term exceeds one year and the vacancy should be that of the office of mayor-commissioner, the remaining members of the city council shall within ten (10) days after such vacancy call a special municipal election to be held within thirty (30) days from such call to fill

such vacancy; and if such vacancy shall be that of the officer of a city-commissioner shall within ten (10) days after such vacancy occurs, call a special municipal election to be held within thirty (30) days from such call to fill such vacancy. In all such cases the person so elected either by the remaining members of the city council or by popular vote as the case may be, shall hold office for the unexpired term." (Laws of Fla. ch. 31073(1955), § 1; Ord. of 8-14-1995, Doc. #28704)

Sec. 3. - Mayor-Commissioner's Duties and Powers.

The Mayor-Commissioner shall be the executive officer of the City of Orlando and possess all the powers and duties incident thereto and shall be charged with the enforcement of all the ordinances and laws thereof and the carrying out and exercising of the powers and duties heretofore possessed by the City of Orlando, or, heretofore belonging to it; the Mayor-Commissioner shall make appointments of the Chief Administrative Officer, Deputy Chief Administrative Officer, Assistant Chief Administrative Officer, and all heads of offices and departments set forth in Section 2.35 of the Code of the City of Orlando subject, however, to a confirmation by the City Council; the Mayor-Commissioner shall appoint the members of his/her personal staff; the Mayor-Commissioner shall have direct charge of every department of the City government and shall be responsible for the proper functioning of each department; the Mayor-Commissioner shall be required to devote all of his/her time to the work and business of the City of Orlando and shall have his/her office in the City Hall and keep regular office hours in the same. Should the City Council decline to confirm any appointment made by the Mayor-Commissioner it shall be his/her duty to send in a new appointment to the Council within ten (10) days of* such rejection, and shall not again submit to the Council the name of any person rejected, except on request of a** majority of the Council. The Mayor-Commissioner shall have the right to remove any officer as provided in Section 2.05 of the Code of the City of Orlando, provided, however, that nothing in this section shall in any manner abridge the rights, powers, duties and privileges of the*** Orlando Utilities Commission. In case of the temporary disability or absence of the Mayor, the City Council may designate one of its members to act as Mayor Pro Tem; provided, however, that the City Council may also designate another one of its members to act in the capacity of Mayor Pro Tem should both the Mayor and first-designated Mayor Pro Tem be absent or temporarily disabled.

(Laws of Fla. ch. 6739(1913), § 2; Laws of Fla. ch. 10976(1925), § 2; Ord. of 2-11-1985, Doc. #19188; Ord. of 7-18-1988, Doc. #22233; Ord. of 12-7-1992, Doc. #26218)

*The word "of" appeared as "on" in the original act.

**The article "a" did not appear in the original act.

***The article "the" did not appear in the original act.

Sec. 4. - Legislative Powers.

The legislative powers and duties heretofore possessed by the City of Orlando or heretofore belonging to it with the powers to establish such subordinate officers as they may see fit and to assign to them appropriate duties is hereby vested in the six (6) City Commissioners and the Mayor-Commissioner hereinbefore provided for, which shall constitute the City Council of the City of Orlando. The Council shall have the power to change or abolish all offices heretofore existing in said City and to establish such offices with such salaries as may seem desirable, provided, however, that this shall not authorize the changing or abolishing of the offices or the powers of Mayor-Commissioner and the City Commissioners as constituted in this Charter or to abolish the Orlando Utilities Commission, or to in anywise affect same as now constituted unless specifically provided for herein.

(Ord. of 8-14-1978, § 2)

Editor's note— Ord. of 8-14-1978, § 2, amended ch. 2, § 4, to read as herein set out. Until Oct. 31, 1980, the city council shall continue to be organized and the city government shall continue to be operated under the provisions of Charter ch. 2 in effect on Jan. 1, 1978. Prior to amendment by Ord. of 8-14-1978, § 2, § 4 was derived from Laws of Fla. ch. 6739(1913), § 3, and Laws of Fla. ch. 10976(1925), § 3, and provided:

"The legislative powers and duties heretofore possessed by the City of Orlando or heretofore belonging to it with the powers to establish such subordinate officers as they may see fit and to assign to them the mayor-commissioner hereinbefore provided for, which shall constitute the city council of the City of Orlando. The council shall have the power to change or abolish all offices heretofore existing in said city and to establish such offices with such salaries as may seem desirable, provided, however, that this shall not authorize the changing or abolishing the offices or the powers of mayor-commissioner and the city commissioners as constituted in this Act or to abolish the Orlando Utilities Commission, or to in anywise affect same as now constituted. For the purpose of carrying out the provisions of this act the City of Orlando is hereby divided into four (4) districts, as follows: District No. 1 shall embrace all that territory within the city limits east of Orange Avenue and south of Central Avenue; District No. 2 shall embrace all that territory within the city limits east of Orange Avenue and north of Central Avenue; District No. 3 shall embrace all that territory within the city limits west of Orange Avenue and north of Central Avenue; District No. 4 shall embrace all that territory within the city limits west of Orange Avenue and south of Central Avenue." (Laws of Fla. ch. 6739(1913), § 2; Laws of Fla. ch. 10976(1925), § 3) (Ord. of 12-9-1991, amended ch. 2, § 4-1(a), Doc. #25328; Ord. of 4-30-1984, amended ch. 2, § 4-1(a), Doc. #18516; Ord. of 6-6-1983, amended ch. 2, § 4-1(a), Doc. #17818.)

Sec. 29. - When Ordinances Take Effect; Approval or Disapproval by Mayor; Overriding Veto.

Except as otherwise provided therein, all ordinances adopted by the City Council of the City of Orlando shall take effect (1) upon passage, or (2) as provided by law, i.e., at 12:01 A.M. on the tenth (10th) day after the final passage of such ordinance by the City Council and approval thereof by the Mayor or passage by the City Council over the Mayor's disapproval.

In the event that the City Council determines to make an ordinance effective not upon passage but less than ten (10) days from the date of passage as hereinabove provided, then the City Council may state the early effective date in the body of the ordinance and may thereby fix an effective date less than ten (10) days after the date of passage as above provided.

Immediately after passage of an ordinance by the City Council, such ordinance shall be submitted to the Mayor for his approval or disapproval and this shall be done within twenty-four (24) hours after passage of the ordinance. If the Mayor disapproves the ordinance, he shall return the ordinance with the reasons for his disapproval stated in writing at the next regular meeting of the City Council, whereupon the City Council, by a five-sevenths vote of the entire membership thereof, may pass the ordinance, the Mayor's disapproval to the contrary notwithstanding.

(Laws of Fla. ch. 31083(1955), § 1; Ord. of 7-25-1983, Doc. #17939; Ord. of 7-13-1998, Doc. #31353; Ord. of 4-5-1999, Doc. # 32003)

City of St. Petersburg

ARTICLE IV. - ADMINISTRATIVE

Sec. 4.01. - Mayor.

There shall be a Mayor who shall be the chief administrative official of the City. The Mayor shall be responsible for the administration of all City affairs placed in the Mayor's charge by or under this Charter.

(Ord. No. 1012-F, § 7, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; Charter Review Commission, Amendment 10, ratified 3-27-2001; Ord. No. 810-G, § 9, 1-18-2007, ratified 3-13-2007; Charter Review Commission, Amendment 6 (§ 2), ratified 11-8-2011)

Sec. 4.02. - Compensation.

The compensation of the Mayor shall be fixed by the Council.

(Ord. No. 450-F, § 2, 9-25-1980, ratified 3-17-1981; Ord. No. 1012-F, §§ 8, 9, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; Ord. No. 810-G, § 10, 1-18-2007, ratified 3-13-2007)

Sec. 4.03. - Acting Mayor.

The City Administrator shall exercise the powers and perform the duties of the Mayor during any temporary absence or disability or if the Mayor is removed from or otherwise vacates the office. During a temporary absence, not due to a disability, the Mayor shall provide to the City Administrator, with a copy to the City Clerk, a memo delineating the extent to which the City Administrator may act on the Mayor's behalf.

(Ord. No. 1012-F, § 10, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; Charter Review Commission, Amendment 1, ratified 3-27-2001; Charter Review Commission, Amendment 6 (§ 3), ratified 11-8-2011)

Sec. 4.04. - Powers and duties of the Mayor and City Administrator.

(a) Except for the Civil Service Board and the City Council committees which are appointed as provided for in Sections 4.04(b) and 3.12 of this Charter respectively, the Mayor shall, with confirmation of City Council, appoint all City Boards and Commissions. The Mayor shall, with confirmation of the Council, appoint the City Attorney, City Clerk and a City Administrator who shall be in charge of the daily operation of the City. The City Administrator shall have had relevant, management, executive, or administrative experience in municipal government.

(b) The Mayor shall:

- (1) Appoint, and when the Mayor deems necessary for the good of the City, suspend, demote or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter. The Mayor may authorize any administrative officer or employee who is subject to the Mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's or employee's department, office or agency. The Mayor shall establish written Personnel Rules and Regulations to the end that appointments and promotions of employees within specified classifications shall be made solely on the basis of merit and fitness demonstrated by examinations or other evidence of

competence and to the end that upon their suspension for a period in excess of fifteen (15) calendar days, demotion or removal, employees within specified classifications shall have a right of appeal to a Civil Service Board appointed by City Council.

- (2) Create and establish and discontinue any department, division or board in the administrative affairs of the City; to determine, combine and distribute the function and duties of all departments, divisions and boards in the administrative affairs of the City; to consolidate and combine any departments, divisions and boards as the Mayor may deem necessary and/or expedient. The Mayor shall be responsible for the continuity and preparation of all books, records, papers and property under the control of the administrative officers and employees of the City. The directors of departments and heads of divisions or boards in the administrative affairs of the City shall manage and control such departments, divisions and boards, and are subject to the supervision and control of the Mayor.
 - (3) Attend, or cause a representative of the Mayor to attend, all Council meetings and the Mayor or the Mayor's representative shall have the right to take part in discussion but may not vote.
 - (4) See that all laws, provisions of this Charter and Ordinances of the Council, subject to enforcement by the Mayor or by officers subject to the Mayor's direction and supervision, are faithfully executed provided however no ordinance may infringe upon the administrative powers of the Mayor granted by this Charter.
 - (5) Prepare and submit a proposed balanced annual budget and capital program to the Council in a form provided by ordinance.
 - (6) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
 - (7) Make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the Mayor's direction and supervision.
 - (8) Keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.
 - (9) Sign contracts on behalf of the City pursuant to the provisions of appropriations ordinances. The Mayor shall administer the approved budget in such a manner as not to exceed Council approved appropriations. No liability shall be enforceable against the City upon any contract not supported by the previous appropriations, nor shall the City be liable for any service, material or supplies furnished to the City or to any department, office or division thereof, the financial requirements of which are to be made use of the proceeds of taxes or any other funds controlled by the Council, unless the Council shall previously have made an appropriation therefor. All contracts for public works or improvements shall be awarded in the manner provided by ordinance which must provide opportunity for competition.
 - (10) Perform such other duties as are specified in this Charter or may be required by the Council provided such duties and Council's direction to perform such duties [as] are consistent with this Charter.
 - (11) The Mayor shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and upon the authorization of Council, shall act as the City official designated to represent the City in agreements with other governmental entities or certifications to other governmental entities, execute contracts, deeds and other documents. The Mayor may delegate the signature authority contained herein to members of the City Administration by filing a written memo with the City Clerk indicating the person to whom the authority is delegated and the limits of such authority.
- (c) The Mayor may veto any ordinance passed by Council, except an emergency ordinance as defined in Florida Statutes; those ordinances passed as a result of quasi-judicial proceedings when such proceedings are mandated by law; and ordinances proposing Charter amendments, which the Council is required by law or by this Charter to place on the ballot. The Mayor must exercise the veto prior to 5:00 p.m. on the fifth business day after the day Council adopts the ordinance. On the day the Mayor

vetoed an ordinance, the Mayor shall deliver or caused to be delivered specific written objections to Council at the Council's office.

- (d) The Mayor may: Veto any "line item" in a budget or appropriation ordinance. The Mayor must exercise his veto prior to 5:00 p.m. on the fifth business day after the Council adopts the ordinance. On the day the Mayor vetoes a "line item," the Mayor shall deliver or cause to be delivered specific written objections to Council at the Council's office. If the total effect of all vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and contained in the adopted budget, then all vetoes of the Mayor with respect to line items of the budget shall be null and void and all items vetoed by the Mayor shall remain in the budget.

(Ord. No. 1012-F, §§ 11—15, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; Ord. No. 366-G, § 1, 1-7-1999, ratified 3-23-1999; Ord. No. 367-G, § 1, 1-7-1999, ratified 3-23-1999; Charter Review Commission, Amendment 5, Amendment 6, Amendment 10, ratified 3-27-2001; Ord. No. 810-G, §§ 11, 12, 1-18-2007, ratified 3-13-2007; Charter Review Commission, Amendment 5, Amendment 6 (§§ 4, 5, 8), ratified 11-8-2011)

Sec. 4.05. - Administrative affairs; Council participation.

- (a) Neither the Council nor any of its committees or any of its members, individually or collectively, shall direct or request the appointment of anyone to, or removal from, office by the Mayor or any of the Mayor's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee or members of boards in the administrative service of the City. All inquiry dealing with any portion of the administrative service of the City with the exception of (b) herein shall be with the Mayor and neither the Council nor any member thereof shall, give any orders to any subordinate or officer of the City, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the Council shall be grounds for removal from office under Section 3.04(c). This subsection shall not operate to prohibit any individual Council Member from expressing their personal opinion concerning the hiring by the Mayor of any chief or administrator or higher management level employee.
- (b) Permitted contact with City staff.
- (1) The finances of the City shall, under the direction of the Council, be examined and audited by a certified public accountant at least once a year. The financial audit shall be a certified audit with no exceptions, and all reports and recommendations of the auditor shall be directed to the Council. City Council, at any time, shall be permitted to conduct a management evaluation, by a professional consultant, of the administrative activities of the City, or any portion thereof, under the direction of City Council. At least once every two years the City Council shall discuss and make a decision as to whether or not any such an audit is needed. The management evaluation and all reports and recommendations shall be directed to the Council.
- (2) The Council or any member thereof may request information of the Mayor or the Mayors' subordinates in a form that presently exists and could be obtained by a public record request under Florida law, subject to such reasonable regulations of use as City Council may prescribe by ordinance or resolution from time to time.

(Ord. No. 1012-F, § 16, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; Charter Review Commission, Amendment 3, ratified 3-27-2001; Charter Review Commission, Amendment 3, ratified 11-8-2011; Ord. No. 119-H, § 3, 8-7-2014, ratified 11-4-2014)

City of Tampa

Section 2.10. - Veto.

Every ordinance that may be passed by the council shall be presented to the mayor before becoming a law; if he approves it he shall sign it, but if not he shall return it with his objections to the council and such objections shall be entered upon the minute book, and the council thereupon shall proceed to reconsider the ordinance at its next regular meeting at which there is a quorum. If after reconsideration it shall be passed by two-thirds vote of all members[,], the vote shall be entered upon the minute book, and it shall become a law. If any ordinance shall not be returned to the council within fourteen days after it is presented to the mayor, the same shall become effective in like manner as if he had signed it.

ARTICLE III. - CITY CLERK

Section 3.01. - City Clerk.

There shall be a city clerk who shall be at least eighteen years of age and shall be a resident of the city. The initial term of office of city clerk shall be for two years commencing October 1, 1975, and each successive term shall be for four years. The city clerk shall be appointed by the mayor and confirmed by a simple majority of the entire city council. Not later than the fifteenth day after the commencement of each term of or a vacancy in the office of city clerk, the mayor shall appoint and submit a city clerk to the city council for confirmation. The city council, within fifteen days after such submission, shall confirm or disapprove such appointment, and the failure of the council to act upon such appointment within said time shall be confirmation thereof. In the event of disapproval by the city council of said appointment, the mayor, within fifteen days thereafter, shall submit to the city council another appointment. Before assuming the duties of office, the city clerk shall qualify by giving such bond and making and filing such oath of office as shall be prescribed by law or ordinance. The city clerk shall remain in office until the clerk's successor is appointed and confirmed. The city clerk may be removed by the mayor but only with the approval of the city council. The salary of the city clerk shall be fixed by the mayor with the approval of the city council. The city clerk shall be entitled to all benefits now provided to all unclassified employees similarly situated.

ARTICLE IV. - EXECUTIVE

Section 4.01. - Mayor.

There shall be a mayor in whom all executive power of the city shall be vested and who shall be the administrative head of the municipal government. Responsibility for the proper administration of the city government shall be solely that of the mayor. The mayor shall be elected at large and shall have been a resident and elector of the city for one year immediately preceding the commencement of the term of office and shall continue to be a resident and elector of the city during the term of office. No person who has, or but for resignation would have, served as mayor for two consecutive, full terms shall be elected as mayor for the succeeding term. The mayor shall be responsible to the people of the city for the proper administration of the affairs of the city and to that end his powers and duties shall include, but shall not be limited to, (1) the administration and enforcement of all laws, ordinances, contracts, and franchises, (2) the negotiation of all contracts, franchises, acquisition, and disposition of property and, upon approval thereof by the council, the execution on behalf of the city of all agreements, leases, deeds, and other instruments in connection therewith, (3) the exercise of direct control and supervision over all departments and divisions of the municipal government, (4) except as herein otherwise expressly provided, the appointment and removal and the fixing of the compensation of all officers and employees of the city, the employment and compensation of whom are not otherwise provided for herein, all such appointments to be made upon merit and fitness alone and in accordance as nearly as possible with civil service requirements, (5) the general charge, management, control, and supervision of all property of the city, (6) the promulgation by executive order of such administrative directives, decisions, and codes and personnel rules and regulations as the

mayor shall deem necessary and proper, all of which executive orders of a formal, general, and permanent nature shall be filed with the city clerk, (7) the representation of the city upon all public occasions where such representation shall be right and proper, (8) cognizance of the relation of the city to the county, state, federal, and other municipal governments, (9) periodically advising council as to the financial conditions and needs of the city, (10) furnishing to the council such available information, data, and advice pertaining to the affairs of the city as may be reasonably requested, (11) making such recommendations as the mayor may deem necessary or expedient in the interests of the city to the council relative to the adoption of ordinances and resolutions; provided, however, that nothing herein contained shall prevent the city council in the exercise of its legislative functions and powers from calling into consultation the boards or departments and other officers and employees of the city wherever in the judgment of the council it may be necessary[,] but neither the council nor any member thereof shall interfere with the conduct of any department, officer, or employee in the discharge of his duty.

(Ord. No. 8148-A, § 4, 1-6-83)

Section 4.02. - Absence.

During the temporary disability, disqualification, or absence from the city of the mayor, the chairman of the city council shall discharge the duties of the mayor and while so acting he shall not have the right to act as a member of or to preside over meetings of the city council. During the period that the chairman is discharging the duties of the mayor, the chairman pro tem shall preside over meetings of the city council. If it shall be necessary for the chairman to discharge the duties of the mayor for more than 10 successive days he shall, as acting mayor, receive the mayor's salary during such time as he may act. In case the office of the mayor becomes permanently vacated by death, resignation or otherwise, the chairman shall discharge the duties of the mayor until a successor for the unexpired term shall take office. In the event that by operation of law the chairman shall become acting mayor until a successor is elected at a special election then the chairman pro tem shall become the acting chairman of the city council and the council shall immediately choose an acting chairman pro tem.

City of West Palm Beach

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DECLARING THE RESULTS OF THE GENERAL ELECTION IN SAID CITY ON MARCH 9, 1993, AND THE RUN-OFF ELECTION ON MARCH 23, 1993, HELD FOR THE PURPOSE OF ELECTING CERTAIN ELECTIVE OFFICIALS AND AMENDING THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on March 9, 1993 a general election for the election of certain officials of the City of West Palm Beach and for the submission of two (2) referendum questions to the electorate was held in accordance with the Charter and the ordinances of said City and laws of the State of Florida governing and regulating the holding of general elections of said City; and

WHEREAS, a run-off election was held on March 23, 1993; and

WHEREAS, the Palm Beach County Supervisor of Elections office has duly made return of the votes cast at the general and run-off elections; and

WHEREAS, the City Commission of the City of West Palm Beach has duly canvassed the returns of said elections.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA that:

SECTION 1: The City Commission of the City of West Palm Beach, Florida hereby finds and declares the results of the general election held on March 9, 1993 in said City as follows:

a. For City Commission District Two, the following votes were cast by the qualified electors residing and voting within said City:

For:	Mary B. Hooks	3441
For:	Robbie T. Littles	2520

b. For City Commission District Four, the following votes were cast by the qualified electors residing and voting within said City:

For:	Sarah Brack Nuckles	2536
For:	Bob Kral	574
For:	David L. Smith	2626

SECTION 2: The City Commission of said City hereby finds and declares that the following candidate was duly elected for a period of two years commencing at 3:00 p.m. on March 25, 1993:

For Commissioner, District Two Mary B. Hooks

SECTION 3: Candidates for City Commission District Four, Sarah Brack Nuckles and David L. Smith, had their names placed on the ballot in the City run-off election held March 23, 1993. The City Commission of the City of West Palm Beach, Florida hereby finds and declares the results of the run-off election held on March 23, 1993 in said City as follows:

For: Sarah Brack Nuckles 1872

For: David L. Smith 1297

SECTION 4: The City Commission of said City hereby finds and declares that the following candidate was duly elected for a period of two years commencing at 3:00 p.m. on March 25, 1993 in the following office:

For Commissioner, Dist. Four Sarah Brack Nuckles

SECTION 5: On the citizen's petition proposing an amendment to the City Charter to further provide for powers of the Mayor, attached and incorporated hereto as Exhibit "A," the following votes were cast by the qualified electors residing and voting within said City:

4021 - Yes - For the Amendment

1936 - No - Against the Amendment

SECTION 6: On the citizen's petition proposing an amendment to the City Charter to provide for an Internal Audit Committee appointed by the City Commission, attached and incorporated hereto as Exhibit "A," the following votes were cast by the qualified electors residing and voting within said City:

4470 - Yes - For the Audit Committee

1143 - No - Against the Audit Committee

SECTION 7: In accordance with the vote of the electorate

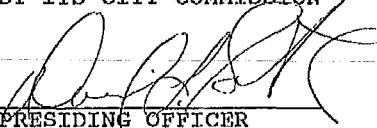
declared in Sections 5 and 6 above, the City Charter of the City of West Palm Beach shall be amended as provided in the citizen's petition as provided in Resolution No. 16-93 of the City Commission adopted on January 11, 1993. The amendments to the City Charter shall be codified.

SECTION 8: This resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED THIS 25th DAY OF March, 1993.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION


PRESIDING OFFICER

ATTEST:


CITY CLERK

This Instrument Prepared By:
ELIZABETH T. MCBRIDE
Law Department
City of West Palm Beach
200-2nd Street - P.O. Box 2266
West Palm Beach, Fla. 33402
305/659-8017

PETITION

PETITION COMMITTEE:

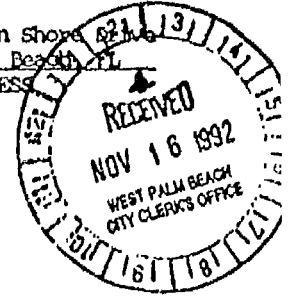
Joseph Considine
NAME
3639 Paseo Andalusia
West Palm Beach, FL
ADDRESS

Lynda J. Harris
NAME
252 E. Lakewood Rd.
West Palm Beach, FL
ADDRESS

Edward Kinsey
NAME
3821 North Shore
West Palm Beach, FL
ADDRESS

Raul Rio
NAME
636 Franklin Road
West Palm Beach, FL
ADDRESS

Margarita Sotolongo
NAME
913 Hansen Street
West Palm Beach, FL
ADDRESS



SUMMARY OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CHARTER OF THE CITY OF WEST PALM BEACH OF 1988, BEING THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA RELATIVE TO THE FORM OF GOVERNMENT, OFFICE OF THE MAYOR AND POSITION OF CITY MANAGER; AMENDING THE CITY CHARTER EFFECTIVE AS PROVIDED HEREIN, SUBJECT TO REFERENDUM APPROVAL TO PROVIDE FOR A "MAYOR-COMMISSION" FORM OF GOVERNMENT; AMENDING ARTICLE 2. OF THE CITY CHARTER TO READ "LEGISLATIVE"; LIMITING THE TERM OF OFFICE OF THE MAYOR TO TWO (2) CONSECUTIVE TERMS; PROVIDING FOR THE PRESIDENT OF THE COMMISSION TO BECOME THE ACTING MAYOR DURING THE TEMPORARY DISABILITY OF THE MAYOR; PROVIDING FOR INVESTIGATIONS BY THE CITY COMMISSION; PROVIDING THAT THE MAYOR APPOINT THE POLICE CHIEF, FIRE CHIEF AND CITY ATTORNEY SUBJECT TO RATIFICATION BY CITY COMMISSION AND FOR THEIR REMOVAL BY THE MAYOR WITHOUT THE CONSENT OF THE COMMISSION; AMENDING ARTICLE 3. OF THE CITY CHARTER TO READ "EXECUTIVE"; PERMITTING THE MAYOR TO VETO ORDINANCES AND RESOLUTIONS APPROPRIATING MONEY IN WHOLE OR PART SUBJECT TO AN OVERRIDE OF TWO-THIRDS MAJORITY OF THE COMMISSION; ESTABLISHING THE POSITION OF CITY ADMINISTRATOR TO BE APPOINTED AND REMOVED BY THE MAYOR AND SUBJECT TO THE IMMEDIATE SUPERVISION OF THE MAYOR; PROVIDING THAT DEPARTMENT DIRECTORS BE APPOINTED AND REMOVED BY THE MAYOR WITHOUT THE CONSENT OF THE COMMISSION; PROVIDING THE INTERNAL AUDITOR ACCESS TO PERSONNEL AND RECORDS, FOR AN AUDIT COMMITTEE TO CONSIST OF THE MAYOR, PRESIDENT OF THE COMMISSION AND THREE (3) MEMBERS AT-LARGE WITH AUDITING EXPERTISE APPOINTED BY THE COMMISSION AND FOR REMOVAL OF THE INTERNAL AUDITOR BY A MAJORITY VOTE OF THE ENTIRE COMMISSION; PROVIDING A REFERENDUM ELECTION TO BE HELD ON MARCH 2, 1993 TO APPROVE OR REJECT THE PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

FULL TEXT OF PROPOSED ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA that:

SECTION 1: The City Charter of the City of West Palm Beach, Florida, being the Charter of the City of West Palm Beach of 1988, as amended, is hereby amended at Article I. Corporate Existence, Form of Government, Boundary and Power; Article II. City Commission, and Article III. City Manager and Administrative Organization, to read as follows:

CHARTER

ARTICLE I. CORPORATE EXISTENCE

FORM OF GOVERNMENT, BOUNDARY AND POWER

Sec. 1.01. Corporate existence; form of government; Charter.

The City of West Palm Beach in Palm Beach County, Florida, which was created by the Florida Legislature, shall continue as a municipal corporation with a Mayor-

for the City.

Sec. 1.02. Description of corporate boundary.

The area described in Appendix A of this Charter shall constitute the corporate boundary of the City of West Palm Beach.

Sec. 1.03. General powers of the City.

The City shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

Sec. 1.04. Construction.

The powers of the City shall be construed liberally in favor of the City, limited only by the constitution, general and special law, and specific limitations in this Charter.

ARTICLE II. LEGISLATIVE

Sec. 2.01. City Commission; district boundaries established for residency to qualify for candidacy; reapportionment.

The City Commission shall consist of five (5) City Commissioners and a Mayor who are elected at large on a nonpartisan basis. Each City Commissioner shall be a qualified elector of the City residing in a different district from the other City Commissioners. The Mayor shall be a qualified elector of the City and may reside in any district within the City of West Palm Beach. City Commissioners and the Mayor shall be elected by a City-Wide vote. The boundary for each of the five (5) districts is described in Appendix B of this Charter.

A candidate for the office of Mayor shall have continuously resided in the City during the six (6) month period immediately prior to the date of election. A candidate for the office of City Commissioner shall have continuously resided during the six (6) month period immediately prior to the date of election in the district from which the candidate seeks to qualify for election.

The Mayor shall reside continuously in the City during the Mayor's term of office. Each City Commissioner shall reside continuously during the Commissioner's term of office in the district from which the Commissioner was elected.

The district boundaries shall be reapportioned every ten (10) years commencing with the 1990 Official Florida State and Federal Census. Each reapportionment shall be completed by the City Commission by ordinance enacted within six (6) months of the

date of official publication of the most recent Official Florida State and Federal Census.

District boundaries shall be reapportioned to create districts of nearly equal population. Districts shall be arranged in a logical and compact geographic pattern and shall promote fair representation.

Sec. 2.02. Term and compensation.

The term of office of the Mayor shall be four (4) years. No individual shall be elected to the office of the Mayor for more than two (2) consecutive full terms.

The term of office of the City Commissioners shall be two (2) years.

The annual salaries of the Mayor and the City Commissioners shall be fixed by ordinance. These salaries shall be reviewed during the City's annual budget process.

Sec. 2.03. Powers of the City Commission.

All powers of the City shall be vested in the City Commission except those powers specifically given to the Mayor, and to the Internal Auditor as provided in this Charter and except those powers specifically reserved in this Charter to the electors of the City.

Sec. 2.04. Prohibition of interference by City Commissioners with appointments and removals.

Except as otherwise provided herein, the City Commissioners collectively and individually shall not direct or request the appointment of any person to office or such person's removal therefrom by the Mayor or by any subordinate or shall in any manner take part in the appointment or removal of appointive officers and employees in the administrative service of the City. Except for the purpose of an inquiry hereunder, the City Commissioners collectively and individually shall deal with administrative matters solely through the Mayor or Mayor's designee, and neither the City Commission nor any City Commissioner shall give orders to any subordinates of the Mayor either publicly or privately.

Any violation of this section by a City Commissioner shall constitute misconduct punishable by the City Commission and also grounds for removal from office by the City Commission as provided hereby and for removal by recall.

Sec. 2.05. Induction and meetings.

After each annual city election the City Commission shall meet and the newly elected members shall assume office as provided hereby. At such meeting the City Commissioners shall elect one (1) of their number to the office of President of the City Commission who shall serve at the pleasure of the City Commission.

The Mayor shall preside at all meetings of the City Commission and be the

ceremonial head of the City government. In the absence of _____
the President shall preside at City Commission meetings and perform the ceremonial and ministerial functions of the office of Mayor. In the absence of both the Mayor and the President, the City Commissioners shall designate one of their number to chair City Commission meetings.

During the temporary disability of the Mayor, the President of the City Commission shall become the acting Mayor. If it shall be necessary for the President to discharge the duties of the Mayor more than thirty (30) consecutive days, at the discretion of the City Commission, the President may be compensated for such duties.

The City Commission shall fix the dates of all its other regular meetings and shall hold special meetings at the call of the Mayor, the acting Mayor, or any other two (2) City Commissioners. All official meetings shall be held at the City Hall and shall be open to the public.

The City Commission shall adopt its own rules of procedure not inconsistent herewith and shall maintain in its journal a record of the vote of each member on each matter submitted to a vote. Each member of the City Commission shall vote on each matter submitted to a vote unless it involves such member's official conduct or financial interest.

Sec. 2.06. Vacancy in City Commission.

A vacancy shall occur on the City Commission upon death, resignation, removal or recall of a member, or in the event a member shall fail to maintain the qualifications of office including residency and status as a qualified elector of the City. If a vacancy occurs in the City Commission for any reason, except as the result of a recall whereby a successor is appointed or elected, the remaining members of the City Commission shall, within thirty (30) days of the creation of the vacancy and by a majority of a quorum, appoint a successor to fill the office vacated.

In the event of an appointment to the office of Mayor, said appointment shall not exceed ninety (90) days during which either the next general municipal election or a special City election, if necessary, shall be held to elect a Mayor for the unexpired term.

In the event of an appointment to the office of City Commissioner, said appointment shall be effective until the expiration of the term of such office or until the next general municipal election, whichever shall first occur. At the next general municipal election a successor shall be elected for a full term or for the balance of the term vacated, as appropriate.

Sec. 2.07. Removals and suspensions from office of City Commission.

The Mayor and City Commissioner, in addition to being removed by recall pursuant to law, may be removed from office by resolution of the City Commission unanimously adopted by the other members of the City Commission for any of the grounds for removal set forth in Section 100.361, Florida Statutes. Written charges specifying the grounds(s) for removal shall first be served upon said member with notice that the removal shall not take effect until a hearing, if requested by the member charged, is held by the City Commission to determine the truth of the charges. Such hearing shall be held within twenty (20) days of the date of service at a regular City Commission meeting.

The term "neglect of duty" as used in Section 100.361, Florida Statutes, aforesaid shall include but not be limited to six (6) consecutive absences from regular City Commission meetings. After six (6) such absences, the matter shall be placed on the agenda for consideration by the City Commission. A majority of the City Commission may determine that said absences are excusable and that the charge of "neglect of duty" shall not be made.

Sec. 2.08. Investigations.

In the exercise of its legislative powers the City Commission shall have the power to conduct such investigations and hold such hearings as the Commission shall deem necessary, expedient, and proper and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Commission shall apply to the appropriate court. The findings shall be reported to the Mayor and to the public by the President of the Commission.

Sec. 2.9. Appointment and removal of Chief of Police, Fire Chief and City Attorney.

Chiefs of the Police Department and Fire Department and the City Attorney shall be appointed by the Mayor subject to the ratification of the City Commission acting by three (3) affirmative votes. The Mayor shall have the power to remove said department heads without the consent of the Commission.

ARTICLE III. EXECUTIVE.

Sec. 3.01. Mayor.

The chief executive officer and administrative head of the City shall be the Mayor who shall be responsible for the proper administration and conduct of the executive work and affairs of the City. The Mayor shall be a voting member of the City

Commission, only for the purpose of breaking a tie vote, shall be authorized to call the courts for the purpose of serving civil process and by the Governor for purposes of military law, may with the consent of the City Commission take command of the police in case of public danger or emergency, and shall, when directed to do so by the City Commission execute all instruments to which the City is a party, unless otherwise provided herein or by ordinance.

The Mayor shall maintain an office in City Hall and shall devote full time to the duties of that office. Except as specifically otherwise provided in this Charter, the powers and duties of the Mayor shall be to:

(1) Promote and encourage improvement of City government, encourage the economic growth of the City, and promote and develop the prosperity and social well-being of its people;

(2) Enforce the provisions of this Charter, City ordinances, and all applicable laws;

(3) Direct and supervise the administration of all departments, divisions and agencies of the City government, except as otherwise provided by this Charter or by law;

(4) Appoint and remove the Mayor's staff who shall have such duties as the Mayor shall determine;

(5) Appoint and remove the members of boards, committees and commissions, as provided herein, by ordinance or by law.

(6) To prepare the budget annually and submit it to the City Commission for approval and to be responsible for its administration after adoption;

(7) To recommend to the City Commission the pay scales for City offices and employment for the ensuing fiscal year;

(8) To fix the salaries and wages of officers and employees of the City within the applicable scales established by the City Commission;

(9) To prepare and submit to the City Commission, promptly after and as of the end of each fiscal year, a complete report on the finances and administrative activities of the City for that year;

(10) To keep the City Commission advised, in a timely manner, of the financial condition and of the future financial, administrative, and other needs of the City, and to make recommendations relative thereto;

(11) Make such other reports as the City Commission may reasonably require concerning the operations of city departments, offices and agencies subject to the

Mayor's direction and supervision;

(12) Promulgate by executive order such administrative directives and decisions, as deemed necessary and proper, all of which executive orders of a formal, general and permanent nature shall be filed with the City Clerk;

(13) Prepare the agenda for City Commission meetings;

(14) Initiate investigations within the City of West Palm Beach and shall present the findings to the City Commission.

Sec. 3.02. Mayor's veto power.

The Mayor shall have the power to veto legislation within forty-eight (48) hours after the adjournment of any City Commission meeting. Ordinances or resolutions vetoed by the Mayor shall be considered by the City Commission at its next regularly scheduled meeting, and at that meeting the City Commission may pass the ordinance or resolution over the Mayor's veto by a two-thirds majority vote of the entire Commission. The effective date of an ordinance passed over the Mayor's veto shall not be less than fifteen (15) days after the final passage, which shall be considered to be the date on which the City Commission originally passed the ordinance or resolution and it shall then become law notwithstanding the objections of the Mayor.

Within 48 hours of the adoption of an ordinance or resolution appropriating money for the use of City government, the Mayor may disapprove all or a portion of an appropriation. Any appropriations disapproved or reduced shall be void to such disapproval or reduction unless restored to the ordinance or resolution by a two-thirds majority vote of the entire City Commission at its next regularly scheduled meeting.

The Mayor shall not have the power to veto emergency ordinances or any enactments relating to the emergency appropriations or emergency borrowing.

Sec. 3.03 City Administrator—Appointment, removal and qualifications.

The Mayor shall appoint a City officer with the title City Administrator. Such officer shall be chosen solely on the basis of executive and administrative qualifications and be subject to the immediate supervision of the Mayor. The City Administrator shall coordinate under the supervision of the Mayor the activities of all administrative departments, divisions, and agencies, serve as special liaison between the Mayor, the City Commission and all departments, divisions, boards and commissions, and perform such administrative and executive duties as may from time to time be assigned by the Mayor, and may be dismissed by the Mayor, without the approval of the City Commission. The salary of the City Administrator shall be set by the City Commission upon the recommendation of the Mayor.

No City Commissioner shall be eligible for appointment as City Administrator during the term for which elected and until two (2) years after its expiration. When appointed, the City Administrator need not be a resident of the City, but during tenure of office the City Administrator shall reside within the City.

Sec.3.04. Department directors - Appointment and Removal.

Except as otherwise specified herein, the Mayor shall appoint and remove all department directors without consent and approval of the City Commission. As used in the article, "director" means the administrative head of each department regardless of the title of a particular director.

Sec 3.05. Bond required of certain city officials.

The Director of Finance and the Cash Management Coordinator, and such other officers and employees of the City as shall be designated by the City Commission, shall give bond in such amount and in such corporate surety authorized to do business in Florida as the City Commission shall approve. The City shall pay the premiums of such bonds.

SECTION 2: SECTION 1 of this ordinance shall become effective and operative on April 1, 1993, provided it has been approved by the electorate of the City of West Palm Beach, Florida, voting in a referendum on the question of the approval or disapproval of the proposed amendment set forth in SECTION 1 at the General Election of March 2, 1993.

The form of the question on the ballot in the March 2, 1993 referendum shall be as follows:

POWERS OF THE MAYOR
AS CHIEF EXECUTIVE
OFFICER AND ADMINISTRATIVE
HEAD OF THE CITY

SHALL THE CHARTER OF THE CITY OF WEST PALM BEACH BE AMENDED TO ELIMINATE THE POSITION OF CITY MANAGER AND PROVIDE THAT THE MAYOR SHALL BE THE CHIEF EXECUTIVE OFFICER AND ADMINISTRATIVE HEAD OF THE CITY; FURTHER PROVIDING THAT THE MAYOR SHALL APPOINT AND REMOVE DEPARTMENT DIRECTORS; FURTHER PROVIDING THAT THE MAYOR MAY VETO BUDGET APPROPRIATIONS SUBJECT TO CITY COMMISSION OVERRIDE BY TWO-THIRDS VOTE?

YES _____ FOR THE AMENDMENT
NO _____ AGAINST THE AMENDMENT

SECTION 3: The Charter of the City of West Palm Beach, Florida is hereby amended

at Section 4.05. Internal Auditor. of ARTICLE IV. BUDGET AND FINANCE. to read as follows:

There is hereby created the position of Internal Auditor. The Internal Auditor shall conduct, or cause to be conducted, financial, compliance, and expanded scope audits following generally accepted government auditing standards. The Internal Auditor shall have access to all records and personnel.

The Internal Auditor shall be appointed by the City Commission. Removal from office must be for cause by a majority vote of the entire membership of the City Commission.

To ensure independence of the audit function and to coordinate internal audit work with the needs of the Mayor and the City Commission, an Audit Committee is hereby established. The Audit Committee is a management committee and not a public board, commission or committee as specified in Article III, Sec. 3.01(5) herein. The Audit Committee shall be comprised of five (5) voting members; the Mayor or designee, the President of the City Commission, and three (3) at-large members who shall be appointed by the City Commission. The at-large members shall be City residents with expertise in auditing preferably internal or management auditing and at least two (2) of whom shall be a Certified Public Accountant or a Certified Internal Auditor; appointments shall be staggered for terms of three (3) years. The President of the Commission shall be appointed as Chairperson of the Audit Committee. The Audit Committee shall perform an evaluation of the Internal Auditor annually and present such to the City Commission.

SECTION 4: SECTION 3 of this ordinance shall become effective in accordance with law, provided same has been approved by the electorate of the City of West Palm Beach, Florida voting in a referendum on the question of the approval or disapproval of the proposed amendment set forth in SECTION 3 at the General Election of March 2, 1993.

The form of the question on the ballot in the referendum shall be as follows:

INTERNAL AUDIT COMMITTEE PROVISION

SHALL THE CHARTER OF THE CITY OF WEST PALM BEACH BE AMENDED TO PROVIDE FOR AN AUDIT COMMITTEE APPOINTED BY THE CITY COMMISSION TO ENSURE THE INDEPENDENCE OF THE AUDIT FUNCTION AND COORDINATE INTERNAL AUDIT WORK WITH THE NEEDS OF THE MAYOR AND COMMISSION; FURTHER PROVIDING THAT THE COMMITTEE CONSIST OF FIVE (5) MEMBERS TO

INCLUDE THE MAYOR, THE PRESIDENT OF THE COMMISSION AND THREE (3) RESIDENTS WHO ARE CITY RESIDENTS WITH EXPERIENCE IN AUDITING?

YES _____ FOR THE AUDIT COMMITTEE

NO _____ AGAINST THE AUDIT COMMITTEE

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

If any word, sentence, clause, phrases or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

This ordinance shall take effect immediately upon its passage.

George MATSOUKAS NAME (please print) DANIEL M Pye
 729 Lytle St W.P.B, FL 33405 ADDRESS 4205 Washington Rd
 George Matsoukas SIGNATURE W.P.B. FL. 33405
 DATE 11-3-92 DATE Bobb J McBrook

RAMONDO T FIELDS NAME (please print) JILL BRADLEY
 506 PURITAN RD ADDRESS Bobb J McBrook
 WEST PALM BEACH, FL SIGNATURE 11-3-92
 DATE 11-3-92 DATE 11-3-92

JEFFREY A. RASIMOWICZ NAME (please print) Renan Enriquez
 711 BRADLEY ST. 33405 ADDRESS 631 Highland Dr W.P.B 33405
 WEST PALM BEACH, FL SIGNATURE Renan Enriquez
 DATE 11-3-92 DATE

CARLOS M. RODRIGUEZ
 Carlos M. Rodriguez NAME (please print) Joel K. McIlwain
 5015 GARDNER AVE. ADDRESS 714 Palmetto
 W.P.B. 33405 FL. SIGNATURE Joel K McIlwain
 DATE 11/3/92 DATE 11/3/92

Barbara Musgrave NAME (please print) DOROTHY M'KENZIE
 422 P. Ingram Rd. W.P.B 33415 ADDRESS 850 MADDOCK ST WPB 3340
 Barbara Musgrave SIGNATURE Dorothy M'Kenzie
 DATE 11/3/92 DATE 11-3-92

JO E. DAVIS NAME (please print) Edward Hodges
 722 MACY ST. ADDRESS 712 Mc Entosh
 W.P.B., FL SIGNATURE Edward Hodges
 DATE NOV. 3, 93 DATE Nov. 3, 1992

NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>D. Iver L. Jones Jr.</u>	<u>4821 S. Flagler Dr</u>	<u>[Signature]</u>	<u>3 Nov 1992</u>	<u>Maria G. Marandi</u>	<u>5901 Garden Ave.</u>	<u>[Signature]</u>	<u>11-3-92</u>
<u>[Signature]</u>				<u>Maria G. Marandi</u>			
NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>Mary E. Holland</u>	<u>135 W. W. McK. N. W. B.</u>	<u>[Signature]</u>	<u>11/3/92</u>	<u>HENRY J. ROFFS JR.</u>	<u>220 PUGITAN RD</u>	<u>[Signature]</u>	<u>11-3-92</u>
<u>[Signature]</u>				<u>[Signature]</u>			
NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>CAROL A. SPRINGER</u>	<u>623 W. Lakewood Ed W. P.</u>	<u>[Signature]</u>	<u>11/3/92</u>	<u>[Signature]</u>	<u>366 Flagler Dr W.P.</u>	<u>[Signature]</u>	<u>11-3-92</u>
<u>[Signature]</u>				<u>[Signature]</u>			
NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>HERALDINE MITCHELL</u>	<u>623 W. Lakewood Ed W. P.</u>	<u>[Signature]</u>	<u>11-3-92</u>	<u>[Signature]</u>	<u>6901 S. PIXIE W.P.</u>	<u>[Signature]</u>	<u>11/3/92</u>
<u>[Signature]</u>				<u>Robert V. ARTOLA MID</u>			
NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>Jose M. Rueda</u>	<u>715 N. G. Entero.</u>	<u>[Signature]</u>	<u>11/3/92</u>	<u>[Signature]</u>	<u>414 Malvern rd</u>	<u>[Signature]</u>	<u>Nov 3, 92</u>
<u>[Signature]</u>				<u>[Signature]</u>			
NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>Mark Atkins</u>	<u>722 Francisco Dr</u>	<u>[Signature]</u>	<u>11/3/92</u>	<u>[Signature]</u>	<u>396 Notingham Bl-UP</u>	<u>[Signature]</u>	<u>11/3/92</u>
<u>[Signature]</u>				<u>[Signature]</u>			
NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>Alan J. CIKLIN</u>	<u>129 Flagler Promenade So^{N.P.}</u>	<u>[Signature]</u>	<u>11-3-92</u>	<u>AVIS STAPKE</u>	<u>507 NOTTINGHAM</u>	<u>[Signature]</u>	<u>11/3/92</u>
<u>[Signature]</u>				<u>[Signature]</u>			
NAME (please print)	ADDRESS	SIGNATURE	DATE	NAME (please print)	ADDRESS	SIGNATURE	DATE
<u>Clara Bond</u>	<u>316 Murray Rd</u>	<u>[Signature]</u>	<u>11-3-92</u>	<u>ERIC PEREZ</u>	<u>809 Moduloes</u>	<u>[Signature]</u>	<u>11-3-92</u>
<u>[Signature]</u>				<u>[Signature]</u>			

AFFIDAVIT OF CIRCULATOR:
 STATE OF FLORIDA
 COUNTY OF PALM BEACH

Before me the undersigned authority, personally appeared KATHLEEN G. JOHNSON* who, after being duly sworn, stated that he/she alone personally circulated this Petition and that it contains 28 signatures, all of which were made in his/her presence, and which he/she believes to be genuine signatures of the persons whose names they purport to be.

[Signature]
 Notary Public, State of Florida
 LYNDIA J. HARRIS
 Notary Public State of Florida
 My Commission Expires
 FEBRUARY 12, 1994

[Signature]
 Circulator's Signature
 11 & who is personally known
 to me

ARTICLE III. - EXECUTIVE

Sec. 3.01. - Mayor.

The chief executive officer and administrative head of the city shall be the mayor who shall be responsible for the proper administration and conduct of the executive work and affairs of the city. The mayor shall be a voting member of the city commission, only for the purpose of breaking a tie vote. The mayor shall be recognized by the courts for the purpose of serving civil process and by the governor for purposes of military law. The mayor may, with the consent of the city commission, take command of the police in case of public danger or emergency. The mayor shall, when directed to do so by the city commission, execute all instruments to which the city is a party, unless otherwise provided in this charter or by ordinance.

The mayor shall maintain an office in city hall and shall devote full time to the duties of that office. Except as specifically otherwise provided in this charter, the powers and duties of the mayor shall be to:

- (1) promote and encourage improvement of city government, encourage the economic growth of the city, and promote and develop the prosperity and social well-being of its people;
- (2) enforce the provisions of this charter, city ordinances, and all applicable laws;
- (3) direct and supervise the administration of all departments, divisions and agencies of the city government, except as otherwise provided by this charter or by law;
- (4) appoint and remove the mayor's staff who shall have such duties as the mayor shall determine;
- (5) appoint and remove the members of boards, committees and commissions, except as required by state law to be made by the city commission as the governing body of the city;
- (6) prepare the budget annually and submit it to the city commission for approval and to be responsible for its administration after adoption;
- (7) recommend to the city commission the pay scales for the city offices and employment for the ensuing fiscal year;
- (8) fix the salaries and wages of officers and employees of the city within the applicable scales established by the city commission;
- (9) prepare and submit to the city commission, promptly after and as of the end of each fiscal year, a complete report on the finances and administrative activities of the city for that year;
- (10) keep the city commission advised, in a timely manner, of the financial condition and of the future financial, administrative, and other needs of the city, and to make recommendations relative thereto;
- (11) timely provide such other information as the city commission may collectively or individually reasonably require concerning the operations of city departments, offices and agencies that are subject to the mayor's direction and supervision;
- (12) promulgate by executive order such administrative directives and decisions, as deemed necessary and proper, all of which executive orders of a formal, general and permanent nature shall be filed with the city clerk;
- (13) prepare the agenda for city commission meetings;
- (14) initiate investigations within the city and present the findings to the city commission.

(Ord. No. 2260-89, § 1, 2-21-1989; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

Sec. 3.02. - Mayor's veto power.

The mayor shall have the power to veto legislation within forty-eight (48) hours after the adjournment of any city commission meeting. Ordinances or resolutions vetoed by the mayor shall be considered by the city commission at its next regularly scheduled meeting, and at that meeting the city commission may pass the ordinance or resolution over the mayor's veto by four votes of the commission. The effective date of an ordinance passed over the mayor's veto shall not be less than fifteen (15) days after the final passage, which shall be considered to be the date on which the city commission originally passed the ordinance or resolution and it shall then become law.

Within forty-eight (48) hours of the adoption of an ordinance or resolution appropriating money for the use of city government, the mayor may disapprove all or a portion of an appropriation. Any appropriations disapproved or reduced shall be void to such disapproval or reduction unless restored to the ordinance or resolution by four votes of the city commission at its next regularly scheduled meeting.

The mayor shall not have the power to veto emergency ordinances or any enactments relating to emergency appropriations or emergency borrowing.

(Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

Sec. 3.03. - City administrator—Appointment, removal and qualifications.

The mayor shall appoint a city officer with the title city administrator. Such officer shall be chosen solely on the basis of executive and administrative qualifications and be subject to the immediate supervision of the mayor. The city administrator shall coordinate under the supervision of the mayor the activities of all administrative departments, divisions, and agencies, serve as special liaison between the mayor, the city commission and all departments, divisions, boards and commissions, and perform such administrative and executive duties as may from time to time be assigned by the mayor. The city administrator may be dismissed by the mayor, without the approval of the city commission. The salary of the city administrator shall be set by the city commission upon the recommendation of the mayor.

No city commissioner shall be eligible for appointment as city administrator during the term for which elected and until two (2) years after its expiration. When appointed, the city administrator need not be a resident of the city, but during tenure of office the city administrator shall reside within the city.

(Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

Sec. 3.04. - Department directors—Appointment and removal.

Except as otherwise provided in sec. 2.09, the mayor shall appoint and remove all department directors without consent and approval of the city commission. As used in the article, "director" means the administrative head of each department regardless of the title of a particular director.

(Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

Sec. 3.05. - Bond required of certain city officials.

The director of finance and the cash management coordinator, and such other officers and employees of the city as shall be designated by the city commission, shall give bond in such amount and in such corporate surety authorized to do business in Florida as the city commission shall approve. The city shall pay the premiums of such bonds.

(Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)