

TAB 1



City of Palmetto Agenda Item

Meeting Date

2/15/09

Presenter: Staff--Mark Barnebey and
Charter Review Committee

Department: City Attorney

Title: Charter Review Amendments

This item is being brought back for further comments/feedback from Commission. A summary of comments from the previous workshop are shown below:

Attorney Barnebey confirmed that in the definitions section, City would be identified as City of Palmetto.

Discussion ensued on the topic of a second vice mayor, and the suggestion that the past vice mayor become the second vice mayor. If not applicable, Commission could elect the second vice mayor. It was suggested that a newly elected official could be named as second vice mayor, which prompted comment that experience may be beneficial. It was further suggested that during election years, consideration will have to given to the election of a vice mayor. The topic will be referred back to the Charter Review Committee for further review.

Vacancy of the Mayor: Add language to secure the certainty that appointed officials' terms will expire December 31 with the then-appointing Mayor's term; no appointed officials' term can be extended beyond a departing Mayor's term.

Attorney Barnebey confirmed that appointed officials are designated in Section 2 of the Code of Ordinances. He further opined that the attorney is not an employee of the City.

General Election: Discussed the Commission appointing a person to fill a vacant commission seat vs. holding a special election to fill the seat. The topic was referred back to the committee to recommend a specific time during the term of a Commission seat when special election must be held. It was also recommended that language be added setting the procedures Commission must follow when making an appointment to fill a vacant Commission seat.

Attorney Barnebey was asked to define the Commission's organizational meeting.

Attorney Barnebey confirmed that if the Charter Review Committee is going to be asked to review the questions that have been raised by Commission, the committee will have to be reappointed.

Attorney Barnebey was asked for clarification language regarding an amendment of the Charter.

Budgeted Amount: \$0.00 **Budget Page No(s):** NA **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

NA

Funding Source(s): NA **Sufficient Funds Available:** ☐ Yes ☐ No **Budget Amendment Required:** ☐ Yes ☒ No **Source:**

City Attorney Reviewed: ☒ Yes ☐ No ☐ N/A **Advisory Board Recommendation:** ☒ For ☐ Against ☐ N/A **Consistent With:** ☐ Yes ☐ No ☐ N/A

Potential Motion/ Direction Requested:

Staff Contact: Mark Barnebey

Attachments: See attached charter

CHARTER

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- I. General Provisions §§ 1 - 6
- II. Legislative Branch §§ 7 - 14
- III. Executive Branch, §§ 15 - 19
- IV. Miscellaneous Provisions, §§ 20 - 27 30

I. GENERAL PROVISIONS

Section 1. Creation and powers.

The City of Palmetto in Manatee County, Florida, created under and by virtue of Chapter 11059, Laws of Florida, as Amended, 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 as set forth in Article VIII, Section 2, Florida Constitution, Chapter 166, Florida Statutes, and as otherwise provided by law.

Section 2. Headings.

The headings ascribed to each section of this charter should not be deemed a part thereof.

Section 3. Definitions.

As used herein, the following terms shall have the meaning set forth. All defined terms shall be in *italic type* when used herein:

Appointed Official means such unelected official of the City as shall be provided for by ordinance.

Elector means a person who is a registered voter as prescribed by general law, and is a Legal Resident of the City.

Legal Resident means a person who has established a permanent residence, as defined as that place where a person has his or her true, fixed and permanent home and principal establishment to which, whenever absent, he or she has the intention of returning, within the corporate limits of the City of Palmetto. A person may have only one permanent residence at one time and, once a permanent residence is established outside of the City, it is presumed to continue until the person shows that a change has occurred.

Majority Vote means greater than fifty percent (50%) of the Commissioners members present and voting.

Majority Vote of the Commission means three or more votes for or against the proposition.

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General Election means the statewide general election as defined by general law.

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Section 4. Form of Government, two branches.

The government of the City shall consist of a Legislative Branch comprised of five elected Commissioners and an Executive Branch consisting of an elected Mayor and such subordinate Appointed Officials as shall be provided for by ordinance of the City. All elected officials shall be Electors of this City. All officials shall perform such duties and receive such compensation as may be prescribed by this Charter and ordinances of the City.

Section 5. Boundaries.

The corporate limits of the City of Palmetto shall be as set forth in the document entitled "Boundaries of the City of Palmetto" which shall be on file at City Hall and which may be amended from time to time to reflect annexations and contractions of the corporate limits.

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Section 6. Wards.

The City Commission shall, by ordinance, divide the City into three (3) wards to be designated numerically. The City Commission shall at any time have the power to alter or adjust the boundaries of such wards by ordinance in accordance with applicable law, by Majority Vote of the Commission. The City Commission shall examine the need for such alterations or adjustments to ward boundaries at least once every ten (10) years after each decennial United States Census of Population.

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II. LEGISLATIVE BRANCH

Section 7. Legislative Power.

The legislative power of the City shall be solely vested in a City Commission of five elected members. The Commission shall have power to enact such ordinances, resolutions, and policies as it shall deem necessary to carry out the functions and services of the government enumerated in Section 1 of this Charter. The power of the Commission shall not extend to involvement in management of City operations, or any other power granted to the Executive Branch in Part III hereof, unless provided elsewhere in this Charter.

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Section 8. Commissioners.

Three of the five Commissioners shall be elected by the Electors residing within the boundaries of the wards established as provided herein. The two remaining Commissioners shall be elected at large by the Electors of the entire City.

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Section 9. Commissioner Qualifications; Assuming Office.

The three (3) ward Commissioners must each be an Elector and have been a Legal Resident of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the last day of qualifying for election to the office being sought and have been a Legal Resident of the ward from which they are to be elected for a minimum of one hundred and eighty (180) six-consecutive months days immediately prior to the last day of qualifying for election to the office sought. The two at-large Commissioners must each be an Elector and have been a Legal Resident of the City for a minimum of three hundred and sixty-five (365) consecutive months days immediately prior to the last day of qualifying for election to the office sought. Commissioners shall assume office on the date of the first Commission meeting following their election and shall continue to be a Legal Resident and Elector of the City during their term of office.

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Section 10. Vice-Mayor.

At each Organizational Meeting of the Commission, as referenced in Section 11 herein, the Commission shall elect, by Majority Vote of the Commission, one Commissioner to serve as Vice-Mayor, who shall serve a term of one year. The Commission may elect a new Commissioner to serve as Vice-Mayor at any time upon an affirmative vote of four members of the Commission. If the Vice-Mayor seat becomes vacant, as defined in Section 12 below, a substitute shall be elected by Majority Vote of the Commission, who shall serve the remainder of that term. The Vice-Mayor shall perform the duties of and have the powers of Mayor during the temporary absence or temporary disability of the Mayor. While performing the temporary duties of acting Mayor, the Vice-Mayor shall retain the right to vote as a Commissioner.

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Section 11. Commission Meetings; Quorum; Majority Vote.

The City Commission shall hold such regular meetings and special meetings as the Mayor, Vice-Mayor (when acting as Mayor), or the City Commission, by Majority Vote, may call. The presence of three Commissioners shall constitute a quorum for purposes of conducting City business at all Commission meetings. At the first regular meeting of the Commission after the General Election, or the second regular meeting in November in years where no General Election is held, the Commission shall hold an Organization Meeting for the purposes described in this Charter. Unless limited elsewhere herein, all ordinances, resolutions, policy statements and other acts of the Commission shall be approved by Majority Vote.

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Section 12. Commission Members; Vacancies; Replacement.

The office of a Commissioner member shall become vacant upon the Commissioner's death, permanent incapacity, resignation, permanent entry upon the office of Mayor, removal from office in any manner authorized by law, or forfeiture of the office. A vacancy shall also occur in the event no candidate seeks election for office. Forfeiture of office shall occur upon declaration by Majority Vote of the Commission, if a Commissioner; (a) lacks at any time, during the Commissioner's term of office, any qualification for the office as prescribed in this

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Charter or by law; or (b) shall be absent for more than six consecutive regular Commission meetings without the Mayor having been notified. In the absence of such notification, the Commission shall inquire into the absence of the Commissioner prior to considering any motion on forfeiture of office.

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As soon as practicable upon the occurrence of a vacancy, the Commission, by Majority Vote of the Commission, shall choose a successor to serve the remainder of such vacant term, or until the first Commission meeting following the next *General Election*, which ever shall first occur. If the vacant term extends beyond the next *General Election*, the remainder of such term shall be filled by a person elected in such election, provided, if the vacancy occurs thirty days or fewer before the first date of qualifying for such election, the appointed successor's term shall continue to its end.

In the event no candidate seeks election to fill the vacancy, such Commission seat shall be filled by appointment by a Majority Vote of the Commission in the manner set forth above.

If a vacancy occurs in the office of a Commissioner ~~member~~ of a ward, the City Commission shall appoint as successor a person who is an Elector and who has been a Legal Resident of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred and who has been a Legal Resident of the ward from which they are to be appointed for a minimum of one hundred and eighty (180) consecutive days immediately prior to the date the vacancy occurred. ~~resides in that ward.~~ If a vacancy occurs in the office of an at-large ~~Commissioner member~~, the Commission shall appoint as successor a person who is an Elector and who has been a Legal Resident of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred. ~~resides anywhere within the boundaries of the City. Such successor shall be an elector and have been a legal resident of the City or ward in question for six consecutive months prior to the date the vacancy occurred.~~

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Section 13. Mayor to Preside Over Commission Meetings.

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The Mayor shall ~~not be a member of the City Commission, but the Mayor shall~~ preside at meetings of the Commission and shall have the right to take part in discussions of the Commission. The Mayor shall not have any authority to make or to second a motion, or to vote on any motion. The Mayor shall have the authority to veto any ordinance or resolution of the Commission, in accordance with the veto provisions set forth in this Charter.

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Section 14. Ordinances; Mayor Veto.

Except as set forth elsewhere herein, all ordinances and resolutions enacted by the Commission shall be enacted in accordance with the procedures required by Florida law and approval of the Commission by Majority Vote of the Commission. Before going into effect, such ordinances and resolutions shall be submitted to the Mayor for signature. If the Mayor signs the ordinance or resolution, then it shall become effective according to its terms. If the Mayor disapproves the ordinance or resolution, the Mayor shall veto it, post any objections in writing at

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City Hall and present any objections to each member of the Commission in writing at least five (5) calendar days prior to the next regular meeting of the Commission which is at least ten (10) calendar days after the adoption of the ordinance or resolution. The Commission shall cause the Mayor's objections to be entered in full upon the record of such meeting and shall proceed at such meeting to vote upon the vetoed ordinance or resolution. If the City Commission shall pass said ordinance or resolution by four (4) or more votes, the ordinance or resolution shall become effective according to its terms. Any ordinance or resolution which is not signed or vetoed by the Mayor prior to the next regular meeting of the Commission, shall become effective according to its terms.

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III. EXECUTIVE BRANCH

Section 15. Executive Power.

The executive power of the City shall be vested in the Mayor and such subordinate officials as the Mayor, shall appoint, as provided herein, who will faithfully execute the ordinances, resolutions, and policies of the City. The executive power shall extend to management of the day-to-day operations of the City.

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Section 16. Mayor - Powers and Duties.

The Mayor shall have direct supervision over all Appointed Officials of the City and the manner of conducting all City business, except as otherwise provided by this Charter, or by law. The Mayor shall be responsible for the proper administration of the City government and all City affairs as provided by or under this Charter or by ordinance or resolution of the City Commission. The Mayor shall:

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- (a) See that all laws, provisions of this Charter and acts of the City Commission, are faithfully executed;
- (b) Sign contracts on behalf of the City pursuant to the provisions of ordinance and as authorized by such ordinances and resolutions or acts as may be enacted or approved by the City Commission; and
- (c) Have the power to bid on all property for the City at any and all judicial sales under process of law where the City is a party, up to an amount equal to the maximum amount owed to the City or to such other amount as may be authorized by the City Commission.

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The Mayor shall have the power to appoint members of all boards, commissions and committees of the City, unless otherwise provided by law or City ordinance, and subject to approval of Majority Vote of the Commission. No Mayoral appointment to any board, commission, or committee shall extend beyond a term of two years.

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Section 17. Appointed Officers - Appointment and Removal.

The Mayor shall nominate all Aappointed Oeofficials of the City. If such official is nominated for a one (1) year term, the Commission shall approve the nomination by Mmajority Vvote of the Commission. If the term for such officer is more than one (1) year, the Commission shall approve the appointment by four (4) or more votes. No term of appointment for an Appointed Official shall extend beyond December 31st following a General Election for the Mayor's office. The Mayor may suspend or remove Aappointed Oeofficials, subject to Mmajority Vvote of the Commission, unless prevented by law or this Charter. The City Commission may suspend or remove Aappointed Oeofficials, by its own motion adopted by four (4) or more Commission members. Commissioners shall be entitled to request and receive information from all Appointed Officials as may be necessary to conduct the duties of their office.

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18. Mayor Qualifications.

The Mayor must be an Elector and have been a Llegal Resident of the City for a minimum of three hundred sixty-five (365) consecutive days, immediately prior to the last day of qualifying for election to the office. The Mayor shall continue to be a Legal Resident and an Elector of the City during the term of office.

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19. Vacancy of Mayor.

In the event that the Mayor becomes permanently unable to perform the duties of Mayor, as confirmed by Majority Vote of the Commission, dies, resigns, the .. of Mayor, , ceases to be qualified as provided by law, or is removed from office following the issuance of a removal order by the Governor, the Vice-Mayor shall become Mayor at the next regular meeting of Commission which is at least ten (10) calendar days after the vacancy in the office occurs, unless the Vice-Mayor declines the office of Mayor. In the event the Vice-Mayor declines the office of Mayor, the Commission shall elect a Mayor by Majority Vote of the Commission from the Commission membership. In the event that the Vice-Mayor and all of the Commissioners decline to serve as Mayor, the Commission may elect, by Majority Vote of the Commission, a resident to serve as Mayor until , or a successor is elected, with such resident being an Elector and having been a Legal Resident of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred. Upon becoming Mayor, that person shall not be a City Commissioner under the provisions of this Charter. If one hundred eighty (180) days or more remain in the then-current term of the Mayor, the City Commission shall call a special election to fill the office of Mayor for the unexpired portion of the term, and such election shall be held and completed as soon as practicable following the occurrence of the vacancy.

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IV. MISCELLANEOUS PROVISIONS

Section 20. Elections.

Unless otherwise provided by law or in this Charter, the election of officials under this Charter shall be held at the General Election during each even numbered year to fill the

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vacancies that will occur upon the convening of the next regularly scheduled meeting of the Commission.

Elections shall be held and the result determined in accordance with the ordinances of the City of Palmetto, ~~or as otherwise provided by law.~~ All voting shall be by ballot. All ~~Legal Residents of the City~~ who possess the qualifications requisite of an *elector* at general state elections, and who have been duly registered in the manner provided by general law, shall be deemed legal voters at any election of this City.

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Any City employee who qualifies to run for office of the Mayor or City Commission shall be placed on unpaid leave of absence until the day after the election provided, however, the employee may utilize any unused vacation days before being placed on the unpaid leave of absence. If the employee is unopposed for the office as of the last day to qualify for election to that office, then the employee may return to work on the day following the last day to qualify for the office.

Section 21. Terms of Office; Elections; Oath of Office.

Each Commissioner and the Mayor shall be elected for a term of four (4) years, ~~except as may be provided in this Charter.~~ All elected officials of the City shall hold office until their successor are elected and qualified, except as otherwise provided for under this Charter. The election of ~~the Mayor and the~~ Commissioners shall be staggered such that the ~~Mayor and the~~ At-Large Commissioners are not elected in the same *General Election* as the Ward Commissioners. ~~The election of the Mayor and At-Large Commissioners shall be held concurrently with General Election for the United States Presidential Election.~~ *General Elections* shall be held concurrent with statewide *General Elections*.

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Unless otherwise provided in this Charter, each elected official shall assume ~~the~~ his duties of office at the first regularly scheduled meeting of the Commission following the *General Election* in which he ~~the official~~ is elected.

Each elected official, before entering upon office, shall take and subscribe to the following oath or affirmation:

I, _____, do solemnly swear/affirm that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida and of the City of Palmetto; that I am qualified to hold office under the Constitution and laws of the State of Florida, and under the Charter and Ordinances of the City of Palmetto; that I will well and faithfully perform at all times the duties of the office of City Commissioner/Mayor on which I am now about to enter, so help me God.

Section 22. Recall.

The *Electors* of the City shall have the power to recall and remove from office, any elected official of the City, pursuant to the procedures ~~prescribed by law.~~

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Section 23. Amendment; Referendum.

A referendum shall be authorized whenever there shall be presented to the City Commission a petition signed by ten percent (10%) of the registered *Electors*, of the City as of the last *General Election of the City*, proposing an amendment to this Charter, or to any ordinance or resolution of the City. Such petition shall clearly set forth in full the proposed amendment, and the amendment shall be limited to a single subject. Upon receipt of a petition meeting the requirements of this Charter and of general law, the proposed amendment shall be submitted to a vote of the *Electors* of the City at the next *General Election*. The simple majority of the votes cast at such election shall be sufficient for passage of the amendment submitted to referendum. The City Commission may amend this Charter by ordinance or referendum, as provided by general law. Any presented pursuant to this petition shall be limited to a single issue as set forth in Article XI, Section 3 of the Florida Constitution.

Section 24. Preservation of Rights, Ordinances, Pending Matters, Repeater Effect Upon Existing Rights and Ordinances.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force, unless amended as provided herein.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.

All ordinances and parts of ordinances and resolutions in conflict with this Charter are hereby repealed to the extent of such conflict.

Section 25. Interpretation.

Any doubt that may arise in the construction of this Charter or any ordinance hereafter passed by the City Commission shall be construed and applied in the manner most favorable to the City. Any ordinance hereafter passed shall be consistent with this Charter and, to the extent of any inconsistency, this Charter shall control.

In the event any section, or part of a section of this Charter shall be declared illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other or the remainder of the sections of this Charter.

26. Charter Review.

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¶ The elected officials of the City of Palmetto in office on the effective date hereof shall hold their respective offices and perform all the functions thereunder until their successors are elected and qualified as provided by this Charter. The appointed officers in office on the effective date hereof of the City shall hold their respective offices until removed as provided herein or on the expiration of the term of the appoi... [1]

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This Charter shall be referred to a Charter Review Committee for review upon the occurrence of one of the following:

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- Passage of five years from the date of the most recent amendment to this Charter;
- Resolution of the City Commission; or
- Referendum pursuant to Section 23 of this Charter.

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Section 27. Effective Date.

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This Charter shall take effect on November 3, 2010.
(Ord. No. 04-810, § 1, 6-21-04)

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Section 25. Transitional Period.

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(Ord. No. 04-810, § 1, 6-21-04)

Section 26. Transitional Elections.

For purposes of implementation of the four year terms and staggered election dates provided for herein, the following shall govern the terms and timing of elections in 2004 and 2005. This provision provides that terms of office in existence when this Charter becomes effective will not be shortened, and those affected new terms will be shortened accordingly. This provision will cease to have any effect when its provisions have been implemented.

- (1) Current terms expiry dates:

Mayor: January 3, 2005
At-Large 1: January 3, 2005
At-Large 2: January 3, 2005
Ward 1: January 2, 2006
Ward 2: January 2, 2006
Ward 3: January 2, 2006

- (2) Notwithstanding Section 21, the new term for the following offices begins when current term expires and ends on date of the first regularly scheduled commission meeting following the *General Election* in 2008, the expected date of which is set forth below, which meeting date may be changed by ordinance.

November 2, 2004 - *General Election*:

- Mayor: Term begins January 3, 2005 - November 17, 2008.
- At Large 1: Term begins January 3, 2005 - November 17, 2008.
- At Large 2: Term begins January 3, 2005 - November 17, 2008.

- (3) Notwithstanding Section 21, the new term for the following offices begins when current term expires, but the new term of these offices will extend beyond the expiration date established by this Charter for an additional approximate year to bring the terms in synchronization with terms and election dates established herein. New terms shall end on the date of first regular Commission meeting following the *General Election* in 2010, the expected date of which is set forth below, which meeting date may be changed by ordinance.

November 8, 2005 - *General Election*:

- Ward 1: Term begins January 2, 2006 - November 15, 2010.
- Ward 2: Term begins January 2, 2006 - November 15, 2010.
- Ward 3: Term begins January 2, 2006 - November 15, 2010.

(Ord. No. 04-810, § 1, 6-21-04)

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Lera Castleman

11/24/2009 8:11:00 AM

(Ord. No. 04-810, § 1, 6-21-04)

Section 28. Charter Review.

The City Commission shall have the power, by resolution, to delete any section of this Charter, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

(Ord. No. 04-810, § 1, 6-21-04)

CHARTER

- I. General Provisions §§ 1 - 6
- II. Legislative Branch §§ 7 - 14
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I. GENERAL PROVISIONS

Section 1. Creation and powers.

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The government of the City shall consist of a Legislative Branch comprised of five elected Commissioners and an Executive Branch consisting of an elected Mayor and such subordinate *Appointed Officials* as shall be provided for by ordinance of the City. All elected officials shall be *Electors* of this City. All officials shall perform such duties and receive such compensation as may be prescribed by this Charter and ordinances of the City.

Section 5. Boundaries.

The corporate limits of the City of Palmetto shall be as set forth in the document entitled "Boundaries of the City of Palmetto" which shall be on file at City Hall and which may be amended from time to time to reflect annexations and contractions of the corporate limits.

Section 6. Wards.

The City Commission shall, by ordinance, divide the City into three (3) wards to be designated numerically. The City Commission shall at any time have the power to alter or adjust the boundaries of such wards by ordinance in accordance with applicable law, by *Majority Vote of the Commission*. The City Commission shall examine the need for such alterations or adjustments to ward boundaries at least once every ten (10) years after each decennial United States Census of Population.

II. LEGISLATIVE BRANCH

Section 7. Legislative Power.

The legislative power of the City shall be solely vested in a City Commission of five elected members. The Commission shall have power to enact such ordinances, resolutions, and policies as it shall deem necessary to carry out the functions and services of the government enumerated in Section 1 of this Charter. The power of the Commission shall not extend to involvement in management of City operations, or any other power granted to the Executive Branch in Part III hereof, unless provided elsewhere in this Charter.

Section 8. Commissioners.

Three of the five Commissioners shall be elected by the *Electors* residing within the boundaries of the wards established as provided herein. The two remaining Commissioners shall be elected at large by the *Electors* of the entire City.

Section 9. Commissioner Qualifications; Assuming Office.

The three (3) ward Commissioners must each be an *Elector* and have been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the last day of qualifying for election to the office being sought and have been a *Legal Resident* of the ward from which they are to be elected for a minimum of one hundred and eighty (180) consecutive days immediately prior to the last day of qualifying for election to the office sought. The two at-large Commissioners must each be an *Elector* and have been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the last day of qualifying for election to the office sought. Commissioners shall assume office on the date of the first Commission meeting following their election and shall continue to be a *Legal Resident* and *Elector* of the City during their term of office.

Section 10. Vice-Mayor.

At each Organizational Meeting of the Commission, as referenced in Section 11 herein, the Commission shall elect, by *Majority Vote of the Commission*, one Commissioner to serve as Vice-Mayor, who shall serve a term of one year. The Commission may elect a new Commissioner to serve as Vice-Mayor at any time upon an affirmative vote of four members of the Commission. If the Vice-Mayor seat becomes vacant, as defined in Section 12 below, a substitute shall be elected by *Majority Vote of the Commission*, who shall serve the remainder of that term. The Vice-Mayor shall perform the duties of and have the powers of Mayor during the temporary absence or temporary disability of the Mayor. While performing the temporary duties of acting Mayor, the Vice-Mayor shall retain the right to vote as a Commissioner.

Section 11. Commission Meetings; Quorum; Majority Vote.

The City Commission shall hold such regular meetings and special meetings as the Mayor, Vice-Mayor (when acting as Mayor), or the City Commission, by *Majority Vote*, may call. The presence of three Commissioners shall constitute a quorum for purposes of conducting City business at all Commission meetings. At the first regular meeting of the Commission after the *General Election*, or the second regular meeting in November in years where no *General Election* is held, the Commission shall hold an Organization Meeting for the purposes described in this Charter. Unless limited elsewhere herein, all ordinances, resolutions, policy statements and other acts of the Commission shall be approved by *Majority Vote*.

Section 12. Commission Members; Vacancies; Replacement.

The office of a Commissioner shall become vacant upon the Commissioner's death, permanent incapacity, resignation, permanent entry upon the office of Mayor, removal from office in any manner authorized by law, or forfeiture of the office. A vacancy shall also occur in the event no candidate seeks election for office. Forfeiture of office shall occur upon declaration by *Majority Vote of the Commission*, if a Commissioner: (a) lacks at any time, during the Commissioner's term of office, any qualification for the office as prescribed in this Charter or by

law; or (b) shall be absent for more than six consecutive regular Commission meetings without the Mayor having been notified. In the absence of such notification, the Commission shall inquire into the absence of the Commissioner prior to considering any motion on forfeiture of office.

As soon as practicable upon the occurrence of a vacancy, the Commission, by *Majority Vote of the Commission*, shall choose a successor to serve the remainder of such vacant term, or until the first Commission meeting following the next *General Election*, which ever shall first occur. If the vacant term extends beyond the next *General Election*, the remainder of such term shall be filled by a person elected in such election, provided, if the vacancy occurs thirty days or fewer before the first date of qualifying for such election, the appointed successor's term shall continue to its end.

In the event no candidate seeks election to fill the vacancy, such Commission seat shall be filled by appointment by a *Majority Vote of the Commission* in the manner set forth above.

If a vacancy occurs in the office of a Commissioner of a ward, the City Commission shall appoint as successor a person who is an *Elector* and who has been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred and who has been a *Legal Resident* of the ward from which they are to be appointed for a minimum of one hundred and eighty (180) consecutive days immediately prior to the date the vacancy occurred. If a vacancy occurs in the office of an at-large Commissioner, the Commission shall appoint as successor a person who is an *Elector* and who has been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred.

Section 13. Mayor to Preside Over Commission Meetings.

The Mayor shall not be a member of the City Commission, but the Mayor shall preside at meetings of the Commission and shall have the right to take part in discussions of the Commission. The Mayor shall not have any authority to make or to second a motion, or to vote on any motion. The Mayor shall have the authority to veto any ordinance or resolution of the Commission, in accordance with the veto provisions set forth in this Charter.

Section 14. Ordinances; Mayor Veto.

Except as set forth elsewhere herein, all ordinances and resolutions enacted by the Commission shall be enacted in accordance with the procedures required by Florida law and approval of the Commission by *Majority Vote*. Before going into effect, such ordinances and resolutions shall be submitted to the Mayor for signature. If the Mayor signs the ordinance or resolution, then it shall become effective according to its terms. If the Mayor disapproves the ordinance or resolution, the Mayor shall veto it post any objections in writing at City Hall and present any objections to each member of the Commission in writing at least five (5) calendar days prior to the next regular meeting of the Commission which is at least ten (10) calendar days after the adoption of the ordinance or resolution. The Commission shall cause the Mayor's

objections to be entered in full upon the record of such meeting and shall proceed at such meeting to vote upon the vetoed ordinance or resolution. If the City Commission shall pass said ordinance or resolution by four (4) or more votes, the ordinance or resolution shall become effective according to its terms. Any ordinance or resolution which is not signed or vetoed by the Mayor prior to the next regular meeting of the Commission, shall become effective according to its terms.

III. EXECUTIVE BRANCH

Section 15. Executive Power.

The executive power of the City shall be vested in the Mayor and such subordinate officials as the Mayor shall appoint, as provided herein, who will faithfully execute the ordinances, resolutions, and policies of the City. The executive power shall extend to management of the day-to-day operations of the City.

Section 16. Mayor - Powers and Duties.

The Mayor shall have direct supervision over all *Appointed Officials* of the City and the manner of conducting all City business, except as otherwise provided by this Charter, or by law. The Mayor shall be responsible for the proper administration of the City government and all City affairs as provided by or under this Charter or by ordinance or resolution of the City Commission. The Mayor shall:

- (a) See that all laws, provisions of this Charter and acts of the City Commission, are faithfully executed;
- (b) Sign contracts on behalf of the City pursuant to the provisions of ordinance and as authorized by such ordinances and resolutions or acts as may be enacted or approved by the City Commission; and
- (c) Have the power to bid on all property for the City at any and all judicial sales under process of law where the City is a party, up to an amount equal to the maximum amount owed to the City or to such other amount as may be authorized by the City Commission.

The Mayor shall have the power to appoint members of all boards, commissions and committees of the City, unless otherwise provided by law or City ordinance, and subject to approval of *Majority Vote of the Commission*. No Mayoral appointment to any board, commission, or committee shall extend beyond a term of two years.

Section 17. Appointed Officers - Appointment and Removal.

The Mayor shall nominate all *Appointed Officials* of the City. If such official is nominated for a one (1) year term, the Commission shall approve the nomination by *Majority*

Vote of the Commission. If the term for such officer is more than one (1) year, the Commission shall approve the appointment by four (4) or more votes. No term of appointment for an *Appointed Official* shall extend beyond December 31st following a *General Election* for the Mayor's office. The Mayor may suspend or remove *Appointed Officials*, subject to *Majority Vote of the Commission*, unless prevented by law or this Charter. The City Commission may suspend or remove *Appointed Officials* by its own motion adopted by four (4) or more Commission members. Commissioners shall be entitled to request and receive information from all *Appointed Officials* as may be necessary to conduct the duties of their office.

18. Mayor Qualifications.

The Mayor must be an *Elector* and have been a *Legal Resident* of the City for a minimum of three hundred sixty-five (365) consecutive days immediately prior to the last day of qualifying for election to the office. The Mayor shall continue to be a *Legal Resident* and an *Elector* of the City during the term of office.

19. Vacancy of Mayor.

In the event that the Mayor becomes permanently unable to perform the duties of Mayor, as confirmed by *Majority Vote of the Commission*, dies, resigns, ceases to be qualified as provided by law, or is removed from office following the issuance of a removal order by the Governor, the Vice-Mayor shall become Mayor at the next regular meeting of Commission which is at least ten (10) calendar days after the vacancy in the office occurs, unless the Vice-Mayor declines the office of Mayor. In the event the Vice-Mayor declines the office of Mayor, the Commission shall elect a Mayor by *Majority Vote of the Commission* from the Commission membership. In the event that the Vice-Mayor and all of the Commissioners decline to serve as Mayor, the Commission may elect, by *Majority Vote of the Commission*, a resident to serve as Mayor until a successor is elected, with such resident being an *Elector* and having been a *Legal Resident* of the City for a minimum of three hundred and sixty-five (365) consecutive days immediately prior to the date the vacancy occurred. Upon becoming Mayor, that person shall not be a City Commissioner under the provisions of this Charter. If one hundred eighty (180) days or more remain in the then-current term of the Mayor, the City Commission shall call a special election to fill the office of Mayor for the unexpired portion of the term, and such election shall be held and completed as soon as practicable following the occurrence of the vacancy.

IV. MISCELLANEOUS PROVISIONS

Section 20. Elections.

Unless otherwise provided by law or in this Charter, the election of officials under this Charter shall be held at the *General Election* during each even numbered year to fill the vacancies that will occur upon the convening of the next regularly scheduled meeting of the Commission.

Elections shall be held and the result determined in accordance with the ordinances of the City of Palmetto, or as otherwise provided by law. All voting shall be by ballot. All *Legal Residents* of the City who possess the qualifications requisite of an *Elector* at general state elections, and who have been duly registered in the manner provided by general law, shall be deemed legal voters at any election of this City.

Any City employee who qualifies to run for office of the Mayor or City Commission shall be placed on unpaid leave of absence until the day after the election provided, however, the employee may utilize any unused vacation days before being placed on the unpaid leave of absence. If the employee is unopposed for the office as of the last day to qualify for election to that office, then the employee may return to work on the day following the last day to qualify for the office.

Section 21. Terms of Office; Elections; Oath of Office.

Each Commissioner and the Mayor shall be elected for a term of four (4) years, except as may be provided in this Charter. All elected officials of the City shall hold office until their successor are elected and qualified, except as otherwise provided for under this Charter. The election of the Mayor and the Commissioners shall be staggered such that the Mayor and the At-Large Commissioners are not elected in the same *General Election* as the Ward Commissioners. The election of the Mayor and At-Large Commissioners shall be held concurrently with *General Election* for the United States Presidential Election. *General Elections* shall be held concurrent with statewide *General Elections*.

Unless otherwise provided in this Charter, each elected official shall assume the duties of office at the first regularly scheduled meeting of the Commission following the *General Election* in which the official is elected.

Each elected official, before entering upon office, shall take and subscribe to the following oath or affirmation:

I, _____, do solemnly swear/affirm that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida and of the City of Palmetto; that I am qualified to hold office under the Constitution and laws of the State of Florida, and under the Charter and Ordinances of the City of Palmetto; that I will well and faithfully perform at all times the duties of the office of City Commissioner/Mayor on which I am now about to enter, so help me God.

Section 22. Recall.

The *Electors* of the City shall have the power to recall and remove from office, any elected official of the City, pursuant to the procedures prescribed by law.

Section 23. Amendment; Referendum.

A referendum shall be authorized whenever there shall be presented to the City Commission a petition signed by ten percent (10%) of the registered *Electors* of the City as of the last *General Election of the City*, proposing an amendment to this Charter, or to any ordinance or resolution of the City. Such petition shall clearly set forth in full the proposed amendment, and the amendment shall be limited to a single subject. Upon receipt of a petition meeting the requirements of this Charter and of general law, the proposed amendment shall be submitted to a vote of the *Electors* of the City at the next *General Election*. The simple majority of the votes cast at such election shall be sufficient for passage of the amendment submitted to referendum. The City Commission may amend this Charter by ordinance or referendum, as provided by general law.

Section 24. Effect Upon Existing Rights and Ordinances.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force unless amended as provided herein.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.

All ordinances and parts of ordinances and resolutions in conflict with this Charter are hereby repealed to the extent of such conflict.

Section 25. Interpretation.

Any doubt that may arise in the construction of this Charter or any ordinance hereafter passed by the City Commission shall be construed and applied in the manner most favorable to the City. Any ordinance hereafter passed shall be consistent with this Charter and, to the extent of any inconsistency, this Charter shall control.

In the event any section, or part of a section of this Charter shall be declared illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other or the remainder of the sections of this Charter.

26. Charter Review.

This Charter shall be referred to a Charter Review Committee for review upon the occurrence of one of the following:

- Passage of five years from the date of the most recent amendment to this Charter ;
- Resolution of the City Commission; or
- Referendum pursuant to Section 23 of this Charter.

Section 27. Effective Date.

This Charter shall take effect on November 3, 2010.

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