

TAB 17

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 the 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.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

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 (2) remaining Commissioners shall be elected at large by the *Electors* of the entire City.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

Section 9. Commissioner Qualifications; Assuming Office.

The three (3) ward Commissioners must each be an *Elector*. Additionally, the three (3) ward Commissioners shall each 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.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

Section 10. Vice-Mayor.

At each *Organizational Meeting* of the Commission, the Commission shall elect, by *Majority Vote of the Commission*, one Commissioner to serve as Vice-Mayor, who shall serve a term of one (1) 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 with the exception of the veto power pursuant to Section 14 below. While performing the temporary duties of acting Mayor, the Vice-Mayor shall retain the right to vote as a Commissioner.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

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 (3) Commissioners shall constitute a quorum for purposes of conducting City business at all Commission meetings. At the first regular meeting in January, the Commission shall hold an *Organizational 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*.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

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 (6) 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 (30) 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.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

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 Section 14 below.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

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 the ordinance or resolution and post any objections in writing at City Hall. The Mayor shall 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.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

III. EXECUTIVE BRANCH

Section 15. Executive Power.

The executive power of the City shall be vested in the Mayor and such subordinate Officers 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.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

Section 16. Mayor—Powers and Duties.

The Mayor shall have direct supervision over all *Appointed Officers* 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 (2) years.
(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

Section 17. Appointed Officers—Appointment and Removal.

The Mayor shall appoint all *Appointed Officers* of the City. If such officer is appointed for a term of one (1) year or shorter duration, the Commission shall confirm the appointment by *Majority Vote of the Commission*. If the term for such *Appointed Officer* is more than one (1) year, the Commission shall confirm the appointment by four (4) or more votes. If the person does not receive sufficient affirmative votes to be confirmed as provided herein, the person shall no longer be an *Appointed Officer* and Mayor shall appoint another person to serve as the *Appointed Officer* within sixty (60) days of the prior appointment. A person who is not confirmed by the Commission may not be reappointed to that position without approval of the Commission. No term of appointment for an *Appointed Officer* shall extend beyond the date of the first Organizational Meeting following a *General Election* for the Mayor's office. The Mayor may suspend or remove *Appointed Officers*, subject to approval of *Majority Vote of the Commission*, unless prevented by law or this Charter. The City Commission may suspend or remove *Appointed Officers* by its own motion adopted by four (4) or more votes of the Commission members. In all cases when less than five (5) Commissioners may be eligible to vote by law regarding the appointment, suspension or removal of an *Appointed Officer*, then such action may be taken by a *Majority Vote* of the Commission. Commissioners shall be entitled to request and receive information from all *Appointed Officers* as may be necessary to conduct the duties of their office.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)