

Charter Review Committee
City of Palmetto, Florida

Agenda

November 12, 2015—3:00 p.m.
(Organizational Meeting)

1. Welcome
2. Introductions
 - a. Eva Daniels
 - b. Phil Guercio
 - c. Ann Marshall
 - d. Vicki Moore
 - e. Wade Thompson
 - f. Rob Wilson
 - g. Alan Zirkelbach
3. Discussion of Charter Review Committee's Authority and Purpose
 - a. History of Prior Charter Review
 - b. Resolution Establishing Committee (Res. 2015-33)
 - c. Election of Chair and Vice-Chair
 - d. Process:
 - i. Review and Evaluation of the existing Charter
 - ii. Presentation of Charter revisions to Commission
 - e. Sunshine, Public Records, and Ethic Requirements
4. Discussion of Workplan
 - a. Frequency of Meetings
 - b. Place and Time of Meetings
 - c. Next Meeting
 - d. Input from Others and Public Comment
 - e. Legal Assistance
5. Overview of Present City Charter
6. Discussion of Potential Issues

If any person desires to appeal any decision of the City Commission, CRA Board, or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS §286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on forty-eight hours notice (FS §286.26). Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk by telephone at 941-723-4570, fax 941-723-4576 or e-mail jfreeman@palmettofl.org or afoley@palmettofl.org.

POSTED: October 28, 2015

CHARTER^[1]

Footnotes:

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Editor's note—Ord. No. 2010-10, § 1(Exh. A), adopted July 19, 2010 and passed at election held Nov. 8, 2010, repealed Charter sections 1—30 in their entirety and replaced them with new Charter sections 1—27. No substantive changes have been made, but obviously misspelled words have been corrected without notation. Future amendments to specific sections of the Charter shall be reflected in a history note in parentheses following the amended section. The former Charter was derived from Ord. No. 04-810, § 1 passed by the City Council on June 21, 2004.

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.

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

Section 2. - Headings.

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

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

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 Officer means such unelected officer of the City as shall be provided for by ordinance.

City means the City of Palmetto.

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 present and voting.

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

Organizational Meeting means the first regular meeting of the Commission, the first regular meeting in January. At such meeting the Commission may perform such business of the City as may be allowed by law including selection of Vice-Mayor and confirming Appointed Officers, as necessary, in addition to any duties required herein.

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

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

Section 4. - Form of Government, Two Branches.

The government of the City shall consist of a Legislative Branch comprised of five (5) 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 officers shall be *Electors* of this City. All officials and officers shall perform such duties and receive such compensation as may be prescribed by this Charter and ordinances of the City.

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

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.

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

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.

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

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)

Section 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.

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

Section 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.

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

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.

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

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 is 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 the Charter and Government 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.

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

Section 22. - Recall.

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

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

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.

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

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.

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

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.

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

Section 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 (5) 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.

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

Section 27. - Effective date.

This Charter shall take effect only upon approval of a majority of electors voting on the Charter and the certification of the election results.

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

CHARTER COMPARATIVE TABLE - LAWS OF FLORIDA

Listed below are the Laws of Florida included in the Charter.

Laws of Florida Chapter	Section	Section this Charter
7218(1915)		Previous Charter
11059(1925)	1—55	1—55
23459(1945)	1	48-a
63-1754	1	3
69-54		14—17

**CHARTER COMPARATIVE TABLE
ORDINANCES**

Contained herein are the ordinances which amend the basic Charter as derived from Laws of Florida Chapter 11059.

Ordinance Number	Date	Section	Section this Charter
666	11- 5-73	1	3
667	11- 5-73	1	3
46	5-15-78		3
194	10- 3-83		3
374	6-29-89	1, 2	3, 4
		3, 4	7, 8
		5	45

1992 Charter

Contained herein are the ordinances amending the new Charter adopted Dec. 21, 1992.

Ordinance Number	Date	Section	Section this Charter
486	12-21-92	1	1—21
488	4-19-93	3 Rpld	12, 13, 20—23, 47
489	4-19-93	2	3

2004 Charter

Contained herein are the ordinances amending the new Charter passed by council June 21, 2004 and passed at election August 31, 2004.

Ordinance Number	Date	Section	Section this Charter
04-810	6-21-04	1 Rpld	2—21
2010-10	7-19-10	Added 1(Exh. A)	2—30

2010 Charter

Contained herein are the ordinances amending the new Charter passed by council July 19, 2010 and passed at election November 8, 2010.

Ordinance Number	Date	Section	Section this Charter
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2010-10	7-19-10	1(Exh. A) Rpld	1—30
		Added	1—27