

CHARTER REVISION BOARD MEETING

City of Fort Lauderdale

101 NE 3rd Avenue, Tower 101

Suite 1100 – 11th Floor Conference Room

Fort Lauderdale, FL 33301

Thursday, January 02nd @ 5:30pm

AGENDA

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. CHARTER REVISION BOARD MEMO REVIEW
- IV. NEW CODE OF CONDUCT REVIEW
- V. CHARTER REVISION BOARD DISCUSSION
- VI. PUBLIC INPUT
- VII. ADJOURN

PURPOSE: ADVISE THE CITY COMMISSION ON THE PROPRIETY OF THE EXISTING CHARTER AND, FURTHER, TO MAKE SUCH SUGGESTIONS AND RECOMMENDATIONS TO PERFECT SAID CHARTER SO AS TO ESTABLISH A BETTER GOVERNMENT OF AND FOR THE CITY.

NOTE: TWO OR MORE CITY COMMISSIONERS AND/OR ADVISORY BOARD MEMBERS MAY BE PRESENT AT THIS MEETING. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, HE/SHE 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.

IF YOU DESIRE AUXILIARY SERVICES TO ASSIST IN VIEWING OR HEARING THE MEETINGS, OR READING MEETING AGENDAS AND MINUTES, PLEASE CONTACT THE CITY CLERK AT (954) 828-5002 AND ARRANGEMENTS WILL BE MADE TO PROVIDE THESE SERVICES.



CITY OF FORT LAUDERDALE
Charter Revision Board

TO: Charter Revision Board Members

FROM: Anthony Fajardo, Assistant City Manager

DATE: December 5, 2024

TITLE: Charter Revision Board – Work Program Summary

The purpose of this memo is to provide the Charter Revision Board (CRB) members with the following information:

- May 21st CRB recommendations to the City Commission
- A comparison between the CRB recommendations and those Charter sections identified in the City Attorney's Office memo (23-013) dated February 2, 2023
- A comparison between the CRB recommendations and those Charter sections identified in the City Attorney's Office conflict matrix
- Direction provided by the City Commission at the September 17, 2024 joint workshop related to:
 - Disposition of property
 - Public Outreach
 - Strong Mayor vs Council-Manager form of government
 - Contribution Limits
 - P3 Submittals
 - Election Cycles
 - Ballot Referendum
- Staff requests for Charter amendments

This memo was compiled through consultation with Richard Weiss and the City Attorney's Office (Paul Bangel).

May 21st CRB Recommendation:

At the joint workshop with the City Commission on May 21st, the CRB made recommendations to sections of the Charter (this information was also presented at the September 17th joint workshop). The recommendation consisted of the following sections of the Charter:

- Section 3.03 – Qualifications of Members; Forfeiture of Office
- Section 3.04 – Judge of Elections and Qualifications of Members

- Section 3.05 – Designation of Vice-Mayor
- Section 3.08 – Forfeiture of Office
- Section 3.09 – Organizational Meeting
- Section 3.10 – Special Meeting to Seat a New Member
- Section 3.15 – Meetings
- Section 4.05 – City Manager; Appointment; Qualifications; Compensation
- Section 8.01 – Sale of Personal Property
- Section 8.02 – Sale of City Property to Public Bodies
- Section 8.04 – Sale of Real Property to Private Parties
- Section 8.09 – Leases, License, Concessions, and Use Agreements for more than One Year and not more than Fifty Years
- Section 8.21 – Disposing of Park Property

To review the May 21st recommendations of the CRB please refer to Exhibit A.

City Attorney’s Office memo 23-013 (attached as Exhibit B):

On February 2, 2023, the City Attorney’s Office provided a memo identifying sections within the existing Charter that should be addressed through the efforts of the CRB. There are a total of 6 sections identified along with a recommendation to address Article 8, which once included raises the number of sections recommended for review to 27.

The work of the CRB and the existing recommendations from May 21st addressed a portion of the sections identified in the memo. There are currently 7 sections out of the 27 that have been addressed through the May 21st recommendations.

The remaining Sections to be reviewed from memo 23-013 are as follows:

- Section 3.12 – Special Meetings – How Called
- Section 4.06 – Acting City Manager Upon Resignation of or During Absence of Disability of City Manager
- Section 6.06 – City Commission Involvement Prohibited
- Section 7.16 – Election Tie Vote; Primary Election to Fill One Vacancy
- Section 8.03 – Acquiring Right-of-way for Purpose of Conveying Same to a Public Body.
- Section 8.05 – Leases for not More than One Year
- Section 8.06 – Leases at Bahia-Mar
- Section 8.07 – Leases with Governmental Entities or Agencies for Governmental Purposes
- Section 8.08 – Leases of Parking Spaces in Parking Facilities Owned or Operated by the City
- Section 8.10 – Fort Lauderdale Executive Airport (Prospect Field)
- Section 8.11 – Sale of Real Property at Fort Lauderdale Executive Airport (Prospect Field)
- Section 8.12 – Leases of Shops in Central Business District Parking Garage

- Section 8.13 – Leases to Civic and Charitable Organizations
- Section 8.14 – Form and Execution of Leases
- Section 8.15 – Granting Franchises
- Section 8.16 – Rates to be Charged
- Section 8.17 – Assignments of Grants
- Section 8.19 – Right of Regulation
- Section 8.20 – General Provisions
- Section 10.03 – Public Hearings and Public Notice

To review the comparison between the recommendations of the memo and the recommendations of the CRB, please refer to Exhibit C.

Conflict Matrix (attached as Exhibit D):

The City Attorney’s Office provided a summarized matrix identifying known conflicts between the existing Charter language and Federal, State, or County regulatory requirements. The matrix included 8 sections that should be addressed. However, the recommendations of the CRB from May 21st have addressed 4 sections.

The Conflict Matrix outlines the following Sections as having conflicts with other regulations:

Section	Conflict
<ul style="list-style-type: none"> • Section 3.04 – Judge of Elections and Qualifications of Members 	<ul style="list-style-type: none"> §7, Ch. 2012-253, Laws of Fla. §102.168(1), Fla. Stat.
<ul style="list-style-type: none"> • Section 3.10 – Special Meeting to Seat a New Member 	<ul style="list-style-type: none"> §7, Ch. 2012-253, Laws of Fla. §101.6952(5), Fla. Stat.
<ul style="list-style-type: none"> • Section 3.12 – Special Meetings – How Called 	<ul style="list-style-type: none"> §286.011, Fla. Stat. (Government in the Sunshine Law)
<ul style="list-style-type: none"> • Section 3.15 – Initiative; Petition for Proposed Ordinance 	<ul style="list-style-type: none"> §166.031, Fla. Stat.
<ul style="list-style-type: none"> • Section 3.17 – Commission Required to Take Action 	<ul style="list-style-type: none"> §166.041, Fla. Stat.
<ul style="list-style-type: none"> • Section 3.20 – Referendum Elections 	<ul style="list-style-type: none"> §163.3167, Fla. Stat.
<ul style="list-style-type: none"> • Section 4.07 – Assistants to the City Manager 	<ul style="list-style-type: none"> “Exempt” can be confused with “exempt” from the Fair Labor Standards Act (minimum wage/maximum hours).
<ul style="list-style-type: none"> • 10.03 – Public Hearings and Public 	<ul style="list-style-type: none"> §286.011(1), Fla. Stat. (Government in

As stated above, some of these sections have been addressed with the May 21st CRB recommendations to the City Commission. These include:

- Section 3.04 – Judge of Elections and Qualifications of Members
- Section 3.10 – Special Meetings to Seat a New Member
- Section 3.15 – Initiative; Petition for Proposed Ordinance
- Section 3.20 – Referendum Elections (this section is addressed through revisions to 3.15)

Please refer to Exhibit A to review the amended language related to the sections listed above.

Based on the work completed by the CRB the following 4 sections remain to be addressed.

- 3.12 – Special Meetings – How Called
- 3.17 – Commission Required to Take Action
- 4.07 – Assistants to the City Manager
- 10.03 – Public Hearings and Public Notice

Disposition of Public Lands:

At the joint workshop between the City Commission and the CRB on September 17, 2024, members of the City Commission indicated the CRB should continue to address appropriate sections of the Charter related to public lands and/or public property.

The recommendations of the CRB to the City Commission on May 21st included the following sections related to this topic:

- Section 8.01 – Sale of Personal Property
- Section 8.02 – Sale of City Property to Public Bodies
- Section 8.04 – Sale of Real Property to Private Parties
- Section 8.09 – Leases, License, Concessions, and Use Agreements for more than One Year and not more than Fifty Years
- Section 8.21 – Disposing of Park Property

Based on an updated analysis of the existing Charter language, the CRB may wish to address the following additional Charter sections:

- Section 3.20 – Referendum Elections
- Section 8.05 – Leases for not more than one year
- Section 8.06 – Leases at Bahia-Mar

- Section 8.08 – Leases of parking spaces in parking facilities owned or operated by the City
- Section 8.10 – Fort Lauderdale Executive Airport (Prospect Field)
- Section 8.11 – Sale of real property at Fort Lauderdale Executive Airport (Prospect Field)
- Section 8.13 – Leases to Civic and Charitable Organizations

Please refer to Exhibit E for existing language related to the sections outlined above.

Additional City Commission Direction:

At the September 17th joint workshop, the City Commission directed staff to do the following in conjunction with the CRB.

- Additional Public Outreach – Staff has met internally with the City’s Structural Innovation division of the Office of Management and Budget, as well as the City’s Strategic Communications office. The consensus from that meeting is to have a series of community outreach meetings that will allow for feedback and an opportunity to answer questions.
- Strong Mayor form of Government – The City Commission raised the question of changing the City’s current form of government from a council-manager model to a strong mayor model. As part of the public outreach, staff will raise this question to elicit feedback and try to gauge support for such an action.
- Contribution Limits – The City Commission asked that the CRB review Charter language related to contribution limitations and make recommendations to modify it based on recent regulatory changes. However, this issue is currently addressed by ordinance in Section 12-4 - Campaign contribution limits and prohibited contributions of the City’s Code of Ordinances.
- P3 Submittals – The City Commission asked that the CRB review Charter language related to P3 submittals. This may be something the CRB would want to address, however it is related to state statutes and could be addressed through ordinance amendments if needed. This would not preclude the ability to regulate any disposition of land through additional amendments to the existing Charter language or those recommendations provided by the CRB on May 21st.
- Election Cycles –The City Commission asked that the CRB review the current charter language to see if there is a recommendation to allow for a primary election and to stagger the terms. However, it should be noted that the special act for municipal elections in Broward County states that “Municipalities that have general elections in November of even-numbered calendar years shall not have primaries for such elections.” This topic is anticipated to be included in the public outreach effort by staff. The CRB may wish to hold off on addressing this issue until that outreach is completed and comments from the public can be considered.
- Ballot Referendum – The City Commission directed the CRB to develop a ballot referendum recommendation.

Staff Requests for Charter Amendment Considerations:

The Human Resources Department has requested the CRB consider amendments to address the following sections of the Charter.

- Sec. 6.01 – Amend to include positions reporting to the City Manager’s Office as being part of the non-Classified service
- Sec. 6.04(c)(2) – Remove #2 from the duties: “Review and consider additional personnel rules or amendments to existing rules that may be recommended for adoption and, approve or disapprove, by motion, these rules.”
- Sec. 6.05 – Removing the adoption of the personnel rules from this section.

Should the CRB consider these sections, as requested by Human Resources, staff can make a more detailed presentation to the CRB at an upcoming agenda and be available to answer any questions.

Attachments:

Exhibit A – May 21st Recommendations of the CRB

Exhibit B – City Attorney’s Office Memo 23-013

Exhibit C – Memo 23-013 and May 21st CRM Recommendation Comparison

Exhibit D – Conflict Matrix

Exhibit E – Disposition of Public Land – Existing Charter Language

Exhibit F – Summary of Charter Sections to be Reviewed

**CITY OF FORT LAUDERDALE
CHARTER REVISION BOARD REPORT TO THE CITY COMMISSION**

This report contains the first set of recommendations from the City of Fort Lauderdale Charter Revision Board (“Board”). When further recommendations have been developed, another report will be issued.

Since reconvening on February 2, 2023, the Board has met on thirteen occasions to review the Charter of the City of Fort Lauderdale, Florida, (“Charter”), and formulate recommendations to amend the Charter.¹ All meetings have been open to the public and public participation has been solicited at each meeting. The Board recommends that a special election be held in conjunction with the general election on November 5, 2024, for the City’s electorate to consider amending the Charter.

The Board recommends that the following Charter sections be amended as described. The proposed revisions are attached as exhibits, subject to further review and finalization by the City Attorney’s Office.

Section 3.03. Qualification of members; forfeiture of office.

The Board recommends that Section 3.03 be amended to clarify that candidates for mayor and city commissioner must:

- 1) Have resided continuously in the City as permanent residents for at least six months preceding qualification for office;
- 2) Be electors of the City at the time of qualification (The current charter requires that they be over the age of twenty-one); and
- 3) Not hold other elective office or be an officer or employee of the City at the time of filing their candidate oaths in accordance with Section 7.14 of the Charter.

In addition, with regard to candidates for city commissioner, it is recommended that the Charter be amended to require that the candidate shall have resided continuously as a permanent resident of the city commission district for which such candidate seeks office for at least six months immediately preceding the date of qualification for such office. However, in any year in which there has been a reestablishment (reapportionment) of city commission districts, a candidate whose permanent residence in the City is in a different

¹ The Board recognizes that its recommendations are nonbinding and that the City Commission has the sole discretion to determine which amendments, if any, it places on the ballot, the final wording of any amendments, and the timing of any election on Charter amendments. In addition, the Board recognizes that the City Commission may offer amendments on its own initiative. Charter amendments presented to the electorate shall only take effect if the majority of the qualified electors voting on the specific Charter amendment vote for its adoption.

district as a result of the reapportionment may seek office in the district of his or her permanent residence that results from the reapportionment notwithstanding the six-month residency requirement.

The Board's recommendation for Section 3.03 is set forth in Exhibit 1.

Section 3.04. - Judge of elections and qualifications of members.

Pursuant to Section 7 of Chapter 2012-253, Laws of Florida, (the "Special Act"), the Broward County Canvassing Board canvasses all municipal elections in Broward County. Inasmuch as judicial remedies exist for the potential challenges described in Section 3.04 (violation of the Charter or qualifications to hold office), the Board recommends that Section 3.04 be repealed.

The Board's recommendation repealing Section 3.04 is set forth in Exhibit 2.

Section 3.05. Designation of vice-mayor.

The Board recommends aligning the timing of the designation of Vice-Mayor with that of seating a new city commission following a regular municipal election, as outlined in Section 3.09. In addition, the Board recommends adding language to provide for redesignation of a Vice-Mayor in the event a Vice-Mayor does not complete his or her term of office.

The Board's recommendation for Section 3.05 is set forth in Exhibit 3.

Sec. 3.08. - Forfeiture of office.

The Board recommends deleting the sentence that provides for forfeiture of office in the event of a conviction for a felony in light of and recognizing the existing governor's statutory authority to suspend and remove municipal officers.

The Board's recommendation for Section 3.08 is set forth in Exhibit 4.

Section 3.09. - Organizational meeting.

The Board recommends that the organizational meeting of the Commission following a municipal election (regular or special), at which those elected take office, be on the date of the first regular city commission meeting after the certification of election results by the Broward County Canvassing Board. (See Section 3.13 regarding Regular Meetings.)

The Board's recommendation for Section 3.09 is set forth in Exhibit 5.

Section 3.10. - Special meeting to seat a new member.

The Board recommends the repeal of Section 3.10 if the Board's recommendation for Section 3.09 is approved by the electorate. Section 3.10 will be superfluous because Section 3.09 will prescribe the time of taking office for officials elected at a special election.

The Board's recommendation for Section 3.10 is set forth in Exhibit 6.

Section 3.13. - ~~Meetings place; meetings to be public.~~

The Board recommends amending Section 3.13 to provide for:

- 1) The holding of City Commission meetings on the first and third Tuesdays of each month or on the succeeding Wednesday in the event of a legal holiday;
- 2) Rescheduling meeting dates;
- 3) Calling special meetings by resolution;
- 4) The agenda to be established by the city manager; and
- 5) To provide for the City Commission, by ordinance, to prescribe rules of parliamentary procedure and identify a parliamentarian.

The Board's recommendation for Section 3.13 is set forth in Exhibit 7.

Section 3.15. – Initiative and referendum; petition for proposed ordinance.

The Board recommends restating Section 3.15 almost in its entirety, related to the initiative and referendum process. The proposal excludes budgeting, salaries, taxes, and zoning from the initiative process. The recommended procedure for both initiatives and referenda is as follows:

1. Proceedings may be commenced by a minimum of ten electors who file an affidavit with the city clerk stating that they will constitute the petitioners' committee ("Committee"), rather than the current requirement of a committee of not less than one thousand electors to initiate the process.
2. The Committee submits its proposal to the city attorney on a form provided by the city.
3. The city attorney has thirty days to find that the proposal is legally sufficient or insufficient.
4. The Committee has thirty days to resubmit the proposal in response to a finding of legal insufficiency.

5. Petitions must be signed by at least one percent of the total number of electors registered to vote at the last regular city election.

6. Signed petitions are submitted to the Supervisor of Elections for verification.

7. Upon receipt of a certificate issued by the Supervisor of Elections that the petition is sufficient, the City Commission considers the petition.

8. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five days or fails to repeal the referred ordinance within thirty days, it shall submit the proposed or referred ordinance to the electors of the city.

9. The vote of the electorate is held in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.

10. If a majority of the qualified electors voting on a proposed initiative ordinance or on a referred ordinance vote in favor of the measure, it is considered adopted upon certification of the election results.

The Board's recommendation for Section 3.15 is set forth in Exhibit 8.

Section 4.05. - City manager; appointment; qualifications; compensation.

The Board recommends amending Section 4.05 to require that the city manager be a permanent resident of the City during his or her term of office.

The Board's recommendation for Section 4.05 is set forth in Exhibit 9.

Section 8.01. - Sale of personal property; ~~procedure; public notice.~~

The Board recommends amending Section 8.01, requiring that the procedure for the sale of personal property belonging to the City shall be as provided by ordinance.

The Board's recommendation for Section 8.01 is set forth in Exhibit 10.

Section 8.02. - Sale of city public lands and of public property to public bodies.

The Board recommends amending Section 8.02 to outline the process of selling or otherwise conveying City-owned property to public bodies or allowing public bodies to make improvements on City-owned property. The use would have to be for a paramount public purpose, to wit, an activity that is essential to the health, morals, protection, or welfare of the city, or for use predominantly for educational, literary, scientific, or charitable purposes, as determined by the City of Fort Lauderdale City Commission.

The Board's recommendation for Section 8.02 is set forth in Exhibit 11.

Section 8.04. - Sale of real property to private ~~parties~~persons, firms or corporations.

The Board recommends amending Section 8.04 to provide that the city's sale of real property to private parties be as provided by ordinance and consistent with applicable law, and subject to adoption of a resolution by the affirmative vote of at least four commissioners containing a finding that the sale would be in the city's best interest.

The Board's recommendation for Section 8.04 is set forth in Exhibit 12.

Section 8.09. – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.

The Board recommends amending Section 8.09 to clarify that all use agreements, including leases, license agreements, concession agreements, facility use agreements, and other types of use agreements (each is an "Instrument") with private parties for the use of real property owned by the City are subject to a fifty-year maximum, including any renewals or extensions.

The City Commission's approval of an Instrument would be subject to the following:

1. Approval of any Instrument having a duration exceeding one year would require a resolution adopted by the affirmative vote of at least four commissioners containing a finding that such use of the property would be in the city's best interest and the City Commission's consideration of a fair market value analysis of the property prepared by a qualified independent consultant hired by the City at the private party's expense; and

2. In addition to the requirement of a fair market value analysis described in #1, the approval of an Instrument having a duration exceeding ten years, including any optional renewals or extensions, would require the City Commission's consideration of an accompanying business viability report prepared by a qualified independent consultant hired by the City at the private party's expense; and

3. Each Instrument must contain a provision prohibiting assignment except upon the affirmative vote of at least four commissioners.

The Board's recommendation for Section 8.09 is set forth in Exhibit 13.

Section 8.21. - Disposing of public park property.

The Board recommends amending Section 8.21 by deleting the first paragraph, which is a superfluous statement of the City's right to dispose of public property. In addition, the Board recommends:

1. That the City not dispose of land zoned Parks, Recreation and Open Space except as may be approved in a referendum at a special election called pursuant to Section 7.11 of the Charter;

2. That the City not lease land zoned Parks, Recreation and Open Space except pursuant to a unanimous vote of the entire City Commission; and

3. That the date of November 10, 2004, be removed from the Charter, resulting in the requirement that a unanimous vote of the entire City Commission would be necessary to remove the Parks, Recreation and Open Space designation from any parcel.

The Board's recommendation for Section 8.21 is set forth in Exhibit 14.

Sec. 3.03. Qualification of members; forfeiture of office.

To be eligible to hold the office of mayor of the City of Fort Lauderdale, ~~or to qualify for nomination or election as such,~~ a the candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident for at least six (6) months immediately preceding the date of qualification for such office, ~~the election,~~ shall continuously reside in the City of Fort Lauderdale, and shall be a resident of the State of Florida and a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office,; ~~shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be otherwise qualified for such office as provided in this charter provided,;~~ shall hold no other public elective office,; ~~and shall not be an officer, employee, or serving any capacity with in the city government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter,~~ except that a city commissioner serving may qualify for election to the office of mayor, and the mayor may qualify for reelection subject to section 3.02 of this charter, and shall reside continuously as a permanent resident of the City of Fort Lauderdale during the term of office. Candidates for ~~nomination or election as mayor~~ shall comply with all the rules and regulations set ~~forth out~~ in the charter as to their conduct. Any candidate for mayor or any mayor who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

To be eligible to hold the office of city commissioner of the City of Fort Lauderdale, ~~or to qualify for nomination or election as such,~~ the a candidate shall have resided continuously in the City of Fort Lauderdale as a permanent resident of the city commission district for which such candidate seeks office for at least six (6) months immediately preceding the date of qualification the election for such office, except that in any year in which there has been a reestablishment of city commission districts (a "Reestablishment"), and shall reside in the commission district from which he or she seeks election on the day he or she qualifies as a candidate for that the office of city commission whose permanent residence in the City of Fort Lauderdale is in a different city commission district as a result of the Reestablishment may seek office as a city commissioner in the city commission district of his or her permanent residence that results from the Reestablishment, ~~shall continuously reside in that district and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; and shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government,~~ In addition, to be eligible to hold the office of city commission, a candidate shall be a citizen of the United States of America and an elector of the City of Fort Lauderdale at the time of qualification for such office, shall be otherwise qualified for such office as provided in this charter, shall hold no other public elective office, shall not be an officer, employee, or serving in any capacity in the government of the City of Fort Lauderdale at the time of filing a candidate oath in accordance with section 7.14 of this charter, ~~except that a city commissioner serving may qualify for reelection subject to section 3.02 of this charter, and shall reside~~

continuously as a permanent resident of the district to which such commissioner is elected during the term of office. Candidates for ~~nomination or election for the office of~~ as city commissioner shall comply with all the rules and regulations set ~~out~~ forth in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

~~Sec. 3.04. Judge of elections and qualifications of members.~~

~~The city commission shall be the judge of all municipal elections and referendums and of the qualifications of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of City of Fort Lauderdale shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.~~

Sec. 3.05. Designation of vice-mayor.

- (a) ~~At its first meeting after the regular triennial election of 1988, the first regular city commission meeting after certification of the election results of a regular municipal election shall, and at the first regular meeting in November every year thereafter until the next regular municipal election, the city commission shall, by resolution, designate a district commissioner as vice-mayor. The vice-mayor selected in 1988 shall serve until the first city commission meeting to be held in April 1989 and at that meeting and at the first meeting in April for every year thereafter the city commission shall by resolution designate a district commissioner as vice-mayor. However, in the event, during the period between regular municipal elections, the vice-mayor leaves office and a new district commissioner takes office ("Substitute Commissioner"), at the first regular meeting after the Substitute Commissioner takes office, the city commission shall, by resolution, designate a district commissioner as vice-mayor. Should a commissioner decline or be otherwise disqualified from serving in the office of vice-mayor, then and in that event, another district commissioner shall be designated by resolution to serve in such office.~~
- (b) The vice-mayor shall preside at any meeting of the city commission from which the mayor is absent and shall perform those functions and duties set forth in section 4.04 hereof. Should the mayor resign from office or be otherwise unable to continue to serve as mayor, the vice-mayor shall serve as mayor until the vacancy in the office of mayor shall be filled as provided herein.

Sec. 3.08. Forfeiture of office.

Absence by any commissioner from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission, by formal action duly entered upon the minutes. ~~Any member of the city commission who shall, while in office, be convicted of a felony, shall thereupon forfeit his or her office, notwithstanding any appeal or right of appeal he or she may take or have subsequent to such conviction.~~ Any member of the city commission who shall violate the provisions of article VI, section 6.06 of this charter shall forfeit his or her office.

Sec. 3.09. Organizational meeting.

~~On the first regular meeting day in December following each regular election the existing date of the first regular city commission meeting shall meet at the usual place for holding the meetings of the legislative body of the city, for the purpose of transacting any and all necessary business before assumption of office by the after the certification of election results by the Broward County Canvassing Board, all newly elected commissioners officials shall take an oath of office and assume the duties of office. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.~~

~~Sec. 3.10. Special meeting to seat a new member.~~

~~On the first Tuesday following the election of a new member, elected at other than a quadrennial regular election, the commission shall meet to receive such new member.~~

Sec. 3.13. – Meetings ~~place; meetings to be public.~~

~~All~~The city commission shall hold regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; but a special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meetings. Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its own rules, regulations and order of business, and shall keep minutes of its proceedings. The mayor shall maintain order at all meetings, and the police department, upon instructions of the mayor, shall expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order at the meetings. The commission may meet in conference session at a place other than the regular meeting place, but no official action shall be taken at such conference meeting. on the first and third Tuesdays of each month (“Regular Meetings”). If a Regular Meeting falls on a legal holiday, then the meeting shall be held on the succeeding Wednesday. The commission may, by resolution, reschedule a particular Regular Meeting to a date other than as established in this section (“Rescheduled Meeting”), provided that the resolution so adopted is published in the official newspaper of the city once at least three (3) days before the Rescheduled Meeting. The city commission may, by motion, eliminate Regular Meetings for one (1) month each year to provide for vacations. In addition to Regular Meetings, special meetings may be held by the City Commission from time to time (“Special Meeting”). Collectively, Regular Meetings and Special Meetings are “Meetings.” Each individually is a “Meeting.”

The agenda for Meetings shall be established by the city manager. Public hearings, ordinances, resolutions and motions shall be heard after 6:00 p.m. The agenda, together with all reasonable backup materials shall be provided to the city commission at least three working days before each Meeting. If reasonable backup material on a particular agenda item is not provided to the commission at least three business days prior to the applicable Meeting, the item shall not be considered at that Meeting absent the affirmative vote of four commissioners.

Meetings of the city commission shall be public, and minutes of the meeting shall be maintained. The public shall have access to the minutes thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its order of business and shall by ordinance prescribe its rules of parliamentary procedure and identify a parliamentarian. The mayor shall maintain order at all meetings, and the police department, upon instructions of the mayor, shall expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order at the meetings.

Sec. 3.15. Initiative and referendum; petition for proposed ordinance.

Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner:

- (a) Power to initiate and reconsider ordinances.
 - (i) Initiative. The electors of the city shall have the power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election. Such power shall not apply to the city's budget or community investment plan, any amendment of the city's budget or community investment plan, or the salaries or benefits of elected officials, city officers, or employees. In addition, such power shall not apply to any ordinance levying taxes, changing the actual zoning map designation of a parcel or parcels of land, or changing the actual list of permitted, conditional, or prohibited uses within a zoning category.
 - (ii) Referendum. The electors of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election. Such power shall not apply to any ordinance levying taxes, changing the actual zoning map designation of a parcel or parcels of land, or changing the actual list of permitted, conditional, or prohibited uses within a zoning category.
- (b) Commencement of proceedings. A minimum of ten electors may commence initiative or referendum proceedings by filing an affidavit with the city clerk (the "Affidavit") stating that they will constitute the petitioners' committee (the "Committee"). The Affidavit shall state the names and addresses of the Committee members and shall specify the address to which notices to the Committee are to be sent.
- (ac) A-The committee Committee of not less than one thousand (1,000) electors of the city shall prepare and sign a petition addressed to the City Commission of the City of Fort Lauderdale requesting that a submit the proposed ordinance or the citation of the ordinance to be reconsidered, together with a proposed petition on a form provided by the city ("Petition"), to the city attorney, who shall have thirty (30) days from receipt to find whether the proposed ordinance and the proposed petition are legally sufficient attached to the petition be enacted. Each signer of the petition must be an elector of the city and shall sign his or her name in ink and shall indicate his or her place of residence and voting precinct. The petition shall have attached the certificate of the supervisor of elections indicating whether each of the signers

~~is a qualified elector of the city. Thereafter, such signers shall be referred to as the committee, and one (1) member shall be designated therein as chairman of the committee. The committee shall have the right to request In the event the city attorney finds that the , in writing, to assist in the drafting of such proposed ordinance or the proposed petition is, or both, are legally insufficient, in proper form, and such the city attorney shall inform the Committee of the circumstances of the level insufficiency, and the Committee shall have draft the proposed ordinance in proper form within thirty (30) days from receipt of the city attorney's notice of legal insufficiency with which to redraft and resubmit the proposed ordinance or the proposed petition or both to the city attorney after being requested to do so by said committee in writing. He or she shall append to the drafted form of ordinance his or her opinion as to the legality of such proposed ordinance. The city attorney shall have thirty (30) days from receipt of the redrafted proposed ordinance or proposed petition or both within which to find the redrafted proposed ordinance or proposed petition or both legally sufficient or legally insufficient.~~

(d) Following a finding by the city attorney that the proposed ordinance and Petition are legally sufficient, the city clerk may, at the Committee's request and expense, issue the appropriate Petition blanks to the Committee.

(e) Petitions.

(i) Number of signatures. Initiative Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the city's last regular municipal election. Referendum Petitions must be signed by at least one (1) percent of the total number of electors registered to vote at the last regular city election.

(ii) Form and content. All portions of a Petition shall be assembled as one instrument. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing (collectively, "Compliant Signature"). Throughout circulation, Petitions shall contain or have attached the full text of the ordinance proposed or sought to be reconsidered.

(iii) Qualifying deadline. Petitions must be filed with the city clerk or the city clerk's designee within 180 days of the date of the city attorney's finding that the proposed ordinance and Petition are legally sufficient.

(f) Procedure for filing of Petitions.

(i) Certificate of Supervisor of Elections. Upon the Committee's payment to the Broward County Supervisor of Elections ("Supervisor") of the cost of signature verification established by the Supervisor ("Supervisor Verification Cost"), the Supervisor shall complete a certificate as to

compliance with the provision of subsection (e) of this Section ("Certificate"). If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be sent promptly to the Committee and the city clerk by electronic means with electronic verification of receipt.

(ii) Amendment. A Petition certified insufficient because it lacks the required number of Complaint Signatures may be supplemented by the filing of additional Complaint Signatures within fifteen (15) days from the date of the Certificate ("Supplementary Petition") and upon the Committee's payment to the Supervisor of any additional Signature Verification Cost. The Supervisor shall complete a Certificate as to the sufficiency of the Petition as amended by the Supplementary Petition ("Amended Petition") and promptly forward a copy of the Certificate to the Committee and the city clerk by electronic means with electronic verification of receipt.

(iii) Submission to the city commission. If a Petition or Amended Petition is certified sufficient, or if a Petition is certified insufficient and the Committee does not elect to file a Supplementary Petition, or if an Amended Petition is certified insufficient, the city clerk shall promptly present the Certificate to the city commission.

~~(b) Such signed petition and proposed ordinance and the opinion of the city attorney shall be presented by the committee to the city commission at a regular meeting, after sixty (60) days prior notice to the city manager that such matter will be presented at such meeting. An opportunity shall be given for proponents and opponents of the proposed ordinance to be heard. At such meetings the city commission shall take definite action upon the ordinance by rejecting same, failing to take action upon same, passing same in prepared form upon first reading or passing same in amended form upon first reading. If passed on first reading in an amended form, the chairman of the committee shall state in open meeting whether the committee accepts or rejects the ordinance, as amended, and the decision of the chairman shall be binding upon the committee. If the committee accepts the amended ordinance, as aforesaid, or if the city commission accepts the proposed ordinance, same shall be placed upon its first reading at such meeting, upon the second reading at the next regular meeting. If the proposed ordinance is passed upon first reading, or if the proposed ordinance is amended and passed upon first reading, and such amended ordinance is accepted and approved by the chairman of the committee, it shall be the duty of the city commission to pass such ordinance, and to continue reading such ordinance upon progressive readings at each regular meeting of the city commission until such ordinance is duly enacted.~~

~~(cg) If the city commission should:~~Action on Petitions.

- (4i) ~~Reject the proposed ordinance; or~~ Action by city commission. Upon receipt of a Certificate determining a Petition is sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city. If the city commission fails to act on a proposed initiative ordinance or a referred ordinance within the requisite time period, the city commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the city commission was authorized to act on such matter.
- (2ii) ~~Fail to take action upon said proposed ordinance; or~~ Submission to electors. The vote of the electorate on a proposed or referred ordinance shall be held in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.
- (3iii) ~~Pass the ordinance in an amended form not acceptable to the committee; or~~ Withdrawal of petitions. A Petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the electorate by filing with the city clerk a request for withdrawal signed by at least eight-tenths of the members of the Committee. Upon the filing of such request the Petition shall have no further force or effect and all proceedings thereon shall be terminated.
- (4) ~~Fail to pass the proposed ordinance upon first and second reading; or~~
- (5) ~~Fail to pass an amended ordinance, acceptable to the committee, upon successive meetings; or~~
- (6) ~~Do any act to delay passage of such ordinance; the chairman of the committee shall have the right to demand in writing that an election upon the matter of enactment of the proposed ordinance, or amended ordinance which has been accepted or approved by the committee, be held in the manner provided in section 3.18 of this charter, and at such meetings at which such demand in writing is presented, the said city commission shall take action either calling such election or refusing to call such election, and the failure to call such election shall constitute a refusal.~~

(h) Results of election.

- (i) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (ii) Referendum. If a majority of qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.

Sec. 4.05. City manager; appointment; qualifications; compensation.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government answerable to and under the direction and supervision of the city commission, and he or she shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution fix and determine, and shall furnish such bond as the city commission may require. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, shall be over the age of twenty-one (21) years, shall ~~reside in~~ be a permanent resident of the city during his or her term of office, but he or she need not be a resident of the city or state at the time of his or her appointment. A city manager shall serve the city on a full-time basis. He or she shall not be or become engaged in any other occupation. He or she shall not serve on any committee, board, or as an officer of any enterprise, compensated or not, while in the city's service, except by approval of the city commission by resolution.

Sec. 8.01. - Sale of personal property; ~~procedure; public notice.~~

Personal property belonging to the city shall not be sold, except as provided by ordinance ~~where competitive bidding conditions have been maintained. Where the value of the personal property exceeds five thousand dollars (\$5,000.00), same may not be sold except after public notice to bidders by publication. The sale shall be made to the highest and best bidder for cash, and no personal property shall be sold on terms. The provisions of this section shall not apply in instances where depreciated personal property is traded in on new equipment, bought by the city, but in such instances the amount allowed for personal property traded in on new equipment purchased must be definitely specified in the bid.~~

Sec. 8.02. - Sale of city public lands and of public property to public bodies.

Subject to the provisions of Sections 8.04 and 8.09, City of Fort Lauderdale is hereby authorized and empowered to enter into contracts with and to sell, alienate, exchange, give, grant, or convey to the United States of America or any of its departments or agencies, to the State of Florida or any of its counties, districts, subdivisions, municipalities, or agencies, or to any other public body, any public places or any public property, real or personal, now owned by said the City of Fort Lauderdale or hereafter acquired, or allow any such public body to make improvements on any property owned by the City of Fort Lauderdale, to be used by such public body or agency for a paramount public purpose, to wit, an activity that is essential to the health, morals, protection, or welfare of the city, as determined by the City of Fort Lauderdale City Commission, or for use predominantly for educational, literary, scientific, or charitable purposes, or make improvements upon public property used for a public purpose, under the following conditions, to-wit:

- (a) ~~The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body, or make improvement to public property, and such resolution shall particularly describe the public lands, public property, improvements or places intended to be conveyed or improved, the purchase price to be paid, if any, the public purpose for which such land or such property will be used by the grantee, and other details of the sale, and designate a day not less than thirty (30) days after the adoption of such resolution, on which a public hearing will be had before the city commission upon such proposal.~~
- (b) ~~If any public property intended to be sold, alienated, given away, granted or conveyed to any other public body is encumbered by any bonds or obligation for which such property or the revenue derived therefrom is specially pledged, provision must be made in the proposal and plan to simultaneously discharge and pay the obligations for payment of which such lands or revenues derived therefrom are specially pledged.~~
- (c) ~~Such resolution shall be published in full in two (2) issues of a newspaper published in said city with the first publication not less than ten (10) days before such public hearing and the second publication one (1) week after the first publication.~~
- (d) ~~At the time designated for a public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.~~
- (e) ~~At such meetings, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions. If the previous resolution is confirmed in its~~

~~original form, or with amendments or additions, such confirming resolution shall direct the proper city officials to execute and deliver deed of conveyance under the terms and conditions set out in the resolution as confirmed.~~

- (f) ~~The provisions of this section to the contrary notwithstanding, the city may sell (for fair market value) or trade (for like value) surplus stock of supplies or equipment belonging to the city to another governmental entity by any procedure as may be established under the "Purchasing Ordinance of the City of Fort Lauderdale" [Code ch. 2, art. V, div. 2].~~

Sec. 8.04. - Sale of real property to private partiespersons, firms or corporations.

~~Except as provided in Section 8.21, the City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon real property owned by the, title to which is vested in City of Fort Lauderdale, to any private party, as provided by ordinance and consistent with applicable law, subject to the following, person, firm or corporation (other than a public body) under the following conditions, to-wit:~~

- (a) ~~*Resolution declaring property not needed for public use.* The city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by metes and bounds, reference to a recorded plat or government survey, its location by street number, if any there be, a description of all improvements located upon the land, and shall declare how said land has been used since same has belonged to the city, why it is desirable to sell same, and that the city does declare and determine that it is for the best interests of the city that such lands and facilities be sold. The resolution declaring that such lands be sold shall state whether the sale shall be made for cash or terms. Where the value of the land is determined by the city commission to be less than ten thousand dollars (\$10,000.00), the sale shall be for cash. Where the value of the land is determined by the city commission to exceed ten thousand dollars (\$10,000.00), the city commission may sell same for twenty five (25) percent cash and the balance upon terms, with installments due yearly, not exceeding ten (10) years, with interest to be determined by the city commission. The city shall sell, without competitive bidding, to the party making the best offer, but the city may reject any and all offers at any time. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer. In no event shall the sale be for less than seventy five (75) percent of the appraised value of the property as determined by the city commission. The approval of any sale of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale would be in the city's best interest adopted by the affirmative vote of at least four commissioners.~~
- (b) ~~*Notice; offers.* Within seven (7) days after the adoption of the resolution, it shall be published by the city in one (1) issue of the official newspaper. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer.~~
- (c) ~~*Protests.* During the period intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal~~

~~the resolution declaring the property should be sold, if it deems same expedient and proper.~~

- ~~(d) Authority to sell; cemetery lots excepted. Subject to the foregoing provisions, City of Fort Lauderdale is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall seem proper. The above restrictions as to sale of public property shall not apply to sale of municipal cemetery lots, which are subject to rules and regulations governing same.~~
- ~~(e) Resolution accepting offer and authorizing conveyance. At any regular meeting after publication of the resolution as heretofore provided in paragraph (b), the city commission may adopt a resolution accepting the best offer and authorizing the execution of a deed of conveyance; provided that if such property is encumbered by any bonds or obligations for which such property or the revenue derived therefrom is specially pledged, the purchase price must be sufficient to pay and discharge such bonds or obligations according to the terms thereof.~~
- ~~(f) Notwithstanding the provisions of this section or other provisions of this article In addition, City of Fort Lauderdale shall have the right to exchange, deed or convey portions of real property owned by the City of Fort Lauderdale publicly owned lands, or grant concessions, leases or rights therein to private persons, in consummating a transaction whereby City of Fort Lauderdale acquires property needed in connection with a public improvement or a public use.~~
- ~~(g) The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.~~

Sec. 8.09. – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.

City is hereby empowered to lease ~~to, or enter into license agreements, or concession agreements, facility use agreements, or other types of use agreements, (each is an “Agreement”), with, to private parties persons, firms or corporations, for the nonpublic use of purposes, any improved or unimproved real lands, improvements, public buildings, recreational parks or facilities, golf courses, public beaches, public utility plants, or any public works or public property, of any kind including air space over such real public property, owned or operated by the City of Fort Lauderdale, and not needed for governmental city purposes, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, including any renewals or extensions. plus such length of time, not to exceed five (5) years, determined by the city commission to be reasonably necessary to complete construction of the improvements proposed for the demised premises by such Agreements having a duration exceeding one year shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the city at the private party’s expense, that such use of the property would be in the city’s best interest persons, firms or corporations. In addition, included in the city commission’s consideration of any Agreement that has a duration exceeding ten years, including any optional renewals or extensions, shall be the consideration of an accompanying business viability report prepared by a qualified independent consultant hired by the city at the private party’s expense. Each Agreement shall contain a provision that the Agreement may not be assigned except upon the affirmative vote of at least four commissioners. Each lease shall be authorized only after public hearing, under authority of a resolution duly adopted at a meeting duly held at a designated adjourned meeting, under the following conditions, to wit:~~

- (a) ~~One (1) of the conditions for leasing such public property may be obligations of the lessee to construct thereon buildings or improvements to be used in connection with an existing facility, or to construct improvements on said property, if same is vacant, and in a manner not detrimental or harmful to the operation of the proposed facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.~~
- (b) ~~The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by metes and bounds, or by reference to a recorded plat, if any, and giving its location by street number, if any, and a description of all improvements located upon the land, and shall declare how said land and improvements have been used since same have belonged to the city and the reasons for offering such land and improvements for lease.~~
- (c) ~~At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution the land and improvements shall be~~

~~offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before said date of receiving bids and the second publication one (1) week after the first, on which date sealed bids shall be received by the city commission for the lease of said publicly owned lands and facilities. The sealed bids must be accompanied by cash, cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's rental. The city commission, in offering such public property or public owned facility for lease, shall set out in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city; but the city commission may reject any and all bids. Upon the city commission approving any proposal submitted as provided herein, said proposal shall be accepted by resolution duly adopted, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approved by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.~~

- (d) ~~The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and other legal requirements, for submission to the commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of the lease with a covering summary letter, providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which shall be open to the public. Citizens and taxpayers shall have an opportunity to object to the terms and conditions of such lease. If the commission is satisfied with the terms and conditions of such lease, it shall pass a resolution authorizing execution of such lease by the proper officials of the city, upon compliance upon the part of the lessee. Amendment to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.~~

Sec. 8.21. Disposing of public park property.

~~The right of the city to sell, exchange, lease, franchise or deed public property, under the methods and procedures provided in this article, shall not be limited, restricted or abridged on account of the method, source or means by which such property was acquired, the source from which funds were obtained to acquire such property, the use to which this property has been devoted or is presently devoted, or whether such property is used and operated in a governmental or proprietary capacity.~~

~~Notwithstanding anything to the contrary in this Charter, the city shall not sell, or transfer, or lease for more than one (1) year, any land zoned park Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations except as approved in a referendum at a special election called pursuant to Section 7.11. ~~without a unanimous vote of the entire city commission.~~ ~~Additionally, any land zoned park on November 10, 2004, shall require a unanimous vote of the entire city commission to remove such designation.~~~~

Notwithstanding anything to the contrary in this Charter, the city shall not enter into any lease, license agreement, concession agreement, facility use agreement, or other type of use agreement, for more than one (1) year with respect to any land zoned Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations without a unanimous vote of the entire city commission.

Additionally, any land zoned Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations shall require a unanimous vote of the entire city commission to remove such designation.



Memorandum No: 23-013

City Attorney's Office

To: Honorable Mayor and Commissioners

From: D'Wayne M. Spence, Interim City Attorney

Date: February 22, 2023

Re: **REVISED-** List of Charter Sections Suggested for Revision

Pursuant to your request, the following is former City Attorney Alain E. Boileau's list of Charter sections that should be addressed:

- Section. 4.06 - Acting city manager upon resignation of or during absence or disability of city manager. *The current requirements of this charter section are deem impractical and are not followed.*
- Section 10.03 - Public hearings and public notice. *The notice requirement for public meetings should be revised to be consistent with state law.*
- Section 3.12 - Special meetings—How called. *The notice requirements for special meetings should be revised to be consistent with state law. (i.e., 6 hours insufficient under state law)*
- Section 3.03 - Qualification of members; forfeiture of office. *Commissioner Glassman requested that the minimum age of eligibility to hold the office of city commissioner to be reduced from the age of 21 years.*
- Sections 3.08 - Forfeiture of office and 6.06 - City commission involvement prohibited. *The sections are inconsistent as Section 3.08 provides that if a city commissioner violates Section 6.06, she or he "shall forfeit" his or her office, while Section 6.06 only provides for the possibility of removal from office.*
- Section 7.16 - Election; tie vote; primary election to fill one vacancy. *Clean-up item to remove the reference to primary elections.*
- Article ~~VII~~. **VIII** – Public Property. *The notice requirement for the sale or leases of public land should be consistent with state law.*

Please note that the Charter Revision Board has requested that our office provide a list of sections that are inconsistent with current law. That list is presently being compiled and will be provided to the board at a later date.

Comparison Between Memo #23-013 (CAO) & Amendments Proposed by Charter Revision Board (CRB)

The memo provided by the City Attorney’s Office (CAO) as Exhibit 1 recommended six sections and one article of the Charter that should be addressed by the CRB. Of the six sections indicated in the memo, the CRB made recommendations for amendments to two of them along with five sections within Article 8.

	Recommended Section	Amended Section
1	Section 3.03 Qualification of members; Forfeiture of Office	Section 3.03 Qualification of members; Forfeiture of Office
2		Section 3.04 Judge of Elections and Qualifications of Members
3		Section 3.05 Designation of Vice-Mayor
4	Section 3.08 Forfeiture of Office	Section 3.08 Forfeiture of Office
5		Section 3.09 Organization Meeting
6		Section 3.10 Special Meeting to Seat a New Member
7		Section 3.13 Meeting Place; Meeting to be Public
8	Section 3.12 Special meetings – How Called	
9		Section 3.15 Initiative; Petition for Proposed Ordinance
10		Section 4.05 City Manager; Appointment; Qualifications; Compensation
11	Section 4.06 Acting City Manager Upon Resignation of or during Absence or Disability of City Manager	
12	Section 6.06 City Commission Involvement Prohibited	

13	Section 7.16 Election; Tie Vote; Primary Election to Fill One Vacancy	
14	Article VIII Public Property	Section 8.01 Sale of Personal Property; Procedure; Public Purpose
15	Article VIII Public Property	Section 8.02 Sale of Public Lands and of Public Property to Public Bodies
16	Article VIII Public Property	Section 8.04 Sale of Real Property to Private Persons, Firms, or Corporations
17	Article VIII Public Property	Section 8.09 Leases for More Than One Year and Not More Than Fifty Years
18	Article VIII Public Property	Section 8.21 Disposing of Public Property
19	Section 10.03 Public Hearings and Public Notice	

City of Fort Lauderdale Charter Section	Conflicting Authority	Solution
<p>§10.03 Notice of public hearings must be “published once a week for two (2) consecutive weeks in the official newspaper of the city, with the first publication at least twelve (12) days before date of such public hearing or time for filing bids, and second publication seven (7) days after the first publication.”</p>	<p>§286.011(1), Fla. Stat. (Government in the Sunshine Law) “The board or commission must provide reasonable notice of all such meetings.”</p>	<p>Delete. If deleted, consider recommending that ordinances be included in Public Hearings on the City Commission Agenda. “The notice shall also advise that interested parties may appear at the meeting and be <i>heard</i> with respect to the proposed ordinance.” §166.041(3)(a), Fla. Stat.</p>
<p>§3.12 “The mayor or the city manager, may call special meetings of the city commission upon at least six (6) hours' written or e-mail notice to each member, the city manager, city auditor, city clerk, and city attorney, served personally, transmitted by e-mail, or left at his or her usual place of residence. The call notice shall state the general purpose of the meeting. The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and city clerk is present, or where written waiver of call and consent in writing is filed, shall not be questioned on account of any omission or irregularity in calling such special meeting.”</p>	<p>§286.011, Fla. Stat. (Government in the Sunshine Law) “The board or commission must provide reasonable notice of all such meetings.” (For emergencies, not less than 24 hours)</p>	<p>Change to “at least seventy-two hours’ notice or, in the event of an emergency as determined by the mayor or the city manager, in consultation with the city attorney, at least twenty-four hours’ notice . . . “</p>
<p>§3.10 “On the first Tuesday following the election of a new member, elected at other than a quadrennial regular election, the commission shall meet to receive such new member.”</p>	<p>§7, Ch. 2012-253, Laws of Fla. All municipal elections shall be canvassed by the county canvassing board, with said board certifying the results to each city clerk within 5 days after the election. §101.6952(5), Fla. Stat. “A vote-by-mail ballot from an overseas voter in any presidential preference primary or general election which is postmarked or dated no later than the date of the election and is received by the</p>	<p>Replace with “A member elected at other than a quadrennial regular election shall take office following certification of the special election by the Broward County Supervisor of Elections.”</p>

	<p>supervisor of elections of the county in which the overseas voter is registered no later than 10 days after the date of the election shall be counted as long as the vote-by-mail ballot is otherwise proper.”</p>	
<p>§3.04 “The city commission shall be the judge of all municipal elections and referendums and of the qualifications of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of City of Fort Lauderdale shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.”</p>	<p>§7, Ch. 2012-253, Laws of Fla. All municipal elections shall be canvassed by the county canvassing board, with said board certifying the results to each city clerk within 5 days after the election.</p> <p>§102.168(1), Fla. Stat. “Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.”</p>	<p>Delete.</p>
<p>§3.15 “Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner”</p>	<p>§166.031, Fla. Stat. (1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose. (2) Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments</p>	<p>The Charter section should exclude ordinances affecting the Charter.</p>

	<p>are effective on the date specified therein or as otherwise provided in the charter.</p> <p>(3) A municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. This section shall be supplemental to the provisions of all other laws relating to the amendment of municipal charters and is not intended to diminish any substantive or procedural power vested in any municipality by present law. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2).</p>	
<p>§3.17 (Petition for election) “If the certificate of the clerk, so submitted, shows that fifteen (15) percent of the registered electors of the city signed such petition and have not requested that their signatures be stricken or deleted, then it shall be the mandatory duty of the city commission at such meeting at which the clerk's certificate is presented to enact the ordinance in final form, or call an election for the purpose of submitting such proposed ordinance to the votes of the electorate.”</p>	<p>§166.041, Fla. Stat. “(3)(a) Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality.”</p>	<p>Incorporate two ordinance readings.</p>
<p>§3.20 “Any existing ordinance of the City of Fort Lauderdale, or any section or related sections of the ‘Code of Ordinances of the City of Fort Lauderdale,’ including ordinances approved by the electorate, may be repealed or amended, and any intended sale or lease of public property may be approved or rejected by a majority of the electors voting at a referendum election, when such matter is submitted to a referendum by the city commission, upon its own motion or as a result of initiative proceedings. In case of initiative proceedings, when the necessary requirements have been met,</p>	<p>§163.3167, Fla. Stat. “(8)(b) An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited unless it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. A general local government charter provision for an initiative or referendum process is not sufficient. (c) It is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order. It is the intent of the Legislature that initiative and referendum be prohibited in regard to any local comprehensive plan amendment or</p>	<p>Exclude comprehensive plan amendments and map amendments from ordinance by referendum.</p>

<p>and proper petitions bearing the signatures of fifteen (15) percent of the registered electors have been filed, the city commission shall pass a resolution calling for a referendum election to be held under the same procedure as provided in section 3.18 and section 3.19 of this charter.”</p>	<p>map amendment, except as specifically and narrowly allowed by paragraph (b). Therefore, the prohibition on initiative and referendum stated in paragraphs (a) and (b) is remedial in nature and applies retroactively to any initiative or referendum process commenced after June 1, 2011, and any such initiative or referendum process commenced or completed thereafter is deemed null and void and of no legal force and effect.”</p>	
<p>§4.07 “Upon the recommendation of the city manager, a deputy city manager may be appointed by resolution of the city commission. Assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be appointed by the city manager. The deputy city manager, assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be in the exempt service and may be suspended, demoted or removed by the city manager. The compensation of such members of the city manager's staff who are in the exempt service shall be established by the provisions of the city's pay plan.”</p>	<p>“Exempt” can be confused with “exempt” from the Fair Labor Standards Act (minimum wage/maximum hours).</p>	<p>Change “exempt” to “nonclassified.”</p>

Sec. 3.20. Referendum elections.

Any existing ordinance of the City of Fort Lauderdale, or any section or related sections of the "Code of Ordinances of the City of Fort Lauderdale," including ordinances approved by the electorate, may be repealed or amended, and any intended sale or lease of public property may be approved or rejected by a majority of the electors voting at a referendum election, when such matter is submitted to a referendum by the city commission, upon its own motion or as a result of initiative proceedings. In case of initiative proceedings, when the necessary requirements have been met, and proper petitions bearing the signatures of fifteen (15) percent of the registered electors have been filed, the city commission shall pass a resolution calling for a referendum election to be held under the same procedure as provided in section 3.18 and section 3.19 of this charter.

Sec. 8.05. Leases for not more than one year.

- (a) The City of Fort Lauderdale is hereby empowered to lease or grant concessions for a period not exceeding one (1) year in any public property, upon a majority vote of the city commission, or by or through any board, commission, officer, manager or city manager designated by ordinance to do so. Included in properties which may be leased are airports and airport property, public recreational facilities, golf courses, tennis courts, recreational halls, stadiums, football fields, baseball fields, playgrounds, public beaches, swimming pools, fishing piers, yacht basins, docks and wharves; and the list enumerated is not exclusive but merely indicative of the class of public property deemed to be operated in a proprietary capacity. The provisions of this section shall also be applicable to leases to civic or charitable organizations, public nonprofit corporations, and like organizations, not exceeding one (1) year.
- (b) Any and all leases of one (1) year or less previously entered into by the City of Fort Lauderdale with any civic or charitable organizations, public nonprofit corporations, or like organizations are hereby ratified and confirmed.

Sec. 8.06. Leases at Bahia-Mar.

Leases for the city property known as Bahia-Mar may be negotiated by the city commission without the necessity of public bid; provided, however, that no such lease shall be for an initial term longer than fifty (50) years. Extensions of or amendments to such leases may likewise be negotiated without necessity of public bid; provided, however, that no such extension or amendment shall be for an additional term longer than fifty (50) years beyond the original termination date of the lease which is to be extended or amended. The provisions of this section are notwithstanding the limitations provided in sections 8.05 and 8.09.

Sec. 8.08. Leases of parking spaces in parking facilities owned or operated by the city.

Notwithstanding anything herein to the contrary, the city is hereby empowered to lease or concession, by negotiation and without competitive bidding, to private persons firms or corporations for nonpublic purposes, parking spaces in parking facilities owned or operated by the city, for a period of not more than fifty (50) years.

Sec. 8.10. Fort Lauderdale Executive Airport (Prospect Field).

Notwithstanding any provision herein to the contrary, relative to the requirements of leasing city owned property, the city commission acting through the city manager shall have the power to negotiate any and all leases of land within the city owned airport known as Fort Lauderdale Executive Airport (Prospect Field); provided, however, that the following conditions are fulfilled: (a) No lease shall be for a term longer than ninety-nine (99) years; (b) the lessee pursuant to the requirements of the lease shall be required to construct suitable improvements on the leased premises that will be of such a nature that they will aid in the development of said Fort Lauderdale Executive Airport (Prospect Field), or that portion of it available for such development, as an industrial center; (c) a general plan for the development of such site for an industrial center shall first have been adopted by resolution of the city commission, although this requirement shall not prevent subsequent amendments of such plan; and (d) the city manager certifies to the city commission and the city commission by resolution declares that the leasing of the property is in the best interests of the city and the development of the said industrial center and is the most advantageous lease that the city can make at the time of the area involved. No advertising or solicitation for public bid shall be required in connection with such leases; provided, however, that at least once every three (3) years, and within two (2) months before or two (2) months after, the start of the applicable third fiscal year, there shall be a public hearing held after a resolution calling for same and the advertising of said public hearing in the manner prescribed by section 10.03 of the charter, at which public hearing, or some adjournment thereof, the city commission shall publicly determine and publish in the minutes of said meeting, the following:

- (a) The minimum rent or rent per acre or per parcel of property that may be accepted in the aforesaid negotiations, which minimum may include the payment of a brokerage commission.
- (b) The amount of brokerage that may be paid and the procedures and standards that will govern the payment of brokerage commission, which payment is hereby authorized.

No lease shall be effective unless the aforesaid public hearing and the action above required shall have taken place prior to the adoption by the city commission of a resolution accepting the terms of any such negotiated lease.

Nothing herein shall prohibit the holding of such public hearings, more frequently than the time above prescribed. Any such other public hearing shall be held pursuant to the above requirements, except as to the time of holding same; and the same action, as above set forth, shall be required as a result of any such hearing.

(Ord. No. C-85-40, § 3, 5-7-85)

Sec. 8.11. Sale of real property at Fort Lauderdale Executive Airport (Prospect Field).

Notwithstanding any provision herein to the contrary relative to the requirements of selling city owned property, the city commission shall have the power to negotiate by conclude sales of land within the city owned airport known as Fort Lauderdale Executive Airport (Prospect Field), without the necessity of putting the same out to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine.

Sec. 8.13. Leases to civic and charitable organizations.

City of Fort Lauderdale is hereby authorized to lease to civic organizations, charitable organizations, public nonprofit corporations and like organizations, any public lands, improvements, buildings, recreational parks and areas or other public places, now owned or hereafter acquired by the city, for a period exceeding one (1) year but not exceeding fifty (50) years, to be used by such lessee for purposes consistent with the public good, where such use will not conflict with use by the public of other portions of public land adjacent thereto, under the following conditions:

- (a) The city commission shall first adopt a resolution declaring its intention to lease to a named civic or charitable organization, nonprofit corporation or like organization, a definitely described property or portion thereof, which resolution shall state the reasons why the city commission believes such lease should be made, the purpose for which such public property will be used by the lessee, the compensation, if any, to be paid for the lease, and other information calculated to advise taxpayers and electors of the nature of the lease. Such resolution shall designate a day, not less than thirty (30) days after the adoption of such resolution, when a public hearing will be had before the commission upon such proposal.
- (b) If the property intended to be leased is encumbered by any bonds or obligations for which such property or revenue derived therefrom are specifically pledged, provisions must be made in the proposal to discharge or satisfactorily comply with the requirements of the pledge.
- (c) At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution, a public hearing shall be had before the city commission upon such proposal to lease, and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for considering such proposal, with the first publication not less than ten (10) days

before said date of hearing. The city commission in offering said publicly owned facility or public lands for lease shall state in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased.

If before the day, fixed for such public hearing, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approval by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.

At least three (3) days before said public hearing date, a copy of the proposed lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of such proposed lease together with a covering summary letter; providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) commissioners. Citizens and taxpayers shall have the opportunity at such public hearing to object to the execution, form or conditions of such proposed lease. If the commission is satisfied with the terms and conditions of the proposed lease, and if no persuasive objections are voiced at such public hearing, the commission shall pass a resolution authorizing the execution of such lease by the proper officials of the city subject to the approval by the city attorney prior to its execution by the proper city officials.

Compiled Summary of Charter Sections Yet to be Addressed by the Charter Revision Board

This exhibit summarizes the Charter sections outlined in the memo to the CRB removing any sections that have been addressed by the CRB up to this point. The intent is to have a summarized list of Charter sections that have yet to be addressed.

- Section 3.12 – Special Meetings How Called
- Section 3.17 – Commission Required to Take Action
- Section 3.20 – Referendum Elections
- Section 4.06 – Acting City Manager Upon Resignation of or during Absence or Disability of City Manager
- Section 4.07 – Assistants to the City Manager
- Section 6.01 – Amend to include positions reporting to the City Manager’s Office as being part of the non-Classified service
- Sec. 6.04(c)(2) – Remove #2 from the duties: “Review and consider additional personnel rules or amendments to existing rules that may be recommended for adoption and, approve or disapprove, by motion, these rules.”
- Sec. 6.05 – Removing the adoption of the personnel rules from this section.
- Section 6.06 – City Commission Involvement Prohibited
- Section 7.16 – Election; Tie Vote; Primary Election to Fill One Vacancy
- Section 8.05 – Leases for Not More Than One Year
- Section 8.06 – Leases at Bahia-Mar
- Section 8.08 – Leases of Parking Spaces in Parking Facilities Owned or Operated by the City
- Section 8.10 – Fort Lauderdale Executive Airport (Prospect Field)
- Section 8.11 – Sale of Real Property at Fort Lauderdale Executive Airport (Prospect Field)
- Section 8.13 – Leases to civic and charitable organizations.
- Section 10.03 – Public Hearings and Public Notice