

CHARTER REVISION BOARD MEETING

City of Fort Lauderdale
101 NE 3rd Avenue, Tower 101
Suite 1100 – 11th floor conference room
Fort Lauderdale, FL 33301
Wednesday, July 9, 2025, 9:00 am – 5:00 pm
&
Thursday, July 10, 2025, 9:00 am – 5:00 pm

AGENDA

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE
- II. ROLL CALL/DETERMINATION OF QUORUM
- III. APPROVAL OF June 5th MEETING MINUTES
- IV. OLD BUSINESS
 - A. Conflict Chart and Proposed Revisions (Exhibits A-1 and A-2)
 1. Approved:
 - a. Section 3.04 – Judge of elections and qualifications of members
 - b. Section 3.15 – Initiative; Petition for proposed ordinance
 - Section 3.17 – Commission required to take action
 - Section 3.20 – Referendum elections
 2. For Discussion:
 - a. Section 10.03 – Public hearings and public notice
 - b. Section 3.12 – Special meetings – How called
 - c. Section 3.10 – Special meeting to seat a new member
 - Section 3.09 – Organization meeting
 - d. Section 4.07 – Assistants to the city manager
 - B. City Attorney's Office Memorandum No. 23-013 (Exhibits B-1 and B-2)
 1. Approved:
 - a. Section 7.16 - Election; tie vote; primary election to fill one vacancy
 2. For Discussion:
 - a. Section 4.06 – Acting city manager upon resignation of or during absence or disability of city manager

- b. Section 10.03 – Public hearings and public notice
- c. Section 3.12 – Special meetings – How called
- d. Section 3.03 – Qualification of members; forfeiture of office
- e. Section 3.08 – Forfeiture of office
 - Section 6.06 – City commission involvement prohibited
- f. Section 7.16 – Election; tie vote; primary election to fill one vacancy

C. Article VIII – Public Property (Exhibit C)

- 1. Approved:
 - a. Section 8.01 – Sale of personal property; procedure; public notice
 - b. Section 8.02 – Sale of public lands and of public property to public bodies
 - c. Section 8.04 – Sale of real property to private persons, firms or corporations
 - d. Section 8.09 – Leases for more than one year and not more than fifty years
 - e. Section 8.21 – Disposing of public property

V. NEW BUSINESS

A. City Commission Direction (Exhibits D-1 and D-2)

- 1. Form of Government
- 2. Contribution Limits
- 3. P3 (Public Private Partnership)
- 4. Election Cycles

B. Staff Charter Revision Recommendations (Exhibit E-1 and E-2)

- 1. Section 6.01 – Civil service established
- 2. Section 6.04(c)(2) – Civil service board; created; composition
- 3. Section 6.05 – Pay plan and personnel rules

C. Article VIII – Public Property (Exhibit F)

- 1. Section 8.03 – Acquiring right-of-way for purpose of conveying same to a public body
- 2. Section 8.05 – Leases for not more than one year
- 3. Section 8.06 – Leases at Bahia-Mar

4. Section 8.07 – Leases with governmental entities or agencies for governmental purposes
5. Section 8.08 – Leases of parking spaces in parking facilities owned or operated by the city
6. Section 8.10 – Fort Lauderdale Executive Airport (Prospect Field)
7. Section 8.11 – Sale of real property at Fort Lauderdale Executive Airport (Prospect Field)
8. Section 8.12 – Leases of Shops in Central Business District Parking Garage
9. Section 8.13 – Leases to civic and charitable organizations
10. Section 8.14 – Form and execution of leases
11. Section 8.15 – Granting franchises
12. Section 8.16 – Rates to be charged
13. Section 8.17 – Conditions of grant or franchise
14. Section 8.18 – Assignments of grants
15. Section 8.19 – Right of regulation
16. Section 8.20 – General provisions

VI. CHARTER REVISION BOARD DISCUSSION

VII. PUBLIC INPUT

VIII. 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.

EXHIBIT A-1

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)</p> <p>“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.</p> <p>“(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</p> <p>“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.</p> <p>“(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.</p> <p>(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. 10.03. Public hearings and public notice.

~~Unless otherwise specified herein a notice of public hearing before the city commission, a notice for invitation for bids, a notice to materialmen, and other types of notice required to be published, shall 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. Provided, however, that the giving of notice in connection with the purchase of supplies, equipment and material needed in connection with the ordinary operation of the city, and not primarily used in connection with new public construction, shall be governed by the requirements pertaining to the department of purchases as provided in the "Code of Ordinances of City of Fort Lauderdale."~~

Sec. 3.12. Special meetings—How called.

~~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 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 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.~~~~

Sec. 3.12. Special meetings—How called.

The mayor or the city manager, may call special meetings of the city commission upon 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 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.

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.~~

NOTE: This section becomes superfluous if Section 3.09 is amended as suggested by the previous CRB. (PGB)

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. 3.09. Organizational meeting.

On the date of the first regular city commission meeting after the certification of election results by the Broward County Canvassing Board, all newly elected officials shall take an oath of office and assume the duties of office.

~~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. 3.15. 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 Compliant Signatures may be supplemented by the filing of additional Compliant 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.
- (4j) 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. 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.
- (c) The Committee shall 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. In the event the city attorney finds that the proposed ordinance or the proposed petition is, or both, are legally insufficient, the city attorney shall inform the Committee of the circumstances of the level insufficiency, and the Committee shall have 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. 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 Compliant Signatures may be supplemented by the filing of additional Compliant 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.

(g) Action on Petitions.

- (i) 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.
- (ii) 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.
- (iii) 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.

(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. 3.17. Commission required to take action.~~

~~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.~~

NOTE: This section becomes moot if consolidated with Section 3.15, as suggested by the previous CRB. (PGB)

~~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.~~

NOTE: This section becomes moot if consolidated with Section 3.15, as suggested by the previous CRB. (PGB)

Sec. 4.07. Assistants to the city manager.

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~~ nonclassified 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~~ nonclassified service shall be established by the provisions of the city's pay plan.

Sec. 4.07. Assistants to the city manager.


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 nonclassified 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 nonclassified service shall be established by the provisions of the city's pay plan.



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.

Sec. 4.06. Acting city manager upon resignation of or during absence or disability of city manager.

Upon the resignation of ~~or during the absence or disability of~~ the city manager, the city commission may by resolution designate ~~some a~~ properly qualified person, ~~either classified or exempt service,~~ to temporarily ~~execute~~ exercise the functions ~~powers and duties of his or her office~~ the city manager. During the absence of the city manager, the city manager may designate the deputy city manager or an assistant city manager to temporarily exercise the powers and duties of the city manager. In the event the city commission disagrees with the city manager's designation, the city commission may designate some other properly qualified person to temporarily exercise the powers and duties of the city manager during the city manager's absence. The person thus designated shall have ~~the same powers and duties as the city manager, and shall be known while service as~~ "acting city manager."

Sec. 4.06. Acting city manager upon resignation of or during absence of city manager.

Upon the resignation of the city manager, the city commission may by resolution designate a properly qualified person to temporarily exercise the powers and duties of the city manager. During the absence of the city manager, the city manager may designate the deputy city manager or an assistant city manager to temporarily exercise the powers and duties of the city manager. In the event the city commission disagrees with the city manager's designation, the city commission may designate some other properly qualified person to temporarily exercise the powers and duties of the city manager during the city manager's absence. The person thus designated shall be known as "acting city manager."

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 ~~nominat~~ion 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. 3.03. Qualification of members; forfeiture of office.

To be eligible to hold the office of mayor, a 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, 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 any capacity 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 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 election as mayor shall comply with all the rules and regulations set forth 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, a candidate shall have resided continuously 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 for such office, except that in any year in which there has been a reestablishment of city commission districts (a "Reestablishment"), a candidate for the office of city commissioner 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. In addition, to be eligible to hold the office of city commissioner, 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 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 election as city commissioner shall comply with all the rules and regulations set forth in the charter as to their conduct. Any candidate for city commissioner or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

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. 3.08. 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 violate the provisions of article VI, section 6.06 of this charter shall forfeit his or her office.

Sec. 6.06. City commission involvement prohibited.

Neither the city commission, any of its committees, nor any of its members, individually or collectively, shall direct the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee in the classified or nonclassified service of the city except as provided in section 6.02 of this article. All inquiry dealing with any portion of the classified or nonclassified service of the city shall be with the city manager, except with regard to assistant city clerks, assistant city auditors, and except with regard to commission assistants, neither the city commission nor any member thereof shall give any orders to any subordinate or officer of the city, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the city commission shall ~~be grounds for removal from result in forfeiture of his or her office.~~

Sec. 6.06. City commission involvement prohibited.

Neither the city commission, any of its committees, nor any of its members, individually or collectively, shall direct the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee in the classified or nonclassified service of the city except as provided in section 6.02 of this article. All inquiry dealing with any portion of the classified or nonclassified service of the city shall be with the city manager, except with regard to assistant city clerks, assistant city auditors, and except with regard to commission assistants, neither the city commission nor any member thereof shall give any orders to any subordinate or officer of the city, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the city commission shall result in forfeiture of his or her office.

Sec. 7.16. Election; tie vote; ~~primary election to fill one vacancy.~~

At the regular or special municipal election, the candidates for each office who shall receive the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of mayor or city commissioner shall be decided by lot to be conducted by the city attorney. ~~If in a municipal primary election a candidate shall receive a majority of valid votes cast for that office, such candidate shall be declared elected without the holding of a regular municipal election.~~

Sec. 7.16. Election; tie vote.

At the regular or special municipal election, the candidates for each office who shall receive the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of mayor or city commissioner shall be decided by lot to be conducted by the city attorney.

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. 8.01. - Sale of personal property.

~~Personal property belonging to the city shall not be sold except as provided by ordinance.~~

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

~~The City of Fort Lauderdale is hereby authorized and empowered, upon adoption of a resolution by the affirmative vote of at least four commissioners, to enter into contracts with and to sell, lease, alienate, exchange, give, grant, or otherwise 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, to be used by such public body or agency for a public purpose, to wit, an activity that is essential to the health, morals, safety, or general welfare of the City, as determined by the city commission, notwithstanding an incidental benefit to a private party, 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. 8.02. - Sale or lease of city property to public bodies.

The City is hereby authorized and empowered, upon adoption of a resolution by the affirmative vote of at least four commissioners, to sell, lease, or otherwise 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 property, real or personal, now owned by the City or hereafter acquired, or allow any such public body to make improvements on any property owned by the City, for a public purpose, to wit, an activity that is essential to the health, morals, safety, or general welfare of the City, as determined by the city commission, notwithstanding an incidental benefit to a private party.

Sec. 8.04. - Sale of real property to private parties ~~persons, 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, or exchange, deed, or convey any real property owned by the City in consummating a transaction whereby the City acquires property needed in connection with a public

improvement or a public use, 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, exchange, or conveyance of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale, exchange, or conveyance 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 City of Fort Lauderdale shall have the right to exchange, deed or convey portions of 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.~~
- ~~(gb) 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. 8.04. - Sale of real property to private parties.

Except as provided in Section 8.21, the City is hereby authorized and empowered to sell any real property owned by the City to any private party, or exchange, deed, or convey any real property owned by the City in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, as provided by ordinance and consistent with applicable law, subject to the following, to-wit:

- (a) The approval of any sale, exchange, or conveyance of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale, exchange, or conveyance would be in the City's best interest adopted by the affirmative vote of at least four commissioners.

- (b) The City 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. 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.

~~The City is hereby empowered to lease enter into lease agreements, license agreements, or concession agreements, facility use agreements, or other types of use agreements with to private parties persons, firms or corporations, (each is an "Agreement"), for a period of not more than fifty (50) years, including any renewals or extensions, 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, or in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, 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. 8.09. – Leases, licenses, concessions, and use agreements for more than one year and not more than fifty years.

The City is hereby empowered to enter into lease agreements, license agreements, concession agreements, facility use agreements, or other types of use agreements with private parties, (each is an “Agreement”), for a period of not more than fifty (50) years, including any renewals or extensions, for the use of any improved or unimproved real property, including air space over such real property, owned by the City, and not needed for City purposes, or in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use. 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. 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.

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.

Sec. 8.21. Disposing of park property.

Notwithstanding anything to the contrary in this Charter, the city shall not sell or transfer any land zoned 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.

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.

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.



Florida Atlantic University
LeRoy Collins Public Ethics Academy

Models of City Government

Peter L. Cruise, Ph.D.

October 5, 2023

Models of City Government

Mayor-Council Form

Weak Mayor-Council Form

Strong Mayor-Council Form

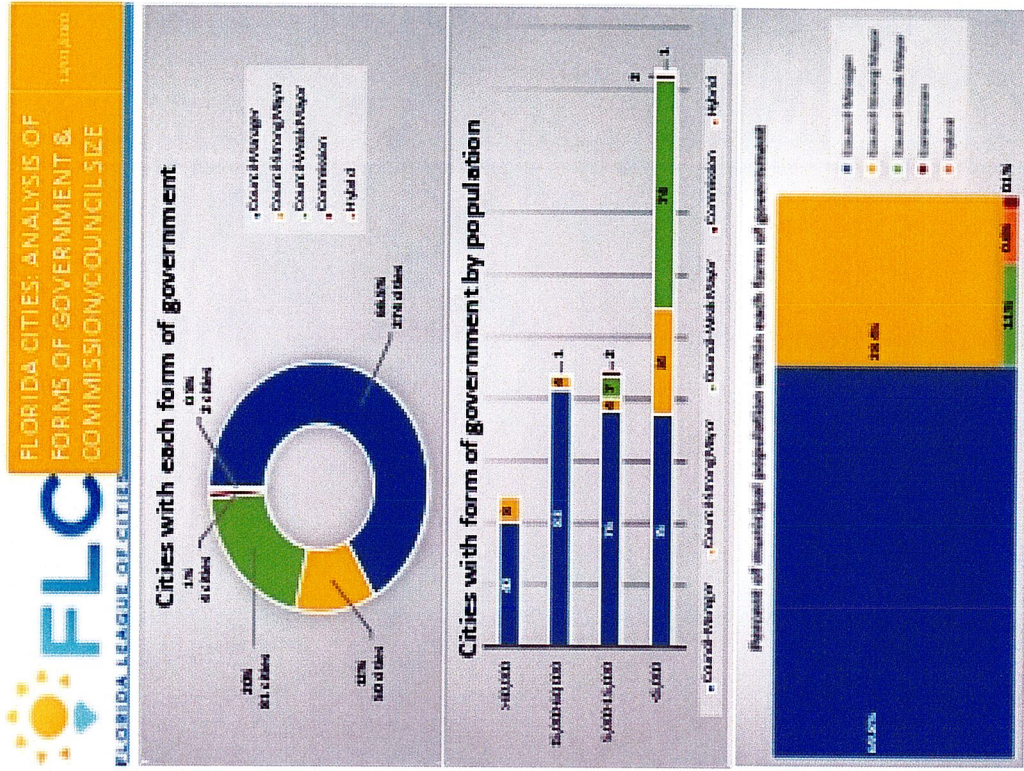
Standard Mayor-Council Form

Chief Administrative Officer (CAO) Model

Council-Manager Form

Commission Form

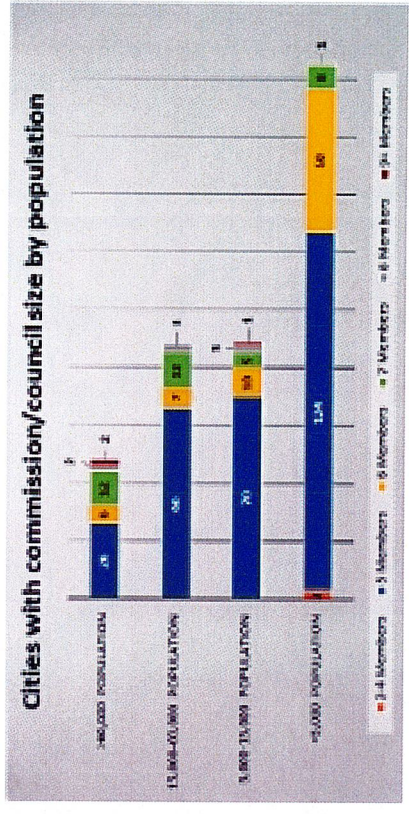
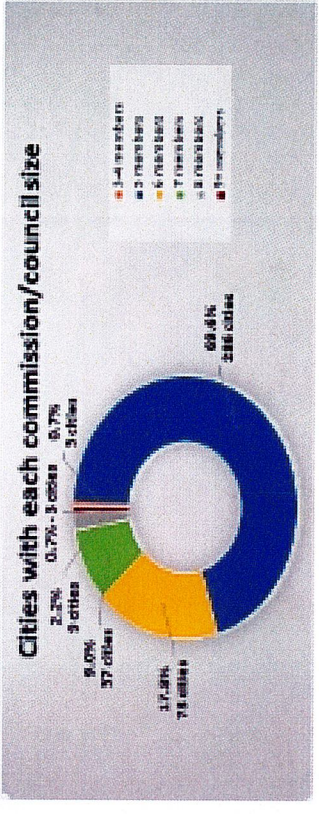
FLORIDA ATLANTIC UNIVERSITY



FLORIDA ATLANTIC UNIVERSITY



FLORIDA CITIES: ANALYSIS OF FORMS OF GOVERNMENT & COMMISSION/COUNCIL SIZE



FLORIDA ATLANTIC UNIVERSITY

Broward	Coconut Creek	Council-Manager	58,742
	Cooper-City	Council-Manager	33,991
	Coval Springs	Council-Manager	129,067
	Dania Beach	Council-Manager	31,768
	Davis	Council-Manager	104,349
	Deerfield Beach	Council-Manager	79,497
	Fort Lauderdale	Council-Manager	186,320
	Hallandale Beach	Council-Manager	39,834
	Hillbourn Beach	Council-Manager	1,939
	Hollywood	Council-Manager	150,878
	Lauderdale Lakes	Council-Manager	36,714
	Lauderdale-By-The-Sea	Council-Manager	6,236
	Lauderhill	Council-Manager	71,410
	Lazy Lake	Council-Weak Mayor	26
	Lighthouse Point	Council-Manager	10,587
	Margate	Council-Manager	59,116
	Miramar	Council-Manager	138,837
	North Lauderdale	Council-Manager	45,207
	Oakland Park	Council-Manager	45,576
	Parkland	Council-Manager	34,109
	Pembroke Park	Council-Manager	6,408
	Pembroke Pines	Council-Manager	168,023
	Plantation	Council-Strong Mayor	90,354
	Pompano Beach	Council-Manager	112,058
	Sea Ranch Lakes	Council-Strong Mayor	688
	Southwest Ranches	Council-Manager	7,704
	Sunrise	Council-Manager	91,965
	Tamarac	Council-Manager	65,377
	West Park	Council-Manager	15,197
	Weston	Council-Manager	67,314
	Wilton Manors	Council-Manager	11,849

FLORIDA ATLANTIC UNIVERSITY

According to the 2018 U.S. Census population estimates, there are 10,969 local governments with at least 2,500 residents. As of September 2019, this is how ICMA classifies their forms of government:

Form of Government	Number	Percent
Council-Manager	4,386	40.0%
Mayor-Council	4,166	38.0%
Commission	1,302	11.9%
Town Meeting	1,056	9.6%
Representative Town Meeting	59	0.5%
TOTAL	10,969	100.0%

Data are based on extensive research and verification conducted by ICMA staff. Sources consulted include the ICMA Form of Government Survey, state association directories, historical data published in *The Municipal Year Book*, and state and local statutes.

Municipal Form of Government Definitions*:

Mayor-Council Form of Government: Elected council or board serves as the legislative body. The chief elected official (e.g., mayor) is the head of government, with significant administrative authority, and generally elected separately from the council.

Council-Manager Form of Government: Elected council or board and chief elected official are responsible for making policy with advice of the chief appointed official (e.g., administrator/manager). A professional administrator appointed by the board or council has full responsibility for the day-to-day operations of the government.

Commission Form of Government: Members of a board of elected commissioners serve as heads of specific departments while also collectively sitting as the legislative body of the government.

Town Meeting Form of Government: Qualified voters convene and act as a legislative body that makes basic policy, votes on the budget, and chooses a board. These elected officials may carry out the policies established by town meeting or may delegate the day-to-day management of the municipality to an appointed manager/administrator.

Representative Town Meeting Form of Government: Similar to town meeting except that voters select residents to represent them at the town meeting. All residents may attend and participate in debate, but only the selected representatives may vote.

*Note: ICMA classifies townships according to the definition that most closely matches how the government functions, which may differ from the statutory form.

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.

ARTICLE VI. CIVIL SERVICE SYSTEM

Sec. 6.01. Civil service established.

There is hereby established a civil service system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, demotion, dismissal, suspension, removal and discipline of certain of its officers and employees.

The civil service system established herein shall be based upon principles that provide for: Recruitment from all segments of society and selection and advancement on the basis of relative ability, knowledge, and skill under fair and open competition; fair and equitable treatment in all personnel management matters without regard to politics, race, color, religion, national origin, sex, marital status, age, or handicapping condition and with proper regard for constitutional and statutory rights of individual privacy; fair and equitable compensation, considering the local (and national where applicable) rates paid by public and private employers, with incentives and recognition for excellent performance; high standards of integrity and conduct and concern for the public interest; efficient and effective use of the city work force; retention of employees who perform well, correction of performance of those whose work is inadequate, and separation of those who cannot or will not meet required standards; improved performance through effective education and training; protection of employees from arbitrary action, personal favoritism or political coercion; and protection of employees against reprisal for lawful disclosures of information.

The civil service system shall not be abolished or substantially modified except upon approval by referendum vote. All of the benefits accruing to employees under former civil service provisions inure to their benefit, except as herein provided and changed.

The civil service system and the personnel rules and regulations adopted pursuant thereto shall not apply to nor be maintained for regular employees in the classified service who are covered by a collective bargaining agreement.

Sec. 6.04. Civil service board; created; composition.

- (a) *Purpose of board.* There shall be a civil service board, the members of which shall be residents and electors of the City of Fort Lauderdale, who shall be in sympathy with the application of merit principles in connection with public employment. No member of the board shall hold or be a candidate for any elective public office.
- (b) *Membership; appointment, etc.* The civil service board shall consist of three (3) members, one (1) of whom shall be recommended for appointment by the mayor, with approval of city commission; one (1) of whom shall be recommended for appointment by the city manager; and the third member shall be recommended for appointment by the regular employees of the City of Fort Lauderdale who are in the classified service as of May 31 of the year of the appointment. Each member shall be appointed by resolution for a full term of four (4) years, which resolution shall specify upon whose recommendation the member was appointed, and the expiration of his or her term of office. The present members of the board shall serve until the expiration of their terms of office or until their successors are appointed and qualified. If the office is vacated by death, resignation, removal or other effective cause prior to expiration of the term, the vacancy shall be filled by appointment by the city commission upon recommendation of the proper authority, for the balance of the unexpired term. All regular full terms shall be for a period of four (4) years from the expiration of the preceding term. Recommendations for appointment by the mayor and city manager shall be made to the city commission in writing at least twenty (20) days prior to expiration of the term of the member whose successor it is the duty of such officials, respectively, to recommend for appointment.

Recommendations for appointment by the employees shall be made in the following manner: At least forty (40) days before expiration of the term of the member to be filled upon recommendation of civil service employees, civil service employees shall be notified that for a period of seven (7) days sealed nominations will be received for members of a nominating committee representing the civil service employees. Any regular employee

in the classified service shall have the right to nominate any other regular employee in the classified service as a member of such nominating committee. At the expiration of seven (7) days from such notification, a list of all eligible employees so nominated shall be printed and delivered to each employee in the classified service, with instructions to vote for five (5) of the employees so nominated within seven (7) days thereafter. Upon tabulation of the results, the five (5) employees receiving the highest number of votes shall become the nominating committee to nominate three (3) candidates for the office to be filled. Upon vote of the regular employees in the classified service, the person receiving the highest number of votes, and otherwise qualified, shall be recommended to the city commission for appointment. The city manager's designee and two (2) city commissioners appointed by the mayor shall constitute the election board and shall certify the results to the city commission in writing.

No person shall be eligible to be a member of the civil service board who is an officer or employee of the city or who is serving the city upon an advisory board or in any other capacity (except as a member of the civil service board), nor shall the husband or wife of such a person or other relative (as defined by law) of such a person be eligible for membership.

If, because of lack of sufficient time, or other valid reason, except willful failure to so do, proper nominations are not made before the expiration of a term, the incumbent shall hold over until his or her successor is appointed and qualified, but the term of the new appointee shall run for the balance of the full four-year term only. If, for any reason the mayor, city manager or employees of the city should fail to make their respective recommendations for appointment within sixty (60) days after expiration of a term, the city commission shall appoint a qualified person to membership upon said board, whose term shall run for the balance of the unexpired term only.

All members of the board shall file an oath to support and defend the Constitution of the United States and of the State of Florida, and to faithfully perform the duties of the office. The members of the board shall elect one (1) of their members to serve as a chairman for a two-year term.

(c) *Duties of the board.* The board shall:

- (1) Hear appeals as outlined in section 6.04(d).
- (2) 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.
- (3) Review and consider new class specifications or revisions and amendments to existing class specifications and advise the city manager, by motion, concerning these specifications.
- (4) Meet at such times and places as shall be required to conduct the business of the board as outlined in paragraphs (1), (2) and (3), above. Time and place of the meeting shall be specified by the call of the chairman of the board or by a majority of the board. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each board member by the secretary of the board. Two (2) members shall constitute a quorum for the transaction of business.

(d) *Appeals to the board.* Regular employees subject to personnel rules and regulations who are suspended, dismissed or demoted, or who believe the personnel rules have been improperly applied or misinterpreted to their detriment, may appeal to the board within thirty (30) calendar days from the date such action is taken, or from the date an employee by use of reasonable diligence should have become aware of the action causing the appeal, and the board shall hear and take action upon such appeal. Upon such appeal, the appealing employee and the city management staff shall have the right to be heard publicly and to present evidence. At the hearing of such appeal, technical rules of evidence shall not apply. The board shall make the final decision disposing of the appeal. If such final decision is in favor of the employee, the city manager shall reinstate the employee without loss of pay and benefits.

(e) *Powers of the board.* The board, each member of the board, and the secretary to the board, who shall be designated by the city manager, shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this charter. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books

or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of an offense and punishable as provided in section 1-6 of the Code.

Sec. 6.05. Pay plan and personnel rules.

The city commission shall establish a pay plan by ordinance and adopt personnel rules by resolution. The adoption or revision of personnel rules which have been disapproved by the civil service board shall require an affirmative vote of four (4) members of the city commission. The pay plan and personnel rules in effect at the time of the adoption of this article shall remain in full force and effect until changed, adjusted or amended as provided herein.

ARTICLE VIII. PUBLIC PROPERTY

Sec. 8.03. Acquiring right-of-way for purpose of conveying same to a public body.

City of Fort Lauderdale is hereby authorized and empowered to give, grant and convey to the State of Florida and its political subdivisions or agencies, or the County of Broward, for right-of-way purposes, any lands owned by the city or lands acquired by the city for the purpose of conveying same to a public body, and to enter into contracts with such public body providing for the acquisition or conveyance of any of such lands or public property by the city; and to expend public moneys of the city and exchange public property of the city with private persons in acquiring or conveying needed right-of-way, removing utility installation, furnishing easements and making improvements upon public property, under such terms and conditions as the city commission by resolution may prescribe. The power herein granted is in addition to the authority elsewhere granted herein and the exercise of same is not limited or restricted by the procedure provided in section 8.02 above. The provisions of this section shall apply only to conveyances and expenditures for public road purposes within the corporate limits.

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. 8.07. Leases with governmental entities or agencies for governmental purposes.

The City of Fort Lauderdale is hereby empowered to lease to other governmental entities or agencies for governmental purposes, for periods of not more than fifty (50) years, any property of the city, without the necessity for submitting the same to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine. Any and all such leases previously entered into by the City of Fort Lauderdale are hereby ratified and confirmed.

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 because of any such hearing.

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. 8.12. Leases of Shops in Central Business District Parking Garage.

Notwithstanding any provision in this charter to the contrary, leases of the city property known as Shops in Central Business District Parking Garage may be negotiated by the city commission acting through the city manager without the necessity of public bid; provided, however, that no such lease, or any extension of or amendment to same, shall be for a term longer than twenty (20) years.

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.

Sec. 8.14. Form and execution of leases.

All leases shall be for a definite period of time, shall be in writing, executed in duplicate, with one (1) copy retained by the City of Fort Lauderdale. The form of lease shall be approved by the city attorney. Such leases shall be signed by the officers of the city designated by charter to sign same, except that leases or concession rights for a period of not exceeding one (1) year may be signed in the name of the city by the city manager, manager of the concession, or other officer designated to do so.

Sec. 8.15. Granting franchises.

The city commission may by ordinance, after public notice and public hearing, grant a franchise to any individual, company, firm or corporation to exercise public functions in the city and to construct and operate any and all public utilities in the city and in, under, or over the streets and public places in the city and to use such public property in connection therewith; but no such grant or franchise or renewal thereof shall be for a longer period than thirty (30) years. No such grant or franchise shall be exclusive. All franchises or grants or rights to make extension of any public utility shall be subject to such terms and conditions as the city commission shall impose. Such franchise or grant shall be evidenced by an agreement in writing, executed in duplicate, with a copy recorded in the public records of the county, or by ordinance duly enacted by the city commission and a certified copy recorded in the public records of the county. All such individuals or corporations performing functions under such franchise shall be liable for damages occasioned by acts, negligence or injuries to the rights of others, and the city shall not be liable therefor. Franchises may be amended by mutual consent with the same formality.

Sec. 8.16. Rates to be charged.

Where the rates to be charged by any utility company are regulated by the public service commission, or successor, the city commission shall have no power to fix such rates, but when not so regulated, the grant, agreement or franchise shall provide that the rates to be charged at all times shall be under the supervision, direction and control of the city commission, and no rate shall be in effect unless same is approved by the city commission; provided the rate allowed shall be sufficient to insure a reasonable return on the investment.

Sec. 8.17. Conditions of grant or franchise.

The city commission shall in the written franchise agreement or in the ordinance granting or renewing any franchises to construct and operate a public utility or to use public property, prescribe the amount of money, fees, percentage of gross income and consideration which shall be paid for such franchise, the kind and quality of use, service or product to be furnished, the manner in which public streets and public places shall be used and occupied, and other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate the same upon purchase by the city of the property and property rights of the utility and the extensions thereof within and without the city, used in or useful in or connected with such utility and including all contracts for service or motive power fairly and reasonably made in good faith by the utility, at a price either fixed in the ordinance or agreement or to be fixed in the manner provided in the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any other lawful manner; and all such methods of acquisition shall be alternative to the power to purchase reserved in the grant or renewal thereof as herein

provided. Upon the acquisition by the city of the property of any utility by purchase, condemnation, or otherwise, all franchises, grants or renewals shall at once terminate.

Sec. 8.18. Assignments of grants.

No such grant or franchise, or renewals thereof, shall be leased, assigned, or otherwise alienated, except with the consent of the city commission expressed by ordinance, and evidenced by a written assignment and consent to same, recorded in the public records of Broward County, Florida.

Sec. 8.19. Right of regulation.

All grants shall be subject to the right of the City of Fort Lauderdale, whether in terms reserved or not, to control at all times the distribution of any space in, over, across or under all streets, alleys, public grounds or other public places, occupied by public utility fixtures, and when, in the opinion of the city commission, the public interest so requires to cause such fixtures to be reconstructed, relocated, altered or discontinued at the expense of the holder of the franchise; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the city commission, are required in the interest of the public health, safety, welfare or accommodation.

Sec. 8.20. General provisions.

Nothing in this charter contained shall operate in any way, except as herein specially stated, to limit the city commission in the exercise of any of its lawful powers, respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the Constitution of the State of Florida.