

# CHARTER REVISION BOARD MEETING

City of Fort Lauderdale  
101 NE 3<sup>rd</sup> Avenue, Tower 101  
Suite 1100 – 11<sup>th</sup> floor conference room  
Fort Lauderdale, FL 33301  
Thursday, November 06<sup>th</sup> 2025, 5:30 pm

## AGENDA

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE
- II. ROLL CALL/DETERMINATION OF QUORUM
- III. APPROVAL OF SEPTEMBER 04<sup>th</sup> MEETING MINUTES – Exhibit A
- IV. OLD BUSINESS  
Charter Revision Board Commission Update memo – Exhibit B

Revised Charter Sections – Exhibit C

### ARTICLE III – GOVERNMENT OF CITY AND FORM OF GOVERNMENT

- Section 3.03 – Qualifications of members; forfeiture of office. (Page 1 of Exhibit C)  
See Florida Division of Elections Opinion 78-27 (Page 4 of Exhibit C)
- Section 3.04 – Judge of elections and qualifications of members. (Page 7 of Exhibit C)
- Section 3.05 – Designation of vice-mayor. (Page 8 of Exhibit C)
- Section 3.08 – Forfeiture of office; absence. (Page 9 of Exhibit C)
- Section 3.09 – Organizational meeting. (Page 10 of Exhibit C)
- Section 3.12 – Special meetings – How called. (Page 11 of Exhibit C)
- Section 3.15 – Initiative and referendum; petition for proposed ordinance. (Page 12 of Exhibit C)

### Deleted ARTICLE III Sections

- Section 3.10 – Special meeting to seat a new member. (language incorporated into Section 3.09)
- Section 3.16 – Circulating petition for an election. (language incorporated into Section 3.15)
- Section 3.17 – Commission required to take action. (language incorporated into Section 3.15)
- Section 3.18 – Time of holding election. (language incorporated into Section 3.15)
- Section 3.19 – Ballots. (language incorporated into Section 3.15)
- Section 3.20 – Referendum elections. (language incorporated into Section 3.15)

### ARTICLE VII – ELECTIONS

- Section 7.16 – Election; tie vote; ~~primary election to fill one vacancy~~. (Page 22 of Exhibit C)

### ARTICLE VIII – PUBLIC PROPERTY

- Section 8.01 – Sale of personal property; ~~procedure; public notice.~~ (Page 23 of Exhibit C)
- Section 8.02 – Sale ~~or lease of city public lands and of public~~ property to public bodies. (Page 24 of Exhibit C)
- Section 8.04 – Sale of real property to private ~~parties persons, firms or corporations.~~ (Page 26 of Exhibit C)
- Section 8.09 – Leases, ~~licenses, concessions, and use agreements~~ for more than one year and not more than fifty years. (Page 30 of Exhibit C)
- Section 8.21 - Disposing of ~~public park~~ property. (Page 35 of Exhibit C)

Deleted ARTICLE VIII Section

- Section 8.07 – Leases with governmental entities or agencies for governmental purposes. (language incorporated into Section 8.02)

Public Outreach Discussion

V. NEW BUSINESS

Ballot Recommendation

Guest Speaker - Mayor Dean J. Trantalis

City Manager/Human Resources Proposed Revisions – Exhibit D

ARTICLE IV – EXECUTIVE OFFICERS

- Section 4.06 – Designation of Interim or Acting City Manager. (Page 1 of Exhibit D)

ARTICLE VI – CIVIL SERVICE SYSTEM

- Section 6.04 - Civil Service Board; Created; Composition. (Page 2 of Exhibit D)

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.



CITY OF FORT LAUDERDALE

**1st DRAFT**  
**MEETING MINUTES**  
**CITY OF FORT LAUDERDALE**  
**CHARTER REVISION BOARD**  
**101 NE 3<sup>RD</sup> AVENUE, TOWER 101**  
**SUITE 1100 – 11<sup>TH</sup> FLOOR CONFERENCE ROOM**  
**FORT LAUDERDALE, FLORIDA 33301**  
**THURSDAY, SEPTEMBER 4, 2025 – 5:30 P.M.**

**Cumulative Attendance**  
**January-December 2025**

Richard Weiss, Chair	P	9	0
Mary Peloquin, Vice Chair	P	9	0
Michael Albetta (at 5:42 p.m.)	P	9	0
Nadine Hankerson	A	5	2
Burnadette Norris-Weeks	P	3	0

**Staff**

David Soloman, City Clerk (via Zoom)  
Anthony Fajardo, Director of Development Services  
Paul Bangel, Senior Assistant City Attorney  
Gabrielle Bush, Assistant City Attorney  
Junia Robinson, Assistant Neighborhood Support Manager, Charter Board Liaison  
J. Opperlee, Prototype, Recording Secretary

**Others**

Jim Concannon

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

The meeting was called to order at 5:31 p.m. The Pledge of Allegiance was then recited.

**II. ROLL CALL/DETERMINATION OF QUORUM**

Attendance was noted as listed above. A quorum was confirmed.

**III. APPROVAL OF AUGUST 7 MEETING MINUTES**

The minutes were amended to reflect an update to Anthony Fajardo's title.

**Motion** made by Ms. Norris-Weeks, seconded by Vice Chair Peloquin, to approve the minutes of the August 7, 2025, meeting as amended. In a voice vote, the motion passed unanimously.

#### **IV. OLD BUSINESS**

##### **a. Communication to the Commission**

Chair Weiss provided an update on the City Commission discussion at presentation of the Board's previously submitted Communication. He stated the Commission had provided specific direction to the Board as to the scope of the review they were charged with. He explained the Commission did not want them to discuss the P3 question, as that was being addressed another way. He stated they also did not want the Board to go through the entire Charter page by page, but they did want the Board to have a discussion and presentation regarding Strong Mayor form of government and to review the issues brought up by Human Resources pending legal review. Chair Weiss advised that the Commission had agreed to hold a workshop with Charter Review on the agenda. He noted the Commission had not asked the Board for a report as was historically the case. He stated Mr. Fajardo and Assistant City Attorney Bangel had spent a substantial amount of time and effort on a report previously, but it had not gone anywhere.

Vice Chair Peloquin pointed out the report had come much farther in the process the previous time referenced.

Ms. Norris-Weeks asked if the Board would wait to meet again until after the Commission Workshop. Chair Weiss confirmed.

Mr. Fajardo advised the topic of community outreach would also be on the Commission agenda.

Chair Weiss reiterated that the Board would hold to wait for further direction.

Discussion ensued regarding community outreach. Mr. Concannon asserted one (1) of the goals of the outreach was to engage the public in the presentation the City Commission would vote on and provide voters with education.

Ms. Norris-Weeks stated comprehensive outreach later in the process made sense to her, but agreed the Board would receive further direction.

Mr. Albetta joined the meeting at 5:42 p.m. Chair Weiss provided him with a brief overview of the discussion.

Mr. Fajardo clarified the Commission had set a conference meeting, not a workshop.

Chair Weiss advised that should the Commission want a presentation or update, it should be provided by Assistant City Attorney Bangel.

Charter Board Liaison Junia Robinson asked if a member of the Board would be present at the Conference meeting. Chair Weiss stated attendance by a Board member had not been requested and he would not be present.

Chair Weiss stated the October 9 meeting would be canceled, and the next meeting would be on November 6, with the agenda to include follow-up from the City Commission workshop, as well as review of the Human Resources recommendations and the Strong Mayor discussion.

Discussion ensued as to whether the Strong Mayor discussion should include a presentation or speaker. Ms. Robinson agreed to provide Board members with the presentation and recording from the previous presentation provided by Dr. Cruz, the professor that spoke on various forms of government.

Chair Weiss stated the Strong Mayor should be on the agenda so that anyone who wants to address the Board on the topic can attend, and suggested staff publicize that the conversation would be held.

Ms. Norris-Weeks advised that she did not require a presentation on forms of government for her own edification, but a presentation would be helpful for the public.

Discussion ensued briefly regarding addressing the changes recommended by the Human Resources Department. Ms. Norris-Weeks asserted the City Manager should be included in the meeting when the changes were on the agenda.

Assistant City Attorney Bangel advised there were legal issues included in the recommendations.

**V. OLD BUSINESS**

**VI. CHARTER REVISION BOARD DISCUSSION**

**VII. PUBLIC INPUT**

None.

**VIII. ADJOURN**

There being no further business, the meeting was adjourned at 5:54 p.m.

[Minutes prepared by C. Parkinson, Prototype, Inc.]



**CITY OF FORT LAUDERDALE**  
**Charter Revision Board**

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**TO:** Charter Revision Board Members

**FROM:** Anthony Fajardo, Assistant City Manager

**DATE:** November 6, 2025

**TITLE:** Charter Revision Board Recommendations – October 7, 2025 City Commission Discussion and Response

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The purpose of this memo is to provide the Charter Revision Board (CRB) members with an overview and summary of the discussion that took place on October 7, 2025 between the City Commission (CC), the City Attorney's Office (CAO), and staff related to CRB recommendations, future work plan, and the upcoming 2026 ballot.

The Fort Lauderdale CC heard a presentation from Paul Bangel and Anthony Fajardo at the October 7, 2025 commission conference meeting under item BUS-2 (backup material attached as Exhibit A). This presentation provided an overview of the articles and sections the CRB has finalized recommendations on and charter sections remaining to be reviewed. Further, the presentation requested feedback from the CC on the recommendations provided by the CRB and clear guidance on any additional work for the CRB moving forward.

This memo will summarize the responses of the City Commission related to the proposed recommendations of the CRB as well as the ongoing workplan.

City Commission Feedback:

### **ARTICLE III**

#### **Section 3.03 – Qualifications of members; forfeiture of office.**

Discussion:

- Candidate Age - The City Commission discussed the age of candidates with a concern being raised by the Mayor that the age of 18 may be too low for someone to take office. However, there was consensus that 18 was a suitable age.
- Residency – The Mayor expressed concern that case law was too vague, and language should be firmed up on what it means to be a permanent resident.

The Vice-Mayor expressed concern using homestead as a means of determining residency would be problematic because in his conversations with the property appraiser a property owner is not allowed to change the homestead status before the end of the year.

Response:

- Provide a definition and qualifications of a permanent resident as it relates to candidate qualifications.

### **Section 3.04 – Judge of elections and qualifications of members.**

Discussion:

- Residency Evaluation – The Mayor expressed concern that residency should be evaluated with an accuracy review by the City Clerk. The Vice-Mayor stated that objections should be heard before the elections take place so that all issues can be resolved prior to the election taking place and avoid causing issues in seating the candidate after the election. It was noted that the current process does require the City Clerk to verify for accuracy and that this is in alignment with the current state election code.

Response:

Recommend a process by which members will be qualified.

### **Section 3.05 – Designation of vice-mayor.**

Discussion:

- The City Commission consensus was that designation of the Vice Mayor should be done consistently with the election cycles of the City Commission and Mayor.

Response:

- Revise the language to be consistent with the election cycles established for the Mayor and City Commission.

### **Section 3.08 – Forfeiture of office; absence.**

Discussion

- Limitation of Absences – Commissioner Glassman stated that the City Commission should be held to the same 3 absences rule like all City boards and committees. Commissioner Beasley-Pittman agreed.

- Removal of Sitting Commissioner – The Mayor expressed concern that if the City doesn't make its own criteria and only relies on the Governor to remove a commissioner the issue could become political. He recommended that the language related to the city being the final arbiter be left in. There was no disagreement from the rest of the commission on the topic.

Response:

- Revise the language to reduce the number of absences to 3 and designate the city as the final arbiter.

### **Section 3.09 – Organizational meeting.**

Discussion:

- There was very little discussion on this section's amendment, and no recommendations were made for any changes.

Response:

- No objection.

### **Section 3.12 – Special meetings – How called.**

Discussion:

- 6 Hour Notice – The Mayor requested that language be included clarifying that notice timing is prior to the meeting being held. There was no objection from the rest of the commission to this change.

Response:

- Clarify what is meant by "prior" to ensure that notice is given before the meeting date.

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

Discussion:

- There was a question about the number of people required to start the process which was clarified. There was consensus to move this forward as written.

Response:

- No objection.

## **ARTICLE VII**

### **Section 7.16 – Election; tie vote; ~~primary election to fill one vacancy.~~**

Discussion:

- No discussion was held on this item. There was consensus to move it forward as written.

Response:

- No objection.

## **ARTICLE VIII**

### **Section 8.01 – Sale of personal property; ~~procedure; public notice.~~**

Discussion:

- \$5,000 – The Mayor expressed concern that this amount was too low. It was explained that the \$5,000 threshold was being removed. There was little discussion and no objection to an adjusted amount that could be considered.

Response:

- No objection.

### **Section 8.02 – Sale or lease of city ~~public lands and of public~~ property to public bodies.**

Discussion:

- Very little discussion but there was consensus to remove the term “morals” from the section.

Response:

- Remove the term “morals”.

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

Discussion:

- The Mayor asked a question related to the hypothetical rezoning of the parcel to get out of this requirement. This was clarified by the CAO that it depends on what the CC would like to do with the recommendations related to Section 8.21.

Response:

- No objection.

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

Discussion:

- The Mayor was not in favor of limiting the term to only 50-years because if there was a desire to do something similar to what was done with Bahia Mar for the sale of condos Florida law would not permit it. There was discussion related to having a higher threshold for approval based on options such as appraised value or size of the property under consideration and raising the vote required for approval to unanimous by all commissioners.

Response:

- Develop a recommendation for extending agreements beyond the 50-year limitation and increase the threshold for approval of such agreement to a unanimous vote of the city commission.

### **Section 8.21 – Disposing of Public Park Property**

Discussion:

- The Mayor asked whether the Commission would be able to get around the referendum requirement by rezoning the park land. The rezoning would have to be done by a unanimous vote of the commission.

Response:

- Add language that would allow the commission to rezone park land as of the date the charter goes into effect.

### **Ballot Discussion**

The City Commission would like a recommendation from the CAO on ballot language for all items before there is a determination on what items should move forward on the 2026 ballot.

### **CRB Work Plan**

The CAO has been directed to do a cleanup exercise on the entire charter and provide that to the CRB for further discussion and recommendations.

In addition, the CC has directed the CRB to make recommendations on any other sections of the charter that have not been addressed at this point.

**REVISED - Sec. 3.03. Qualification of members.**

- (a) To be eligible to hold the office of mayor, a candidate shall:
- (1) have resided continuously in the City as a permanent resident for at least six months immediately preceding the date of qualification for such office;
  - (2) be a citizen of the United States of America;
  - (3) be an elector of the City at the time of qualification for such office;
  - (4) hold no other public elective office;
  - (5) not be an officer, employee, or serving in any capacity in the government of the City 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;
  - (6) reside continuously as a permanent resident of the City during the term of office;  
and
  - (7) be otherwise qualified for such office as provided in this charter.
- (b) To be eligible to hold the office of city commissioner a candidate shall:
- (1) have resided continuously as a permanent resident of the city commission district for which such candidate seeks office for at least six months immediately preceding the date of qualification for such office, except that in any year in which there has been a reestablishment of city commission districts (a "Reestablishment"), candidate for the office of city commission whose permanent residence in the City 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;

- (2) be a citizen of the United States of America;
  - (3) be an elector of the City at the time of qualification for such office;
  - (4) hold no other public elective office;
  - (5) not be an officer, employee, or serving in any capacity in the government of the City 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;
  - (6) reside continuously as a permanent resident of the district to which such commissioner is elected during the term of office; and
  - (7) be otherwise qualified for such office as provided in this charter.
- (c) Candidates for election as mayor or city commissioner shall comply with all the rules and regulations set forth in the charter as to their conduct. Any candidate for mayor or city commissioner, or any mayor or city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.
- (d) For purposes of this section, continuous residence as a permanent resident for at least six months immediately preceding the date of qualification for office is established by providing a copy of at least five of the following to the city clerk:
- (1) Florida driver license or identification number showing a home address within the city or district, as applicable;
  - (2) Florida vehicle registration showing a home address within the city or district, as applicable;
  - (3) Florida voter registration card showing a home address within the city or district, as applicable;
  - (4) Certified copy of a recorded declaration of domicile and residency showing a home address within the city or district, as applicable;
  - (5) Address listed on the last Internal Revenue Service tax return, showing a home address within the city or district, as applicable;
  - (6) Bank statement and checking account mailing address showing a home address within the city or district, as applicable;
  - (7) Proof of payment of utilities at a home address within the city or district, as applicable;

- (8) Property Appraiser's record showing ownership of homestead property within the city or district, as applicable;
- (9) An item of mail with a postmark directed to a person's home address within the city or district, as applicable;
- (10) Evidence of the carrying on of activities normally indicative of home life within the city or district, as applicable;
- (11) A residential lease showing a home address within the city or district, as applicable.

**DE 78-27 - June 2, 1978**

**Voter Residency**  
**ss. 97.041, 97.091, 100.111, 166.032, F.S.**

*To: Honorable J.W. "Bill" Stevens, Board of County Commissioners, Broward County Courthouse,  
201 Southeast Sixth Street, Fort Lauderdale, Florida 33301*

*Prepared by: Division of Elections*

By your letter of May 5, 1978, the opinion of this office was requested in answer to substantially the following question:

What is the locational residency requirement for an elector in Florida?

To be eligible to register to vote in this state an individual must satisfy certain constitutional and statutory requirements. The State Constitution provides:

"Every citizen of the United States who is at least twenty-one years of age and who has been a permanent resident for one year in the state and six months in a county, if registered as provided by law, shall be an elector of that county." Fla. Const., Art. VI, s. 2.

The twenty-one year age requirement was lowered to eighteen in all elections by virtue of the Twenty-Sixth Amendment to the U.S. Constitution. (Ratified July 1, 1971). See Oregon v. Mitchell, 400 U.S. 112, 91 S.Ct. 260, 27 L.Ed.2d 272 (1971). The durational residency requirement were invalidated by court decision. Woodsum v. Boyd, 341 F.Supp. 448 (M.D. Fla. 1972); Dunn v. Blumstein, 405 U.S. 330, 92 S.Ct. 995, 31 L.Ed.2d 274 (1972).

The applicable statute relating to qualifications to register to vote is s. 97.041, F.S., which in pertinent part currently reads as follows:

"(1) Any person at least 18 years of age who is a citizen of the United States and a permanent resident of Florida and of the county where he wishes to register is eligible to register with the supervisor when the registration books are open. Upon registration, such person shall be a qualified elector of that county." (e.s.).

This law was amended in 1972 to lower the constitutional age and durational residency requirements to eighteen years and sixty days in the state and county, respectively, ch. 72-197, Laws of Florida. The sixty days was deleted in 1974. ch. 74-5, Laws of Florida. Thus, the only residency requirement for voter registration eligibility is to be a "permanent resident." s. 97.041(1), F.S.

Supplementing the registration provision is a statute relating to residency required of any person in order to vote, which states:

"No person shall be permitted to vote in any election precinct or district other than the one in which he has his permanent place of residence and in which he is registered; provided however, that persons temporarily residing outside of the county shall be registered in the precinct in which the county courthouse is located when they have no permanent address in the county and it is their intention to remain a resident of Florida and of the county in which they are registered to vote." s. 97.091(1), "F.S. (e.s.).

The courts have construed the term resident (or residency) on numerous occasions. An early decision found:

"The generally accepted definition of 'residence,' when the term is used with reference to the qualifications of voters, is synonymous with 'domicile' - that place. . .in which his habitation is fixed, without any present intention of removing therefrom." Berry v. Wilcox, 44 Neb. 82, 62 N.W. 249 (1895), cited in 1970 Op. Atty Gen. Fla. 070-97 (August 3, 1970).

Many courts have found the essential element in determining residency to be the animus manendi, i.e., the intention of remaining. Black's Law Dictionary (4th ed.). The Florida courts have found the phrase "legal resident" to be synonymous with permanent residency, domicile, or permanent abode, as distinguished from temporary residence. Bloomfield v. City of St. Petersburg, 82 So.2d 364 (Fla. 1955); Herron v. Passailaigue, 110 So. 539 (Fla. 1926).

The concept of "residency" or "domicile" is a subjective one to the extent that it invokes the intent of the individual. 1973 Op. Atty Gen. Fla. 073-209 (June 7, 1973). The Supreme Court of Florida has

". . .consistently held that where a good faith intention is coupled with an actual removal evidenced by positive overt acts, then the change of residence is accomplished and becomes effective. This is so because legal residence consists of the concurrence of both fact and intention. The bona fides of the intention is a highly significant factor." Bloomfield, supra, at 368.

The key element is the intent of the individual. Permanent residence is wherever a person mentally intends it to be and which can be factually supported. Such factual support may be voter registration, drivers license, tax receipts, receipt of mail, carrying on of activities normally indicative of home life, etc. See 1963 Op. Atty Gen. Fla. 063-31 (March 20, 1963). The filing of a declaration of domicile with the circuit court clerk is not conclusive and positive proof of residency. See 1970 op.. Atty Gen. Fla. 070-89 (August 3, 1970). All of the foregoing do not prove place of legal or permanent residency, but may be used as evidence of that fact.

Once a person has established residency for voting purposes, the absence thereof for any reason not connected with a change of domicile will not disturb that establishment. 1955 Op. Atty Gen. Fla. 055-216 (August 26, 1955). Temporary absence from the place of residency may occur, and is even accounted for by statutes, s. 97.081(1), F.S. It has previously been found that where an elector is for some reason temporarily absent from his legal residence he has not necessarily changed legal

residence, so long as it is his intention to retain his residence and return to that locale. 1953-54 Op. Att'y Gen. Fla. 75. An elector's mailing address may even be in one county without destroying his legal residency in another county. Id.

By virtue of being a registered voter in a county in this state, a person may also vote in elections regarding state, district, and federal office. A person eligible to vote in such elections is also eligible to vote in municipal elections if he resides within the corporate limits of the municipality. 1971 Op. Att'y Gen. Fla. 071-202A (August 13, 1971). See s. 166.032, F.S.

Accordingly, based on the foregoing discussion, the residency of voters is where he or she maintains a domicile with a corresponding intent that such is at that point in time his or her sole permanent residence.

It should be noted that any person's right to vote may be challenged at the polling place by any other elector (including election officials) or watchers, s. 100.111, F.S. This may be done whenever any doubt or question arises as to the challenged voter's qualifications to vote. This may include questions as to whether or not the person has maintained legal residency within the appropriate jurisdiction.

The election officials at the polling place may attempt to resolve the matter immediately by taking such appropriate action as satisfies the election clerk of that precinct and majority of the election inspectors that the person is qualified to vote. s. 101.111(3), F.S. As previously noted, residency is a voter qualification requirement in federal, state, county, and municipal elections in Florida. In the event of a question as to residency, evidence of such may be requested. Various items as discussed above may be utilized to indicate one's intent to maintain residency.

## **SUMMARY**

A person's residency for voting purposes is where he or she intends to maintain permanent domicile at that time to the exclusion of any other location. Failure to have maintained residency in that jurisdiction may be grounds to challenge the elector at the polling place.

**ORIGINAL - 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.

**REVISED - Sec. 3.04. - Judge of elections and qualifications of members.**

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### **Sec. 3.05. Designation of vice-mayor.**

(a) At its first meeting after all commissioners elected in a municipal election assume office, and annually thereafter until the next municipal election, ~~the regular triennial election of 1988,~~ the city commission shall, by resolution, designate a district commissioner as vice-mayor. ~~The vice-mayor selected in 1988 shall serve until the first city commission meeting to be held in April 1989 and at that meeting and at the first meeting in April for every year thereafter the city commission shall by resolution designate a district commissioner as vice-mayor.~~ Should a commissioner decline or be otherwise disqualified from serving in the office of vice-mayor, then and in that event, another district commissioner shall be designated by resolution to serve in such office.

(b) The vice-mayor shall preside at any meeting of the city commission from which the mayor is absent and shall perform those functions and duties set forth in section 4.04 hereof. Should the mayor resign from office or be otherwise unable to continue to serve as mayor, the vice-mayor shall serve as mayor until the vacancy in the office of mayor shall be filled as provided herein.

**Sec. 3.08. Forfeiture of office; absence.**

Absence by any commissioner from ~~three~~ four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless good cause is shown and 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.

**ORIGINAL - Sec. 3.09. - Organization meeting.**

On the first regular meeting day in December following each regular election the existing city commission 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 newly elected commissioners. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.

**REVISED - 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 elected officials whose election has been certified shall take an oath of office and assume the duties of office.

**Sec. 3.09. Organizational meeting.**

~~On the first regular meeting day in December following each regular election the existing date of the first regular city commission meeting shall meet at the usual place for holding the meetings of the legislative body of the city, for the purpose of transacting any and all necessary business before assumption of office by the after the certification of election results by the Broward County Canvassing Board, all newly elected commissioners officials whose election has been certified 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. 3.12. 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 **prior to any special meeting**, except that in the event of an emergency as determined by the mayor or the city manager, in consultation with the city attorney, a special meeting of the city commission may be called upon such notice **prior to a special meeting for an emergency** as is practicable under the circumstances. ~~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. For purposes of this section, an emergency is any occasion or instance in which there is the potential for imminent harm to the public's health, safety, or property, or where the city has the ability to lessen or avert the threat of catastrophe. 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.~~

**ORIGINAL - Sec. 3.15. - Initiative; 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) A 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 proposed ordinance 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 the city attorney, in writing, to assist in the drafting of such proposed ordinance in proper form, and such city attorney shall draft the proposed ordinance in proper form within thirty (30) days 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.
- (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.
- (c) If the city commission should:
  - (1) Reject the proposed ordinance; or

- (2) Fail to take action upon said proposed ordinance; or
- (3) Pass the ordinance in an amended form not acceptable to the committee; or
- (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.

**REVISED - 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, 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, 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. 3.15. 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, 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, 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.

(4i) ~~Reject the proposed ordinance;~~ or Action by city commission. Upon receipt of a Certificate determining a Petition is sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city. If the city commission fails to act on a proposed initiative ordinance or a referred ordinance within the requisite time period, the city commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the city commission was authorized to act on such matter.

(2ii) ~~Fail to take action upon said proposed ordinance;~~ or Submission to electors. The vote of the electorate on a proposed or referred ordinance shall be held in conjunction with the city's next regular municipal election unless the Committee elects an earlier vote of the electorate, either in conjunction with an earlier available Broward County election, or by mail ballot election, provided that the Committee shall prepay the cost of a vote of the electorate that is held earlier than the city's next regular municipal election.

(3iii) ~~Pass the ordinance in an amended form not acceptable to the committee;~~ or Withdrawal of petitions. A Petition may be withdrawn at any time prior to the fifteenth (15<sup>th</sup>) 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.

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.

**ORIGINAL - 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.

**REVISED - Sec. 7.16. Election; tie vote.**

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

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

At the ~~each~~ regular or special municipal election, the candidates for each office who ~~shall~~ receives 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.

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

Personal property belonging to the city shall not be sold, except 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.

**REVISED - Sec. 8.01. - Sale of personal property.**

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

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

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

**Sec. 8.02. - Sale 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, 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].~~

**ORIGINAL - Sec. 8.04. - Sale of real property to private persons, firms or corporations.**

City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon, title to which is vested in City of Fort Lauderdale, to any private 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.
- (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.
- (g) The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.

#### **REVISED - 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.

#### **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.~~
- (g) ~~The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.~~

**ORIGINAL - Sec. 8.09. - Leases for more than one year and not more than fifty years.**

City is hereby empowered to lease or concession to private persons, firms or corporations, for nonpublic purposes, any 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 public property owned or operated by the City of Fort Lauderdale, and not needed for governmental purposes, 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 persons, firms or corporations. 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.

**REVISED - 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. 8.09. – 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. 8.21. 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 Parks, Recreation and Open Space in accordance with the City's Unified Land Development Regulations ~~park~~ on November 3, 2026, 40, 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. 4.06. Designation of interim or acting 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. The person thus designated shall be known as the "acting city manager."

~~During the absence of the city manager, the city manager may designate a deputy city manager, assistant city manager, or department director to temporarily exercise the powers and duties of the city manager.~~ The person thus designated shall be known as "interim city manager."

(Ord. No. C-18-47, § 17, 1-22-19)

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**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, ~~the five (5) employees receiving the highest number of nominations shall become the nominating committee to nominate up to three (3) candidates for the office to be filled. In instances in which there is a tie in nominations for the nominating committee, the employee(s) with the highest level of overall City seniority shall serve on the nominating committee. For the purposes of this section, overall City seniority shall be defined as an employee's length of continuous service with the City.~~ 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) ~~members of the nominating committee~~ shall constitute the election board and shall certify the results to the city commission in writing.

**Deleted:** 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

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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:

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- (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)~~ 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.

**Deleted:** (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.

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- (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.

(Ord. No. C-18-47, § 17, 1-22-19)