

City of Opa-locka

*Commission Chambers
215 Perviz Avenue
Opa-locka, FL 33054*



CHARTER REVIEW BOARD Agenda

**Thursday, March 3, 2022
6:00 PM**

Charter Review Board Members

**Chair Jannie Russell
Vice Chair Nikisha Williams
Board Member Christina Banks
Board Member Mykeisha Fenn
Board Member John Riley
Board Member Audrey Edmonson
Board Member Frank Vega**

**CITY OF OPA-LOCKA
“The Great City”**

CHARTER REVIEW BOARD MEETING

Thursday, March 3, 2022

6:00 p.m.

AGENDA

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. INVOCATION:**
- 4. PLEDGE OF ALLEGIANCE:**
- 5. PUBLIC COMMENT:**
Please limit to not more than three (3) minutes
- 6. ADDITIONS/CHANGES/DELETIONS:**
Request to add, change or delete items from the agenda
- 7. DISCUSSION ON ARTICLE I THROUGH VIII OF THE CHARTER:**
- 8. ITEMS FOR NEXT MEETING AGENDA:**
- 9. ADJOURNMENT:**

NEXT MEETING DATE

Thursday, March 17, 2022 at 6:00 p.m.

Pursuant to F.S. 286.0105, if a person decides to appeal any decision made by the Board, Agency or Commission with respect to the proceedings, and that, for such purpose, that person may 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.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 953-2800 for assistance at least two (2) business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).

CITY OF OPA-LOCKA, FLORIDA



CHARTER

PART I CHARTER¹

PREAMBLE

We, the people of the City of Opa-locka, in order to secure for ourselves the benefits and responsibilities of home rule, in order to provide a municipal government to serve our present and future needs, do hereby adopt this Charter.

(Res. No. 12-8434, § 2, 7-18-12)

CITIZENS' BILL OF RIGHTS

- (A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administration management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following are guaranteed:
- (1) *Convenient Access.* Every person has the right to transact City business with a minimum of personal inconvenience. It shall be the duty of the City Commission and the City Manager to provide, within budget limitations, reasonably convenient times and places for required inspections and for transacting business with the City.
 - (2) *Truth in Government.* No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
 - (3) *Public Records.* All audits, reports, minutes, documents and other public records of the City and its boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.
 - (4) *Minutes and Ordinance Register.* The City Clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.

¹Editor's note(s)—Res. No. 12-8434, § 2, adopted July 18, 2012, repealed the former Charter, §§ 1—194, and enacted a new Charter as set out herein. See the Charter Comparative Table for Ordinance and Resolution history.

Amendments have been worked into their proper places and amended or repealed provisions deleted.

Amendments are cited in parentheses () following the provisions amended. The absence of such a citation indicates that the provision has not been amended and is as originally enacted by the Res. No. 12-8434.

Words and phrases have been added in brackets [] where necessary to clarify meaning.

State law reference(s)—Procedure for amending municipal charters, F.S. § 166.031.

PART I - CHARTER
CITIZENS' BILL OF RIGHTS

- (5) *Right to be Heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Commission or City agency, board or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public. The City Commission shall adopt agenda procedure and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits and procedures for the presentation of a matter.
- (6) *Right to Notice.* Persons entitled to notice of City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.
- (7) *No Unreasonable Postponements.* No matter, once having been placed on a formal agenda by the City, shall be postponed to another day except for good cause shown in the opinion of the City Commission, board or agency conducting such meeting, and then only on conditions that the affected person shall, upon written request, receive mailed notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.
- (8) *Right to Public Hearing.* Upon a timely written request from any interested party, and after presentation of the facts to and approval of the Commission, a public hearing shall be held by any City agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the Law Department of the City nor to any person whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his/her counsel shall be entitled to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. The decision of such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

- (9) *Notice of Action and Reasons.* Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any City administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.
- (10) *Manager's and Attorney's Report.* The City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective areas of concern.
- (11) *Budgeting.* In addition to any budget required by state statutes, the City Manager at the direction of the City Commission shall prepare a budget showing the cost of each department of each budget year. Prior to the City Commission's first public hearing on the proposed budget required by state law, the City Manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purpose therefore, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.

PART I - CHARTER
CITIZENS' BILL OF RIGHTS

- (12) *Quarterly Budget Comparison.* The City Manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.
- (B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and fair operation of government requires the participation of individual citizens exercising their rights and dignity and restraint so as to avoid any sweeping acceleration on the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.
- (C) All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Bill of Rights shall be declared invalid, it shall not affect the validity of the remaining provisions.
- (Res. No. 12-8434, § 2, 7-18-12)

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.1. Incorporation.

The inhabitants of the City of Opa-locka, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Opa-locka."

(Res. No. 12-8434, § 2, 7-18-12)

Section 1.2. Corporate Boundary.

Until modified by subsequent annexations or exclusions in the manner provided by law, the municipal corporation of the City of Opa-locka shall comprise, and have full municipal jurisdiction, powers, rights and privileges over the territory and persons now and from time to time hereafter within the following boundaries in Dade County, Florida, to-wit:

Commencing at the Northeast corner of Section 22, Township 52 South, Range 41 East, for the point or place of beginning; thence run West to the Northwest corner of Section 20, Township 52 South, Range 41 East; thence run South to the Southwest corner of Section 29, Township 52 South, Range 41 East; thence run East to the Southeast corner of said Section 29; thence run North along the East section line of said Section 29 to the Southeast corner of the Northeast quarter of said section; thence run East along the center line of Section 28, Township 52 South, Range 41 East to the Southeast corner of the Northeast quarter of said Section 28; thence run North to the Southwest corner of said Section 22; thence run East along the South line of said Section 22 to the Southeast corner thereof; thence run North along the East side of said Section 22 to the point or place of beginning, all of said land being more particularly described as Section[s] 20, 21, 22 and 29 and the North half of Section 28, Township 52 South, Range 41 East, Dade County, Florida.

(Res. No. 12-8434, § 2, 7-18-12)

Section 1.3. Form of Government.

The municipal government provided by this charter shall be known as the "commission-manager government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the commission," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

(Res. No. 12-8434, § 2, 7-18-12)

Section 1.4. Powers.

- (1) The City shall have all governmental[,] corporate and proprietary powers to enable it to conduct a municipal government, perform municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. In order to secure for the City the broad exercise of home rule powers as provided by Article VIII, Section 2(b) of the Constitution of the State of Florida, the provisions of all general laws relating to and governing municipalities generally in the State of Florida are hereby adopted and incorporated herein as though expressly set forth in full, it being intended that all such powers, rights, and limitations be and are hereby granted to the City of Opa-locka.
- (2) The powers of the City shall be construed liberally in favor of the City, limited only by the Constitution, general law and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by the City shall be considered amendments to this Charter and, pursuant to the provisions adopted for the incorporation of other Charter amendments, shall be incorporated as amendments to the Charter. Enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or applied thereby, or appropriated to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution of the State, it would be competent for this Charter specifically to enumerate.
- (3) The powers of the City, in addition to limitations imposed by law, are further limited as follows:
 - (a) The Commission shall have and exercise all powers of the City not specifically conferred upon other offices [officers] and employees. It may delegate any power except the power to fix the rate of taxes, enact ordinances and resolutions, incur debts, adopt a budget and appropriate money.
 - (b) The City may not otherwise dispose of that part of its real property now, or hereafter held for parks, playgrounds or other recreational facilities, except by ordinance passed by 4/5 vote of the City Commission.

(Res. No. 12-8434, § 2, 7-18-12)

ARTICLE II. CITY COMMISSION

Section 2.1. Election and Term of Office.

The commission shall consist of the mayor and four (4) commissioners elected from the City at large in the manner and for terms provided for herein or until their successors have been elected and take office.

(Res. No. 12-8434, § 2, 7-18-12)

Section 2.1.1. Term limits.

- (a) No person may appear on the ballot for re-election to the office of mayor or city commissioner of the City of Opa-locka if, by the end of the current term of office, the person will have served (or, except for resignation, suspension, or removal, would have served) in office for eight (8) consecutive years.
- (b) For purposes of this section, service as a city commissioner shall include any service on the city commission, regardless of whether the seats are specifically designated, and regardless of whether a city commissioner seeks to run for re-election to the city commission from another designated seat.
- (c) The limitation on appearing on the ballot set forth in subparagraph "(a)," relating to eight (8) consecutive years, shall not be extended by switching from mayor to commissioner, or vice versa, or by running for different positions on the city commission, including mayor.
- (d) If approved by the voters, this amendment shall take effect as of the November 2014 elections, and elected service prior to November 2014, shall be measured retroactively from the elected official's first consecutive election as an elected official of the City of Opa-locka.

(Res. No. 14-8826, § 2, 7-23-14)

Section 2.2. Qualifications.

The mayor and commissioners shall be qualified electors of the City. If the mayor or a commissioner shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

(Res. No. 12-8434, § 2, 7-18-12)

Section 2.3. Mayor and commission compensation.

Compensation for the mayor and commissioners shall be set at five hundred fifty dollars (\$550.00) per month.

(Res. No. 12-8434, § 2, 7-18-12)

Section 2.4. Presiding officer, mayor; commissioners; vice mayor.

- (a) The candidate for mayor receiving the highest number of votes in each general election shall, for a term of four (4) years immediately following thereafter, have the title of mayor, shall preside at meetings of the commission, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties.
- (b) The candidate for commissioner receiving the highest number of votes in each general election shall, for the term of two (2) years immediately following thereafter, have the title of vice mayor.
- (c) All candidates for the office of mayor shall qualify and stand for election separate and apart from those candidates qualifying and standing for election as commissioners. The term of office of the mayor shall be four (4) years. The terms of office for commission members shall be four (4) years.

(Res. No. 12-8434, § 2, 7-18-12)

Section 2.5. Powers.

All powers of the city and the determination of all matters of policy shall be vested in the commission. Without limitation of the foregoing, the commission shall have power to:

- (1) Appoint and remove the city manager;
- (2) Establish administrative departments;
- (3) Adopt the budget of the city;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (6) Appoint the members of the duly constituted City boards and committees;
- (7) Adopt plats;
- (8) Adopt and modify the official map of the city;
- (9) Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of population and the locations and use of buildings for trade, industry, business, residence or other purposes;
- (10) Provide for safe and sanitary housing accommodation[s] for families of low income;
- (11) Adopt, modify and carry out plans proposed the clearance of slum districts and rehabilitation of blighted areas;
- (12) Adopt, modify and carry out plans proposed for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- (13) Provide for an independent annual audit.

(Res. No. 12-8434, § 2, 7-18-12)

Section 2.6. Induction of commission into office; meetings of commission.

The first meeting of each newly elected commission and mayor for induction into office shall be held as soon as practicable after the vote has been certified.

(Res. No. 12-8434, § 2, 7-18-12)

Section 2.7. Vacancies; Forfeiture of Office; Filling of Vacancies.

- (A) *Vacancies.* The office of a Commission member shall become vacant upon his/her death, resignation, disability, suspension or removal from office in any manner authorized by law, or by forfeiture of his/her office.
- (B) *Forfeiture of Office.*
 - (1) *Forfeiture by disqualification.* The Mayor, Vice Mayor or Commission member, shall forfeit his/her office if at any time during his/her term s/he:
 - (1) ceases to maintain his/her permanent residence in the City.

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- (2) by legal declaration of mental incompetence of a member.
 - (3) otherwise ceases to be a qualified elector of the City.
 - (4) is convicted of a felony.
 - (5) violates any express prohibition of this Charter.
 - (6) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law.
- (2) *Forfeiture by absence.* The Mayor, Vice Mayor or Commission member shall be subject to forfeiture of his/her office, in the discretion of the remaining Commission members, if s/he is absent without good cause from any three regular meetings of the Commission during any calendar year or if s/he is absent without good cause from any three consecutive regular meetings of the Commission, whether or not during the same calendar year.
- (3) *Procedures.* The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commission member's office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Commission member in question; provided, however, that any Commission member may at any time during any duly held meeting move to establish good cause for the absence of him/herself or the absence of any other Commission member, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Commission member whose qualifications are in question, or, who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The Commission member in question shall be entitled to a public hearing upon request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Any final determination by the Commission that a Commission meeting has forfeited his/her office shall be made by a majority of the Commission by resolution. All votes and other acts of the Commission member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.
- (C) *Filling of vacancies.* A vacancy on the Commission shall be filled as follows:
- (1) If less than six (6) months remain in the unexpired term, the vacancy shall be filled by the City Commission within 30 calendar days following the occurrence of the vacancy.
 - (2) If six (6) months or more remain in the unexpired term, the vacancy shall be filled by the City Commission within 30 calendar days following the occurrence of the vacancy. The person chosen shall fill the vacancy until the next regularly scheduled Miami-Dade County-wide election, at which time an election shall be held to fill the vacancy for the balance of the term. However, if the Commission is unable to fill the vacancy within the 30 day period, a special election to fill that vacancy shall be held no later than 90 calendar days following the occurrence of the vacancy. The person so elected shall serve until the next scheduled City Regular Election, at which time any remaining balance of the term shall be filled by election.
 - (3) If the Mayor's position becomes vacant, the Vice Mayor shall complete the term of Mayor. Vacancy of Vice Mayor thus created shall be filled in the manner that the position of Vice Mayor is generally filled under this Article. If the elected Mayor shall be returned to office, s/he shall automatically resume the duties of the office for the remainder of the term for which elected, and the Vice Mayor shall return to complete the balance of his/her term. The appointment of the person to complete the term of the Vice Mayor shall be automatically rescinded.
 - (4) A vacancy in a Commission seat shall be filled by a qualified elector residing in the City.
 - (5) Persons filling vacancies shall meet the qualifications specified in this Article.

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- (6) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Commission shall appoint a person qualified under this Article to fill the vacancy.
 - (7) Notwithstanding any quorum requirements established in this Charter, if at any time the full membership of the Commission is reduced to less than a quorum, the remaining members may, by majority vote, confirm additional members to the extent otherwise permitted or required under this subsection (C).
 - (8) In the event that all members of the Commission are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor of the State of Florida shall appoint interim Commission members who shall call a special election within not less than 30 calendar days or more than 60 calendar days after such appointment. Such election shall be held in the same manner as the first elections under this Charter; provided however, that if there are less than six months, remaining in any of the unexpired terms, such interim Commission appointee(s) by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this Article.

(Res. No. 12-8434, § 2, 7-18-12)

Section 2.8. Recall.

The electors of the City shall have the power to recall and to remove from office any elected official of the City to the extent permitted and in the manner prescribed by the Constitution and the laws of the State of Florida. The minimum number of electors of the City which shall be required to initiate a recall petition shall be ten (10) percent of the total number of electors registered to vote at the last regular City election.

(Res. No. 12-8434, § 2, 7-18-12)

ARTICLE III. ADMINISTRATIVE

Section 3.1. City Manager.

There shall be a City Manager (the "City Manager") who shall be the chief administrative officer of the City. The City Manager shall be responsible to the Commission for the administration of all City affairs and for carrying out policies adopted by the Commission. The term, conditions, and compensation of the City Manager shall be established by the Commission.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.2. City Manager; Appointment, Removal.

The City Manager shall be appointed a majority vote of the Commission. The City Manager may be removed by a majority vote of the Commission provided that at least three (3) affirmative votes shall be required for removal.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.3. Powers and Duties of the City Manager.

The Manager shall:

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- (1) Be responsible for the appointing, hiring, promoting, supervising and removing of all City employees, except the City Attorney, the City Clerk, and all employees of the Office of the City Attorney and all employees of the Office of the City Clerk.
 - (2) Direct and supervise the administration of all departments and offices but not City boards or committees, unless so directed by the Commission from time to time;
 - (3) Attend Commission meetings and have the right to take part in discussion, but not the right to vote;
 - (4) Ensure that all laws, provisions of this Charter and directives of the Commission, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;
 - (5) Prepare and submit to the Commission a proposed annual budget and capital program;
 - (6) Submit to the Commission and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
 - (7) Prepare such other reports as the Commission may require concerning the operations of City departments, offices, boards and agencies;
 - (8) Keep the Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the Commission concerning the affairs of the City as s/he deems to be in the best interests of the City;
 - (9) Execute contracts and other documents on behalf of the City as authorized by the Commission;
 - (10) Perform such other duties as are specified in this Charter or as may be required by the Commission; and
 - (11) Pursue the collection of all allowable fees and taxes and maximize financial reserves as is necessary to sustain the City and the service levels requested by the citizenry. Periodically compare fee structure to similarly sized municipalities to ensure fair and appropriate pricing.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.4. Acting City Manager.

To perform his/her duties during his/her temporary absence or disability, the City Manager may designate by letter filed with the Commission, a qualified employee of the City. In the event of failure of the City Manager to make such designation or should the Commission be dissatisfied with performance of the person designated, the Commission may appoint another employee to serve as Acting City Manager during the absence or disability of the City Manager.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.5. Bond of City Manager.

The City Manager shall furnish a fidelity bond to be approved by the Commission, and in such amount as the Commission may fix, said bond to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the City.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.6. City Clerk.

The city clerk shall be appointed by a majority vote of the commission. The City Clerk may be removed by a majority vote of the City Commission, provided that at least three (3) affirmative votes shall be required for removal. The city clerk shall be the official keeper of the city seal and shall in addition thereof, but not in limitation thereof, perform and be responsible for the following:

- (1) The city clerk shall be the supervisor of elections and shall be responsible for the preparation of the ballot and the conduct of all elections of the city.
- (2) The city clerk shall appoint such deputy clerks as may from time to time be necessary to carry out the duties of the office.
- (3) The city clerk shall attend all meetings of the city commission and shall keep the minutes of all such meetings.
- (4) The city clerk shall certify and maintain all permanent official records and archives of the city.
- (5) The city clerk shall perform such other duties as required by ordinance or resolution of the city commission or as otherwise provided by this charter.

Section 3.7. City Attorney.

The City Commission shall appoint by majority vote an individual attorney or law firm to act as the City Attorney under such terms, conditions, and compensation as may be established by the Commission. The City Attorney shall report to the Commission and may be removed by majority vote of the Commission, provided that at least three (3) affirmative votes shall be required for removal.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.8. Expenditure of City Funds.

No funds of the City shall be expended except pursuant to duly approved appropriations or as authorized by ordinance.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.9. City Boards and Agencies.

All City boards or agencies existing prior to the adoption of this charter shall be de-authorized subject to reauthorization under the provisions of this charter. The Commission shall establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the Commission.

(Res. No. 12-8434, § 2, 7-18-12)

Section 3.10. Competitive Bid Requirements/Purchasing.

- (A) Except as otherwise provided by law, contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of clearly drawn specifications and competitive bids, except in cases where the Commission, based on the written communication of the City Manager, specifically determines by affirmative vote of at least three Commission members that it is impracticable or not

advantageous to the City to do so. The City Commission shall have the power to reject all bids and advertise again.

- (B) The City Manager, by an ordinance approved by a majority (three or more votes) of the Commission may be granted purchasing power without competitive bidding or as otherwise provided by law.

(Res. No. 12-8434, § 2, 7-18-12)

ARTICLE IV. LEGISLATIVE

Section 4.1. Commission Meeting Procedure.

- (A) *Meetings.* The Commission shall hold at least 11 regular monthly meetings in each calendar year, at such times and places as the Commission may prescribe. Special meetings may be held on the call of the Mayor, City Manager or a majority of the Commission members upon no less than 24 hours notice to the public or such shorter time as a majority of the Commission deems necessary in case of an emergency affecting life, health, property or the public peace.
- (B) *Rules and Minutes.* The Commission shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection.
- (C) *Quorum and Voting.* A majority of the Commission shall constitute a quorum. Voting on ordinances and resolutions shall be by roll call on final reading. Voting on all other matters may be by voice vote unless a Commission member or the City Clerk request otherwise. In the event that three or more Commission members are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Commission may vote and approve such matter by unanimous vote.
- (D) *Meeting Time Limits.* No meeting of the Commission shall extend later than midnight except upon the affirmative vote of a majority of members present at the meeting, provided that there is a quorum present

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.2. Prohibitions.

- (A) *Appointment and Removals.* Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any City employees, whom the City Manager or any of his/her subordinates are empowered to appoint. The Commission may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (B) *Interference with Administration.*
- (1) Except for the purpose of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Commission, the Commission and any of its individual members shall deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Commission nor its members shall give orders to any such employee, except the City Manager, the City Clerk and the City Attorney, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in City government operations by individual Commission members are made solely to and through the City Manager. Commission members may discuss with the City Manager any matter of City business; however, no individual Commission member shall give orders to the City Manager.
 - (2) Any commissioner violating the provisions of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a commissioner.

(C) *Holding Other Office.* No elected City Official shall hold any appointed City Office or, City employment while in office. No former elected City official shall hold any compensated appointive City office or City employment until one (1) year after the expiration of his/her term.

(D) Elected officials shall be prohibited for one (1) year following the expiration of their term of office from lobbying before any City board, committee or agency including the City Commission.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.3. Ordinances.

(A) *Actions Requiring an Ordinance.* In addition to other acts required by law or by specific provisions of this Charter to be affected or authorized by ordinance, those acts of the City Commission shall be by ordinance which:

- (1) Adopt or amend an administrative regulation or establish, alter or abolish any City office, department, board or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes or appropriate funds;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charges for municipal services or grant administrative authority to set such charges;
- (6) Authorize the borrowing of money in accordance with section 4.11;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the City;
- (8) Regulate land use through zoning and other means;
- (9) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.4. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt, in the manner provided in this Section, one or more emergency ordinances, but emergency ordinances may not: levy taxes, grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provision of this Charter if applicable.

- (1) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (2) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall be enacted by no less than four members of the Commission. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances.
- (3) *Effective Date.* An emergency ordinance shall become effective upon adoption or at such other date as may be specified in the ordinance.

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- (4) *Repeal.* Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the 61st calendar day following its effective date, but shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.
 - (5) *Emergency Appropriations.* The Commission may make emergency appropriations in the manner provided in this Section. Notwithstanding the provisions of Section 4.11 to the extent that there are no available unappropriated revenues to meet such appropriations, the Commission may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable no later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.5. Annual Budget Adoption.

- (A) *Balanced Budget.* Each annual budget adopted by the Commission shall be a balanced budget and adopted in accordance with Florida law.
- (B) *Budget Adoption.* The Commission shall by ordinance adopt the annual budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the annual budget by this date, the Commission may by resolution direct that the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days, with all items in it prorated accordingly, until such time as the Commission adopts an annual budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriation of the amounts specified therein.
- (C) *Specific Appropriation.* The budget shall be specific as to the nature of each category of appropriations therein. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.6. Fiscal Year.

The fiscal year of the City government shall begin on the first day of October and shall end on the last day of September of the following calendar year. Such fiscal year shall also constitute the annual budget and accounting year.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.7. Appropriation Amendments During the Fiscal Year.

- (A) *Supplemental Appropriations.* If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Commission may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.
- (B) *Reduction of Appropriations.* If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, s/he shall report in writing to the Commission without delay, indicating the estimated amount of the deficit, and his/her

recommendations as to the remedial action to be taken. The Commission shall then take such action as it deems appropriate to prevent any deficit spending.

- (C) The Commission may otherwise amend the annual budget from time to time during the year, by ordinance, as it deems necessary to do so.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.8. Authentication, Recording and Disposition of Ordinances; Resolutions and Charter Amendments.

- (A) *Authentication.* The Mayor and the City Clerk shall authenticate by their signature all ordinances and resolutions adopted by the Commission. In addition, when Charter amendments have been approved by the electors, the Mayor and the City Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- (B) *Recording.* The City Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Commission. Ordinances shall, at the direction of the Commission, be periodically codified. The City Clerk shall also maintain the Charter in current form including all Charter Amendments.
- (C) *Availability of Enactments.* The Commission shall establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.9. Tax Levy, Assessments and Fees.

The City, by majority of the Commission, shall have the right to levy, assess and collect all such taxes, assessments and fees as are permitted by law, including without limitation, fines, ad valorem taxes, special assessments and fees, excise, franchise or privilege taxes and taxes on services and utilities.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.10. Independent Audit.

The Commission shall provide for an annual independent audit of all City accounts and may provide more frequent audits as it deems necessary. Audits shall be made in accordance with generally accepted auditing standards by a certified public accountant or firm of such accountants who have no personal interest direct or indirect in the fiscal affairs of the City government, its employees or officers. Residency, per se, shall not constitute a direct or indirect interest. A summary of the results, including any deficiencies found, shall be made public. A written response to any noted deficiencies shall be the responsibility of the City Manager. The response shall be made public no more than 90 calendar days from delivery of the independent auditor's report.

(Res. No. 12-8434, § 2, 7-18-12)

Section 4.11. Borrowing.

The City shall incur no debt unless the incurrence of such debt is approved by a majority of the Commission.

(Res. No. 12-8434, § 2, 7-18-12)

ARTICLE V. ELECTIONS

Section 5.1. Municipal Elections.

- A. *Holding elections[.]* The regular election for members of the commission and mayor shall be held on the first Tuesday after the first Monday in November of each even numbered calendar year. The commission shall order special elections on other dates to fill vacancies on the commission when such elections are mandatory under this charter. Special elections may also be called on at least thirty (30) days notice at any time to validate general obligation bond issues, to ratify a new charter or amend a current one, to initiate ordinances or secure an expression from the electors on referred ordinances in the manner prescribed in this charter, or for any or all other lawful purposes.
- B. *Regulation of elections.* The commission shall by ordinance establish such rules and regulations as it considers needful or desirable, not inconsistent with this charter, governing the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in case of doubt or fraud. Municipal elections shall be supervised by the city clerk and conducted by an election board consisting of an election clerk and two (2) or more qualified electors for each precinct appointed by the commission who shall act as inspectors of the election.
- C. *Registration of voters; compliance with ordinances and laws[.]* Elections and maintenance of voters registration lists shall be conducted in accordance with the ordinances of the city and the laws of the State of Florida.
- D. *Regular elections of mayor and commissioners; run-off elections; qualifications of voters; conduct to conform to statutes.*
- (1) A general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to the elective office of mayor or commission where said are expiring, unless the general election being conducted by the Miami Dade County Elections Department is held on another day, in which case the Opa-locka election shall be held on the same day. The candidate for mayor receiving highest number of ballots cast shall be deemed the duly elected mayor. The two (2) candidates for commission receiving the highest number of votes cast for commission shall be deemed duly elected. In any special election to fill an unexpired term on the Commission, the candidate receiving the highest number of votes shall be deemed duly elected.
 - (2) Any person who shall possess the qualifications requisite to be an elector at the general state election and shall have resided in the City of Opa-locka more than forty-five (45) days next preceeding the city election at which he offers to vote, and shall have registered with the elections division of Miami Dade County, shall be a qualified elector of the city.
 - (3) Any person who shall be a qualified elector of the city and who shall have resided in the City of Opa-locka more than 365 days prior to the day of the election at which the said person seeks to qualify as a candidate for the office of commissioner or mayor shall be qualified as candidate to seek the office of commissioner or mayor.
 - (4) All elections held in the City of Opa-locka shall be conducted and held according to the provisions of the general election laws of the State of Florida, except as otherwise provided for in the Charter of the City of Opa-locka and except that the City Commission shall be substituted for a board of county commissioners.

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- (5) The name of any elector of the city shall be printed upon the ballot as a candidate for nomination to the office of commissioner or mayor of the City of Opa-locka the sum of two hundred fifty dollars (\$250.00) being deposited with the Clerk of the City of Opa-locka at the time of seeking qualifications as a qualifying fee for such candidate to the office of commissioner or mayor of the City of Opa-locka, Florida.

The qualification period for elector candidates for the office of mayor and commissioner shall commence at 9:00 a.m. on the first Monday in August of each even-numbered year, and continuing until 12 noon on the Friday which is eleven (11) days after the commencement date. Each elector shall submit concurrently there with a sworn statement of the elector's name, address together with a statement under oath as to residency in the City of Opa-locka for more than 365 days prior to the date of election sought for qualification as a candidate, occupation and willingness to serve if elected.

- (6) The word "resident" and all of its derivatives shall mean that a person shall be considered as such when he actually lives in a house, trailer, or an apartment within the boundaries of the City of Opa-locka. The Supervisor of Elections is required to request proof of residency including but not limited to homestead exemption, driver's license, motor vehicle registration, voter's registration card, lease agreement, from anyone who applies to qualify as a candidate for the office of commissioner or mayor. A business address or location shall not entitle a proposed candidate or elector to be considered as a "resident".

- E. *Form of ballots; listing of candidates.* All ballots used in any regular, special or general election of commissioners or mayor held under authority of this charter shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballot used in all general state elections. The following additional provisions with respect to ballots used in any general or special election of commissioners [or mayor] shall also apply:

- (1) The full names of all candidates nominated for the commission or mayor as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots. If two (2) candidates with the same surname, or with names so similar as to be likely to cause confusion, are nominated, the addresses of their places of residence may be placed with their names on the ballot.
- (2) The names of the candidates shall be arranged in the alphabetical order of their surnames.
- (3) Where voting machines are not used, commissioners or mayor shall be voted for on ballots separate and distinct from ballots used for any other office or question, and the ballot boxes used for the election of commissioners or mayor shall be separate and distinct from ballot boxes used for any other office or question.
- (4) When voting machines are used, the laws of the State of Florida shall apply, and the form of the ballot shall be modified to conform thereto.

- F. *What commissioners declared elected; how tie vote decided.* At any regular municipal election held under the provisions of this charter, the candidates for the office of commissioner, in number equal to the number of commissioners to be elected, who shall have received the greatest number of votes cast, shall be declared elected. The candidate for Mayor receiving the greatest number of votes cast shall be declared elected. A tie between two (2) or more candidates for the office of commissioner shall be decided by a run-off election to be held within thirty (30) days of the certification of the results of the regular election. Similarly, a tie between two or more candidates for mayor shall be decided by a run-off election to be held within thirty (30) days of the certification of the results of the regular election. No runoff shall be held less than twenty-one (21) days after the regular election.

- G. *Candidacy of incumbent commissioner and mayor.* If an incumbent commissioner qualifying for nomination and election to the office of mayor or an incumbent mayor qualifies for nomination and election to office of

commissioner resigns to run as required herein or by State law, the remaining term of his office becomes vacant thereby, and said vacancy shall be filled in accordance with the procedure set forth in this Charter.

(Res. No. 12-8434, § 2, 7-18-12)

Section 5.2. Initiative and Referendum.

(A) *Power to Initiate and Reconsider Ordinances.*

- (1) *Initiative.* The electors of the City shall have the power to propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, to adopt it at a City election, provided that the required signatures in Sec. 5.2(c)(1) have been met and provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of City officers or employees.
- (2) *Referendum.* The electors of the City shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of city officers or employees.

(B) *Commencement of Proceedings.* A minimum of ten electors may commence initiative or referendum proceedings by filing with the City Clerk an affidavit (the "Affidavit") stating they will constitute the petitioners' committee (the "Committee") and be responsible for circulating the petition (the "Petition") and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the Affidavit of the Committee is filed, the City Clerk shall at the Committee's request, issue the appropriate Petition blanks to the Committee at the Committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the City Attorney prior to circulation.

(C) *Petitions.*

- (1) *Number of Signatures.* Initiative and referendum petitions must be signed by at least ten (10) percent of the total number of electors registered to vote at the last regular City election.
- (2) *Form and Content.* All pages of a Petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by a printed name and address of the person signing. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (3) *Affidavit of Circulator.* Each page of a Petition shall have attached to it when filed an affidavit executed by the circulator stating that s/he personally circulated the page, the number of signatures contained, that all the signatures were affixed in his/her presence that s/he believes them to be genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (4) *Filing Deadline.* All Petitions must be filed within 60 calendar days of the date a proper Affidavit is filed pursuant to subsection (B) of this section.

(D) *Procedure for Filing.*

- (1) *Certificate of Clerk; Amendment.* Within 20 calendar days after an initiative Petition is filed or within five business days after a referendum Petition is filed, the City Clerk shall verify all signatures required for initiatives or referendums with the Miami-Dade Supervisor of Elections and complete a certificate

as to its sufficiency ("the Certificate"). If insufficient the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the Committee by registered mail. Grounds for insufficiency are only those specified in subsection (C) of this Section. A Petition certified insufficient for lack of the required number of valid signatures may be amended once if the Committee files a notice of intention to amend it with the City Clerk within two calendar days after receiving the copy of the Certificate and files a Supplementary Petition ("Supplementary Petition") with the City Clerk with additional valid signatures within ten calendar days after receiving the copy of such Certificate. Such Supplementary Petition shall comply with the requirements of subsection (C) of this Section. Within five business days after a Supplementary Petition is filed the City Clerk shall, after verifying signatures with Miami-Dade County Supervisor of Elections, complete a Certificate as to the sufficiency of the Petition as amended ("Amended Petition") and promptly send a copy of such Certificate to the Committee by registered mail. If a Petition or Amended Petition is certified sufficient, or if a Petition or Amended Petition is certified insufficient and the Committee does not elect to amend or request Commission review under paragraph (2) of this subsection within the time required, the City Clerk shall promptly present his/her certificate to the Commission and such Certificate shall then be a final determination as to the sufficiency of the petition.

- (2) *Commission Review.* If a Petition has been certified insufficient and the Committee does not file notice of intention to amend it or if an Amended Petition has been certified insufficient, the Committee may, within two calendar days after receiving the copy of such Certificate, file a request with the City Clerk that it be reviewed by the Commission. The Commission shall review the Certificate at its next regularly scheduled meeting following the filing of such request and approve or disapprove it. The Commission's determination shall then be a final determination as to the sufficiency of the Petition.

(E) *Action on Petitions.*

- (1) *Action by Commission.* When an initiative or referendum Petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within 45 calendar days or fails to repeal the referred ordinance within 30 calendar days, it shall submit the proposed or referred ordinance to the electors of the City. If the Commission fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in this paragraph, the 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 Commission was authorized to act on such matter.
- (2) *Submission to Electors.* The vote of the City on a proposed or referred ordinance shall be held not less than 30 calendar days or more than 60 calendar days from the date the Commission acted or was deemed to have acted pursuant to paragraph (1) of this subsection. If no regular election is to be held within the period described in this paragraph, the Commission shall provide for a special election. Copies of the proposed or referred ordinance shall be made available at the polls.
- (3) *Referendum.* See [subsection] F(2)

(F) *Results of Election.*

- (1) *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. If the proposed initiative ordinance fails, it or any ordinance that is substantially similar may not be submitted in accordance with this Article for at least one year from the date of the election.
- (2) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote for repeal, the repealed ordinance shall be considered repealed upon certification of the election results.

(Res. No. 12-8434, § 2, 7-18-12)

ARTICLE VI. CHARTER AMENDMENTS

Section 6.1. Procedure to Amend.

- (A) The Charter may be amended in accordance with the provisions of Section 5.03 of the Home Rule Charter of Miami-Dade County. The City shall enact an ordinance to implement this Article.
- (B) If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(Res. No. 12-8434, § 2, 7-18-12)

ARTICLE VII. GENERAL PROVISIONS

Section 7.1. Severability.

If any article, section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such article, section or part of section so held invalid may appear, except to the extent that an entire article, section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

(Res. No. 12-8434, § 2, 7-18-12)

Section 7.2. Conflicts of Interest; Ethical Standards.

- (A) All Commission members, officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by Miami-Dade County or such other ethical standard adopted by the Commission. The Commission may, by ordinance, adopt additional standards of conduct and a code of ethics, but in no case inconsistent with state law.
- (B) All elected officials, employees and appointed board or committee members shall disclose any interest in real estate or other business(es) upon entering office or being hired and shall re-disclose annually thereafter, except as otherwise provided by law.
- (C) Without in any way limiting the generality of the foregoing, no Commission member shall have a financial interest, direct or indirect, or by reason of ownership of stock or other equity ownership in any corporation or entity, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interest in any land, materials, supplies, or services unless, after full disclosure to the Commission of the nature and extent of such interest, the same is authorized by the Commission before the event or accepted and ratified by the Commission after the event. No member of the Commission who possesses such a financial interest shall vote on, or participate in the Commission deliberations concerning, any such contract or sale. Any violation of this Section with the knowledge of the person or entity contracting with the City shall render the contract voidable by the Commission.

(Res. No. 12-8434, § 2, 7-18-12)

Section 7.3. City Personnel System.

All new employment, appointments and promotions of City employees shall be made pursuant to personnel procedures to be established by the Manager from time to time. The City shall make all efforts to encourage the hiring of City residents and to encourage employees to reside within the municipal boundaries.

(Res. No. 12-8434, § 2, 7-18-12)

Section 7.4. Variation of Pronouns.

All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent, or intent of this Charter.

(Res. No. 12-8434, § 2, 7-18-12)

Section 7.5. No Discrimination.

The City shall not adopt any ordinance or policy that discriminates against any person due to race, religion, color, national origin, physical or mental disability, creed, age, sexual preference or gender.

(Res. No. 12-8434, § 2, 7-18-12)

Section 7.6. Precedence over Related Laws.

In case of a conflict between the provisions of this Charter and the provisions of the Code to be adopted pursuant thereto, the Charter terms shall control. Moreover, nothing in this Charter shall be construed to alter, abolish, affect or amend the general laws of this State, now in force, or which hereinafter may be enacted relative to or affecting this City, except where such laws are in direct conflict in which case the provisions of this Charter or Code adopted pursuant thereto shall supersede and be in full force and effect to the extent permitted by law.

(Res. No. 12-8434, § 2, 7-18-12)

ARTICLE VIII. TRANSITION PROVISIONS

Section 8.1. Interim adoption of codes, ordinances and resolutions; Pending matters.

Unless otherwise modified or replaced by this Revised Charter, or the City Commission, all codes, ordinances and resolutions in effect on the date of adoption of this Revised Charter shall remain in force and effect as municipal codes, ordinances and resolutions of the City, to the extent they are not in conflict with this Revised Charter, and all officers shall continue to hold their office until replaced as provided herein. All pending actions and matters shall continue unimpaired except where in conflict, or upon action of the City Commission. The City Commission may adopt transition ordinances, including emergency ordinances as provided herein, as may be required to achieve a smooth and continuous transition.

(Res. No. 12-8434, § 2, 7-18-12)

Section 8.2. Effective Date; Terms of office.

This Revised Charter shall take effect upon adoption and ratification by a majority vote of the electors of the City at an election called for that purpose. Upon adoption, the terms of any officeholders now scheduled to expire in November 2012, shall still expire in 2012, and shall be filled thereafter in the manner provided herein. The terms of those office holders scheduled to expire in 2014 shall still expire in 2014 (which scheduled elections shall continue unimpaired by, but subject to, the provisions of this Charter).

(Res. No. 12-8434, § 2, 7-18-12)

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²This charter, being Laws of Florida, 1953, Ch. 29347, constituting §§ 1 through 194, is set out herein. The following table shows the disposition of the amendments thereto.

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