

## ARTICLE II. - LEGISLATIVE

### Sec. 2.01. - City commission; district boundaries established for residency to qualify for candidacy; reappointment.

The city commission shall consist of five (5) city commissioners and a mayor who are elected at-large on a nonpartisan basis. Each city commissioner shall be a qualified elector of the city and shall be a resident of the district from which he or she is elected. The mayor shall be a qualified elector of the city and may reside in any district within the city. City commissioners and the mayor shall be elected by a citywide vote. The boundary for each of the five (5) districts for the office of city commissioner is described in Appendix B of this Charter. The district boundaries may change by annexation, contraction and reapportionment in accordance with this charter.

A candidate for the office of mayor shall have continuously resided in the city during the six-month period immediately prior to the date of election. A candidate for the office of city commissioner shall have continuously resided during the six-month period immediately prior to the date of election in the respective district from which the candidate seeks to qualify for election. The city commission by ordinance may provide for evidence acceptable to establish domicile or legal residence.

The mayor shall reside continuously in the city during the mayor's term of office. Each city commissioner shall reside continuously during the commissioner's term of office in the district from which the commissioner was elected.

The district boundaries shall be reapportioned every ten (10) years based upon the official Florida State and Federal Census. The city commission shall adopt an ordinance containing the reapportionment within six (6) months of the date of official publication of the most recent official Florida State and Federal Census.

District boundaries shall be reapportioned to create districts of nearly equal population. Districts shall be arranged in a logical and compact geographic pattern and shall promote fair representation. Service boundaries of public facilities shall be considered.

(Res. No. 75-93, § 5, 3-25-1993; Ord. No. 2787-94, § 1, 2-13-1995; Ord. No. 3023-97, § 1, 1-27-1997; Ord. No. 4392-11, 11-28-2011)

**Editor's note**— As provided in section 2 of Ord. No. 3023-97, adopted Jan. 27, 1997, section 1 of said ordinance shall be effective and operative on Jan. 1, 1998 for the March 1998 election, since approved by the voters at a referendum held on March 11, 1997.

### Sec. 2.02. - Term and compensation.

The term of office of the mayor shall be four (4) years. No individual shall be elected to the office of the mayor for more than two (2) consecutive full terms.

The term of office of the city commissioners shall be two (2) years. Commissioner terms shall be staggered. The terms for commissioners qualified in districts 1, 3 and 5 shall expire in the same year. The terms for commissioners qualified in districts 2 and 4 shall expire in the same year. No individual shall be elected to the office of city commissioner for more than four consecutive full terms.

The annual salaries of the mayor and the city commissioners shall be fixed by ordinance. These salaries shall be reviewed during the city's annual budget process.

(Ord. No. 2455-91, § 1, 7-8-1991; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

### Sec. 2.03. - Powers of the city commission.

All powers of the city shall be vested in the city commission except those powers specifically given to the mayor, and to the internal auditor and reserved to the electors of the city in this charter.

(Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

**Sec. 2.04. - Prohibition of interference by city commissioners with appointments and removals.**

Except for ratifications permitted in section 2.09 of this article, the city commissioners collectively and individually shall not direct or request the appointment of any person to office or such person's removal by the mayor or by any subordinate or shall in any manner take part in the appointment or removal of appointive officers and employees in the administrative service of the city. Except for the purpose of an inquiry, the city commissioners collectively and individually shall deal with administrative matters solely through the mayor or mayor's designee, and shall not, collectively or individually give orders to any subordinates of the mayor either publicly or privately. This provision is not intended to prevent any city commissioner from directly seeking legal advice from the city attorney. A department head may be reasonably summoned by the city commission to appear before the city commission to provide information and to answer questions at a public meeting.

Any violation of this section by a city commissioner shall constitute misconduct punishable by the city commission and grounds for removal as provided in section 2.07.

(Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

**Sec. 2.05. - Induction and meetings.**

After each annual city election, the newly elected members shall be inducted and assume office at a public meeting. At such meeting, the city commissioners shall elect one (1) of their number to the office of the president of the city commission who shall serve at the pleasure of the city commission.

The mayor shall preside at all meetings of the city commission and be the ceremonial head of the city government. In the absence or disability of the mayor, the president shall preside at city commission meetings and perform the ceremonial and ministerial functions of the office of mayor. In the absence of both the mayor and the president, the city commissioners shall designate one of their number to chair city commission meetings and perform the ceremonial and ministerial functions of the office of mayor.

During the temporary disability of the mayor, the president of the city commission shall become the acting mayor. If it shall be necessary for the president to discharge the duties of the mayor more than thirty (30) consecutive days, at the discretion of the city commission, the president may be compensated for such duties.

The city commission shall fix the dates of all its regular meetings. Special meetings shall be held at the call of the mayor, the acting mayor, or any other two (2) city commissioners. All official meetings shall be held at the city hall when practicable and shall be open to the public.

The city commission shall adopt its own rules of procedure consistent with this charter and shall maintain a record of the vote of each member on each matter submitted to a vote. Each member of the city commission shall vote on each matter submitted to a vote unless such vote is prohibited by federal, state or local law.

(Ord. No. 2455-91, § 1, 7-8-1991; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 2787-94, § 2, 2-13-1995; Ord. No. 4392-11, 11-28-2011)

**Sec. 2.06. - Vacancy on city commission.**

A vacancy shall occur on the city commission upon death, resignation, removal or recall of a member, or in the event a member shall fail to maintain the qualifications of office including residency and status as a qualified elector of the city. A successor appointed or elected to the office vacated shall be a qualified elector of the city, and in the case of the office of city commissioner, shall be a resident of the district in which the vacancy occurs. If a vacancy occurs on the city commission for any reason, except as the result of a recall whereby a successor is appointed or elected, or resignation required to run for office by the Florida Statutes, the remaining members of the city commission shall, within thirty (30) days of the creation of the vacancy and by a majority of a quorum, appoint a successor to fill the office vacated.

In the event of an appointment to the office of mayor, said appointment shall not exceed ninety (90) days during which either the next general municipal election or a special city election, if necessary, shall

be held to elect a mayor for the unexpired term. The appointment period may exceed ninety (90) days by the number of days needed to avoid a special election between November and March.

In the event of an appointment to the office of city commissioner, such appointment shall be effective until the next general municipal election. At the next general municipal election, a successor shall be elected for the balance of the term vacated or a full term, as appropriate.

A vacancy on the city commission created by a resignation required by § 99.012, F.S. to run for another office, which resignation has an effective date between December 1 and March 31, shall be filled by election of a qualified candidate at a municipal election in March that occurs prior to the effective date of the resignation.

(Ord. No. 2344-89, § 1, 12-18-1989; Ord. No. 2455-91, § 1, 7-8-1991; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

**Sec. 2.07. - Removal and suspensions from office of city commissioner.**

The mayor and city commissioners, may be removed by recall pursuant to law or by the city commission for any of the grounds for removal set forth in § 100.361, F.S. Written charges specifying the ground(s) for removal shall be served upon said member and shall include notice of the date of the city commission meeting at which a hearing on the charges will be held. Such hearing shall be held within twenty (20) days of the date of service of the charges. Removal shall be determined by unanimous resolution adopted by the other members of the city commission.

The term "neglect of duty," as used in § 100.361, F.S., shall include but not be limited to six (6) consecutive absences from regular city commission meetings. After six (6) such absences, the matter shall be placed on the agenda for consideration by the city commission. A majority of the city commission may determine that said absences are excusable and that the charge of "neglect of duty" shall not be made.

(Ord. No. 2455-91, § 1, 7-8-1991; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

**Sec. 2.08. - Investigations.**

In the exercise of its legislative powers the city commission shall have the power to conduct such investigations and hold such hearings as the commission shall deem necessary, expedient, and proper and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the city commission shall apply to the appropriate court. The findings shall be reported to the mayor and to the public by the president of the commission.

(Ord. No. 2455-91, § 1, 7-8-1991; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

**Sec. 2.09. - Appointment and removal of chief of police, fire chief and city attorney.**

The chiefs of the police department and the fire rescue department and the city attorney shall be appointed by the mayor subject to the ratification of the city commission acting by three (3) affirmative votes. The mayor shall have the power to remove such department heads without the consent of the commission.

(Ord. No. 2455-91, § 1, 7-8-1991; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)