

## PART I - CHARTER<sup>[1]</sup>

### Footnotes:

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**Editor's note**— Printed in this part is the Charter of the City of Hallandale, as adopted by the city commission by Ordinance No. 1057 on January 9, 1976, and by referendum on March 9, 1976. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

The City of Hallandale changed its name to the City of Hallandale Beach by Ord. No. 1999-15, adopted August 17, 1999. See Charter § 1.01.

It should be noted that Ord. No. 2003-28, § 2, adopted November 18, 2003, amended and reorganized the existing Charter to read as herein set out.

**State Law reference**— Municipal Home Rule Powers Act, F.S. ch. 166.

### ARTICLE I. - POWERS OF THE CITY

#### Sec. 1.01: - Establishment and powers.

The City of Hallandale Beach is established and shall have all government, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and exercise any power for municipal purposes except as otherwise provided by law.

(Ord. No. 1999-15, § 1, 8-17-1999; Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Municipal Home Rule Powers Act, F.S. ch. 166.

#### Sec. 1.02: - Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or civil divisions or agencies thereof, including Florida and its civil divisions and agencies, or the United States or any agency thereof.

**State Law reference**— Intergovernmental programs, F.S. § 163.01 et seq.

(Ord. No. 2003-28, § 2, 11-18-2003)

#### Sec. 1.03: - Extraterritorial powers.

All extraterritorial powers conferred upon the City of Hallandale Beach by general or special act prior to the adoption of this Charter shall remain in full force and effect until repealed by ordinance or by amendment to this Charter.

(Ord. No. 1999-15, § 1, 8-17-1999; Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Extraterritorial jurisdiction, Fla. Const., art. VIII, § 2(c); annexation, F.S. § 171.011 et seq.

Sec. 1.04: - Legal construction.

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. In construing the city Charter and each and every word, phrase, or part thereof, where the context will permit, the masculine includes the feminine and neuter and vice versa. Special acts of the state legislature pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this Charter and pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to this Charter.

(Ord. No. 94-20, § 1, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

ARTICLE II. - CORPORATE LIMITS<sup>21</sup>

Footnotes:

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**State Law reference**— Annexation, F.S. § 171.011 et seq.

Sec. 2.01: - Description of corporate limits.

The following area shall constitute the corporate limits of the city:

THAT PART OF THE SOUTH ONE-HALF (S½) OF SECTION 21 LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 9;

THE SOUTH ONE-HALF (S½) OF SECTION 22;

THAT PART OF THE SOUTH ONE-HALF (S½) OF SECTION 23 LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY;

ALL THAT PART OF SECTION 25 LYING WESTERLY OF THE MEAN LOW WATER LINE OF THE ATLANTIC OCEAN AND LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:  
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHEAST ONE-QUARTER (NE¼) OF SECTION 26, ALSO BEING A POINT ON THE WEST LINE OF GOVERNMENT LOT 1 IN SECTION 25; THENCE RUNNING NORTHERLY ALONG EAST LINE OF SAID NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHEAST ONE-QUARTER (NE¼) AND ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 IN SECTION 25 TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF BLOCK 3 OF "SEMINOLE BEACH AMENDED," AS RECORDED IN PLAT BOOK 1, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID EXTENSION TO THE NORTHWEST CORNER OF SAID BLOCK 3; THENCE NORTHERLY ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINES OF LOTS 11 AND 12 AND ALONG THE WESTERLY LINES OF LOTS 11 AND 12, BLOCK 2, OF SAID "SEMINOLE BEACH AMENDED" TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 11 AND ITS EXTENSION TO THE MEAN LOW WATER OF THE ATLANTIC OCEAN;

THAT PART OF THE NORTH ONE-QUARTER (N¼) OF SECTION 26 LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY LINE;

ALL THAT PART OF THE SOUTH THREE-QUARTERS (S<sup>3</sup>/<sub>4</sub>) OF SECTION 26 LYING WESTERLY OF THE MEAN LOW WATER LINE OF THE ATLANTIC OCEAN;

ALL OF SECTION 27;

THAT PART OF SECTION 28 LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 9.

ALL THE FOREGOING DESCRIBED LANDS BEING LOCATED IN TOWNSHIP 51 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

TOGETHER WITH A PORTION OF TRACT 2, "REVISED PLAT OF GOLDEN ISLES," ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 34, PAGE 9, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND A PORTION OF "GOLDEN ISLES ESTATES," ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 94, PAGE 94, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND A PORTION OF "GOLDEN ISLES ESTATES FIRST ADDITION," ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 103, PAGE 33, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE SOUTHERLY FOLLOWING THE WEST LINE OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 42 EAST TO THE INTERSECTION WITH A LINE WHICH IS TWO HUNDRED THIRTY (230) FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 42 EAST; THENCE EASTERLY FOLLOWING THE LINE WHICH IS TWO HUNDRED THIRTY (230) FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 42 EAST, TO THE INTERSECTION WITH THE WEST BOUNDARY LINE OF THE TOWN OF GOLDEN BEACH; THENCE NORTHERLY FOLLOWING THE WEST BOUNDARY LINE OF THE TOWN OF GOLDEN BEACH TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 42 EAST; THENCE WESTERLY FOLLOWING THE NORTH LINE OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 42 EAST TO THE POINT OF BEGINNING.

(Ord. No. 79-33, § 1, 8-21-1979; Ord. No. 1999-15, § 1, 8-17-1999; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-29, § 2, 11-18-2003)

### ARTICLE III. - CITY COMMISSION

#### DIVISION 1: - ELECTION AND QUALIFICATIONS

##### Sec. 3.01: - Qualifications for candidates for mayor-commissioner and commissioners.

Only electors in the City who have resided continuously within the City for at least one (1) year preceding the date of the election shall be eligible to run for the offices of Mayor-Commissioner or Commissioner.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2006-04, § 1 (3.02), 1-17-2006)

##### Sec. 3.02: - Judge of qualifications.

The commission shall be the judge of the election and qualification of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city, at least one (1) week in advance of the hearing.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 3.03: - Election and terms.

Reserved.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 3.04: - Mayor and vice-mayor.

The electorate shall elect a Mayor at large with the candidate receiving the greatest number of votes declared elected. The commission shall elect from among its members a vice-mayor for a term of two (2) years. The election shall be conducted at the organizational meeting of the commission pursuant to section 2.34(a) of the Code of Ordinances.

In the event of a tie between two (2) candidates, the offices of mayor or vice-mayor shall be decided by lot, to be conducted in public by the city clerk.

The mayor shall preside at meetings of the commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and shall act as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor.

(Ord. No. 82-14, § 1, 10-19-1982/3-8-1983; Ord. No. 94-20, § 2, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-32, § 2 (3.06), 11-18-2003)

## DIVISION 2: - POWERS AND DUTIES

Sec. 3.05: - City commission; powers; composition.

There shall be a city commission with all legislative powers of the city vested therein, consisting of five (5) commissioners, one (1) of whom shall be mayor, who shall be elected at large by the qualified electors of the city as provided in sections 4.01 and 4.07. The remaining four (4) commissioners shall be elected to designated numbered commission seats.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-06, § 1, 5-2-2012)

Sec. 3.06: - General powers and duties.

All powers of the city shall be vested in the commission, except as otherwise provided for by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. The city commission may establish by ordinance city departments, offices and agencies, and may prescribe their functions and duties.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 3.07: - Prohibitions.

- (1) *Holding other office.* Except where authorized by law, no commissioner shall hold any other Hallandale Beach city office, Hallandale Beach city employment, or other elected public office during the term for which he was elected to the commission.
- (2) *Appointments and removals.* Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (3) *Interference with administration.* Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the commission and assure the implementation of such policies as have been adopted. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the ordinary municipal operations of the city and that recommendations for change or improvement in city government operations be made to and through the city manager.

(Ord. No. 1999-15, § 1, 8-17-1999; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2008-04, § 2 (3.08), 3-5-2008)

Sec. 3.08: - Investigations.

The commission may make investigations into the affairs of the city and the conduct of any city department, election, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-18, § 1, 8-1-2012)

DIVISION 3: - VACANCIES

Sec. 3.09: - Vacancies; forfeiture of office; filling of vacancies.

- (1) *Vacancies.* A vacancy in the city commission occurs when a commissioner leaves office otherwise than before the normal expiration of his term of office. The office of a commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission. In the event a commissioner resigns in accordance with F.S. § 99.012 to run for another elective office, the office of that commissioner shall be deemed vacant upon the date of his/her qualification for the other office, and the remaining members of the commission shall fill the vacancy as provided in section 3.09(3).
- (2) *Forfeiture of office.* A commissioner shall forfeit his office if he:
  - (a) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or law;
  - (b) Is convicted of a crime involving moral turpitude; or
  - (c) Fails to attend three (3) consecutive months of regular meetings of the commission subject to and consistent with law.

- (3) *Filling of vacancies.* A vacancy or vacancies in the city commission shall be filled as provided in the following.
- (a) *Appointment.* Whenever there is a vacancy in the commission and there are less than twelve (12) months remaining before the next regular city or general election, the commission, by a majority vote of the remaining members, shall choose a successor to serve until that election. In the event of a vacancy in the office of mayor, the vice mayor shall serve as the acting mayor until the mayor's seat is filled. If a majority vote cannot be reached within thirty (30) days of the creation of the vacancy, then the vacancy shall be decided by lot.
  - (b) *Special elections.* If no regular city or general election is scheduled within twelve (12) months, the commission shall schedule a special election to fill the unexpired term held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy or vacancies. In any special election held for the purposes of this section, the provisions for nominations and elections contained in article IV of this Charter shall apply.
  - (c) *Term.* The term of office for vacancies filled by this section shall be for the remainder of the unexpired term of the office in which the vacancy exists.
  - (d) *Regular city election.* When, at a regular city election in addition to regular commission offices, it becomes necessary to fill a commission vacancy or vacancies which have occurred under the provisions of section 3.09(1), candidates shall be elected according to the provisions of article IV of this Charter.
  - (e) *Quorum requirement.* Notwithstanding any quorum requirement established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under [subsection] (a) above.
- (4) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in [subsection] (3)(b) above and such election shall be conducted to fill the specific vacancies in the manner provided for under the regular election procedures of this city.

(Ord. No. 2002-04, § 2, 4-2-2002/11-5-2002; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-30, § 2, 11-18-2003; Ord. No. 2003-31, § 2, 11-18-2003; Ord. No. 2012-11, § 1, 5-2-2012)

#### ARTICLE IV. - ELECTIONS AND REFERENDUMS

##### DIVISION 1: - REGULAR AND SPECIAL ELECTIONS

###### Sec. 4.01: - City elections generally.

- (1) *Commission powers.* The city commission, by ordinance and subject to the provision of this Charter, shall have the power to call regular and special elections as may be required by the city.
- (2) *Electors.* All citizens qualified by the constitution and laws of Florida to vote in the city, and who satisfy the requirements for registration prescribed by law, shall be qualified electors within the meaning of this Charter.
- (3) *Number of votes.* Every elector shall be entitled to vote for no more than one (1) candidate for each numbered commission seat and for no more than one (1) mayoral candidate.
- (4) *Nonpartisan elections.* All nominations and elections for the office of city commissioner shall be conducted on a nonpartisan basis without regard for the designation of a political party affiliation for any nominee or any nominating petition or ballot.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-06, § 1, 5-2-2012)

**State Law reference**— Qualifications to register, F.S. § 97.041; municipal electors, F.S. § 166.032.

Sec. 4.02: - Conduct of elections.

Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Florida shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the commission may adopt, by ordinance, other election regulations which it considers desirable, consistent with law and this Charter.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.03: - Voting machines.

The commission may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

(Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Purchase of voting equipment, F.S. § 101.294.

Sec. 4.04: - Form of ballots.

- (1) *The commission.* The commission, by ordinance, shall prescribe the form of ballot, including the method of listing candidates for the city commission elections and any other city elections.
- (2) *Names on ballots.* The full names of all candidates nominated for the city commission, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol. If two (2) or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot. The candidates' names are to be listed in alphabetical order.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.05: - Acceptance; qualifying fee; time for qualification.

- (1) Candidates for Mayor-Commissioner and Commissioners must pay to the city clerk a qualifying fee of fifty dollars (\$50.00), accompanied by a signed notice of candidacy in the form specified by ordinance. The city clerk shall deliver to the candidate a copy of the fully executed notice of candidacy.
- (2) The time for qualification shall be established by ordinance, but shall be consistent with state law.

(Ord. No. 86-14, §§ 1, 2, 6-3-1986; Ord. No. 2001-01, § 3, 1-16-2001; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2006-04, § 1 (6.05), 1-17-2006)

**State Law reference**— Form of candidate oath, F.S. § 99.021.

Sec. 4.06: - Regular and special elections.

(1) *City election.* A general city election for the purpose of electing members to the city commission shall be held on the first Tuesday after the first Monday in November of each even-numbered year.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2006-04, § 1 (6.06), 1-17-2006; Ord. No. 2012-06, § 1, 5-2-2012)

Sec. 4.07: - Election of commissioners.

At each general city election commencing in 2005 and thereafter, there shall be elected a mayor and commissioners at large as follows: Candidates for mayor receiving the greatest number of votes shall be declared elected. The city commission shall assign numbers to each commission seat. Thereafter, candidates for city commission in a general or special election from each numbered commission seat receiving the greatest number of votes cast for that seat shall be declared elected. All commissioners shall be elected for four-year terms which shall be staggered so that, alternately, two (2) or three (3) commissioners are elected every two (2) years.

When, as the result of a vacancy or vacancies in the commission occurring under section 3.09, it becomes necessary to elect an additional commissioner or commissioners to fill an unexpired term or terms, the candidates from each numbered commission seat who receive the greatest number of votes shall be declared elected to the unexpired term or terms until the vacancy or vacancies have been filled. When necessary, a tie between two (2) or more candidates in any election for the office of mayor or city commissioner shall be decided by lot, to be conducted in public by the city clerk.

If any duly qualified candidates are unopposed, no election shall be held and the candidates shall take office as if elected by popular vote.

(Ord. No. 91-06, § 1(b), 5-21-1991/11-3-1992; Ord. No. 2002-4, § 2, 4-2-2002/11-5-2002; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-32, § 2 (6.07), 11-18-2003; Ord. No. 2012-06, § 1, 5-2-2012)

## DIVISION 2: - REFERENDUM AND INITIATIVE

Sec. 4.08: - Referendum.

The qualified 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 such power shall not extend to the budget or capital program or ordinance relating to appropriation of money or levy of taxes.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.09: - Initiative.

The qualified electors of the city shall have 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 or reject it at a city election, provided such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.10: - Commencement of proceedings.



Any five (5) qualified electors may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating 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 petitioners' committee is filed, the clerk shall, at the committee's request, prepare and issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.11: - Petitions.

- (1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least ten (10) percent of the total number of qualified electors registered to vote at the last regular city election.
- (2) *Format and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof, stating that he personally circulated the paper, the number of signatures thereof, that all the signatures were affixed in his presence, that he believes them to be the 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.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-10, § 1, 5-2-2012)

Sec. 4.12: - Procedure for filing.

- (1) *Certificate of clerk; amendment.* Within twenty (20) days after an initiative or referendum petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient; the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in section 4.11. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city clerk within five (5) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (1), (2) and (3) of section 4.11, and within seven (7) days after it is filed, the city clerk shall complete a certificate as to the sufficiency of the petition to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (2) of this section within the time required, the city clerk shall promptly present the certificate to the commission and the certificate shall be a final determination as to the sufficiency of the petition.
- (2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within five (5) business days after receiving the copy of such certificate, file a request that it be reviewed by the commission; the commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-10, § 1, 5-2-2012)

Sec. 4.13: - Referendum petitions; suspension of effect of ordinance.

When a referendum petition has been certified sufficient by the city clerk, the ordinance sought to be reconsidered shall be suspended. Such suspension shall terminate when:

- (1) The petitioners' committee withdraws the petition; or
- (2) The commission repeals the ordinance; or
- (3) After the result of the vote on the ordinance has been certified.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.14: - 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 in the manner provided in article V 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 sixty (60) 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.
- (2) *Submission to electors.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the recall petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission may provide for a special election, or at the next scheduled election. Copies of the proposed or referred ordinance shall be made available at the polls and at the city clerk's office.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-10, § 1, 5-2-2012)

Sec. 4.15: - 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, and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election, the one (1) receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (2) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
- (3) *Limitations.* No adopted initiative ordinance shall be repealed by the city commission until twelve (12) months have elapsed following the adoption. No repealed referred ordinance shall be adopted by the city commission until twelve (12) months have elapsed following its repeal.

(Ord. No. 2003-28, § 2, 11-18-2003)

DIVISION 3: - RECALL

Sec. 4.16: - Recall.

The qualified electors of the city shall have the power to remove from office and recall any elected official of the city in accordance with the laws of the State of Florida.

(Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Municipal recall, F.S. § 100.361.

#### ARTICLE V. - ADMINISTRATION

#### DIVISION 1: - ORDINANCES AND RESOLUTIONS

#### Sec. 5.01: - Ordinances and resolutions.

"Ordinance" means an official, legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

A "resolution" is an expression of the commission on matters of official concern, opinion, or administration, of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

- (1) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a section or subsection.
- (2) *Procedure.* A proposed ordinance shall be read by title or in full on the first reading, and by title or in full on the second reading on at least two (2) separate days, at either regular or special meetings of the commission. At least seven (7) days prior to adoption, a proposed ordinance shall be noticed once in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (3) *Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective ten (10) days after adoption or as otherwise specified therein.
- (4) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - (a) Establish, alter or abolish any city department or agency.
  - (b) Establish a rule or regulation the violation of which carries a penalty.
  - (c) Levy taxes authorized by general law.
  - (d) Grant, renew or extend a franchise.
  - (e) Authorize the borrowing of money not inconsistent with the limitations in the constitution and general law of the state.
  - (f) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city.
  - (g) Amend or repeal any ordinance previously adopted, except as otherwise provided in article VII, section 4.15(3), with respect to repeal of ordinances reconsidered under the referendum power.

(Ord. No. 80-44, § 1(b), (e), 12-2-1980/3-10-1981; Ord. No. 90-20, § 1, 11-6-1990; Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Procedures for adoption of ordinances and resolutions, F.S. § 166.041.

Sec. 5.02: - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money except as provided under the emergency appropriations provisions of article V, section 5.06 of this Charter.

- (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, but the affirmative vote of at least two-thirds of all the commission shall be required for adoption. After its adoption, the ordinance shall be published once in a newspaper of general circulation.
- (3) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (4) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this 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 an emergency ordinance.

(Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Uniform minimum mandatory procedure for adoption of emergency ordinances, F.S. § 166.041.

Sec. 5.03: - Authentication, recording and disposition of ordinances, resolutions and Charter amendments.

- (1) *Authentication.* The presiding officer of the commission and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the commission. In addition, when Charter amendments have been approved by the electors, the presiding officer of the commission 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.
- (2) *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, published and made available for distribution on a continuing basis. The city clerk shall also maintain the city Charter in current form and shall enter all Charter amendments and send a copy of the revised Charter incorporating amendments to the secretary of state's office.

- (3) *Printing.* The commission shall, by ordinance, 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.

(Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Minimum uniform procedure for adoption of ordinances and resolutions, F.S. § 166.041.

#### DIVISION 2: - FINANCIAL PROCEDURES AND AUDIT

Sec. 5.04: - Independent audit.

The commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made 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 or any of its officers. The commission may, without requiring competitive bids, designate such accountant or firm of accountants annually or for a period not exceeding two (2) years. If the state makes such an audit, the commission may accept it as satisfying the requirements of this section.

(Ord. No. 87-21, § 1, 10-6-1987; Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Annual financial audit reports, F.S. § 218.39.

Sec. 5.05: - Fiscal year.

The fiscal year of the city shall conform to the general law of the state and shall commence on the first day of October and end the last day of September in each year as currently provided and until such controlling general law shall be changed.

(Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Fiscal year mandated, F.S. §§ 166.241, 218.33.

Sec. 5.06: - Emergency appropriations.

To meet a public emergency affecting life, health, property or the public peace, the commission may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 5.02. To the extent that there are no available unappropriated revenues to meet such appropriations, the commission may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time; but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 5.07: - Payment of money by city.

Money shall be paid out of the city treasury only on warrants or checks signed by the mayor and countersigned by the city manager or, pursuant to a funds transfer agreement approved by the city commission.

(Ord. No. 94-20, § 6, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 5.08: - Bonds of city officers and employees.

The city commission shall determine by ordinance which city officers and employees shall give bond and the amount of penalty thereof.

All persons required by the city commission to give bond shall, upon entering their respective duties, give bond, with surety to be approved by the commission, conditioned for the faithful performance of these respective offices, which bond shall be payable to the city in such penalty as the commission may prescribe; and surety on any official bond shall be guaranteed only by a known, solvent bonding and surety company authorized to do business in the State of Florida. The premium on any such bonds shall be paid by the city and notice of such bonds shall be filed with the city clerk.

(Ord. No. 94-20, § 7, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

#### DIVISION 3: - PERSONNEL SYSTEM

Sec. 5.09: - Personnel system.

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness, demonstrated by examination or other evidence of competence, and to this end, the commission shall, by ordinance, establish general personnel procedures and rules.

(Ord. No. 2003-28, § 2, 11-18-2003)

#### ARTICLE VI. - OFFICERS

##### DIVISION 1: - CITY ATTORNEY

Sec. 6.01: - City attorney.

There shall be a city attorney of the city, appointed or removed, by a majority of the full commission, who shall direct and supervise the city attorney's office, and who shall serve as chief legal advisor to the commission, the city manager and all city departments, offices and agencies and who shall assure that the city is represented in all legal proceedings and perform any other duties prescribed by this Charter or by ordinance. The city attorney shall provide an annual budget for consideration by the city commission. The city commission shall include in its annual budget for each fiscal year such sum as necessary for the city attorney to carry out his or her duties.

(Ord. No. 94-20, § 3, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-09, § 1, 5-2-2012)

##### DIVISION 2: - CITY CLERK

Sec. 6.02: - City clerk.

The city manager shall appoint the city clerk, following notification to the city commission when a vacancy exists. The city clerk shall give notice of meetings of the city commission, shall keep the journal of its proceedings, shall authenticate by his signature on record in full the book kept for the purpose of recording ordinances and resolutions of the commission, shall be the custodian of the seal and of all official city records, and shall perform such duties as shall be required by this Charter, by city ordinance or by the city manager.

(Ord. No. 2003-28, § 2, 11-18-2003)

#### DIVISION 3: - CITY MANAGER

##### Sec. 6.03: - Appointment, qualifications and compensation.

The city commission shall, by majority vote of the full commission, appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. The city manager shall receive such compensation as the city commission may fix and determine. The city manager shall be chosen solely on the basis of executive and administrative qualifications, without regard to political belief and shall be over the age of twenty-one (21) years.

(Ord. No. 85-22, § 1, 9-19-1985; Ord. No. 94-20, § 5, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

##### Sec. 6.04: - Removal.

The commission may remove the manager in accordance with the following procedures:

- (1) The commission shall adopt by affirmative vote of a majority of all its members a resolution which must state the reasons for proposed removal and may thereupon suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within five (5) days after a copy of the resolution is delivered to the manager, he may file with the commission a written request for a public hearing. This hearing shall be held at a commission meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the commission a written reply not later than five (5) days before the hearing.
- (3) The commission may adopt a resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the suspension resolution was delivered to the manager if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective date of a resolution of removal.

(Ord. No. 2003-28, § 2, 11-18-2003)

##### Sec. 6.05: - Powers and duties.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city coming under his jurisdiction and he shall:

- (1) Appoint all heads of departments after notification of the city commission, and all city employees and officers, except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter.

- (2) When he deems it necessary for the good of the city, suspend any department head under his jurisdiction for a period not to exceed fifteen (15) days. He may remove the heads of city departments, except the legal department, provided he does so only after notification with the city commission.
- (3) When he deems it necessary for the good of the administrative service, suspend or remove all other city officers or employees, in accordance with the personnel rules of the municipality. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (4) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.
- (5) Attend all commission meetings and shall have the right to take part in discussion but shall not vote.
- (6) See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by him or by those officers subject to his direction and supervision, are faithfully executed.
- (7) Prepare and submit the annual budget and capital program to the commission as provided under article V.
- (8) Submit to the commission and make available to the public within a reasonable time a report on the finances and administrative activities of the city as of the end of each fiscal year.
- (9) Make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.
- (10) Keep the commission advised as to the financial condition and future needs of the city and make recommendations to the commission concerning the affairs of the city.
- (11) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
- (12) Perform such other duties as are specified in this Charter, by law, or as required by the commission.
- (13) In time of emergency or disaster, assume full temporary direction of all municipal operations.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 6.06: - Supervision of departments.

Except as otherwise provided in this Charter or by general law, the city manager will be responsible for the supervision and direction of all departments, agencies or offices of the city. All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. The manager may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 6.07: - Acting city manager.

By letter filed with the city clerk, the manager shall designate, subject to approval of the commission, a qualified city administrative officer to exercise the powers and perform the duties of city manager during his temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.



(Ord. No. 2003-28, § 2, 11-18-2003)

DIVISION 4: - INTERNAL AUDITOR

Sec. 6.08: - Internal auditor.

The city commission, by majority vote of the full commission, may appoint an internal auditor on an ad hoc or as needed basis, who shall have such powers and duties and shall receive such compensation as the commission may fix and determine.

(Ord. No. 2012-08, § 1, 5-2-2012)

ARTICLE VII. - OFFICIAL CONDUCT

Sec. 7.01: - Standards of ethics.

All elected officials and employees of the city shall be subject to the standards of conduct for public officers and employees set by general law and this Charter. In addition, the commission may, by ordinance, establish a code of ethics for officials and employees of the city.

(Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Code of ethics for public employees, F.S. § 112.311 et seq.

Sec. 7.02: - Personal financial interest.

Any city officer, employee, board member or members of their immediate families who have a financial interest, direct or indirect, in any corporation, partnership or other organization in any contract with the city, in zoning and land classification, or in the sale of any land, material supplies or services to the city or to a contractor supplying the city, shall make known that interest; and, if substantial, shall refrain from voting upon or otherwise participating in his capacity as a city officer, employee or board member in the making of such sale or in the making or performance of such contract. Nor shall any city officer, employee or board member, or members of their immediate families subsequently benefit from any contract with the city, or matters of zoning and land classification, or the sale of any land, material, supplies or services to the city or to a contractor supplying the city wherein his financial interest failed to be disclosed under penalty of forfeiture of office or position and such additional penalties as may be prescribed by law. Any city officer, employee, or board member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section, shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person, corporation, partnership or other organization contracting with or making a sale to the city may render the contract or sale voidable by the city manager or the city commission.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 7.03: - Penalties.

Violations of ordinances or this Charter shall be punishable in accordance with the uniform fines and penalties set by general law.

(Ord. No. 2003-28, § 2, 11-18-2003)

**State Law reference**— Penalty for violations, F.S. § 162.21.

ARTICLE VIII. - CHARTER AMENDMENTS<sup>31</sup>

Footnotes:

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**State Law reference**— Charter amendments, F.S. § 166.031.

Sec. 8.01: - Charter amendment.

- (1) *Initiation by ordinance.* The commission may, by ordinance, amend this Charter, except that amendments affecting the following subjects shall require approval by referendum of the electors:
  - (a) Terms of elected officers and manner of their election.
  - (b) Distribution of powers among elected officers.
  - (c) Matters prescribed by this Charter relating to appointive boards.
  - (d) Any change in the form of government.
  - (e) Any other subject so provided by general law.
- (2) *Initiation by petition.* The electors of the city may propose amendments to this Charter by petition signed by at least ten (10) percent of the total number of qualified electors registered to vote in the last regular city election.
  - (a) *Form and content.* All papers of a petition shall be uniform in size and style, shall be in a form designated by the city clerk and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment.
  - (b) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that 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 proposed Charter amendment.
  - (c) *Certification of petition.* Upon certification of the sufficiency of the petition by the city clerk, such certification to include the validity of the names on the petition as qualified electors registered to vote in the last regular city election, the commission shall place the proposed amendment to a vote of the electors at the next regular election held not less than sixty (60) days after certification or at a special election called for such purpose.
- (3) *Charter review committee.*
  - (a) *Creation.* There is created and established a body to be known as the City of Hallandale Beach Charter Review Committee. The committee shall be made up of individuals appointed by the city commission on or before the first Tuesday of November, 2019, by motion of the commission, and again every eight (8) years thereafter, on or before the first Tuesday of November, and shall continue to exist until the committee renders the report described in subsection (g) of this section. This provision shall not be construed to preclude the city commission from appointing a Charter review committee at any other time.
  - (b) *Appointment and membership.* Each city commissioner shall nominate one (1) member of the Charter review committee. Nominations shall be approved by a majority vote of the city

commission. The city commission shall select two (2) additional committee members by majority vote in an effort to assure diversity within the committee.

- (c) *Purpose.* The purpose of the committee shall be to meet on a periodic basis, as needed, to identify and address issues of concern to the city relevant to its Charter.
- (d) *Duties.* The duties of the committee shall be to study the existing city Charter with the view to improve the Charter so as to provide for the preservation of the general health, welfare and safety of the inhabitants of the city, and to make recommendations to the city commission for amendments and/or revisions to the Charter. The committee shall act only in an advisory capacity to the city commission.
- (e) *Organization.*
  - 1. After selection of the members of the committee, the first meeting of the committee shall be called by the city manager, who shall explain the duties of the committee and call for the election of the committee's chairman and vice-chairman.
  - 2. The members of the committee shall elect a chairman and a vice-chairman. The chairman shall set the time, date and place of the meetings.
  - 3. The committee may adopt such internal procedures and rules as may be necessary to carry out its functions, including but not limited to, policies relating to attendance.
- (f) *Meetings.*
  - 1. Notice. All meetings of the committee shall be open to the public, and public notice of such meetings shall be provided as is practical, and all meetings will maximize the use of electronic media.
  - 2. Quorum. A quorum shall consist of a majority of the members.
  - 3. Action of committee. The affirmative vote of at least four (4) members of the committee shall be required to carry out the functions of the committee.
- (g) *Report.* Within six (6) months of the committee's first meeting, the committee shall prepare a written report to the city commission detailing its findings and recommendations, a copy of which shall be available in the office of the city clerk for public review.

(Ord. No. 84-19, § 2, 9-4-1984; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2012-07, § 1, 5-2-2012)

**Editor's note**— Ord. No. 2012-07, § 1, adopted May 2, 2012, did not specifically amend § 8.01; hence, inclusion herein as subsection 8.01(3) was at the editor's discretion.

**State Law reference**— Municipal annexation or contraction, F.S. ch. 171; required signatures, F.S. § 166.031; Charter amendment procedure, F.S. § 166.031.

#### ARTICLE IX. - TRANSITION SCHEDULE

##### Sec. 9.01: - Continuation of former Charter provisions.

All provisions of Laws of Florida, ch. 29108(1953), as amended by special law or otherwise, which are not embraced herein and which are not inconsistent with this Charter, shall become ordinances of the city, subject to modification or repeal in the same manner as other ordinances of the city in accordance with general law.

(Ord. No. 2003-28, § 2, 11-18-2003)

**Cross reference**— Special acts pertaining to jurisdiction and exercise of powers considered Charter amendments, § 1.04.

**State Law reference**— Conversion of certain provisions to ordinances, F.S. § 166.021(5).

Sec. 9.02: - Ordinances preserved.

All ordinances and resolutions in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 9.03: - Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption.

Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

City employees at the time this Charter takes effect who were serving in the same or comparable positions at the time of its adoption shall not be subjected to competitive tests as a condition of continued employment in the same positions, but all city employees in all other respects shall be subject to the personnel system provided for in section 5.09 and such ordinances as may be adopted by the city commission.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 9.04: - Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this Charter.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 9.05: - Schedule.

- (1) *Time of taking full effect.* This Charter shall be in full effect for all purposes following its adoption in accordance with general law.
- (2) *Transition ordinances.* The commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within sixty (60) days of the first commission meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in article V, except that transition ordinances shall be effective for up to ninety (90) days after enactment. Thereafter, such ordinances may be readopted, renewed or otherwise continued only in the manner prescribed for normal ordinances in article V.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 9.06: - Deletion of obsolete schedule items.

The commission shall have power, by resolution, to delete from this article IX any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 9.07: - Severability clause.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

(Ord. No. 2003-28, § 2, 11-18-2003)