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CHARTER*

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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.

ERLY 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 (N¹/₄) 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 (S³/₄) 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 SEC-

TION 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 references—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)