

By Representative Wasserman Schultz

1 A bill to be entitled
2 An act relating to Broward County; creating the
3 New City Charter; providing for the corporate
4 name and purpose of the Charter; establishing
5 territorial boundaries of the municipality;
6 providing powers of the municipality and of
7 certain officers; providing for election and
8 terms of office of a City Commission, including
9 the Mayor, and providing for qualifications,
10 powers, and duties of its membership;
11 establishing circumstances which create
12 vacancies in office and providing for filling
13 vacancies and for forfeiture and recall;
14 providing a procedure for establishing
15 compensation and expense reimbursement for the
16 Mayor and City Commission; providing for a City
17 Manager, City Clerk, and City Attorney and
18 powers and duties of each; providing bond
19 requirements; authorizing establishment of City
20 boards and agencies; providing for Commission
21 meetings, rules, and recordkeeping and voting
22 at meetings; providing for emergency
23 ordinances; providing for budget adoption and
24 establishing a fiscal year; providing
25 procedures for authentication, recording, and
26 disposition of ordinances, resolutions, and
27 charter amendments; establishing the right to
28 determine, order, levy, assess, and collect
29 taxes; providing for borrowing by the City;
30 providing for an annual independent audit;
31 establishing election guidelines; providing for

1 Charter amendments and review; providing for
2 severability; providing for transition,
3 including a referendum on incorporation,
4 initial Commission and Mayor election and
5 terms, and the date of creation and
6 establishment of the municipality; providing
7 for interim adoption of codes and ordinances;
8 providing for transitional taxes and fees;
9 providing for payment of certain revenues, and
10 transitional comprehensive plan and land
11 development regulations; entitling the City to
12 state shared and local option gas tax revenues;
13 providing for the sharing of certain revenues;
14 directing Broward County to remit a specified
15 amount to the City for infrastructure;
16 providing for the prevailing provisions of this
17 act over conflicting provisions of other laws;
18 providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. The "New City Charter" is created to read:

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT,
BOUNDARY AND POWERS

Section 1.01 Corporate existence.--A municipal
corporation known as the New City ("the City") is hereby
created pursuant to the Constitution of the State of Florida
(the "State"). The corporate existence of the City shall
commence upon the adoption of this Charter by the electorate.

1 Section 1.02 Form of government.--The City shall have
2 a "Commission-Manager" form of government.

3 Section 1.03 Corporate boundary.--

4
5 LAND DESCRIPTION

6
7 INCORPORATION OF THE NEW CITY

8
9 That portion of Sections 11, 12, 13, 14, 22,
10 23, 24, 25 and 26, Township 48 South, Range 42
11 East and Sections 7, 18, 19 and 30, Township 48
12 South, Range 43 East, Broward County, Florida,
13 described as follows:

14
15 Beginning at the intersection of the Westerly
16 right-of-way line of U.S. Highway No. 1 as
17 described in Chapter 69-1513, Laws of Florida,
18 with the South line of the North half of the
19 North half of the Northwest quarter of said
20 Section 30;

21
22 thence Westerly along said South line and the
23 South line of the North half of the North half
24 of the Northeast quarter of said Section 25 and
25 the South line of the North half of the North
26 half of the Northwest quarter of said Section
27 25 to the Easterly right-of-way line of the
28 Florida East Coast Railway as described in
29 Ordinance No. 80-38 of the City Commission of
30 the City of Pompano Beach, Florida;

1 thence Northeasterly along said Easterly
2 right-of-way line to the South right-of-way
3 line of N.E. 24th Street (Copans Road) as
4 described in said Ordinance No. 80-38;
5
6 thence Northwesterly and Westerly along said
7 South right-of-way line, through said Section
8 25 and into said Section 26 to the East line of
9 the West half of said Section 26;
10
11 thence Northerly along said East line to the
12 North line of the West half of said Section 26;
13
14 thence Westerly along said North line and the
15 South line of the Southeast quarter of said
16 Section 22 to the Easterly right-of-way line of
17 the Seaboard Coastline Railroad as described in
18 Chapter 83-506, Laws of Florida;
19
20 thence Northeasterly along said Easterly
21 right-of-way line to the Westerly right-of-way
22 line of Interstate 95 (State Road No. 9) as
23 shown on Florida Department of Transportation
24 Right-of-Way Map (Section 86070-2413);
25
26 thence North 88°30'27" East along said Westerly
27 right-of-way line and the South line of a
28 parcel described in Ordinance No. 90-53 of the
29 City Commission of the City of Pompano Beach, a
30 distance of 277.01 feet;
31

1 thence North 59°00'27" East along said Westerly
2 right-of-way line and the South line of said
3 parcel, a distance of 88.64 feet;
4
5 thence North 29°30'27" East along said Westerly
6 right-of-way line and the South line of said
7 parcel, a distance of 435.76 feet to the Point
8 of Curvature of a curve concave to the
9 Southeast;
10
11 thence Northeasterly along said Westerly
12 right-of-way line and the South line of said
13 parcel described in Ordinance No. 90-54 and the
14 arc of said curve, having a radius of 772.00
15 feet and a central angle of 43°27'07":, an arc
16 distance of 585.47 feet to a Point of Tangency;
17
18 (the following 12 courses are coincident with
19 the boundary of that parcel of land described
20 in Ordinance No. 90-54 of the City Commission
21 of the City of Pompano Beach, Florida)
22
23 North 73°03'48" East along said Westerly
24 right-of-way line, a distance of 679.79 feet to
25 the Point of Curvature of a curve concave to
26 the Northwest;
27
28 Northeasterly along said Westerly right-of-way
29 line and the arc of said curve, having a radius
30 of 901.74 feet and a central angle of
31

1 31°24'05", an arc distance of 494.20 feet to a
2 Point of Tangency;
3
4 North 41°39'43" East along said Westerly
5 right-of-way line, a distance of 474.37 feet;
6
7 North 37°39'43" East along said Westerly
8 right-of-way line, a distance of 929.07 feet to
9 the Point of Curvature of a curve concave to
10 the Northwest;
11
12 Northeasterly along the Westerly right-of-way
13 line and the arc of said curve, having a radius
14 of 3300.52 feet and a central angle of
15 03°19'12", an arc distance of 191.25 feet to
16 the North line of the Southwest quarter of said
17 Section 23;
18
19 South 88°36'48" West along said North line, a
20 distance of 1242.61 feet to the East line of
21 the West half of the Northwest quarter of said
22 Section 23;
23
24 North 01°31'35" West along said East line,
25 1960.40 feet to the North line of the South
26 half of the Northwest quarter of the Northwest
27 quarter of said Section 23;
28
29 South 88°40'22" West along said North line, a
30 distance of 564.24 feet;
31

1 North 01°17'56" West, a distance of 153.74
2 feet;
3
4 South 88°42'03" West, a distance of 100.00
5 feet;
6
7 South 01°17'56" East, a distance of 208.79 feet
8 to a line 55.00 feet South of and parallel with
9 the North line of the South half of the
10 Northwest quarter of the Northwest quarter of
11 said Section 23;
12
13 South 88°40'22" West along said parallel line,
14 a distance of 285.52 feet to the Easterly
15 right-of-way line of the Seaboard Coastline
16 Railroad;
17
18 thence continue South 88°40'22" West along said
19 parallel line to the Westerly right-of-way line
20 of the Seaboard Coastline Railroad as described
21 in Chapter 83-506, Laws of Florida;
22
23 thence Northeasterly along said Westerly
24 right-of-way line to the South right-of-way
25 line of N.W. 48th Street (Green Road);
26
27 thence Easterly along said South right-of-way
28 line to the Easterly right-of-way line of the
29 Florida East Coast Railway;
30
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1 thence Northeasterly along said Easterly
2 right-of-way line to the South line of Parcel
3 "A", "MORGAN PLAT NO. 1", according to the plat
4 thereof, as recorded in Plat Book 110, Page 42,
5 of the Public Records of Broward County,
6 Florida;
7
8 thence Easterly along said South line to the
9 East line of said Parcel "A";
10
11 thence Northerly along said East line to the
12 East right-of-way line of N.E. 13th Way as
13 shown on said "MORGAN PLAT NO. 1";
14
15 thence Northerly along said East right-of-way
16 line and the West line of Parcel "B", of said
17 "MORGAN PLAT NO. 1" to the North line of said
18 Parcel "B";
19
20 thence Easterly along said North line to the
21 Northeast corner of said Parcel "B";
22
23 thence Northerly along the Northerly extension
24 of the East line of said Parcel "B" to the
25 South right-of-way line of S.W. 15th Street as
26 described in Chapter 70-647, Laws of Florida;
27
28 thence Easterly along said South right-of-way
29 line to the Westerly right-of-way line of U.S.
30 Highway No. 1 as described in Chapter 70-783,
31 Laws of Florida;

1
2 thence Southwesterly along said Westerly
3 right-of-way line as described in Chapter
4 70-783, Chapter 70-784 and Chapter 69-1513,
5 Laws of Florida, to the POINT OF BEGINNING
6
7 LESS AND EXCEPT
8
9 That parcel of land annexed to the City of
10 Pompano Beach, Florida by Ordinance 97-89 of
11 the City Commission of the City of Pompano
12 Beach, Florida more particularly described as
13 follows;
14
15 A portion of the "P.C. PROPERTIES PLAT NO. 1",
16 as recorded in Plat Book 93, Page 37, and a
17 portion of the lands comprising the plat of
18 "POMPANO PROFESSIONAL PLAZA", as recorded in
19 Plat Book 82, Page 33, all being recorded in
20 the Public Records of Broward County, Florida,
21 and being more particularly described as
22 follows;
23
24 BEGIN at the Southwest corner of said plat of
25 "P.C. PROPERTIES PLAT NO. 1";
26
27 thence North 00°32'26" West along the West line
28 of said "P.C. PROPERTIES PLAT NO. 1", a
29 distance of 676.93 feet;
30
31

1 thence North 01°13'13" West, a distance of
2 449.88 feet to the Northwest corner of said
3 plat of "P.C. PROPERTIES PLAT NO. 1";
4
5 thence North 89°03'58" East, a distance of
6 543.79 feet;
7
8 thence South 01°12'02" East, a distance of
9 195.92 feet;
10
11 thence North 89°03'58" East, a distance of
12 190.35 feet to the West right-of-way line of
13 U.S. Highway No. 1;
14
15 thence South 11°04'01" West, a distance of
16 68.64 feet;
17
18 thence South 07°15'10" West, a distance of
19 140.00 feet;
20
21 thence South 82°44'50" East, a distance of 9.97
22 feet;
23
24 thence South 07°15'10" West, a distance of
25 453.82 feet;
26
27 thence South 88°50'38" West, a distance of
28 150.00 feet;
29
30 thence South 07°15'47" West, a distance of
31 25.13 feet;

1
2 thence South 89°05'19" West, a distance of
3 27.50 feet;
4
5 thence South 00°54'41" East, a distance of
6 123.14 feet;
7
8 thence South 88°50'38" West, a distance of
9 133.88 feet;
10
11 thence South 00°32'33" East, a distance of
12 124.15 feet to the North right-of-way line of
13 N.E. 23rd Street (A.K.A. Copans Road);
14
15 thence South 88°50'37" West, a distance of
16 332.63 feet to the POINT OF BEGINNING.
17
18 Lying in Broward County, Florida.
19

20 Section 1.04 Powers.--The City shall have all
21 available governmental, corporate, and proprietary powers and
22 may exercise them except when prohibited by law. Through the
23 adoption of this Charter, it is the intent of the electors of
24 the City that the municipal government established herein have
25 the broadest exercise of home rule powers permitted under the
26 Constitution and laws of the State.

27 Section 1.05 Construction.--This Charter and the
28 powers of the City shall be construed liberally in favor of
29 the City.

30 ARTICLE II. CITY COMMISSION; MAYOR
31

1 Section 2.01 City Commission.--There shall be a City
2 Commission (the "Commission") vested with all legislative
3 powers of the City, consisting of four members ("Commission
4 members") and the Mayor. Commission members shall occupy
5 seats numbered 1 through 4. References in this Charter to
6 Commission members shall include the Mayor unless the context
7 dictates otherwise.

8 Section 2.02 Mayor.--The Mayor shall preside at
9 meetings of the Commission and be a voting member of the
10 Commission. The Mayor shall be recognized as head of City
11 government for all ceremonial purposes and for purposes of
12 military law, for service of process, execution of duly
13 authorized contracts, deeds, and other documents, and as the
14 City official designated to represent the City when dealing
15 with other governmental entities.

16 Section 2.03 Election and term of office.--

17 (a) ELECTION AND TERM OF OFFICE.--Except as provided
18 in Section 8.03(c), each Commission member and the Mayor shall
19 be elected at-large for 4-year terms by the electors of the
20 City in the manner provided in Article V of this Charter.
21 Each Commission member and the Mayor shall remain in office
22 until his or her successor is elected and assumes the duties
23 of the position.

24 (b) DESIGNATED SEATS.--Except as provided in Section
25 8.03(c), the City Commission shall be divided into four seats,
26 designated 1, 2, 3, and 4, to be voted on Citywide, with each
27 qualified elector entitled to vote for one candidate for each
28 seat.

29 Section 2.04 Qualifications.--Except as provided in
30 Section 8.03(c), candidates for Commission member shall qualify
31 for election by the filing of a written notice of candidacy

1 with the Clerk of the City at such time and in such manner as
2 may be prescribed by ordinance and payment to the City Clerk
3 of the sum of \$100, plus any fees required by Florida
4 Statutes, as a qualifying fee. A person may not be a
5 candidate for more than one office in the same election. Only
6 electors of the City who have resided continuously in the City
7 for at least 1 year preceding the date of such filing shall be
8 eligible to hold the office of Commission member. If at the
9 conclusion of the qualifying period no elector shall file for
10 candidacy, the Commission seat shall be open for a period of 5
11 days and any qualified elector who has resided in the City
12 continuously for at least 1 year preceding the date of such
13 filing may file a written notice of candidacy for said
14 Commission seat in accordance with the remaining provisions of
15 this section.

16 Section 2.05 Vacancies; forfeiture of office; filling
17 of vacancies.--

18 (a) VACANCIES.--The office of a Commission member
19 shall become vacant upon his or her death, resignation,
20 removal from office in any manner authorized by law, or by
21 forfeiture of his or her office.

22 (b) FORFEITURE OF OFFICE.--

23 (1) Forfeiture by disqualification.--A Commission
24 member shall forfeit his or her office if at any time during
25 his or her term he or she ceases to maintain his or her
26 permanent residence in the City, or if he or she otherwise
27 ceases to be a qualified elector of the City.

28 (2) Forfeiture by absence.--A Commission member shall
29 be subject to forfeiture of his or her office, in the
30 discretion of the remaining Commission members, if he or she
31 is absent without good cause from any three consecutive

1 regular meetings of the Commission during any calendar year,
2 or if he or she is absent without good cause from any four
3 regular meetings of the Commission within any 12-month period.
4 (3) Procedures.--The Commission shall be the sole
5 judge of the qualifications of its members and shall hear all
6 questions relating to forfeiture of a Commission member's
7 office, including whether or not good cause for absence has
8 been or may be established. The burden of establishing good
9 cause shall be on the Commission member in question; however,
10 any Commission member may at any time during any duly held
11 meeting move to establish good cause for the absence of
12 himself or herself or any other Commission member, from any
13 past, present, or future meetings, which motion, if carried,
14 shall be conclusive. A Commission member whose qualifications
15 are in question or who is otherwise subject to forfeiture of
16 his or her office shall not vote on any such matters. The
17 Commission member in question shall be entitled to a public
18 hearing on requests regarding an alleged forfeiture of office.
19 If a public hearing is requested, notice thereof shall be
20 published in one or more newspapers of general circulation in
21 the City at least 1 week in advance of the hearing. Any final
22 determination by the Commission that a Commission member has
23 forfeited his or her office shall be made by resolution. All
24 votes and other acts of the Commission member in question
25 prior to the effective date of such resolution shall be valid
26 regardless of the grounds of forfeiture.
27 (c) FILLING OF VACANCIES.--A vacancy on the Commission
28 shall be filled as follows:
29 (1) If less than 1 year remains in the unexpired term,
30 the vacancy shall be filled by the Commission within 30 days.
31

1 (2) If 1 year or more remains in the unexpired term,
2 the vacancy shall be filled by a special election to be held
3 not sooner than 30 days or more than 60 days following the
4 occurrence of the vacancy.

5 (3) Persons filling vacancies shall meet the
6 qualifications specified in this Article.

7 (4) If no candidate for a vacancy meets the
8 qualifications under this Article for that vacancy, the
9 Commission shall appoint a person qualified under this Article
10 to fill the vacancy.

11 (5) Notwithstanding any quorum requirements
12 established herein, if at any time the full membership of the
13 Commission is reduced to less than a quorum, the remaining
14 members may, by majority vote, appoint additional members to
15 the extent otherwise permitted or required under this
16 subsection.

17 (6) In the event that all the members of the
18 Commission are removed by death, disability, recall,
19 forfeiture of office, or resignation, the Governor shall
20 appoint interim Commission members who shall call a special
21 election within not less than 30 days or more than 60 days
22 after such appointment. Such election shall be held in the
23 same manner as the initial elections under this Charter.
24 However, if there are less than 6 months remaining in the
25 unexpired terms, the interim Commission appointed by the
26 Governor shall serve out the unexpired terms. Appointees must
27 meet all requirements for candidates provided for in this
28 Article.

29 Section 2.06 Compensation; reimbursement for
30 expenses.--

31

1 (a) The Commission members shall be compensated at the
2 rate of \$300 per month. The Mayor shall be compensated at the
3 rate of \$400 per month. The Mayor and Commission shall
4 receive reimbursement in accordance with applicable law or as
5 may be otherwise provided by ordinance, for authorized travel
6 and per diem expenses incurred in the performance of their
7 official duties.

8 (b) An ordinance establishing, increasing, or
9 decreasing compensation of the Mayor or Commission may be
10 adopted at any time; however, in no event shall any
11 establishment of compensation or any increase in compensation
12 become effective prior to the first day of the first month
13 following the first regular election of the City subsequent to
14 the adoption of such ordinance.

15 ARTICLE III. ADMINISTRATIVE

16 Section 3.01 City Manager.--There shall be a City
17 Manager or management firm (the "Manager") who shall be the
18 chief administrative officer of the City. The Manager shall be
19 responsible to the Commission for the administration of all
20 City affairs.

21 Section 3.02 Appointment; removal; compensation.--A
22 majority of the Commission shall appoint the City Manager or
23 management firm for an indefinite term. The Commission may
24 remove the City Manager at any time. The compensation and
25 benefits of the City Manager shall be fixed by the Commission.

26 Section 3.03 Powers and duties of the City
27 Manager.--The Manager shall:

28 (a) Be responsible for the hiring, supervision, and
29 removal of all City employees.

1 (b) Direct and supervise the administration of all
2 departments and offices but not City boards or agencies,
3 unless so directed by the Commission from time to time.

4 (c) Attend all Commission meetings and have the right
5 to take part in discussion but not the right to vote.

6 (d) Ensure that all laws, provisions of this Charter,
7 and acts of the Commission, subject to enforcement or
8 administration by him or her or by officers subject to his or
9 her direction and supervision, are faithfully executed.

10 (e) Prepare and submit to the Commission a proposed
11 annual budget and capital program.

12 (f) Submit to the Commission and make available to the
13 public an annual report on the finances and administrative
14 activities of the City as of the end of each fiscal year.

15 (g) Prepare such other reports as the Commission may
16 require concerning the operations of City departments,
17 offices, boards, and agencies.

18 (h) Keep the Commission fully advised as to the
19 financial condition and future needs of the City and make such
20 recommendations to the Commission concerning the affairs of
21 the City as he or she deems to be in the best interests of the
22 City.

23 (i) Execute contracts, deeds, and other documents on
24 behalf of the City as authorized by the Commission.

25 (j) Perform such other duties as are specified in this
26 Charter or as may be required by the Commission.

27 Section 3.04 Absence or disability of City
28 Manager.--To perform his or her duties during his or her
29 temporary absence or disability, the Manager may designate, by
30 letter filed with the City Clerk, a qualified administrative
31 officer of the City. In the event of failure of the Manager

1 to make such designation, or should the person so designated
2 by the City Manager be unsatisfactory to the Commission, the
3 Commission may by resolution appoint an officer of the City to
4 perform the duties of the Manager until he or she shall return
5 or his or her disability shall cease.

6 Section 3.05 Bond of City Manager.--The City Manager
7 shall furnish a surety bond to be approved by the Commission,
8 in such amount as the Commission may fix, said bond to be
9 conditioned on the faithful performance of his or her duties.
10 The premium of the bond shall be paid by the City.

11 Section 3.06 City Clerk.--The City Manager shall
12 appoint a City Clerk or management firm to serve as City Clerk
13 (the "Clerk"). The Clerk shall give notice of Commission
14 meetings to its members and the public, shall keep minutes of
15 its proceedings, and shall perform such other duties as the
16 Commission or City Manager may prescribe from time to time.
17 The Clerk shall report to the City Manager.

18 Section 3.07 City Attorney.--The Commission shall from
19 time to time appoint an individual attorney or a law firm to
20 act as the City Attorney under such terms, conditions, and
21 compensation as are consistent with this Charter and as may be
22 established by the Commission from time to time. The City
23 Attorney shall report to the Commission.

24 Section 3.08 Expenditure of City funds.--No funds of
25 the City shall be expended except pursuant to duly approved
26 appropriations or for the payment of bonds, notes, or other
27 indebtedness duly authorized by the City Commission and only
28 from such funds so authorized.

29 Section 3.09 City boards and agencies.--Except as
30 otherwise provided by law, the Commission may establish or
31 terminate such boards and agencies as it may deem advisable

1 from time to time. The boards and agencies shall report to the
2 Commission. Members of boards and agencies shall be appointed
3 by resolution.

4 ARTICLE IV. LEGISLATIVE

5 Section 4.01 Commission meeting procedure.--

6 (a) MEETINGS.--The Commission shall hold periodic
7 meetings, at such times and places as the Commission may
8 prescribe by rule. Special meetings may be held on the call of
9 the Mayor or upon the call of three members of the Commission
10 and upon no less than 24 hours' notice to each member and the
11 public, or such shorter time as a majority of the Commission
12 shall deem necessary in case of an emergency affecting life,
13 health, property, or the public peace.

14 (b) QUORUM AND VOTING.--Any three members of the
15 Commission shall constitute a quorum. The affirmative vote of
16 three members of the Commission shall be required for any
17 legislative action. All voting shall be by roll call. Except
18 as otherwise specially provided in this Charter, no action of
19 the Commission shall be valid or binding unless adopted by the
20 affirmative votes of at least three Commission members. In the
21 event that three or more members of the Commission are
22 ineligible to vote on a particular matter due to required
23 abstention pursuant to Florida law, then the remaining members
24 of the Commission may vote and approve such matter by
25 unanimous vote.

26 Section 4.02 Prohibitions.--

27 (a) APPOINTMENTS AND REMOVALS.--Neither the Commission
28 nor any of its members shall in any manner dictate the
29 appointment or removal of any City administrative officers or
30 employees whom the Manager or any of his or her subordinates
31 is empowered to appoint, but the Commission members may

1 express their views and fully and freely discuss with the
2 Manager anything pertaining to appointment and removal of such
3 officers and employees.

4 (b) INTERFERENCE WITH ADMINISTRATION.--Except for the
5 purpose of inquiries and investigations made in good faith,
6 the Commission or its members shall deal with City officers
7 and employees who are subject to the direction and supervision
8 of the Manager solely through the Manager, and neither the
9 Commission nor its members shall give orders to any such
10 officer or employee, either publicly or privately. It is the
11 express intent of this Charter that recommendations for
12 improvement in City government operations by individual
13 Commission members be made solely to and through the Manager.
14 Commission members may discuss with the Manager any matter of
15 City business; however, no individual Commission member shall
16 give orders to the Manager.

17 (c) HOLDING OTHER OFFICE.--No elected City official
18 shall hold any appointive City office or City employment while
19 in office. No former elected City official shall hold any
20 compensated appointive City office or City employment until 1
21 year after the expiration of his or her term.

22 Section 4.03 Emergency ordinances.--

23 (a) AUTHORIZATION; FORM.--To meet a public emergency
24 affecting life, health, property, or the public peace, the
25 Commission may adopt, in the manner provided by Florida
26 Statutes, one or more emergency ordinances, but such
27 ordinances may not: enact or amend a land use plan or rezone
28 private property; levy taxes; grant, renew, or extend any
29 municipal franchise; set service or user charges for any
30 municipal services; or authorize the borrowing of money except
31 as provided under the emergency appropriations provisions of

1 this Charter if applicable. An emergency ordinance shall be
2 introduced in the form and manner prescribed for ordinances
3 generally, except that it shall be plainly designated in a
4 preamble as an emergency ordinance and shall contain, after
5 the enacting clause, a declaration stating that an emergency
6 exists and describing it in clear and specific terms.

7 (b) PROCEDURE.--Upon the affirmative vote of four
8 Commission members, an emergency ordinance may be adopted with
9 or without amendment or rejected at the meeting at which it is
10 introduced. After its adoption, the ordinance shall be
11 advertised and printed as prescribed for other ordinances.

12 (c) EFFECTIVE DATE.--Emergency ordinances shall become
13 effective upon adoption or at such other date as may be
14 specified in the ordinance.

15 (d) REPEAL.--Every emergency ordinance except
16 emergency appropriation ordinances shall automatically be
17 repealed as of the 61st day following its effective date, but
18 this shall not prevent reenactment of the ordinance under
19 regular procedures or, if the emergency still exists, in the
20 manner specified in this Section. An emergency ordinance may
21 also be repealed by adoption of a repealing ordinance in the
22 same manner specified in this Section for adoption of
23 emergency ordinances.

24 (e) EMERGENCY APPROPRIATIONS.--To meet a public
25 emergency affecting life, health, property, or the public
26 peace, the Commission, by resolution, may make emergency
27 appropriations. To the extent that there are no
28 unappropriated revenues to meet such appropriation, the
29 Commission may by such emergency resolution authorize the
30 issuance of emergency notes, which may be renewed from time to
31 time, but the emergency notes and renewals in any fiscal year

1 shall be paid not later than the last day of the fiscal year
2 succeeding that in which the emergency appropriations were
3 made.

4 Section 4.04 Annual budget adoption.--

5 (a) BALANCED BUDGET.--Each annual budget adopted by
6 the Commission shall not provide for expenditures in an amount
7 greater than the revenues budgeted.

8 (b) BUDGET ADOPTION.--The budget shall be adopted in
9 accordance with applicable Florida Statutes and any amendments
10 thereto.

11 (c) SPECIFIC APPROPRIATION.--The budget shall be
12 specific as to the nature of each category of appropriations.
13 Reasonable appropriations may be made for contingencies, but
14 only within defined spending categories.

15 Section 4.05 Fiscal year.--The fiscal year of the City
16 government shall begin on the first day of October and shall
17 end on the last day of September of the following calendar
18 year, unless otherwise defined by Florida Statutes. Such
19 fiscal year shall also constitute the annual budget and
20 accounting year.

21 Section 4.06 Appropriation amendments during the
22 fiscal year.--

23 (a) SUPPLEMENTAL APPROPRIATIONS.--If, during any
24 fiscal year, revenues in excess of those estimated in the
25 annual budget are available for appropriation, the Commission
26 may by ordinance make supplemental appropriations for the
27 fiscal year up to the amount of such excess.

28 (b) REDUCTION OF APPROPRIATIONS.--If, at any time
29 during the fiscal year, it appears probable to the Manager
30 that the revenues available will be insufficient to meet the
31 amounts appropriated, he or she shall report to the Commission

1 without delay, indicating the estimated amount of the deficit
2 and his or her recommendations as to the remedial action to be
3 taken. The Commission shall then take such action as it deems
4 appropriate to prevent any deficit spending not covered by
5 adequate reserves.

6 Section 4.07 Authentication, recording, and
7 disposition of ordinances, resolutions, and Charter
8 amendments.--

9 (a) AUTHENTICATION.--The Mayor and the Clerk shall
10 authenticate by their signatures all ordinances and
11 resolutions adopted by the Commission. In addition, when
12 Charter amendments have been approved by the electors, the
13 Mayor and the Clerk shall authenticate by their signatures the
14 Charter amendment, such authentication to reflect the approval
15 of the Charter amendment by the electorate.

16 (b) RECORDING.--The Clerk shall keep properly indexed
17 books in which shall be recorded, in full, all ordinances and
18 resolutions enacted or passed by the Commission. Ordinances
19 shall, at the direction of the Commission, be periodically
20 codified. The Clerk shall also maintain the City Charter in
21 current form as to all amendments.

22 (c) PRINTING.--The Commission shall, by ordinance,
23 establish procedures for making all resolutions, ordinances,
24 technical codes adopted by reference, and this Charter
25 available for public inspection and available for purchase at
26 a reasonable price.

27 Section 4.08 Borrowing.--

28 (a) Subject to the referendum requirements of the
29 State Constitution, if applicable, the City may from time to
30 time borrow money and issue bonds or other obligations or
31 evidence of indebtedness (collectively, "bonds") of any type

1 or character for any of the purposes for which the City is now
2 or hereafter authorized by law to borrow money, including to
3 finance the cost of any capital or other project and to refund
4 any and all previous issues of bonds at or prior to maturity.
5 Such bonds may be issued pursuant to one or more resolutions
6 adopted by a majority of the City Commission.

7 (b) The City may assume all outstanding indebtedness
8 related to facilities it acquires from other units of local
9 government and be liable for payment thereon in accordance
10 with its terms.

11 Section 4.09 Independent audit.--The City Commission
12 shall provide for an independent annual audit of all City
13 accounts and may provide for more frequent audits as it deems
14 necessary. Such audits shall be made by a certified public
15 accountant or firm of such accountants who have no personal
16 interest, direct or indirect, in the fiscal affairs of the
17 City government or any of its officers.

18 ARTICLE V. ELECTIONS

19 Section 5.01 Elections.--

20 (a) ELECTORS.--Any person who is a resident of the
21 City, has qualified as an elector of the State, and registers
22 to vote in the manner prescribed by law shall be an elector of
23 the City.

24 (b) NONPARTISAN ELECTIONS.--All elections for the
25 offices of Commission member and Mayor shall be conducted on a
26 nonpartisan basis.

27 (c) ELECTION DATES.--A regular election shall be held
28 on the second Tuesday in March of even-numbered years
29 commencing in 2002.

30 (d) GENERAL ELECTION.--The ballot for the general
31 election shall contain the names of all qualified candidates

1 for Mayor if the Mayor's term is expiring and for each of the
2 two Commission seats which are to be filled as a result of two
3 Commission members' terms expiring, and shall instruct
4 electors to cast one vote for Mayor, if applicable, and one
5 vote for each Commission seat, with a maximum of one vote per
6 candidate. The candidate for Mayor receiving the most votes
7 shall be the duly elected Mayor. The candidate receiving the
8 most votes in each designated Commission seat, respectively,
9 shall be the duly elected Commission member for that
10 designated Commission seat.

11 (e) SPECIAL ELECTIONS.--Special elections, when
12 required, shall be scheduled by the Commission at such times
13 and in such manner as shall be consistent with this Charter
14 and state law.

15 (f) SINGLE CANDIDATES.--No election for Mayor or any
16 Commission seat shall be required in any election if there is
17 only one duly qualified candidate for Mayor or for any
18 Commission seat.

19 (g) COMMENCEMENT OF TERMS.--The term of office of any
20 elected official will commence immediately after the election.

21 (h) ELECTION LAWS.--The election laws of the State of
22 Florida shall apply to all elections.

23 ARTICLE VI. CHARTER AMENDMENTS

24 Section 6.01 Charter amendments.--This Charter may be
25 amended in accordance with the provisions of this Article.

26 Section 6.02 Procedure to amend.--

27 (a) INITIATION.--This Charter may be amended in two
28 ways:

29 (1) By ordinance.--The Commission may, by ordinance,
30 propose amendments to this Charter and upon passage of the
31 initiating ordinance shall submit the proposed amendment to a

1 vote of the electors at the next general election held within
2 the City or at a special election called for such purpose.

3 (2) By petition.--The electors of the City may propose
4 amendments to this Charter by petition pursuant to the
5 requirements of chapter 166, Florida Statutes, as amended.
6 Upon certification of the sufficiency of a petition, the
7 Commission shall submit the proposed amendment to a vote of
8 the electors at a general election or special election to be
9 held not less than 60 days or more than 120 days from the date
10 on which the petition was certified or at a special election
11 called for such purpose.

12 (b) RESULTS OF ELECTION.--If a majority of the
13 qualified electors voting on a proposed amendment votes for
14 its adoption, it shall be considered adopted upon
15 certification of the election results. If conflicting
16 amendments are adopted at the same election, the one receiving
17 the greatest number of affirmative votes shall prevail to the
18 extent of such conflict.

19 ARTICLE VII. GENERAL PROVISIONS

20 Section 7.01 Severability.--If any section or part of
21 a section of this Charter shall be held invalid by a court of
22 competent jurisdiction, such holding shall not affect the
23 remainder of this Charter or the context in which such section
24 or part of a section so held invalid may appear, except to the
25 extent that an entire section or part of a section may be
26 inseparably connected in meaning and effect with the section
27 or part of a section to which such holding shall directly
28 apply.

29 Section 7.02 Conflicts of interest; ethical
30 standards.--All Commission members, officials, and employees
31 of the City shall be subject to the standards of conduct for

1 public officers and employees set by Federal, State, County,
2 or other applicable law.

3 Section 7.03 City personnel system.--All new
4 employments, appointments, and promotions of City officers and
5 employees shall be made pursuant to personnel procedures to be
6 established by the Manager from time to time.

7 Section 7.04 Charitable contributions.--The City shall
8 not make any charitable contribution to any person or entity
9 unless authorized by the City Commission.

10 Section 7.05 Variation of pronouns.--All pronouns and
11 any variation thereof used in this Charter shall be deemed to
12 refer to masculine, feminine, neutral, singular, or plural as
13 the identity of the person or persons shall require and are
14 not intended to describe, interpret, define, or limit the
15 scope, extent, or intent of this Charter.

16 Section 7.06 Style and capitalization.--When a defined
17 word is enclosed in quotes and in parentheses after the
18 definition, that word shall be treated as a defined term in
19 the remainder of this Charter, when capitalized.

20 Section 7.07 Calendar day.--For the purposes of this
21 Charter, a day shall mean a calendar day.

22 ARTICLE VIII. TRANSITION PROVISIONS

23 Section 8.01 Referendum for incorporation.--A
24 referendum election called for by this act shall be held June
25 6, 2000, at which time the following question shall be placed
26 upon the ballot in Precincts _____(or any
27 future restructuring and/or renumbering of said precincts of
28 the geographical area described in Section 1.03 hereof, as may
29 be determined by the Supervisor of Elections):

30 INCORPORATION OR ANNEXATION OF THE PRESENTLY
31 UNINCORPORATED AREA OF NE BROWARD

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The presently unincorporated area of NE Broward County shall be (select one):

_____ Incorporated into the City of New City according to Chapter 2000-_____, Laws of Florida, creating the New City and providing its Charter.

_____ Consolidated into the City of Pompano Beach.

In the event the question regarding the incorporation of the City of New City is answered affirmatively by a majority of voters voting in the referendum, the provisions of this Charter shall take effect as provided herein and the corporate boundaries of the City shall be as set forth in Section 1.03 of this Charter.

Section 8.02 Creation and establishment of City.--For the purpose of compliance with Florida Statutes, relating to assessment and collection of ad valorem taxes, the City is hereby created and established effective upon approval of this Charter by the electorate at the June 6, 2000, referendum.

Section 8.03 Initial election of Commission members; dates; qualifying period; certification of election results; induction into office.--

(a) DATES.--Following the adoption of this Charter in accordance with Section 8.01, a special election for the election of the Mayor and four Commission members shall be held on July 25, 2000.

1 (b) QUALIFYING PERIOD.--Any individual wishing to run
2 for Mayor or one of the four Commission seats shall qualify as
3 a candidate with the Broward County Supervisor of Elections,
4 between June 8, 2000, and June 23, 2000, in accordance with
5 the provisions of this Charter and general law.

6 (c) CERTIFICATION OF ELECTION RESULTS.--For the
7 initial election, a canvassing board shall be appointed by the
8 Broward County Board of Commissioners which shall certify the
9 results of the election. At the first election under this
10 Charter the four candidates receiving the highest number of
11 votes shall be elected. At such initial election, seats shall
12 not be designated. Of the elected candidates, the two
13 receiving the greatest number of votes shall serve until their
14 successors are elected in March 2004 and assume the duties of
15 the office, and the remaining two shall serve until their
16 successors are elected in March 2002 and assume the duties of
17 the office. The candidate receiving the highest number of
18 votes shall occupy seat 1; the candidate receiving the second
19 highest number shall occupy seat 2; the candidate receiving
20 the third highest number shall occupy seat 3; and the
21 candidate receiving the fourth highest number shall occupy
22 seat 4. Thereafter, all Commission members shall be elected
23 for 4-year terms. The mayoral candidate receiving the highest
24 number of votes shall be elected. The Mayor shall be elected
25 at the first election to serve until his or her successor is
26 elected in March 2004, and assumes the duties of the office,
27 and for a 4-year term at all subsequent elections.

28 (d) INDUCTION INTO OFFICE.--Those candidates who are
29 elected on July 25, 2000, shall take office at the initial
30 City Commission meeting which shall be held at 7:30 p.m. on
31 August 8, 2000, at a place to be designated by the Mayor.

1 Section 8.04 Temporary nature of Article.--The
2 following sections of this Article are inserted solely for the
3 purpose of effecting the incorporation of the City and the
4 transition to a new municipal government. Each section of this
5 Article shall automatically, and without further vote or act
6 of the electors of the City, become ineffective and no longer
7 a part of this Charter at such time as the implementation of
8 such section has been accomplished.

9 Section 8.05 Interim adoption of codes and
10 ordinances.--Until otherwise modified or replaced by this
11 Charter or the City Commission, all codes, ordinances, and
12 resolutions of Broward County, Florida, in effect on the day
13 of adoption of this Charter shall, to the extent applicable to
14 the City, remain in force and effect as municipal codes,
15 ordinances, and resolutions of the City. Until otherwise
16 determined by the City Commission, said codes, ordinances, and
17 resolutions shall be applied, interpreted, and implemented by
18 the City in a manner consistent with established policies of
19 Broward County on the date of this Charter.

20 Section 8.06 Taxes and fees.--Until otherwise modified
21 by the City Commission, all municipal taxes and fees imposed
22 within the City boundaries by the County as the municipal
23 government for unincorporated Broward County, which taxes and
24 fees are in effect on the date of adoption of this Charter,
25 shall continue at the same rate and on the same conditions as
26 if those taxes and fees had been adopted and assessed by the
27 City.

28 Section 8.07 First year expenses.--The City
29 Commission, in order to provide moneys for the expenses and
30 support of the City, shall have the power to borrow money
31 necessary for the operation of City Government until such time

1 as a budget is adopted and revenues are raised in accordance
2 with the provisions of this Charter.

3 Section 8.08 Transitional ordinances and
4 resolutions.--The Commission shall adopt ordinances and
5 resolutions required to effect the transition. Ordinances
6 adopted within 60 days after the first Commission meeting may
7 be passed as emergency ordinances. These transitional
8 ordinances shall be effective for no longer than 90 days after
9 adoption, and thereafter may be readopted, renewed, or
10 otherwise continued only in the manner normally prescribed for
11 ordinances.

12 Section 8.09 State shared revenues.--The City shall be
13 entitled to participate in all shared revenue programs of the
14 State of Florida effective immediately on the date of
15 incorporation. The provisions of section 218.23, Florida
16 Statutes, shall be waived for the purpose of eligibility to
17 receive revenue sharing from the date of incorporation through
18 the end of the state fiscal year. The provisions of section
19 218.26(3), Florida Statutes, shall be waived for the state
20 fiscal year and the apportionment factors for the
21 municipalities and counties shall be recalculated pursuant to
22 section 218.245, Florida Statutes. Initial population for
23 calculating eligibility for shared revenues shall be
24 established at the level of 29,000 as of the effective date of
25 this Charter.

26 Section 8.10 Gas tax revenues.--Notwithstanding the
27 requirements of section 336.025, Florida Statutes, to the
28 contrary, the City shall be entitled to receive local option
29 gas tax revenues beginning October 1, 2000. These revenues
30 shall be distributed in accordance with the interlocal
31 agreement with Broward County.

1 Section 8.11 Shared revenues.--Broward County shall
2 distribute to the City taxes, franchise fees, state revenue
3 sharing funds, and ad valorem revenues collected within the
4 municipal boundaries of the City. This calculation shall be
5 based upon a population projection of 29,000 in anticipation
6 of the year 2000 census.

7 Section 8.12 Infrastructure fund remittance.--On the
8 day of the New City's incorporation, Broward County shall
9 remit to the City a sum of \$ _____ million for
10 infrastructure.

11 Section 8.13 Conflicting provisions.--In the event of
12 a conflict between the provisions of this special act and any
13 other provision contained in general or special laws, the
14 provisions of this special act shall prevail, but shall not
15 operate to repeal said conflicting provisions unless
16 specifically provided herein.

17 Section 2. This act shall take effect upon becoming a
18 law.

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