

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

A bill to be entitled

An act relating to Broward County; creating the charter of the City of West Park; providing for the corporate name and purpose of the charter; establishing form of government and territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a city commission, including the mayor and vice mayor, and providing for qualifications, powers, and duties of and restrictions on its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the mayor and city commission; providing for rules of procedure; providing for a city administrator, city clerk, and city attorney and powers and duties of each; providing restrictions on expenditure of city funds; authorizing establishment of city boards and agencies; providing for commission meetings, procedural rules, and recordkeeping and voting at meetings; providing for emergency ordinances; providing for budget requirements, adoption, and amendment and establishing a fiscal year; providing procedures for authentication, recording, and disposition of ordinances, resolutions, and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the city; providing for an annual independent audit; providing for quasi-judicial

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

procedures; establishing election requirements and guidelines; providing for charter amendments and review; providing for severability; providing for standards of conduct; providing for a personnel system; providing requirements for charitable contributions; providing for transition, including a referendum on incorporation and alternate manners of elections for the city commission, initial election and terms, and date of creation and establishment of the municipality; providing for interim adoption of codes and ordinances and taxes and fees; providing for payment of certain revenues and for transitional ordinances and resolutions; entitling the city to state shared and local option gas tax revenues; providing for the sharing of certain revenues; providing for the city commission to rename the city under certain circumstances; providing an effective date.

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

Section 1. Corporate existence; form of government; boundary and powers.--

(1) CORPORATE EXISTENCE.--In order to preserve, protect, and enhance the quality of life and residential character of West Park, a municipal corporation known as the City of West Park (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 approval of the electorate and pursuant to the provisions of this charter.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(2) FORM OF GOVERNMENT.--The city shall have a "commission-administrator" form of government.

(3) CORPORATE BOUNDARY.--

A portion of Sections 29 and 30, Township 51 South, Range 42 East, Broward County, Florida, described as follows:

Beginning at a point on the South line of said Section 30, said point being 535.00 feet Westerly of the Southeast corner of said Section 30, as measured along said South line;

Thence along the municipal boundary of the Town of Pembroke Park, as established by Chapter 63-1772, Laws of Florida, the following 23 courses and distances;

Thence Northerly a distance of 50 feet to the Southwest corner of Tract "N" of a subdivision known as "LAKE FOREST SECTION 3", as recorded in Plat Book 35, Page 15, of the Public Records of Broward County, Florida;

Thence continue Northerly along the West boundary of said Tract "N" to the Northwest corner of said Tract "N";

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Thence continue Northerly a distance of 25 feet to the centerline of Lime Tree Concourse which is a dedicated street of the subdivision of said "LAKE FOREST SECTION 3";

Thence Easterly along the centerline of said Lime Tree Concourse to the point of intersection of the said centerline with the East boundary of the Southeast One-Quarter (SE 1/4) of said Section 30;

Thence continue Easterly along said centerline a distance of 305.10 feet;

Thence Southerly to the Northeasterly corner of Tract "0" of said subdivision of "LAKE FOREST SECTION 3";

Thence continue Southerly on a bearing of South 00°15'07" East a distance of 100 feet, to a point;

Thence Easterly a distance of 80.64 feet on a bearing of North 82°30'53" East to the Northwesterly corner of Lot 4, Block 21 of said subdivision of "LAKE FOREST SECTION 3";

Thence Southerly along the Westerly lines of Lots 4, 5, and 6 of said Block 21 a distance of 246 feet to the Northwest corner of Lot 33 of said Block 21;

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Thence Southerly along the West line of Lot 33 of said Block 21 a distance of 145 feet to the Southwest corner of said Lot 33;

Thence Easterly along the South boundaries of Blocks 21 and 31 to the Southeast corner of Block 31 of said subdivision of "LAKE FOREST SECTION 3";

Thence continue Easterly along a projection of the South boundary of said Block 31 a distance of 800 feet to a point on the East boundary of the Southwest One-Quarter (SW 1/4) of said Section 29;

Thence run Northerly and along the West boundary of the Southeast One-Quarter (SE 1/4) of said Section 29 to the Northwest corner of said Southeast One-Quarter (SE 1/4) of said Section 29;

Thence continue Northerly along the West boundary of the Northeast One-Quarter (NE 1/4) of said Section 29 to a point 265 feet South of the Northeast corner of the South One-Half (S 1/2) of the Northwest One-Quarter (NW 1/4) of said Section 29;

Thence Westerly along the North boundary of Lot 21, Block 37 of the subdivision of "LAKE FOREST SECTION 4", as recorded in Plat Book 43, Page 45, of the

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Public Records of Broward County, Florida, to the  
Northwest corner of said Lot 21;

Thence continue Westerly to the Southeast corner of  
Tract "R", Block 40 of said subdivision of "LAKE  
FOREST SECTION 4";

Thence continue Westerly along the South boundaries of  
said Tract "R" and the South boundary of Tract "RA" of  
said subdivision of "LAKE FOREST SECTION 4" to the  
Southwest corner of said Tract "RA";

Thence Northwesterly along the South boundary of said  
Tract "RA" to the Southeast corner of Lot 29A of said  
Block 40;

Thence continue Westerly along the South boundary of  
said Block 40 and along the South boundary of Block 50  
of said subdivision of "LAKE FOREST SECTION 4" to the  
Southwest corner of Lot 28 of said Block 50;

Thence Southerly to the Southeast corner of Tract "Q"  
of said subdivision of "LAKE FOREST SECTION 4";

Thence Westerly to the Northwest corner of Lot 36, of  
said Block 50;

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Thence Southerly to the Southwest corner of said Lot 36;

Thence Westerly along the South boundary of said Tract "Q" and the extension thereof for a distance of 171.53 feet to a point on the West boundary of the Northeast One-Quarter (NE 1/4) of said Section 30 said point also being on the municipal boundary of the Town of Pembroke Park, as established by Chapter 70-878, Laws of Florida;

Thence Southerly along said municipal boundary and the East line of the West One-Half (W 1/2) of said Section 30 to the Southwest corner of the Southeast One-Quarter (SE 1/4) of said Section 30;

Thence Easterly along the South line of said Section 30 to the POINT OF BEGINNING.

TOGETHER WITH

Beginning at the Southwest corner of the Southeast quarter of Section 29, Township 51 South, Range 42 East, run Westerly along the South boundary of the Southwest quarter of said Section 29-51-42 to the Southwest corner of Section 29-51-42 which is a common corner of Sections 29 and 30, Township 51 South, Range 42 East and Sections 5 and 6, Township 52 South, Range

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

42 East; thence continue Westerly along the South boundary of Section 30-51-42 a distance of 535.00 feet; thence Northerly a distance of 50 feet to the Southwest corner of Tract 'N' of a subdivision known as "LAKE FOREST SECTION 3" as recorded in Plat Book 35, Page 15 of the Public Records of Broward County, Florida; thence continue Northerly along the West boundary of said Tract 'N' to the Northwest corner of said Tract 'N'; thence continue Northerly a distance of 25 feet to the center line of Lime Tree Concourse which is a dedicated street of the subdivision of "LAKE FOREST SECTION 3"; thence Easterly along the center line of said Lime Tree Concourse to a point of intersection of the said center line with the East boundary of the Southeast quarter of Section 30-51-42; thence continue Easterly along said center line a distance of 305.10 feet; thence Southerly to the Northeasterly corner of Tract 'O' of said subdivision of "LAKE FOREST SECTION 3"; thence continue Southerly on a bearing of South 0° 15' 07" East a distance of 100 feet to a point; thence Easterly a distance of 80.64 feet on a bearing of North 82° 30' 53" East to the northwesterly corner of Lot 4, Block 21 of said subdivision of "LAKE FOREST SECTION 3"; thence Southerly along the Westerly lines of Lots 4 and 5, and 6 of said Block 21 a distance of 246 feet to the Northwest corner of Lot 33 of said Block 21; thence Southerly along the West line of Lot 33 of said Block



ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

21 a distance of 145 feet to the Southwest corner of said Lot 33; thence Easterly along the South boundaries of Blocks 21 and 31 to the Southeast corner of Block 31 of said subdivision of "LAKE FOREST SECTION 3"; thence continue Easterly along a projection of the South boundary of said Block 31 a distance of 800 feet to a point on the East boundary of the Southwest quarter of Section 29-51-42; thence Southerly and along the East boundary of said Southwest quarter of Section 29-51-42 to the point of beginning; said lands situate, lying and being in Broward County, Florida.

TOGETHER WITH

The South 15 feet of the Southwest quarter of Section 30, Township 51 South, Range 42 East. Broward County, Florida.

TOGETHER WITH

A portion of Sections 24 and 25, Township 51 South, Range 41 East, and Sections 19, 29 and 30, Township 51 South, Range 42 East, Broward County, Florida, described as follows:

BEGINNING at the Northeast corner of the South One-Half (S 1/2) of said Section 19, also being a point on

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

the municipal boundary of the City of Hollywood, as established by Chapter 59-1369, Laws of Florida;

Thence Westerly along the North line of said South One-Half (S 1/2) to the East line of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 19, also being a point on the municipal boundary of the City of Hollywood, as established by Chapter 63-1426, Laws of Florida;

Thence continue Westerly along said North line, along the North line of the Southeast One-Quarter (SE 1/4) of said Section 24 and along said municipal boundary to the West line of the Northeast One-Quarter (NE 1/4) of the Southeast One-Quarter (SE 1/4) of said Section 24;

Thence continue along said municipal boundary to the centerline of right of way of Southwest 17 Street (Pembroke Road);

Thence continue along said municipal boundary and along said centerline to a point on the centerline of State Road No. 7 (U.S. 441) also known as Southwest 60 Avenue, said point also being on the municipal boundary of the City of Miramar, as established by Ordinance No. 72-14 of the City of Miramar;

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Thence Southerly along said centerline and said municipal boundary over and across said Sections 24 and 25 to a point of intersection with the South line of said Section 25;

Thence Easterly along said South line to the East line of said Section 25 and a point on the municipal boundary of the Town of Pembroke Park, as established by Chapter 70-878, Laws of Florida;

Thence along said municipal boundary the following 6 courses;

Thence Northerly along said East line to the Southwest corner of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of said Section 30;

Thence Easterly along said South line to the Southeast corner of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of said Section 30;

Thence Northerly along the West line of the East Three-Quarters (E 3/4) of the Southwest One-Quarter (SW 1/4) of said Section 30 to the Northeast corner of the South One-Half (S 1/2) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4)

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

of the Southwest One-Quarter (SW 1/4) of said Section 30;

Thence Westerly along the North line of said South One-Half (S 1/2) to the West line of said Section 30;

Thence Northerly along the said West line to the Northwest corner of the South One-Half (S 1/2) of the Northwest One-Quarter (NW 1/4) of said Section 30;

Thence Easterly along the North line of said South One-Half (S 1/2) to the Northeast corner of said South One-Half (S 1/2), said point also being on the municipal boundary of the Town of Pembroke Park, as established by Chapter 63-1772, Laws of Florida;

Thence along said municipal boundary the following 5 courses;

Thence Northerly along the East line of the Northwest One-Quarter (NW 1/4) of said Section 30 to a point of intersection with the North right of way line of Hallandale Beach Road, also known as State Road No. 824 and Hallandale Beach Boulevard;

Thence Easterly along said North right of way line to a point of intersection with the East line of the West One-Half (W 1/2) of the Northwest One-Quarter (NW 1/4)

ENROLLED  
 HB 1491, Engrossed 1

2004 Legislature

of the Northwest One-Quarter (NW 1/4) of said Section 29;

Thence Northerly along said East line to the Northeast corner of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 29;

Thence Westerly along said North line to the Northwest corner of said Section 29, which is a common corner of Sections 19, 20, 29 and 30 , Township 51 South, Range 42 East;

Thence Northerly along the East line of the Southeast One-Quarter (SE 1/4) of said Section 19 to the POINT OF BEGINNING.

LESS THEREFROM:

Those lands annexed by the Town of Pembroke Park, as established by Ordinance No. 77-7-3 of the Town of Pembroke Park described as follows:

Lot 1 thru 12 inclusive in Block 4 of "MIAMI GARDENS ESTATES, SECTION 8", according to the plat thereof, as recorded in Plat Book 44, Page 33, of the Public Records of Broward County, Florida;

AND LESS:

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Those lands annexed by the Town of Pembroke Park, as established by Ordinance No. 74-9-1 of the Town of Pembroke Park described as follows:

All of "MIAMI GARDENS ESTATES SECTION 9", according to the plat thereof, as recorded in Plat Book 61, Page 16, of the Public Records of Broward County, Florida;

AND LESS:

Those lands annexed by the Town of Pembroke Park, as established by Ordinance No. 77-4-1 of the Town of Pembroke Park described as follows:

The East One-Half (E 1/2) of the East One-Half (E 1/2) of Government Lot 1, LESS the West 43 feet thereof, and the Northeast One-Quarter (NE 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 30, lying North of the North right of way line of Hallandale Beach Boulevard.

(4) POWERS.--The city shall have all available governmental, corporate, and proprietary powers and may exercise them, except when prohibited by law. Through the adoption of this charter, it is the intent of the electors of the city that the municipal government established herein have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(5) CONSTRUCTION.--This charter and the powers of the city shall be construed liberally in favor of the city.

Section 2. Commission; mayor.--

(1) CITY COMMISSION.--There shall be a city commission (the "commission") vested with all legislative powers of the city, consisting of four members ("commission members") and the mayor. Commission members shall occupy seats numbered 1 through 4. References in this charter to commission members shall include the mayor, unless the context dictates otherwise. Unless otherwise stated within this charter, all charter powers shall be exercised by the commission.

(2) MAYOR.--The mayor shall preside at meetings of the commission and be a voting member of the commission. The mayor shall be recognized as the head of city government for all ceremonial purposes, for purposes of military law, and for service of process and execution of duly authorized contracts, deeds, and other documents, and as the city official designated to represent the city when dealing with other governmental entities.

(3) VICE MAYOR.--The vice mayor shall act as mayor in the absence of the mayor. The vice mayor shall be elected from among commission members for a period of 2 years by a majority of the commission at the first meeting of the commission after each election.

(4) ELECTION AND TERMS OF OFFICE.--

(a) Election and term of office.--Each commission member and the mayor shall be elected at large for 4-year terms by the electors of the city in the manner provided in section 5. Each

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

commission member and the mayor shall remain in office until his or her successor is elected and assumes the duties of the position.

(b) Designated seats.--The city commission shall be divided into four seats, designated 1, 2, 3, and 4, to be voted on citywide, with each qualified elector entitled to vote for one candidate for each seat.

(5) QUALIFICATIONS.--Candidates for commission member shall qualify for election by the filing of a written notice of candidacy with the clerk of the city at such time and in such manner as may be prescribed by ordinance and payment to the clerk of the sum of \$100, plus any fees required by Florida Statutes, as a qualifying fee. A person may not be a candidate for more than one office in the same election. Only electors of the city who have resided continuously in the city for at least 1 year preceding the date of such filing shall be eligible to hold the office of commission member. If at the conclusion of the qualifying period no elector shall have filed for candidacy, the commission seat shall be open for a period of 5 days and any qualified elector who has resided in the city continuously for at least 1 year preceding the date of such filing may file a written notice of candidacy for said commission seat in accordance with the remaining provisions of this section.

(6) VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.--

(a) Vacancies.--The office of a commission member shall become vacant upon his or her death, resignation, or removal



ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

from office in any manner authorized by law or by forfeiture of his or her office.

(b) Forfeiture of office.--

1. A commission member shall forfeit his or her office if at any time during his or her term he or she ceases to maintain his or her permanent residence in the city or if he or she otherwise ceases to be a qualified elector of the city.

2. A commission member shall be subject to forfeiture of his or her office, in the discretion of the remaining commission members, if he or she is absent without good cause from any three consecutive regular meetings of the commission during any calendar year or if he or she is absent without good cause from any four regular meetings of the commission within any 12-month period.

3. The commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a commission member's office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the commission member in question; however, any commission member may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other commission member, from any past, present, or future meeting or meetings, which motion, if carried, shall be conclusive. A commission member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on any such matters. The commission member in question shall be entitled to a public hearing on request

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the city at least 1 week in advance of the hearing. Any final determination by the commission that a commission member has forfeited his or her office shall be made by resolution. All votes and other acts of the commission member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(c) Filling of vacancies.--A vacancy on the commission shall be filled as follows:

1. If less than 1 year remains in the unexpired term, the vacancy shall be filled by the commission within 30 days.

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

3. Persons filling vacancies shall meet the qualifications specified in this section.

4. If no candidate for a vacancy meets the qualifications under this section for that vacancy, the commission shall appoint a person qualified under this section to fill the vacancy.

5. Notwithstanding any quorum requirements established herein, if at any time the full membership of the commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

6. In the event that all the members of the commission are removed by death, disability, recall, forfeiture of office, or resignation, or any combination thereof, the Governor shall appoint interim commission members who shall call a special election within not less than 30 days or more than 60 days after such appointment. Such election shall be held in the same manner as the initial elections under this charter. However, if there are less than 6 months remaining in the unexpired terms, the interim commission appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this section.

(7) Compensation; reimbursement for expenses.--

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

(b) An ordinance establishing, increasing, or decreasing compensation of the mayor or commission may be adopted at any time; however, in no event shall any establishment of compensation or any increase in compensation become effective prior to the first day of the first month following the first regular election of the city subsequent to the adoption of such ordinance.

(8) RULES OF PROCEDURE.--The commission shall determine its own rules of procedure.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Section 3. Administrative.--

(1) CITY ADMINISTRATOR.--There shall be a city administrator (the "administrator"), who shall be the chief administrative officer of the city. The administrator shall be responsible to the commission for the administration of all city affairs.

(2) APPOINTMENT; REMOVAL; COMPENSATION.--The commission shall appoint a qualified individual or firm for an indefinite term by an affirmative vote of at least four commission members. The commission may remove the administrator at any time by an affirmative vote of at least four commission members. For voting purposes, the mayor shall be considered as a commission member. The compensation and benefits of the administrator shall be fixed by the commission. Any consideration of the removal of the administrator must be an agenda item with public notice given.

(3) POWERS AND DUTIES OF THE ADMINISTRATOR.--The administrator shall:

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

(b) Direct and supervise the administration of all departments and offices, but not city boards or agencies, unless so directed by the commission from time to time.

(c) Attend all commission meetings and have the right to take part in discussion, but not the right to vote.

(d) Ensure that all laws, provisions of this charter, and acts of the commission, subject to enforcement or administration by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(e) Prepare and submit to the commission a proposed annual budget and capital program.

(f) Submit to the commission and make available to the public an annual report on the finances and administrative activities of the city as of the end of each fiscal year.

(g) Prepare such other reports as the commission may require concerning the operations of city departments, offices, boards, and agencies.

(h) Keep the commission fully advised as to the financial condition and future needs of the city and make such recommendations to the commission concerning the affairs of the city as he or she deems to be in the best interests of the city.

(i) Execute, with the mayor, contracts, deeds, and other documents on behalf of the city, as authorized by the commission.

(j) Implement the purchase code and guidelines adopted by the commission for the acquisition of goods and services for the city.

(k) Perform such other duties as are specified in this charter or as may be required by the commission.

(4) ABSENCE OR DISABILITY OF ADMINISTRATOR.--To perform his or her duties during his or her temporary absence or disability, the administrator may designate, by letter filed with the city clerk, a qualified administrative officer of the city. In the event of failure of the administrator to make such designation, or should the person so designated by the city administrator be unsatisfactory to the commission, the commission may by resolution appoint an officer of the city to

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

perform the duties of the administrator until he or she shall return or his or her disability shall cease.

(5) BOND OF ADMINISTRATOR.--The administrator shall furnish a surety bond to be approved by the commission, and in such amount as the commission may fix, said bond to be conditioned on the faithful performance of his or her duties. The premium of the bond shall be paid by the city.

(6) CITY CLERK.--The administrator shall appoint a city clerk or management firm to serve as city clerk (the "clerk"). The clerk shall give notice of commission meetings to its members and the public, shall keep minutes of its proceedings, and shall perform such other duties as the commission or administrator may prescribe from time to time. The clerk shall report to the administrator.

(7) CITY ATTORNEY.--The commission shall appoint a qualified individual or firm to serve as the city attorney for an indefinite term by an affirmative vote of at least four commission members. The commission members may remove the city attorney at any time by an affirmative vote of at least four commission members. The compensation and benefits of the city attorney shall be fixed by the commission. The city attorney shall report to the commission. The city attorney shall take office immediately on appointment, and the terms and conditions shall subsequently be reduced to a written contract. The commission shall have the authority to engage such additional legal counsel as it deems advisable and necessary.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(8) POWERS AND DUTIES OF THE CITY ATTORNEY.--The city attorney or other attorney, designated and approved by the commission, shall, to the extent required by the commission:

(a) Attend all regular and special meetings of the commission.

(b) Act as the legal advisor to and counselor for the city and its officers in the matters relating to their official duties.

(c) Approve all contracts, bonds, and other instruments in which the city is concerned and shall endorse on each his or her approval of the form and correctness thereof. No contract with the city shall take effect until his or her approval is so endorsed thereon.

(d) When requested to do so by the commission, prosecute and defend on behalf of the city all complaints, suits, and controversies in which the city is a party.

(e) When so requested, furnish the mayor, commission, or administrator his or her opinion on any question of law involving the respective powers and duties of the mayor, commission, or administrator.

(f) Perform such other professional duties as required of him or her by resolution of the commission or as prescribed for municipal attorneys in the general laws of the state which are not inconsistent with this charter.

(9) EXPENDITURE OF CITY FUNDS.--No funds of the city shall be expended except pursuant to duly approved appropriations or for the payment of bonds, notes, or other indebtedness duly

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

authorized by the commission and only from such funds so authorized.

(10) City boards and agencies.--Except as otherwise provided by law, the commission may establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the commission. Members of boards and agencies shall be appointed by the commission by resolution.

Section 4. Legislative.--

(1) COMMISSION MEETING PROCEDURE.--

(a) Meetings.--The commission shall hold at least 11 monthly meetings in each fiscal year at such times and places as the commission may prescribe by rule. No meeting shall extend beyond 11 p.m. local time. Notwithstanding the aforesaid, the commission may conclude debate and voting on any agenda item under consideration at 11 p.m. Special meetings may be held upon the call of the mayor or upon the call of three members of the commission, and upon no less than 24 hours' notice to each member and the public, or such shorter time as a majority of the commission shall deem necessary in case of an emergency affecting life, health, property, or the public peace.

(b) Quorum and voting.--Except as otherwise provided in this charter, any three members of the commission shall constitute a quorum. The affirmative vote of three members of the commission shall be required for any legislative action. All voting shall be by roll call.

(2) PROHIBITIONS.--



ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(a) 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 administrator or any of his or her subordinates is empowered to appoint, but the commission members may express their views and fully and freely discuss with the administrator anything pertaining to appointment and removal of such officers and employees.

(b) Interference with administration.--Except for the purpose of inquiries and investigations made in good faith, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the administrator solely through the administrator, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this charter that recommendations for improvement in city government operations by individual commission members be made solely to and through the administrator. Commission members may discuss with the administrator any matter of city business; however, no individual commission member shall give orders to the administrator.

(c) Holding other office.--No elected city official shall hold any appointive city office or city employment while in office. No former elected city official shall hold any compensated appointive city office or city employment until 1 year after the expiration of his or her term.

(3) EMERGENCY ORDINANCES.--

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(a) Authorization; form.--To meet a public emergency affecting life, health, property, or the public peace, the commission may adopt, in the manner provided by Florida Statutes, one or more emergency ordinances, but such ordinances may not enact or amend a land use plan or rezone private property; levy taxes; grant, renew, or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money, except as provided under the emergency appropriations provisions of this charter, if applicable. 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.

(b) Procedure.--Upon the affirmative vote of four commission members, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. For voting purposes, the mayor shall be considered as a member of the commission. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.

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

(d) Repeal.--Every emergency ordinance, except emergency appropriation ordinances, shall automatically be repealed as of the 61st day following its effective date, but this shall not

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

prevent reenactment of the ordinance under regular procedures or, if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(e) Emergency appropriations.--To meet a public emergency affecting life, health, property, or the public peace, the commission, by resolution, may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriation, the commission may by such emergency resolution authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals in any fiscal year shall be paid not later than the last day of the fiscal year succeeding that in which the emergency appropriations were made.

(4) ANNUAL BUDGET ADOPTION.--

(a) Balanced budget.--Each annual budget adopted by the commission shall not provide for expenditures in an amount greater than the revenues budgeted.

(b) Budget adoption.--The budget shall be adopted in accordance with applicable Florida Statutes and any amendments thereto.

(c) Specific appropriation.--The budget shall be specific as to the nature of each category of appropriations. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

(5) FISCAL YEAR.--The fiscal year of the city government shall begin on the first day of October and shall end on the

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

last day of September of the following calendar year, unless otherwise defined by Florida Statutes. Such fiscal year shall also constitute the annual budget and accounting year.

(6) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--

(a) Supplemental appropriations.--If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the commission may by ordinance make supplemental appropriations for the fiscal year up to the amount of such excess.

(b) Reduction of appropriations.--If, at any time during the fiscal year, it appears probable to the administrator that the revenues available will be insufficient to meet the amounts appropriated, he or she shall report to the commission without delay, indicating the estimated amount of the deficit and his or her recommendations as to the remedial action to be taken. The commission shall then take such action as it deems appropriate to prevent any deficit spending not covered by adequate reserves.

(7) AUTHENTICATION, RECORDING, AND DISPOSITION OF ORDINANCES, RESOLUTIONS, AND CHARTER AMENDMENTS.--

(a) Authentication.--The mayor and the 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 mayor and the clerk shall authenticate, by their signatures, the charter amendment, such authentication to reflect the approval of the charter amendment by the electorate.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(b) Recording.--The clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions enacted or passed by the commission. Ordinances shall, at the direction of the commission, be periodically codified. The clerk shall also maintain the charter in current form as to all amendments.

(c) 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.

(8) BORROWING.--

(a) Subject to the referendum requirements of the State Constitution, if applicable, the city may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, "bonds") of any type or character for any of the purposes for which the city is now or hereafter authorized by law to borrow money, including to finance the cost of any capital or other project and to refund any and all previous issues of bonds at or prior to maturity. Such bonds may be issued pursuant to one or more resolutions adopted by a majority of the commission.

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

(9) INDEPENDENT AUDIT.--The commission shall provide for an independent annual audit of all city accounts and may provide

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

for 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.

Section 5. Elections.--

(1) ELECTORS.--Any person who is a resident of the city, has qualified as an elector of the state, and registers to vote in the manner prescribed by law shall be an elector of the city.

(2) NONPARTISAN ELECTIONS.--All elections for the offices of commission member and mayor shall be conducted on a nonpartisan basis.

(3) ELECTION DATES.--A special election shall be held on the second Tuesday in March 2005 and regular elections shall be held every 2 years thereafter according to the provisions of this charter.

(4) GENERAL ELECTION.--The ballot for the general election shall contain the names of all qualified candidates for mayor if the mayor's term is expiring and for each of the two commission seats which are to be filled at that election as a result of two commission members' terms expiring, and shall instruct electors to cast one vote for mayor, if applicable, and one vote for each commission seat, with a maximum of one vote per candidate. The candidate for mayor receiving the most votes shall be the duly elected mayor. The candidate receiving the most votes in each designated commission seat, respectively, shall be the duly elected commission member for that designated commission seat.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(5) SPECIAL ELECTIONS.--Special elections, when required, shall be scheduled by the commission at such times and in such manner as shall be consistent with this charter and state law.

(6) SINGLE CANDIDATES.--No election for mayor or any commission seat shall be required in any election if there is only one duly qualified candidate for mayor or for any commission seat.

(7) COMMENCEMENT OF TERMS.--The term of office of any elected official shall commence immediately after the election.

(8) OATH.--All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office:

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida, and the charter of the City of West Park; that I am duly qualified to hold office under the Constitution of the State and the charter of the City of West Park; and that I will well and faithfully perform the duties of (Mayor or commission member) upon which I am now about to enter. (So help me God.)

(9) ELECTION LAWS.--The election laws of the state shall apply to all elections.

(10) RECALL.--The registered electors of the city shall have the power to recall and to remove from office any elected official of the city as provided by general law of the state.

ENROLLED  
 HB 1491, Engrossed 1

2004 Legislature

Section 6. Charter amendments.--

(1) CHARTER AMENDMENTS.--This charter may be amended in accordance with the provisions of this section.

(2) PROCEDURE TO AMEND.--

(a) Initiation.--This charter may be amended in two ways:

1. By ordinance.--The commission may, by ordinance, propose amendments to this charter and, upon passage of the initiating ordinance, shall submit the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

2. By petition.--The electors of the city may propose amendments to this charter by petition pursuant to the requirements of chapter 166, Florida Statutes, as amended.

(b) Submission to electors.--Upon certification of the sufficiency of a petition, the commission shall submit the proposed amendment to a vote of the electors at a general election or special election to be held not less than 60 days or more than 120 days from the date on which the petition was certified or at a special election called for such purpose.

(c) Results of election.--If a majority of the qualified electors voting on a proposed amendment votes for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(3) APPOINTMENT OF CHARTER REVIEW COMMITTEE.--The commission shall appoint a charter review committee, which shall contain at least five registered electors who are residents of



ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

the city and whose responsibilities shall include the review and analysis of the charter and recommendations to the commission of proposed charter amendments, including, without limitation, issues such as district voting versus citywide elections for commission members. All recommendations of the charter review committee shall be considered by the commission at least once every 4 years, and the commission may by ordinance propose amendments to this charter upon recommendation of the charter review committee. Upon passage of the initiating ordinance, the commission shall submit the proposed amendment to a vote of the electors of the city at the next general election held within the city or at a special election called for such purpose.

Section 7. General provisions.--

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

(2) CONFLICTS OF INTEREST; ETHICAL STANDARDS.--All commission members, officials, and employees of the city shall be subject to the standards of conduct for public officers and employees set by federal, state, county, or other applicable law.

(3) CITY PERSONNEL SYSTEM.--All new employments, appointments, and promotions of city officers and employees

ENROLLED  
 HB 1491, Engrossed 1

2004 Legislature

shall be made pursuant to personnel procedures to be established by the administrator from time to time.

(4) CHARITABLE CONTRIBUTIONS.--The city shall not make any charitable contribution to any person or entity unless authorized by the commission.

(5) VARIATION OF PRONOUNS.--All pronouns and any variations thereof used in this charter shall be deemed to refer to masculine, feminine, neutral, singular, or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define, or limit the scope, extent, or intent of this charter.

(6) CALENDAR DAY.--For the purposes of this charter, a day shall mean a calendar day.

Section 8. Transition provisions.--

(1) CREATION AND ESTABLISHMENT OF CITY.--The City of West Park is hereby created and established effective March 1, 2005.

(2) INITIAL ELECTION OF COMMISSION MEMBERS; DATES; QUALIFYING PERIOD; CERTIFICATION OF ELECTION RESULTS; INDUCTION INTO OFFICE.--

(a) Dates.--Following the adoption of this charter by the electorate, a special election for the election of the mayor and four commission members shall be held on March 8, 2005.

(b) Qualifying period.--Any individual wishing to run for mayor or one of the four commission seats who is a qualified elector of the city and has resided continuously within the corporate boundaries described in this act for 1 year shall qualify as a candidate with the Broward County Supervisor of

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

Elections between January 2 and January 15, 2005, in accordance with the provisions of this charter and general law.

(c) Certification of election results.--For the initial election, a canvassing board shall be appointed by the Board of County Commissioners of Broward County to certify the results of the election. At the first election under this charter, the four candidates for commission member receiving the highest number of votes shall be elected. At such initial election, seats shall not be designated. Of the elected candidates, the two receiving the greatest number of votes shall serve until their successors are elected on the second Tuesday in March 2009 and assume the duties of the office, and the remaining two shall serve until their successors are elected on the second Tuesday in March 2007 and assume the duties of the office. The candidate receiving the highest number of votes shall occupy seat 1; the candidate receiving the second highest number shall occupy seat 2; the candidate receiving the third highest number shall occupy seat 3; and the candidate receiving the fourth highest number shall occupy seat 4. Thereafter, all commission members shall be elected for 4-year terms. The mayoral candidate receiving the highest number of votes shall be elected. The mayor shall be elected at the first election to serve until his or her successor is elected on the second Tuesday in March 2007 and assumes the duties of the office, and for a 4-year term at all subsequent elections.

(d) Induction into office.--Those candidates who are elected on March 8, 2005, shall take office at the initial

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

commission meeting, which shall be held at 7:30 p.m. on March 10, 2005, at a place to be designated by the mayor.

(3) TEMPORARY NATURE OF SUBSECTIONS (4)-(10).--The following subsections of this section are inserted solely for the purpose of effecting the incorporation of the city and the transition to a new municipal government. Subsections (4)-(10) of this section shall automatically, and without further vote or act of the electors of the city, become ineffective and no longer a part of this charter at such time as the implementation of such section has been accomplished.

(4) INTERIM ADOPTION OF CODES AND ORDINANCES.--Until otherwise modified or replaced by this charter or the commission, all codes, ordinances, and resolutions of Broward County, Florida, in effect on the day of adoption of this charter shall, to the extent applicable to the city, remain in force and effect as municipal codes, ordinances, and resolutions of the city. Until otherwise determined by the commission, said codes, ordinances, and resolutions shall be applied, interpreted, and implemented by the city in a manner consistent with established policies of Broward County on the date of this charter.

(5) TAXES AND FEES.--Until otherwise modified by the commission, all municipal taxes and fees imposed within the city boundaries by the county as the municipal government for unincorporated Broward County, which taxes and fees are in effect on the date of adoption of this charter, shall continue at the same rate and on the same conditions as if those taxes and fees had been adopted and assessed by the city.

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

(6) FIRST YEAR EXPENSES.--The commission, in order to provide moneys for the expenses and support of the city, shall have the power to borrow money necessary for the operation of city government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

(7) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first commission meeting may be passed as emergency ordinances. These transitional ordinances shall be effective for no longer than 90 days after adoption and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

(8) STATE SHARED REVENUES.--The city shall be entitled to participate in all shared revenue programs of the state, effective immediately on the date of incorporation. The provisions of section 218.23, Florida Statutes, shall be waived for the purpose of eligibility to receive revenue sharing from the date of incorporation through the end of the state fiscal year 2005-2006. The provisions of section 218.26(3), Florida Statutes, shall be waived for the fiscal year 2005-2006, and the apportionment factors for the municipalities and counties shall be recalculated pursuant to section 218.245, Florida Statutes. The initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research as of the effective date of this charter. Should the bureau be unable to provide an

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

appropriate population estimate, the initial population for calculating eligibility for shared revenues shall be established at the level of 12,750.

(9) GAS TAX REVENUES.--Notwithstanding the requirements of section 336.025, Florida Statutes, to the contrary, the city shall be entitled to receive local option gas tax revenues beginning October 1, 2005. These revenues shall be distributed in accordance with the interlocal agreement with Broward County.

(10) SHARED REVENUES.--

(a) Broward County shall distribute to the city, from taxes, franchise fees, and ad valorem taxes, revenues collected within the municipal boundaries of the city. This calculation shall be based upon a population projection of 12,750.

(b) It is the intent of this charter that the communication services tax imposed under section 202.19, Florida Statutes, by Broward County, will continue within the city boundaries during the period commencing with the date of incorporation through December 31, 2005. Such revenues from the tax shall be shared by Broward County with the city in proportion to the projected city population of 12,750 compared to the unincorporated population of Broward County before the incorporation.

Section 9. Within 1 year after the date of incorporation of West Park, the City Commission of the City of West Park may, by ordinance, upon four-fifths vote, amend the charter of the City of West Park and rename said city.

Section 10. This act shall only take effect upon approval by a majority of those qualified electors residing within the

ENROLLED  
HB 1491, Engrossed 1

2004 Legislature

proposed corporate limits of the proposed City of West Park as described in section 1(3) of the charter, voting in a referendum election to be called by the Board of County Commissioners of Broward County and to be held on November 2, 2004, in accordance with the provisions relating to elections currently in force except that:

(1) This section of the charter shall take effect upon this act becoming a law.

(2) If a majority of the qualified voters voting do not approve this act then this act shall not take effect.

(3) If approved by a majority of the qualified voters voting then this act and charter shall take effect upon certification of the election results by the Broward County Supervisor of Elections.