

By Senator Campbell

32-2538-04

See CS/HB 1491

1 A bill to be entitled
2 An act relating to Broward County; creating the
3 charter of the City of West Park; providing for
4 the corporate name and purpose of the charter;
5 establishing form of government and territorial
6 boundaries of the municipality; providing
7 powers of the municipality and of certain
8 officers; providing for election and terms of
9 office of a city commission, including the
10 mayor and vice mayor, and providing for
11 qualifications, powers, and duties of and
12 restrictions on its membership; establishing
13 circumstances which create vacancies in office
14 and providing for filling vacancies and for
15 forfeiture and recall; providing a procedure
16 for establishing compensation and expense
17 reimbursement for the mayor and city
18 commission; providing for rules of procedure;
19 providing for a city administrator, city clerk,
20 and city attorney and powers and duties of
21 each; providing restrictions on expenditure of
22 city funds; authorizing establishment of city
23 boards and agencies; providing for commission
24 meetings, procedural rules, and recordkeeping
25 and voting at meetings; providing for emergency
26 ordinances; providing for budget requirements,
27 adoption, and amendment and establishing a
28 fiscal year; providing procedures for
29 authentication, recording, and disposition of
30 ordinances, resolutions, and charter
31 amendments; establishing the right to

1 determine, order, levy, assess, and collect
2 taxes; providing for borrowing by the city;
3 providing for an annual independent audit;
4 providing for quasi-judicial procedures;
5 establishing election requirements and
6 guidelines; providing for charter amendments
7 and review; providing for severability;
8 providing for standards of conduct; providing
9 for a personnel system; providing requirements
10 for charitable contributions; providing for
11 transition, including a referendum on
12 incorporation and alternate manners of
13 elections for the city commission, initial
14 election and terms, and date of creation and
15 establishment of the municipality; providing
16 for interim adoption of codes and ordinances
17 and taxes and fees; providing for payment of
18 certain revenues and for transitional
19 ordinances and resolutions; entitling the city
20 to state shared and local option gas tax
21 revenues; providing for the sharing of certain
22 revenues; providing for the city commission to
23 rename the city under certain circumstances;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Corporate existence; form of government;
29 boundary and powers.--

30 (1) CORPORATE EXISTENCE.--In order to preserve,
31 protect, and enhance the quality of life and residential

1 character of West Park, a municipal corporation known as the
2 City of West Park (the "city") is hereby created pursuant to
3 the Constitution of the State of Florida (the "State"). The
4 corporate existence of the city shall commence upon approval
5 of the electorate and pursuant to the provisions of this
6 charter.

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

9 (3) CORPORATE BOUNDARY.--

10
11 A portion of Sections 29 and 30, Township 51
12 South, Range 42 East, Broward County, Florida,
13 described as follows:

14
15 Beginning at a point on the South line of said
16 Section 30, said point being 535.00 feet
17 Westerly of the Southeast corner of said
18 Section 30, as measured along said South line;

19
20 Thence along the municipal boundary of the Town
21 of Pembroke Park, as established by Chapter
22 63-1772, Laws of Florida, the following 23
23 courses and distances;

24
25 Thence Northerly a distance of 50 feet to the
26 Southwest corner of Tract "N" of a subdivision
27 known as "LAKE FOREST SECTION 3", as recorded
28 in Plat Book 35, Page 15, of the Public Records
29 of Broward County, Florida;

1 Thence continue Northerly along the West
2 boundary of said Tract "N" to the Northwest
3 corner of said Tract "N";
4
5 Thence continue Northerly a distance of 25 feet
6 to the centerline of Lime Tree Concourse which
7 is a dedicated street of the subdivision of
8 said "LAKE FOREST SECTION 3";
9
10 Thence Easterly along the centerline of said
11 Lime Tree Concourse to the point of
12 intersection of the said centerline with the
13 East boundary of the Southeast One-Quarter (SE
14 1/4) of said Section 30;
15
16 Thence continue Easterly along said centerline
17 a distance of 305.10 feet;
18
19 Thence Southerly to the Northeasterly corner of
20 Tract "O" of said subdivision of "LAKE FOREST
21 SECTION 3";
22
23 Thence continue Southerly on a bearing of South
24 00°15'07" East a distance of 100 feet, to a
25 point;
26
27 Thence Easterly a distance of 80.64 feet on a
28 bearing of North 82°30'53" East to the
29 Northwesterly corner of Lot 4, Block 21 of said
30 subdivision of "LAKE FOREST SECTION 3";
31

1 Thence Southerly along the Westerly lines of
2 Lots 4, 5, and 6 of said Block 21 a distance of
3 246 feet to the Northwest corner of Lot 33 of
4 said Block 21;
5
6 Thence Southerly along the West line of Lot 33
7 of said Block 21 a distance of 145 feet to the
8 Southwest corner of said Lot 33;
9
10 Thence Easterly along the South boundaries of
11 Blocks 21 and 31 to the Southeast corner of
12 Block 31 of said subdivision of "LAKE FOREST
13 SECTION 3";
14
15 Thence continue Easterly along a projection of
16 the South boundary of said Block 31 a distance
17 of 800 feet to a point on the East boundary of
18 the Southwest One-Quarter (SW 1/4) of said
19 Section 29;
20
21 Thence run Northerly and along the West
22 boundary of the Southeast One-Quarter (SE 1/4)
23 of said Section 29 to the Northwest corner of
24 said Southeast One-Quarter (SE 1/4) of said
25 Section 29;
26
27 Thence continue Northerly along the West
28 boundary of the Northeast One-Quarter (NE 1/4)
29 of said Section 29 to a point 265 feet South of
30 the Northeast corner of the South One-Half (S
31

1 1/2) of the Northwest One-Quarter (NW 1/4) of
2 said Section 29;
3
4 Thence Westerly along the North boundary of Lot
5 21, Block 37 of the subdivision of "LAKE FOREST
6 SECTION 4", as recorded in Plat Book 43, Page
7 45, of the Public Records of Broward County,
8 Florida, to the Northwest corner of said Lot
9 21;
10
11 Thence continue Westerly to the Southeast
12 corner of Tract "R", Block 40 of said
13 subdivision of "LAKE FOREST SECTION 4";
14
15 Thence continue Westerly along the South
16 boundaries of said Tract "R" and the South
17 boundary of Tract "RA" of said subdivision of
18 "LAKE FOREST SECTION 4" to the Southwest
19 corner of said Tract "RA";
20
21 Thence Northwesterly along the South boundary
22 of said Tract "RA" to the Southeast corner of
23 Lot 29A of said Block 40;
24
25 Thence continue Westerly along the South
26 boundary of said Block 40 and along the South
27 boundary of Block 50 of said subdivision of
28 "LAKE FOREST SECTION 4" to the Southwest corner
29 of Lot 28 of said Block 50;
30
31

1 Thence Southerly to the Southeast corner of
2 Tract "Q" of said subdivision of "LAKE FOREST
3 SECTION 4";
4
5 Thence Westerly to the Northwest corner of Lot
6 36, of said Block 50;
7
8 Thence Southerly to the Southwest corner of
9 said Lot 36;
10
11 Thence Westerly along the South boundary of
12 said Tract "Q" and the extension thereof for a
13 distance of 171.53 feet to a point on the West
14 boundary of the Northeast One-Quarter (NE 1/4)
15 of said Section 30 said point also being on the
16 municipal boundary of the Town of Pembroke
17 Park, as established by Chapter 70-878, Laws of
18 Florida;
19
20 Thence Southerly along said municipal boundary
21 and the East line of the West One-Half (W 1/2)
22 of said Section 30 to the Southwest corner of
23 the Southeast One-Quarter (SE 1/4) of said
24 Section 30;
25
26 Thence Easterly along the South line of said
27 Section 30 to the POINT OF BEGINNING.

28
29 TOGETHER WITH
30
31

1 Beginning at the Southwest corner of the
2 Southeast quarter of Section 29, Township 51
3 South, Range 42 East, run Westerly along the
4 South boundary of the Southwest quarter of said
5 Section 29-51-42 to the Southwest corner of
6 Section 29-51-42 which is a common corner of
7 Sections 29 and 30, Township 51 South, Range 42
8 East and Sections 5 and 6, Township 52 South,
9 Range 42 East; thence continue Westerly along
10 the South boundary of Section 30-51-42 a
11 distance of 535.00 feet; thence Northerly a
12 distance of 50 feet to the Southwest corner of
13 Tract N' of a subdivision known as "LAKE FOREST
14 SECTION 3" as recorded in Plat Book 35, Page 15
15 of the Public Records of Broward County,
16 Florida; thence continue Northerly along the
17 West boundary of said Tract N' to the Northwest
18 corner of said Tract N'; thence continue
19 Northerly a distance of 25 feet to the center
20 line of Lime Tree Concourse which is a
21 dedicated street of the subdivision of "LAKE
22 FOREST SECTION 3"; thence Easterly along the
23 center line of said Lime Tree Concourse to a
24 point of intersection of the said center line
25 with the East boundary of the Southeast quarter
26 of Section 30-51-42; thence continue Easterly
27 along said center line a distance of 305.10
28 feet; thence Southerly to the Northeasterly
29 corner of Tract O' of said subdivision of "LAKE
30 FOREST SECTION 3"; thence continue Southerly on
31 a bearing of South 0° 15' 07" East a distance

1 of 100 feet to a point; thence Easterly a
2 distance of 80.64 feet on a bearing of North
3 82° 30' 53" East to the northwesterly corner of
4 Lot 4, Block 21 of said subdivision of "LAKE
5 FOREST SECTION 3"; thence Southerly along the
6 Westerly lines of Lots 4 and 5, and 6 of said
7 Block 21 a distance of 246 feet to the
8 Northwest corner of Lot 33 of said Block 21;
9 thence Southerly along the West line of Lot 33
10 of said Block 21 a distance of 145 feet to the
11 Southwest corner of said Lot 33; thence
12 Easterly along the South boundaries of Blocks
13 21 and 31 to the Southeast corner of Block 31
14 of said subdivision of "LAKE FOREST SECTION 3";
15 thence continue Easterly along a projection of
16 the South boundary of said Block 31 a distance
17 of 800 feet to a point on the East boundary of
18 the Southwest quarter of Section 29-51-42;
19 thence Southerly and along the East boundary of
20 said Southwest quarter of Section 29-51-42 to
21 the point of beginning; said lands situate,
22 lying and being in Broward County, Florida.

23
24 TOGETHER WITH

25
26 The South 15 feet of the Southwest quarter of
27 Section 30, Township 51 South, Range 42 East.
28 Broward County, Florida.

29
30 TOGETHER WITH

1 A portion of Sections 24 and 25, Township 51
2 South, Range 41 East, and Sections 19, 29 and
3 30, Township 51 South, Range 42 East, Broward
4 County, Florida, described as follows:
5
6 BEGINNING at the Northeast corner of the South
7 One-Half (S 1/2) of said Section 19, also being
8 a point on the municipal boundary of the City
9 of Hollywood, as established by Chapter
10 59-1369, Laws of Florida;
11
12 Thence Westerly along the North line of said
13 South One-Half (S 1/2) to the East line of the
14 Southwest One-Quarter (SW 1/4) of the Northwest
15 One-Quarter (NW 1/4) of said Section 19, also
16 being a point on the municipal boundary of the
17 City of Hollywood, as established by Chapter
18 63-1426, Laws of Florida;
19
20 Thence continue Westerly along said North line,
21 along the North line of the Southeast
22 One-Quarter (SE 1/4) of said Section 24 and
23 along said municipal boundary to the West line
24 of the Northeast One-Quarter (NE 1/4) of the
25 Southeast One-Quarter (SE 1/4) of said Section
26 24;
27
28 Thence continue along said municipal boundary
29 to the centerline of right of way of Southwest
30 17 Street (Pembroke Road);
31

1 Thence continue along said municipal boundary
2 and along said centerline to a point on the
3 centerline of State Road No. 7 (U.S. 441) also
4 known as Southwest 60 Avenue, said point also
5 being on the municipal boundary of the City of
6 Miramar, as established by Ordinance No. 72-14
7 of the City of Miramar;
8
9 Thence Southerly along said centerline and said
10 municipal boundary over and across said
11 Sections 24 and 25 to a point of intersection
12 with the South line of said Section 25;
13
14 Thence Easterly along said South line to the
15 East line of said Section 25 and a point on the
16 municipal boundary of the Town of Pembroke
17 Park, as established by Chapter 70-878, Laws of
18 Florida;
19
20 Thence along said municipal boundary the
21 following 6 courses;
22
23 Thence Northerly along said East line to the
24 Southwest corner of the Northwest One-Quarter
25 (NW 1/4) of the Southwest One-Quarter (SW 1/4)
26 of the Southwest One-Quarter (SW 1/4) of said
27 Section 30;
28
29 Thence Easterly along said South line to the
30 Southeast corner of the Northwest One-Quarter
31 (NW 1/4) of the Southwest One-Quarter (SW 1/4)

1 of the Southwest One-Quarter (SW 1/4) of said
2 Section 30;
3
4 Thence Northerly along the West line of the
5 East Three-Quarters (E 3/4) of the Southwest
6 One-Quarter (SW 1/4) of said Section 30 to the
7 Northeast corner of the South One-Half (S 1/2)
8 of the Southwest One-Quarter (SW 1/4) of the
9 Northwest One-Quarter (NW 1/4) of the Southwest
10 One-Quarter (SW 1/4) of said Section 30;
11
12 Thence Westerly along the North line of said
13 South One-Half (S 1/2) to the West line of said
14 Section 30;
15
16 Thence Northerly along the said West line to
17 the Northwest corner of the South One-Half (S
18 1/2) of the Northwest One-Quarter (NW 1/4) of
19 said Section 30;
20
21 Thence Easterly along the North line of said
22 South One-Half (S 1/2) to the Northeast corner
23 of said South One-Half (S 1/2), said point also
24 being on the municipal boundary of the Town of
25 Pembroke Park, as established by Chapter
26 63-1772, Laws of Florida;
27
28 Thence along said municipal boundary the
29 following 5 courses;
30
31

1 Thence Northerly along the East line of the
2 Northwest One-Quarter (NW 1/4) of said Section
3 30 to a point of intersection with the North
4 right of way line of Hallandale Beach Road,
5 also known as State Road No. 824 and
6 Hallandale Beach Boulevard;
7
8 Thence Easterly along said North right of way
9 line to a point of intersection with the East
10 line of the West One-Half (W 1/2) of the
11 Northwest One-Quarter (NW 1/4) of the Northwest
12 One-Quarter (NW 1/4) of said Section 29;
13
14 Thence Northerly along said East line to the
15 Northeast corner of the Northwest One-Quarter
16 (NW 1/4) of the Northwest One-Quarter (NW 1/4)
17 of the Northwest One-Quarter (NW 1/4) of said
18 Section 29;
19
20 Thence Westerly along said North line to the
21 Northwest corner of said Section 29, which is a
22 common corner of Sections 19, 20, 29 and 30 ,
23 Township 51 South, Range 42 East;
24
25 Thence Northerly along the East line of the
26 Southeast One-Quarter (SE 1/4) of said Section
27 19 to the POINT OF BEGINNING.
28
29 LESS THEREFROM:
30
31

1 Those lands annexed by the Town of Pembroke
2 Park, as established by Ordinance No. 77-7-3 of
3 the Town of Pembroke Park described as follows:
4 Lot 1 thru 12 inclusive in Block 4 of "MIAMI
5 GARDENS ESTATES, SECTION 8", according to the
6 plat thereof, as recorded in Plat Book 44, Page
7 33, of the Public Records of Broward County,
8 Florida;

9
10 AND LESS:

11
12 Those lands annexed by the Town of Pembroke
13 Park, as established by Ordinance No. 74-9-1 of
14 the Town of Pembroke Park described as follows:

15
16 All of "MIAMI GARDENS ESTATES SECTION 9",
17 according to the plat thereof, as recorded in
18 Plat Book 61, Page 16, of the Public Records of
19 Broward County, Florida;

20
21 AND LESS:

22
23 Those lands annexed by the Town of Pembroke
24 Park, as established by Ordinance No. 77-4-1 of
25 the Town of Pembroke Park described as follows:

26
27 The East One-Half (E 1/2) of the East One-Half
28 (E 1/2) of Government Lot 1, LESS the West 43
29 feet thereof, and the Northeast One-Quarter (NE
30 1/4) of the Northwest One-Quarter (NW 1/4) of
31

1 said Section 30, lying North of the North right
2 of way line of Hallandale Beach Boulevard.

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

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

12 Section 2. Commission; mayor.--

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

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

29 (3) VICE MAYOR.--The vice mayor shall act as mayor in
30 the absence of the mayor. The vice mayor shall be elected from
31 among commission members for a period of 2 years by a majority

1 of the commission at the first meeting of the commission after
2 each election.

3 (4) ELECTION AND TERMS OF OFFICE.--

4 (a) Election and term of office.--Each commission
5 member and the mayor shall be elected at large for 4-year
6 terms by the electors of the city in the manner provided in
7 section 5. Each commission member and the mayor shall remain
8 in office until his or her successor is elected and assumes
9 the duties of the position.

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

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

31

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

3 (a) Vacancies.--The office of a commission member
4 shall become vacant upon his or her death, resignation, or
5 removal from office in any manner authorized by law or by
6 forfeiture of his or her office.

7 (b) Forfeiture of office.--

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

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

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

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

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

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

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

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

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

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

31

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

13 (7) Compensation; reimbursement for expenses.--

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

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

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

30 Section 3. Administrative.--

31

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

20 (4) ABSENCE OR DISABILITY OF ADMINISTRATOR.--To
21 perform his or her duties during his or her temporary absence
22 or disability, the administrator may designate, by letter
23 filed with the city clerk, a qualified administrative officer
24 of the city. In the event of failure of the administrator to
25 make such designation, or should the person so designated by
26 the city administrator be unsatisfactory to the commission,
27 the commission may by resolution appoint an officer of the
28 city to perform the duties of the administrator until he or
29 she shall return or his or her disability shall cease.

30 (5) BOND OF ADMINISTRATOR.--The administrator shall
31 furnish a surety bond to be approved by the commission, and in

1 such amount as the commission may fix, said bond to be
2 conditioned on the faithful performance of his or her duties.
3 The premium of the bond shall be paid by the city.

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

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

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

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

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

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

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

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

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

17 (9) EXPENDITURE OF CITY FUNDS.--No funds of the city
18 shall be expended except pursuant to duly approved
19 appropriations or for the payment of bonds, notes, or other
20 indebtedness duly authorized by the commission and only from
21 such funds so authorized.

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

28 Section 4. Legislative.--

29 (1) COMMISSION MEETING PROCEDURE.--

30 (a) Meetings.--The commission shall hold at least 11
31 monthly meetings in each fiscal year at such times and places

1 as the commission may prescribe by rule. No meeting shall
2 extend beyond 11 p.m. local time. Notwithstanding the
3 aforesaid, the commission may conclude debate and voting on
4 any agenda item under consideration at 11 p.m. Special
5 meetings may be held upon the call of the mayor or upon the
6 call of three members of the commission, and upon no less than
7 24 hours' notice to each member and the public, or such
8 shorter time as a majority of the commission shall deem
9 necessary in case of an emergency affecting life, health,
10 property, or the public peace.

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

16 (2) PROHIBITIONS.--

17 (a) Appointments and removals.--Neither the commission
18 nor any of its members shall in any manner dictate the
19 appointment or removal of any city administrative officers or
20 employees whom the administrator or any of his or her
21 subordinates is empowered to appoint, but the commission
22 members may express their views and fully and freely discuss
23 with the administrator anything pertaining to appointment and
24 removal of such officers and employees.

25 (b) Interference with administration.--Except for the
26 purpose of inquiries and investigations made in good faith,
27 the commission or its members shall deal with city officers
28 and employees who are subject to the direction and supervision
29 of the administrator solely through the administrator, and
30 neither the commission nor its members shall give orders to
31 any such officer or employee, either publicly or privately. It

1 is the express intent of this charter that recommendations for
2 improvement in city government operations by individual
3 commission members be made solely to and through the
4 administrator. Commission members may discuss with the
5 administrator any matter of city business; however, no
6 individual commission member shall give orders to the
7 administrator.

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

13 (3) EMERGENCY ORDINANCES.--

14 (a) Authorization; form.--To meet a public emergency
15 affecting life, health, property, or the public peace, the
16 commission may adopt, in the manner provided by Florida
17 Statutes, one or more emergency ordinances, but such
18 ordinances may not enact or amend a land use plan or rezone
19 private property; levy taxes; grant, renew, or extend any
20 municipal franchise; set service or user charges for any
21 municipal services; or authorize the borrowing of money,
22 except as provided under the emergency appropriations
23 provisions of this charter, if applicable. An emergency
24 ordinance shall be introduced in the form and manner
25 prescribed for ordinances generally, except that it shall be
26 plainly designated in a preamble as an emergency ordinance and
27 shall contain, after the enacting clause, a declaration
28 stating that an emergency exists and describing it in clear
29 and specific terms.

30 (b) Procedure.--Upon the affirmative vote of four
31 commission members, an emergency ordinance may be adopted with

1 or without amendment or rejected at the meeting at which it is
2 introduced. For voting purposes, the mayor shall be considered
3 as a member of the commission. After its adoption, the
4 ordinance shall be advertised and printed as prescribed for
5 other ordinances.

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

9 (d) Repeal.--Every emergency ordinance, except
10 emergency appropriation ordinances, shall automatically be
11 repealed as of the 61st day following its effective date, but
12 this shall not prevent reenactment of the ordinance under
13 regular procedures or, if the emergency still exists, in the
14 manner specified in this section. An emergency ordinance may
15 also be repealed by adoption of a repealing ordinance in the
16 same manner specified in this section for adoption of
17 emergency ordinances.

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

28 (4) ANNUAL BUDGET ADOPTION.--

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

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

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

8 **(5) FISCAL YEAR.--The fiscal year of the city**
9 **government shall begin on the first day of October and shall**
10 **end on the last day of September of the following calendar**
11 **year, unless otherwise defined by Florida Statutes. Such**
12 **fiscal year shall also constitute the annual budget and**
13 **accounting year.**

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

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

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

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

31

1 (a) Authentication.--The mayor and the clerk shall
2 authenticate, by their signatures, all ordinances and
3 resolutions adopted by the commission. In addition, when
4 charter amendments have been approved by the electors, the
5 mayor and the clerk shall authenticate, by their signatures,
6 the charter amendment, such authentication to reflect the
7 approval of the charter amendment by the electorate.

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

14 (c) Printing.--The commission shall, by ordinance,
15 establish procedures for making all resolutions, ordinances,
16 technical codes adopted by reference, and this charter
17 available for public inspection and available for purchase at
18 a reasonable price.

19 (8) BORROWING.--

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

30 (b) The city may assume all outstanding indebtedness
31 related to facilities it acquires from other units of local

1 government and be liable for payment thereon in accordance
2 with its terms.

3 (9) INDEPENDENT AUDIT.--The commission shall provide
4 for an independent annual audit of all city accounts and may
5 provide for more frequent audits as it deems necessary. Such
6 audits shall be made by a certified public accountant or firm
7 of such accountants who have no personal interest, direct or
8 indirect, in the fiscal affairs of the city government or any
9 of its officers.

10 Section 5. Elections.--

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

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

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

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

1 commission seat, respectively, shall be the duly elected
2 commission member for that designated commission seat.

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

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

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

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

17
18 I do solemnly swear (or affirm) that I will
19 support, protect, and defend the Constitution
20 and Government of the United States and of the
21 State of Florida, and the charter of the City
22 of West Park; that I am duly qualified to hold
23 office under the Constitution of the State and
24 the charter of the City of West Park; and that
25 I will well and faithfully perform the duties
26 of (Mayor or commission member) upon which I am
27 now about to enter. (So help me God.)

28
29 (9) ELECTION LAWS.--The election laws of the state
30 shall apply to all elections.

31

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

5 Section 6. Charter amendments.--

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

8 (2) PROCEDURE TO AMEND.--

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

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

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

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

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

1 (3) APPOINTMENT OF CHARTER REVIEW COMMITTEE.--The
2 commission shall appoint a charter review committee, which
3 shall contain at least five registered electors who are
4 residents of the city and whose responsibilities shall include
5 the review and analysis of the charter and recommendations to
6 the commission of proposed charter amendments, including,
7 without limitation, issues such as district voting versus
8 citywide elections for commission members. All recommendations
9 of the charter review committee shall be considered by the
10 commission at least once every 4 years, and the commission may
11 by ordinance propose amendments to this charter upon
12 recommendation of the charter review committee. Upon passage
13 of the initiating ordinance, the commission shall submit the
14 proposed amendment to a vote of the electors of the city at
15 the next general election held within the city or at a special
16 election called for such purpose.

17 Section 7. General provisions.--

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

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

1 (3) CITY PERSONNEL SYSTEM.--All new employments,
2 appointments, and promotions of city officers and employees
3 shall be made pursuant to personnel procedures to be
4 established by the administrator from time to time.

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

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

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

16 Section 8. Transition provisions.--

17 (1) CREATION AND ESTABLISHMENT OF CITY.--The City of
18 West Park is hereby created and established effective March 1,
19 2005.

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

23 (a) Dates.--Following the adoption of this charter by
24 the electorate, a special election for the election of the
25 mayor and four commission members shall be held on March 8,
26 2005.

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

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

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

28 (d) Induction into office.--Those candidates who are
29 elected on March 8, 2005, shall take office at the initial
30 commission meeting, which shall be held at 7:30 p.m. on March
31 10, 2005, at a place to be designated by the mayor.

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

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

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

27 (6) FIRST YEAR EXPENSES.--The commission, in order to
28 provide moneys for the expenses and support of the city, shall
29 have the power to borrow money necessary for the operation of
30 city government until such time as a budget is adopted and
31

1 revenues are raised in accordance with the provisions of this
2 charter.

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

11 (8) STATE SHARED REVENUES.--The city shall be entitled
12 to participate in all shared revenue programs of the state,
13 effective immediately on the date of incorporation. The
14 provisions of section 218.23, Florida Statutes, shall be
15 waived for the purpose of eligibility to receive revenue
16 sharing from the date of incorporation through the end of the
17 state fiscal year 2005-2006. The provisions of section
18 218.26(3), Florida Statutes, shall be waived for the fiscal
19 year 2005-2006, and the apportionment factors for the
20 municipalities and counties shall be recalculated pursuant to
21 section 218.245, Florida Statutes. The initial population
22 estimates for calculating eligibility for shared revenues
23 shall be determined by the University of Florida Bureau of
24 Economic and Business Research as of the effective date of
25 this charter. Should the bureau be unable to provide an
26 appropriate population estimate, the initial population for
27 calculating eligibility for shared revenues shall be
28 established at the level of 12,750.

29 (9) GAS TAX REVENUES.--Notwithstanding the
30 requirements of section 336.025, Florida Statutes, to the
31 contrary, the city shall be entitled to receive local option

1 gas tax revenues beginning October 1, 2005. These revenues
2 shall be distributed in accordance with the interlocal
3 agreement with Broward County.

4 (10) SHARED REVENUES.--Broward County shall distribute
5 to the city, from taxes, franchise fees, and ad valorem taxes,
6 revenues collected within the municipal boundaries of the
7 city. This calculation shall be based upon a population
8 projection of 12,750.

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

13 Section 10. This act shall only take effect upon
14 approval by a majority of those qualified electors residing
15 within the proposed corporate limits of the proposed City of
16 West Park as described in section 1(3) of the charter, voting
17 in a referendum election to be called by the Board of County
18 Commissioners of Broward County and to be held on November 2,
19 2004, in accordance with the provisions relating to elections
20 currently in force except that:

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

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

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

29
30
31