

## **ARTICLE 1. CREATION AND POWERS<sup>\*†</sup>**

### **Sec. 1.01. Creation and powers.**

The City of Anna Maria, Manatee County, Florida, is hereby created. The City of Anna Maria (hereinafter, the City) shall have all governmental, corporation, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and it may exercise any power for municipal purposes except as otherwise provided by law.

### **Sec. 1.02. Construction.**

The powers of the City shall be construed liberally in favor of the City, limited only by the United States and Florida Constitutions, Florida law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers of this City shall be considered amendments to this Charter and, pursuant to the provisions adopted for the incorporation of other Charter amendments, shall be incorporated as official amendments to the Charter.

### **Sec. 1.03. Definitions.**

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\* **State law reference**—Home rule powers generally, F.S. § 166.021.

† Items in brackets, editor's notes, and cross references are provided for the convenience of the reader and are not considered an official part of the Charter.

<b>Organizational Meeting</b>	The meeting to take place the first Thursday following the certification of the election results by the City Canvassing Board, such meeting to be chaired by the elected and sworn Mayor until the election of the City Commission Chairperson. The Mayor shall not have the right to vote at organizational meetings.
<b>Day</b>	Calendar day, unless otherwise specified.
<b>City Commission</b>	A Body consisting of five City Commissioners, with all the legislative powers of the City vested therein.
<b>City Commissioner</b>	An elected official with legislative powers.
<b>City Commission Chairperson</b>	A City Commissioner elected by City Commission members, who will chair the City Commission meetings and set the agenda. The City Commission Chairperson automatically assumes the position of Mayor Pro Tem.
<b>Vice City Commission Chairperson</b>	A City Commissioner elected by City Commission members to serve as Chairperson during the absence of the City Commission Chairperson.
<b>Mayor</b>	An elected official with executive powers.
<b>Mayor Pro Tem</b>	A duly authorized person who shall act as Mayor during any period during which the Mayor shall be unable to fulfill his or her duties, or when there is a vacancy in the office of Mayor.
<b>Compensation</b>	Compensation shall consist of salary and benefits as determined by ordinance.

**Sec. 1.04. Disbursement of funds.**

All public funds shall be deposited in the name of the City of Anna Maria, Florida, in financial institutions selected by the City Commission which are designated as "qualified public depositories" as defined by F.S. ch. 280, and by regulations issued by the Chief Financial Officer. All public funds shall be disbursed only on warrants or drafts to be signed in accordance with procedures adopted by the City Commission by resolution. (Ord. No. 459, § 1, 12-17-85)

**State law reference**—Municipal investments, F.S. § 166.261.

**Sec. 1.05. Police Protection.**

The City shall provide for police protection and may establish by ordinance a police department consisting of a chief and such other officers and members of such rank and grade as may be established by the ordinance.

**Sec. 1.06. Governmental Structure.**

The government of the City of Anna Maria is structured as a Mayor-Commission form based upon separation of powers. The Mayor is the chief executive of the City and the City Commission is the legislative body of the government. The duties of the Mayor and City Commission are more fully described herein.

**ARTICLE II. CORPORATE LIMITS<sup>†</sup>**

**Sec. 2.01. Corporate limits description.**

The municipal boundaries and included land areas of the City of Anna Maria are described as follows:

All of that land comprising Anna Maria Island embraced in U.S. Lot 1 in Section 7; Lots 1, 2, 3, 4, and 5 in Section 18, and Lot 2 Lots 2, 3 and 4 in Section 17; all being in Township 34 South, Range 16 East; along with all that land comprising Anna Maria Island embraced in Section 12, Township 34 South, Range 15 East; along with all lands which have either been artificially added or naturally accreted to these described lands, and all contiguous submerged lands described herein, all being within Manatee County, Florida.

Being more particularly described as follows:

Begin at the Southeasterly corner of U.S. Government Lot 5, Section 18, Township 34 South, Range 16 East; thence Westerly along the Southerly line of said Section 18 to the intersection with the most seaward mean lower low waterline for The Gulf of Mexico; thence North-Northwesterly along the sinousities of the said mean lower low waterline to the most northerly tip of Anna Maria Island; thence North, perpendicular to the mean lower low waterline, a distance of 10 feet; thence easterly and Southeasterly along a line 10 feet waterward of, and parallel to, the sinousities of the mean lower low waterline of Tampa Bay to the intersection with a line of 50 feet Northwesterly of, and parallel to, the center of the Rod and Reel Pier; thence N. 36 °13'E., along said parallel line, a distance

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<sup>†</sup> **State law reference**—Municipal annexation or construction, F.S. ch. 171.

of 270 feet more or less; thence S.53°47'E., a distance of 100 feet; thence S.36°13'W., a distance of 270 feet more or less to a point 10 feet waterward from the mean lower low waterline; thence Southeasterly along said line 10 feet waterward of, and parallel to, the sinousities of the mean lower low waterline of Tampa Bay, a distance of 2450 feet more or less to the intersection with a line 600 feet Northwesterly of, and parallel to, the centerline of the City Pier; thence N.36°44'E., along said parallel line, a distance of 400 feet more or less; thence S.53°16'E., a distance of 500 feet; thence N. 36°44'E., parallel to and 100 feet from the centerline of City Pier, a distance of 360 feet; thence S.53°16'E., 50 feet Northeasterly of the northeasterly end of said Pier, a distance of 211 feet; thence S.36°44'W., a distance of 162 feet; thence N.53°16'W., a distance of 57 feet; thence S.36°44'W., along a line parallel to and 50 feet southeasterly of the centerline of said Pier, a distance of 530 feet more or less to a point 10 feet waterward from the mean lower low waterline; thence Southeasterly along a line 10 feet waterward of, and parallel to, the sinousities of the mean lower low waterline of Tampa Bay, and into the Mouth of the inlet to Bimini Bay; thence in southwesterly direction to a point of tangency with a line 30 feet waterward of the mean lower low water line of the spoil island located to the southwest of a Galati's Marina; thence Westerly along said line 30 feet waterward of, and parallel to, the sinousities of the mean lower low waterline of Bimini Bay, at the projection thereof to a line 30 feet westerly of the said Marina's docks to a point 30 feet waterward from the mean lower low waterline of Bimini Bay; thence Westerly along said line 30 feet waterward of, and parallel to, the sinousities of the mean lower low waterline of Bimini Bay, said line shall run outside of any canal system and shall project across and not being influenced by the entrances to said canals to the intersection of the Easterly line of Section 18, Township 34 South, Range 16 East; thence Southerly along said Section line a distance of 2600 feet more or less to the point of beginning. Containing 550 acres more or less.

Provided, however, that the City shall have the power to change its boundaries in the manner hereinafter or as otherwise defined by the laws of the State of Florida.

### **ARTICLE III. LEGISLATIVE**

#### **Sec. 3.01. City Commission, powers; composition.**

There shall be a City Commission with all legislative powers of the City vested therein consisting of five (5) members, each of whom shall be eligible to serve as set forth in Section 3.02. At the Organizational Meeting, the City Commission shall elect a City Commissioner to serve as City Commission Chairperson. If the City Commission is unable to elect a City Commission Chairperson at the Organizational Meeting, a Chairperson shall be elected at the next City Commission Meeting. Such election shall be by majority vote. The Chairperson shall serve until the next Organizational Meeting. The Organizational Meeting shall take place as provided in Section 6.01 (b) (6).

#### **Sec. 3.02. City Commission, qualifications.**

Any qualified voter of the City, as defined by Florida law, shall be eligible to hold the office of City Commissioner, provided the candidate has resided in the City for at least two (2) years immediately prior to the date of qualifying for office.

A member of the City Commission shall not hold any other municipal office of the City

of Anna Maria or be employed by the City of Anna Maria during his or her term of office.

(Ord. No. 94-540, § IA, 9-13-94/11-8-94)

### **Sec. 3.03. Election and terms.**

The offices of the City Commission shall be filled by the qualified voters of the City at a City election. A City Election shall be held on the first Tuesday after the first Monday in November of each and every year. Terms shall be for two (2) years. City Commissioners shall continue in office until their successors are duly qualified, elected and sworn into office.

Two (2) City Commissioners shall be elected in years ending in even numbers, and three (3) City Commissioners shall be elected in years ending in odd numbers.

(Ord. No. 446, § 1, 12-20-83/2-14-84; Ord. No. 94-540, § 1B, 9-13-94/11-8-94)

**State law reference**—Electors and elections, F.S. ch. 97 et seq.

### **Sec. 3.04. Compensation.**

The City Commission shall determine the annual compensation of the City Commissioners by ordinance. No City Commission member's compensation shall be increased during his or her current term of office. Annual compensation of City Commissioners may be increased for subsequent terms served.

### **Sec. 3.05. Mayor Pro Tem powers and duties.**

- a. The Chairperson of the City Commission shall also act and serve as Mayor Pro Tem and shall, when necessary and appropriate, as provided in this section, serve as Mayor the City of Anna Maria.
- b. The Mayor Pro Tem shall serve as Mayor any time the Mayor shall be unable to perform his or her duties and shall continue to serve as Mayor until such time as the elected Mayor shall be able to resume his or her duties.
- c. If the office of Mayor becomes vacant for any reason, the Mayor Pro Tem shall serve a Mayor until such time as the City Commission has appointed a new Mayor as provided in Section 4.04 (a) and such appointed Mayor has been sworn into office.
- d. While serving as Mayor, the Mayor Pro Tem shall have the powers and authority as well as the duties of the Mayor. While acting as Mayor, the Mayor Pro Tem shall not have the powers or duties of a City Commissioner.
- e. Compensation paid to a Mayor Pro Tem while serving as Mayor shall be the same compensation as paid to the Mayor beginning when the Mayor Pro Tem acts as Mayor for a continuous period of more than 30 days. Compensation for such period shall be the Mayor's salary on a per diem basis. While being compensated as Mayor, the Mayor Pro Tem shall not be compensated as a City Commissioner. For such period of time the Mayor Pro Tem is receiving the Mayor's salary, the Mayor shall not be compensated.
- f. If the offices of Mayor and Mayor Pro Tem should become vacant simultaneously, the City Commission may appoint a Mayor as provided in Section 4.04 (a) and a new City Commission member as provided in Section 3.07 (c).

### **Sec. 3.06. Prohibitions.**

- a. *Interference with administration.* A City Commissioner or City Commissioners shall not direct, publicly or privately, City officers or employees who are subject to the direction and supervision of the Mayor, except as otherwise provided in this Charter. Nothing in the foregoing is to be construed to prohibit individual members of the City Commission from closely scrutinizing by questions and personal observations all aspects of City government operations so as to gain independent information to assist the members in the formulation of sound policies to be considered by the City Commission.
- b. *Holding other office.* No current City Commissioner shall hold any compensated City employment or contractual position until one (1) year after ~~he~~ or she leaves elected office, unless such employment or contracted position is approved by a 4/5<sup>th</sup> vote of the City Commission. Notwithstanding the foregoing, this provision shall not prevent any City Commissioner from running for reelection or o other elected office. A former elected official who is on a City appointed board shall have per diem expenses and out-of-pocket expenses reimbursed by the City to the same extent that it reimburses any other member of that board.

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

**Sec. 3.07. Vacancies; forfeiture of office; filling of vacancies.**

- a. *Vacancies.* The office of a City Commissioner shall become vacant as the term vacant is defined in Florida Statutes Section 114.01.
- b. *Forfeiture of office.* A City Commission member shall forfeit his or her office if he or she:
  - (1) Lacks at any time during his or her term of office any qualifications for the office prescribed by this Charter or by law; or
  - (2) Fails to meet attendance requirements that have been established by the City Commission.
  - (3) Forfeiture shall be determined by the remaining members of the City Commission, in a public hearing on the matter. The procedures and timing for such public hearing may be set by ordinance.
- c. *Filling of vacancies.* A vacancy on the City Commission shall be filled by a qualified person elected by a majority vote of the remaining members of the City Commission. The person elected shall serve for the remainder of the vacated term.
- d. *Extraordinary vacancies.* If three or more City Commissioners are unable to serve for any reason, interim City Commissioners shall be appointed to fill the vacant City Commission seats. Such appointments shall be made by the remaining City Commissioners. If the remaining City Commissioners are unable to agree on appointing any or all of the interim City Commissioners, the Mayor shall make such appointments. If the Mayor is unable to make such appointments for any reason, such appointments shall be made by the City Clerk. The appointments of interim City Commissioners shall occur as soon as practical but not later than thirty days after the vacancies are determined to exist. The interim City Commissioners shall be vested with the normal legislative powers of a City Commissioner while filling a City Commission seat. The interim City Commission shall hold a special election as soon

as practical under applicable statutes to elect City Commissioners to replace the interim City Commissioners. City Commissioners elected at the special election shall fill the vacant terms, with the longer remaining terms being awarded in order of the number of votes received from highest to lowest. Such special election shall be held not later than six months after the appointment of interim City Commissioners. e. *Replacing the City Commission Chairperson.* The City Commission Chairperson may be removed from the office of City Commission Chairperson by a 4/5<sup>th</sup> vote of the City Commission. The removed Commission Chairperson will retain his or her seat on the City Commission until the expiration of the term to which he or she was elected unless removed as prescribed under section 3.07.

(Ord. No. 94-540, § ID, 9-13-94/11-8-94)

**State law reference**—Recall of members of governing body, F.S. § 100.361.

### **Sec. 3.08. Procedure.**

- a. *Meetings.* The City Commission shall meet regularly at least once in every month at such time and place as the City Commission may prescribe by rule. Special meetings may be held on the call of any City Commission member, and, whenever practical, upon no less than twenty-four (24) hours notice to each member and the public.
- b. *Rules.* The City Commission shall determine its own rules of order at its organizational meeting.
- c. *Voting.* Voting on ordinances and resolutions properly before the City Commission, shall be by roll call and shall be recorded in the official minutes. Except with respect to the appointment of Interim City Commissioners as described in Sec. 3.07d., a majority of the City Commission shall constitute a quorum for the conduct of all City business, but a smaller number may convene from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Commission. No action of the City Commission, except as otherwise prescribed by this Charter shall be valid unless adopted by an affirmative vote of a majority of the City Commission.
- d. *Procedure.* The procedure for passing all ordinances shall be as prescribed by Florida law; provided however, the City may establish additional procedural requirements by either charter or ordinance, so long as the additional procedural requirements do not conflict with Florida law.
- e. *Future land use.* The procedure for amending the Future Land Use Element of the City Comprehensive Plan shall be as required by Florida law except that no amendment shall be valid and binding unless adopted by the affirmative vote of 4 or more of the City Commissioners.

**State law references**—Public records, F.S. ch. 119; public meetings and records, F.S. § 286.011; voting requirements at meetings. F.S. § 286.012.

### **Sec. 3.09. Action requiring an ordinance.**

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the City Commission shall be by ordinance which:

- a. Establish, alter, or abolish any City department or agency;
- b. Establish a rule or regulation the violation of which carries a penalty;
- c. Levy taxes authorized by Florida law;
- d. Grant, renew or extend a franchise;
- e. Set service or user charges for municipal services or grant administrative authority for such charges;
- f. Authorize the borrowing of money not inconsistent with the limitations established in the Constitution and Florida law of the State;
- g. Convey or lease or authorize by administrative action the conveyance or lease of any land or properties of the City;
- h. Amend or repeal any ordinance previously adopted, except as otherwise provided herein;
- i. Adopt the budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the budget by this date, the City Commission by resolution may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days with all items in it prorated accordingly, until such time as the City Commission adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.
- j. May adopt a code of ethics, which code may provide for forfeiture of office under circumstances established therein.

**State law references**—Minimum procedural requirements for adoption of ordinances and resolutions, F.S. § 166.041; mandatory procedure for adoption of budget and levy of annual tax millage, F.S. § 200.065.

### **Sec. 3.10. Emergency ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the City Commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter, if applicable; or enact or amend a land-use plan or re-zone private real property.

- a. *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.



- b. *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) of all the City Commissioners shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.
- c. *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance, or as provided by Florida law.
- d. *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance also may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- e. *Emergency appropriations.* The City Commission may make emergency appropriations in the manner provided in this section. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals issued in any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(Ord. No. 94-540, § IE, 9-13-94/11-8-94)

### **Sec. 3.11. Initiative and referendum.**

#### a. *Powers.*

(1) By initiative petition, the qualified voters of the City shall have the power to propose ordinances to the City Commission. If the City Commission fails to adopt an ordinance so proposed without any change in substance, the qualified voters of the City may adopt or reject it at a City election as prescribed in Sec. 3.11 f. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of City officers or employees.

(2) By referendum petition, the qualified voters of the City shall have power to require reconsideration by the City Commission of any adopted ordinance and, if the City Commission fails to repeal or amend an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, salaries of City officers, or employees or any quasi-judicial decision of the City Commission.

#### b. *Commencement of proceedings.*

Any five (5) qualified voters may commence initiative or referendum petition proceedings by filing with the City Clerk or other official designated by the City Commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance

sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the Clerk or other official designated by the City Commission shall, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

c. *Petitions.*

(1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the City equal in number to fifteen percent (15%) of the total number of qualified voters registered to vote at the last regular City election.

(2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered. The affidavit shall also attest that the circulator was not paid to collect said signatures.

(4) *Time for filing referendum petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the City Commission of the ordinance sought to be reconsidered.

(5) Signatures collected by a paid circulator shall not be considered as valid signatures.

d. *Procedure for filing.*

(1) *Certificate of Clerk; amendment.* Within twenty (20) days after the initiative petition is filed (or within ten (10) days for a referendum petition), the City Clerk or other official designated by the City Commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in Subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk or other official designated by the City Commission within two (2) working days after receiving a copy of the certificate and files a supplementary petition upon additional papers within ten (10) working days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of Subsections (b) and (c) of Subsection (3), and within five (5) working days after it is filed, the [City] Clerk or other official designated by the Commission shall complete a certificate as to the sufficiency of the petition as City amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and

the petitioners' committee does not elect to amend or request City Commission review under Subsection (b) of this section within the time required, the [City] Clerk or other official designated by the City Commission shall promptly present his or her certificate to the City Commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) *City Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) working days after receiving a copy of such certificate file a request that it be reviewed by the City Commission. The City Commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the City Commission's determination shall then be a final determination as to the sufficiency of the petition.

e. *Referendum petitions, suspension of effect of ordinance.* When a referendum petition is filed with the City Clerk or other official designated by the City Commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The City Commission repeals or amends the ordinance, or
- (4) After a vote of the City on the ordinance, it has been certified.

f. *Action on petitions.*

(1) *Action by City Commission.* When an initiative or referendum petition has been finally determined sufficient, the City Commission shall promptly consider the proposed initiative ordinance by voting its repeal or to amend. If the City Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal or to amend the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the qualified voters of the City.

(2) *Submission to qualified voters.* The vote of the City on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the petition was determined sufficient. If no regular City election is to be held within the period described in this subsection, the City Commission shall provide for a special election, except that the City Commission may, at its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the City by filing with the City Clerk or other official designated by the City Commission a request for withdrawal signed by at least three (3) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

g. *Results of election.*

(1) *Initiative.* If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the

election results and be treated in all respects in the same manner as ordinances of the same kind adopted by the City Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) *Referendum*. If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Ord. No. 94-540, § IF—1, 9-13-94/11-8-94)

### **Sec. 3.12. Codification of ordinances.**

- a. The City Commission shall provide for the continuing revision, codification, and publication of all of the general permanent ordinances of the City, with copies available to the public at reasonable cost.
- b. Every such revision or codification, after adoption by the City Commission, shall be received in any of the courts of this state as prima facie evidence of the existence and content of the ordinances therein contained.

### **Sec. 3.13. Override of Mayor's Veto.**

The City Commission may override the Mayor's veto of proposed ordinances or resolutions by the affirmative vote of not less than four (4) members, such vote to occur at the first regular meeting of the City Commission following the disapproval by the Mayor, in which event such legislation shall be deemed enacted as originally voted upon by the City Commission.

## **ARTICLE IV. EXECUTIVE**

### **Sec. 4.01. Election of Mayor; bond.**

There shall be a Mayor who shall be the chief executive officer of the City. He or she shall be elected at a regular City election in years ending in even numbers. He or she shall be responsible to the electorate for the administration of all City affairs placed in his or her charge by or under this Charter. He or she shall be bonded for an amount set by the City Commission.

### **Sec. 4.02. Mayor: Qualifications, term of office, compensation.**

- a. *Qualifications*. The Mayor shall be an qualified voter of the City and shall have resided in the City for a minimum of two (2) years immediately prior to the date on which he or she qualified to run for the office of Mayor. If he or she shall cease to possess any such qualifications during his or her term of office, he or she shall forfeit the office and the City Commission shall remove him or her. The Mayor shall hold no other public office, municipal office or employment of the City of Anna Maria, nor shall he or she hold any other position that could result in a conflict of interest as defined by Florida State statute.

- b. The Mayor shall be elected for a two (2) year term and may be reelected. The Mayor shall continue in office until his or her successor is duly qualified, elected and sworn into office.
- c. *Compensation.* The City Commission shall determine the annual compensation of the Mayor by ordinance. No Mayor's compensation shall be increased during his or her current term of office. The Mayor's annual compensation may be increased for subsequent terms served.

(Ord. No. 94-540, § IA, 9-13-94/11-8-94)

#### **Sec. 4.03. Powers and duties of the Mayor.**

The Mayor shall:

- a. Appoint all administrative officers provided for under this charter, with compensation to be fixed by the City Commission; suspend with pay such officers for the good of the city; suspend without pay or terminate such officers for cause, provided, such action is approved by a majority of the City Commission at its next regular meeting or a special meeting called for that purpose;
- b. Employ and have general supervision of all employees of the city at compensation to be fixed by the City Commission; suspend with or without pay, terminate or otherwise discipline such non-administrative employees in accordance with personnel policies and procedures adopted by the City Commission;

For purposes of paragraphs a. and b. above, the administrative officers shall be the offices of: City Clerk, City Attorney, Superintendent of Public Works, and Building Official. The City Commission may designate other officers as administrative officers by ordinance;

- c. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;
- d. Attend City Commission meetings and participate in discussions; or make reports;
- e. Have the discretion to veto in writing any proposed ordinance or resolution of the City Commission, citing specific reasons, within ten (10) working days of the adoption of such legislation by the City Commission;
- f. See that all laws, provisions of this Charter and acts of the City Commission subject to enforcement by him or her, or by officers subject to his or her direction and supervision, are faithfully executed;
- g. Propose an annual operating budget and capital spending plan to the City Commission for its approval.
- h. Submit to the City Commission and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- i. Make such other reports as the City Commission may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision;

- j. Keep the City Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the City Commission concerning the affairs of the City as he or she deems desirable;
- k. Sign contracts on behalf of the City pursuant to the provisions of appropriations ordinances;
- l. Perform such other duties as are specified in this Charter or as may be required by the City Commission.
- m. With the City Commission's approval, make assignments or appointments to all Anna Maria City Boards or Committees; and assignments or appointments to all non-City activities that require City representation.

**Sec. 4.04. Vacancy in office of Mayor; forfeiture of office.**

- a. *Vacancy.* In the event the office of the Mayor becomes vacant for any reason, the Mayor Pro Tem shall assume the position of Mayor until such time as the City Commission appoints a Mayor. The new Mayor shall be appointed by the City Commissioners by a majority vote following procedures set forth in ordinances adopted by the City Commission for such purposes. When a Mayor has been appointed, the Mayor Pro Tem shall resume his or her position as Chairperson of the City Commission and as Mayor Pro Tem. The appointed Mayor shall serve until the next City election and may submit his or her name as a candidate to be Mayor at such City election. . If the next City election occurs in an odd numbered year, and the appointed Mayor chooses to run for the office of Mayor at such next City election, if elected he or she shall continue to serve until the following City election.
- b. The term "vacancy" appearing in Section 4.04. a. shall mean a vacancy as defined in Florida Statutes Sec. 114.01. The City Commission is authorized to define the term "vacancy" further by Ordinance.
- c. *Forfeiture of office.* The Mayor shall forfeit his or her office if he or she:
  - (1) Lacks at any time during his or her term of office any qualifications for the office prescribed by this Charter or by law, or
  - (2) Fails to meet attendance requirements that shall be established by the City Commission by ordinance.
  - (3) Forfeiture shall be determined by the members of the City Commission, in a public hearing on the matter. The procedures and timing for such public hearing may be set by ordinance.

(Ord. No. 94-540, § II, 9-13-94/11-8-94)

**Sec. 4.05. Emergency action.**

- a. If the emergency requiring the Mayor's imminent action is of such nature that the 24-hour notification requirement for an emergency City Commission meeting cannot be met, then the Mayor shall make a concerted effort to inform, as authorized by law, as many City Commissioners as possible, plus the media, that an emergency action is to be taken.

- b. The Mayor then may take such emergency action as he or she deems necessary. In case the Mayor takes emergency action, he or she shall make a full report to the City Commission as soon as feasible and practical.

(Ord. No. 94-540, § 1K, 9-13-94/11-8-94)

**Sec. 4.06. Prohibitions.**

No current or former Mayor shall hold any compensated city employment or contractual position until one year (1) year after he or she leaves elected office, unless such employment or contracted position is approved by a 4/5<sup>th</sup>'s vote of the City Commission. Notwithstanding the foregoing, this provision shall not prevent any Mayor from running for reelection or other elective office. A former Mayor who is on a city appointed board shall have per diem expenses and out-of-pocket expenses reimbursed by the City to the same extent that it reimburses any other member of the board.

**ARTICLE V. ADMINISTRATIVE**

**Sec. 5.01. City Clerk. Appointment and qualifications.**

The Mayor, with the approval of the City Commission, shall appoint a City Clerk solely on the basis of professional qualifications. The City Clerk shall be bonded in an amount to be set by the City Commission.

**Sec. 5.02. City Clerk. Powers and duties.**

The City Clerk shall:

- a. Be head of the department of records and custodian of all official records of the City and shall be responsible for the proper administration of all affairs concerning the records of the City placed under the City Clerk's authority under this Charter or by ordinance, and shall:
- b. Serve as clerk to the City Commission and recorder of all its official actions.
- c. Serve as the election official of the City.
- d. Be custodian of the City Seal and authenticate documents of the City where required.
- e. Attest all bonds, contracts and other instruments on behalf of the City.
- f. Administer oaths required or authorized under any law, this Charter, or ordinance of the City.
- g. Maintain a permanent record of all written contracts and bonds where the City is a party in interest.
- h. Perform such other duties as prescribed by law or by this Charter or by ordinance or resolution of the City Commission or by direction of the Mayor.

### **Sec. 5.03. City Clerk. Multiple office.**

Notwithstanding any other provisions of the Charter, the City Clerk may, if appointed by the Mayor with approval of the City Commission, fulfill the office and duties of City Treasurer and/or Administrator.

### **Sec. 5.04. City Treasurer. Appointment; duties.**

The Mayor shall appoint a City Treasurer who shall be bonded and whose duties shall include:

- a. Collection and investment of all funds of the City, subject to such policy and procedures as the City Commission may by resolution or ordinance direct.
- b. Payment by check or other order payments, of all payments due from the City.
- c. Supervision of all accounting procedures of the City.
- d. Submission of monthly financial reports to the City Commission showing receipts and disbursements.
- e. Auditing of the accounts of any officers of the City upon such officer's death, resignation, removal or expiration of term and noticing the Mayor and City Commission if any such officers are found to be indebted to the City.
- f. Certifying as to available funds.
- g. Furnishing to the Mayor such other fiscal services as required by the Mayor.

### **Sec. 5.05. City Attorney. Appointment and qualifications.**

The Mayor, with the approval of the City Commission, may appoint a City Attorney who shall be a member in good standing of the Florida Bar.

### **Sec. 5.06. City Attorney. Powers and duties.**

- a. The City Attorney shall:
  - 1) Prepare or review all proposed ordinances or resolutions of the City.
  - 2) Serve as legal advisor to the City, the City Commission, and all of the governmental functions of the City and its departments, officers, boards, and committees.
- b. The City Attorney may be required to:
  - 1) Approve as to form and legal correctness certain selected contracts of major importance entered into by the City.
  - 2) Defend all legal actions wherein the City is a party at interest.
  - 3) Perform such other legal services as requested by the Mayor.



**Sec. 5.07. Administrator. Appointment; duties.**

Subject to the approval of the City Commission, the Mayor may appoint an individual to act as an administrator to report to and serve at the pleasure of the Mayor. The qualifications and duties for this position shall be defined within the Administrative Code of the City.

**ARTICLE VI. PROCEDURES FOR ELECTIONS AND RECALLS**

**Sec. 6.01. Nonpartisan elections; election results.**

- a. *Nonpartisan elections.* All elections for the offices of the City Commission and Mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or on any nomination petition or ballot.
- b. *Election results.*
  - (1) The candidate for Mayor receiving the greatest number of votes shall be declared the winner.
  - (2) Vacancies in the City Commission shall be filled by the candidates receiving the greatest number of votes. If one of more of the vacant seats being filled is for the balance of an unexpired term, such seat or seats will be filled by the candidate or candidates with the next highest number of votes.
  - (3) If there is only one candidate for each vacancy, he or she shall be deemed elected without the necessity of having his or her name appear on the ballot.
  - (4) In the event that a vacancy on the City Commission exists because of an insufficiency of candidates, the remaining members of the City Commission shall fill the vacancy by appointment by majority vote and the appointee shall serve until the next regular City election.
  - (5) In the event there is no mayoral candidate, that office shall be filled pursuant to Sec 3.05 c.
  - (6) The duly elected officers shall be sworn in and take office the first Thursday following the certification of the election results by the City canvassing board.
  - (7) In the event that any office is not filled because of a tie vote between two or more candidates, the City Commission shall schedule a run-off election to be held as soon as practical following the election in which the tie vote occurred.
  - (8) The City Commission may authorize election procedures by ordinance(s).

**Sec. 6.02. Filing of notices.**

Candidates for the offices of the City Commission and for Mayor shall file a written notice of candidacy with the designated City official at such time and in such manner as may be prescribed by this Charter or by ordinance.

**Code cross-reference**—Petition required for candidates, § 22-6.

**Sec. 6.03. Recall.**

The qualified voters of the City shall have the power to recall and to remove from office any elected official of the City, as provided by law.

**State law reference**—Recall of members of governing body, F.S. § 100.361.

**ARTICLE VII. TRANSITION SCHEDULE**

**Sec. 7.01. Continuation of former charter provisions.**

All provisions of the existing charter, as amended by special law or otherwise which are not inconsistent with this Charter shall become ordinances of the City subject to modification or repeal in the same manner as other ordinances of the City.

**Editor's note**—Any authority to exercise extraterritorial powers under the former Charter is continued in effect as a special law. The subject of extraterritorial powers requires general or special law pursuant to the Fla. Const. art. VIII, § 2(c). See also F.S. § 166.021.

**Sec. 7.02. Ordinances preserved.**

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

**Sec. 7.03. Rights of officers and employees.**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected on the specified regular City election schedule.

**Sec. 7.04. Pending matters.**

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

**Sec. 7.05. Deletion of obsolete schedule items.**

The City Commission shall have power, by resolution, to delete from Article VII any section, including this section, when all events applicable to the section to be deleted have occurred.

**Sec. 7.06. Effective date.**

This Charter and any amendments hereto shall take effect upon ratification by a majority vote of the qualified voters of the City.

## ARTICLE VIII. CHARTER AMENDMENT\*

This Charter may be amended in four (4) ways:

### **Sec. 8.01. Initiation by ordinance.**

The City Commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the qualified voters at the next general election held within the City or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with Florida law shall be by ordinance of the City Commission and shall not be subject to a vote of the qualified voters except as provided by Florida law.

### **Sec. 8.02. Initiation by petition.**

The qualified voters of the City may propose amendments to this Charter by petition signed by at least fifteen (15) percent of the total number of qualified voters registered to vote in the last regular City election.

- a. *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment.
- b. *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.
- c. *Certification of petition.* Upon certification of the petition by the designated official, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular City election, the City Commission shall place the proposed amendment to a vote of the qualified voters at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

### **Sec. 8.03. Amendment by ordinance.**

The City Commission may, by a unanimously voted ordinance, amend this Charter to correct typographical errors and to delete language and provisions which have been judicially construed to be contrary to either the State or Federal Constitutions or which have been superseded by the Florida law of the State of Florida. However, no amendment made to correct a typographical error shall affect the substance or intent of the provision containing the error.

No amendment made according to the provisions of this section shall be effective unless, prior to its adoption by the City Commission, the City Attorney shall have rendered a written

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

opinion to the effect that the proposed amendment or amendments fall within the provisions of this paragraph and do not affect the substance of this Charter falling within State and Federal laws and constitutions.

**State law reference**—Amendment procedure for Charter, F.S. § 166.031.

**Sec. 8.04. Initiation by Charter Review Commission.**

Amendments to the Charter may be initiated by a Charter Review Commission as provided for in Article IX.

**Sec. 8.05. Multiple charter amendments.**

In the event that conflicting charters or charter amendments are approved at the same election, the one receiving the greatest number of votes shall prevail.

**ARTICLE IX. CHARTER REVIEW**

**Sec. 9.01. Schedule.**

Unless otherwise provided for, by resolution of the City Commission, this Charter shall be reviewed every five (5) years by a City Commission of five (5) members appointed by the Mayor with the approval of the City Commission.

**Sec. 9.02. Charter Review Commission rules and organization.**

The Charter Review Commission shall elect a chairperson from among its members and shall adopt such rules of procedure as a majority of its members may approve.

**Sec. 9.03. Election procedure.**

Any proposed amendment or amendments to the Charter adopted by an affirmative vote of four (4) members of the Charter Review Commission shall be presented to the City Commission which may provide for its submission to the qualified voters in the next City election.

**Sec. 9.04. Term of office.**

The Charter Review Commission shall be sworn in no later than the first City Commission meeting following its appointment, and it shall serve until the amendments and/or revisions to the Charter, if any are proposed, are on the ballot for the next regular City election. If no amendments are proposed, the Charter Review Commission shall be disbanded by the City Commission.

**Sec. 9.05. Vacancies.**

In the event that a vacancy exists on the Charter Review Commission for any reason, the Mayor, with the approval of the City Commission, may fill the vacancy by appointment.