

ORDINANCE NO. C-18-47

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, THEREBY PROVIDING FOR GENDER NEUTRALITY, REPLACING THE TERM "MAYOR-COMMISSIONER" WITH "MAYOR," SETTING THE COMPENSATION OF THE CITY AUDITOR AND CITY CLERK BY RESOLUTION OF THE CITY COMMISSION, DELETING REFERENCE TO THE CITY CLERK'S COMPENSATION BEING ESTABLISHED BY THE CITY'S PAY PLAN, DELETING THE TERM "MAYOR PRO TEM," AND CLARIFYING THE PROCEDURE FOR CALLING SPECIAL MEETINGS OF THE CITY COMMISSION, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE CONDITIONED ON APPROVAL BY THE ELECTORS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

WHEREAS, the Charter Revision Board has recommended to the City Commission that certain amendments be made to the Charter of the City of Fort Lauderdale, Florida; and

WHEREAS, the City Commission proposes certain amendments to the Charter of the City of Fort Lauderdale, Florida, to be submitted for voter approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 3.02 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 3.02. - Creation, composition and term of commission.

There is hereby created a city commission composed of one (1) ~~mayor-commissioner~~ and four (4) city commissioners all of whom shall be elected in the manner provided in this charter, shall take office on

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the first Tuesday following their election, and who shall hold office for a term of three (3) years, or until their successors are elected and qualified. No person who has been elected to the office of mayor-commissioner or to the office of city commissioner for three (3) consecutive terms shall be qualified for nomination or election to that office for the succeeding term. This limitation shall apply to terms which commence after the regular election of March 7, 2000. The mayor-commissioner and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.

SECTION 2. That Section 3.03 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 3.03. - Qualification of members; forfeiture of office.

To be eligible to hold the office of mayor-commissioner of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, shall continuously reside in the City of Fort Lauderdale, and shall be a resident of the State of Florida and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving any capacity with the city government, except that a city commissioner serving may qualify for election to the office of mayor. Candidates for nomination or election as mayor-commissioner shall comply with all the rules and regulations set out in the charter as to their conduct. Any candidate for mayor-commissioner or any mayor-commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his office.

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To be eligible to hold the office of city commissioner of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, and shall reside in the commission district from which he seeks election on the day he qualifies as a candidate for that office, shall continuously reside in that district and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; and shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government, except that a city commissioner serving may qualify for reelection. Candidates for nomination or election for the office of city commissioner shall comply with all the rules and regulations set out in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his office or candidacy.

SECTION 3. That Section 3.12 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 3.12. - Special meetings—How called.

The mayor, ~~any two (2) members of the city commission,~~ or the city manager, may call special meetings of the city commission upon at least six (6) hours' written or e-mail notice to each member, the city manager, city auditor, city clerk, and city attorney ~~and chief of police,~~ served personally, transmitted by e-mail, or left at his or her usual place of residence. The call notice shall state the general purpose of the meeting. The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and city clerk is present, or where written waiver of call and consent in writing is filed, shall not be questioned on account of any omission or irregularity in calling such special meeting.

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SECTION 4. That Section 4.01 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 4.01. - Executive officers.

The mayor-commissioner, the city manager, the city clerk, the director of finance and the city attorney are recognized as executive officers of the city and shall severally perform on behalf of the city the following duties:

- (a) The mayor-commissioner, the city manager, the director of finance and city clerk shall sign all bonds issued by the city.
- (b) All contracts, agreements, leases or other instruments to which the city is a party and under which the city assumes any liability, shall be executed in the name of the city by the mayor-commissioner and city manager, attested by the city clerk, and the form of any such instrument shall be previously approved by the city attorney or assistant city attorney, provided, however, that where by ordinance or resolution, the execution of short-term leases or other instruments is delegated to another person, such instrument may be executed in the manner provided by such ordinance or resolution.
- (c) All checks for the payment of money by the municipality shall be signed by the director of finance or by the holder of such other position as is authorized by resolution of the city commission. All persons authorized to sign checks shall be under fidelity bond in an amount recommended by the city manager and prescribed by resolution of the city commission.

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SECTION 5. That Section 4.02 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 4.02. - Compensation of officers and employees.

The city commission of the City of Fort Lauderdale shall by resolution fix the compensation of commissioners, but any resolution increasing or reducing the compensation of commissioners shall not be adopted subsequent to July 31 of the year immediately preceding the year of the election and shall not be effective until the seating of the next commission following the next election. The city commission shall by resolution fix the compensation of the city manager, the city auditor, the city clerk, and the city attorney. All other officers and employees shall receive the compensation designated under the pay plan and rules and regulations of the civil service system or the applicable collective bargaining agreement.

SECTION 6. That Section 4.04 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 4.04. - Functions and duties of mayor-commissioner.

The ~~mayor-commissioner~~ or, in his absence or disqualification, the vice-mayor ~~or mayor pro tem, as the case may be,~~ shall perform the following functions:

- (a) Preside at all meetings of the city commission, and maintain order and decorum. He shall have the right to limit the time a person shall be permitted to speak upon a given subject. He shall have the right to follow an order of business by written agenda, if desired. He shall have the right to expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order and decorum at the meeting, and upon direction of the presiding officer, the police department shall expel such person from the meeting.

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- (b) He shall have a voice and vote in the proceedings of the city commission, but no veto power. He shall vote last upon the roll call of commissioners. He shall have the right to temporarily relinquish the chair to the vice-mayor or other commissioner in order to make a motion, or offer a resolution or ordinance.
- (c) He may use the title of mayor in any case in which the execution of legal instruments, writings, or other papers so require; but this shall not be considered as conferring upon him any of the administrative or judicial functions of a mayor under the general laws of the state, except as herein provided.
- (d) He shall be recognized as the official head of the city by the courts for the purposes of serving civil processes; by the government in the exercise of military law; and by the public in general for all ceremonial purposes.
- (e) He shall exercise all the power and duties of the mayor as may be conferred upon him by the city commission in pursuance of the provisions of this charter, and no others.

SECTION 7. That Section 4.13 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 4.13. - City clerk.

- (a) The city commission shall appoint a city clerk who shall be under the direction and supervision of the city commission and who shall hold office at the pleasure of the city commission. The duties of the city clerk shall be as set forth in section 2-83 of the city's Code of Ordinances. ~~The compensation of the city clerk shall be established by the provisions of the city's pay plan.~~

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- (b) The city clerk shall employ such other administrative, professional, expert and clerical assistance as is necessary to carry out the city clerk's required duties.

SECTION 8. That Section 7.05 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

Sec. 7.05. - Primary election.

Beginning with 1988, and every third year thereafter, a regular municipal primary election shall be held on the second Tuesday of February for the purpose of nominating, from those persons qualifying in accordance with section 7.14 hereof, nominees for the office of mayor-commissioner and city commissioner unless such primary is made unnecessary pursuant to section 7.06.

Qualified electors of the City of Fort Lauderdale shall vote for not more than one (1) candidate for the office of mayor-commissioner.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The two (2) candidates for the office of mayor-commissioner receiving the highest number of votes shall be nominated for the office of mayor-commissioner and the two (2) candidates for the office of city commissioner receiving the highest number of votes in each district shall be nominated for the office of city commissioner from that district. However, if any candidate for mayor-commissioner or city commissioner receives fifty (50) percent plus one (1) of the votes cast in a primary election for that office, such candidate shall be declared elected to that office and there shall be no regular municipal election for the office for which he was a candidate.

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SECTION 9. That Section 7.06 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

Sec. 7.06. - When primary election unnecessary.

Should the number of candidates qualifying for the office of ~~mayor-commissioner~~ or city commissioner be not more than two (2) candidates for any such office, then, and in that event, no primary election for that office shall be held. When the time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission, and the city commission shall declare such persons to be nominated for the office of ~~mayor-commissioner~~ or city commissioner and have their names printed in the appropriate manner on the ballot for the next regular or special municipal election. However, if there are more than two (2) candidates for the office of ~~mayor-commissioner~~ or city commissioner and if those candidates have qualified for a primary election as provided for in this charter, then it shall be the duty of the city commission to hold a primary election.

SECTION 10. That Section 7.07 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.07. - General election; regular municipal election.

Beginning with 1988, and every third year thereafter, a regular municipal election shall be held on the second Tuesday in March for the purpose of electing a ~~mayor-commissioner~~ and four (4) city commissioners. However, should only one (1) candidate qualify for the office of ~~mayor-commissioner~~ or city commissioner, then, and in that event, no regular election for that office shall be held and the city clerk shall certify such fact to the city commission and the city commission shall declare such person(s) to be elected to the office of ~~mayor-commissioner~~ or city commissioner.

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Qualified electors shall vote for not more than one (1) candidate for the office of mayor-commissioner.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The nominee receiving the highest number of votes shall be elected to the office for which he was a candidate.

The mayor-commissioner and the city commissioners elected at such election shall serve for terms of three (3) years each beginning on the third Tuesday in March following their election and shall serve until their successors are elected and qualified.

SECTION 11. That Section 7.08 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.08. - Filling vacancies in commission.

When there shall exist a vacancy or vacancies in the office of city commissioner, and less than eighteen (18) months ensue before the time provided under this charter for holding the next regular triennial municipal primary, then such vacancy or vacancies for the unexpired term shall be filled by appointment by resolution adopted by a majority of the remaining members of the city commission; and the person or persons so appointed must possess all of the qualifications of a member of the city commission.

If a vacancy or vacancies occur in the office of city commissioner, and eighteen (18) months or more ensue before the time provided for holding the next regular triennial municipal primary, or, if a vacancy should occur at any time in the office of mayor-commissioner then a special municipal primary and election shall be called to fill such vacancy or vacancies.

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SECTION 12. That Section 7.09 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

Sec. 7.09. - Special municipal primary election.

A special municipal primary election for the purpose of nominating candidates for the office of mayor-commissioner or city commissioner, to fill a vacancy or vacancies on account of death, removal, forfeiture, disqualification, resignation or other cause, except as provided in section 7.08 above, shall be held within sixty (60) days after such vacancy occurs; and the city commission, by resolution, shall fix the time for qualifying for office and of holding such special municipal primary election, which shall not be less than forty-five (45) days after adoption of the resolution calling such election.

SECTION 13. That Section 7.10 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.10. - Special municipal elections to elect mayor-commissioner or city commissioners.

A special municipal election for the purpose of electing the mayor-commissioner or a member or members of the city commission, to fill a vacancy or vacancies in the city commission, on account of death, removal, resignation or other cause, shall be held two (2) weeks after the special municipal primary election, in the same manner as provided herein for a regular triennial election. The city commission may call the special municipal primary election and the special municipal election by the same resolution. Such resolution shall specify the length of the unexpired term or terms to be filled, and the time of taking office of the elected mayor-commissioner, city commissioner or commissioners; which mayor-commissioner, city commissioner or commissioners shall hold office until their successors, elected in regular triennial municipal elections, shall take office.

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SECTION 14. That Section 7.12 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.12. - Elections—How arranged for; creation of districts.

The city commission shall make all necessary arrangements for holding all city elections, and shall declare the result thereof. The city commission shall adopt a resolution calling any triennial primary election or special primary election, except as otherwise provided for, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided, and shall cause the notice of election to be published once each week for two (2) consecutive weeks preceding the day of election in a newspaper published in the city, the first publication or posting to be not less than ten (10) days prior to said election.

Not later than April 1, 1987 the city commission shall, by ordinance, adopt, create and establish four (4) separate and distinct geographical commission districts. Except as is provided herein for noncontiguous parcels, the four (4) districts to be created and established by the city commission shall be of contiguous territory and as approximately equal in population as is practicable. If there are parcels of land which are within the corporate limits of and which are part of the City of Fort Lauderdale, but which parcels are not contiguous to any other parcel or tract of land which is within the corporate limits of the City of Fort Lauderdale, then such noncontiguous parcel(s) shall either be made part of one (1) of the districts to be created as provided for herein or if such parcel(s) has a population approximately equal to the other commission districts to be created, then such parcel(s) may be a commission district. In creating and establishing the four (4) city commission districts, the city commission shall use the most recent United States Census data to determine population figures. After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable.

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Beginning in 1988 all electors of the City of Fort Lauderdale shall be entitled to vote for candidates for the office of mayor-commissioner; however, only the electors of each commission district shall be entitled to vote for candidates for city commissioner from that district.

SECTION 15. That Section 7.14 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.14. - Candidates for mayor-commissioner and city commissioner.

Any bona fide resident of the City of Fort Lauderdale and of the State of Florida, who is a citizen of the United States of America, who is a registered elector of the City of Fort Lauderdale and possesses the qualifications necessary to vote at city, state and national elections, and who is otherwise qualified to be a city commissioner or mayor-commissioner, as provided in section 3.03 of this charter, may be a candidate for such office by filing a verified candidate oath for city commissioner within the period of time herein prescribed and in the manner herein set out, and by paying as a qualifying fee the sum of one hundred dollars (\$100.00) to the city clerk of the City of Fort Lauderdale at such time, which money shall be used for the purpose of defraying the election expenses. Such written notice shall be filed with the city clerk of said city on any regular working day of said city clerk, no earlier than noon on the first work day in January nor later than noon on the fourteenth day following the first work day in January of the calendar year in which the election is held.

CANDIDATE OATH

State of Florida
County of Broward

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he is a candidate for

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the office of (Mayor-Commissioner) (City Commissioner) of the City of Fort Lauderdale, Florida; that he is a qualified elector of the City of Fort Lauderdale, Broward County, Florida; that he is qualified under the Constitution, the laws of Florida and the City Charter to seek and to hold the office to which he desires to be nominated or elected; that he has taken the oath required by SS. 876.05—876.10, Florida Statutes; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to § 99.012, Florida Statutes.

	_____ Signature of candidate
	_____ Residence/Address

Sworn to and subscribed before me this _____ /
 _____ / _____ day of _____, 19
 2_____, at _____ County, Florida.

SECTION 16. That Section 7.16 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 7.16. - Election; tie vote; primary election to fill one vacancy.

At the regular or special municipal election, the candidates for each office who shall receive the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of mayor-~~commissioner~~ or city commissioner shall be decided by lot to be conducted by the city attorney. If in a municipal primary election a candidate shall receive a majority of valid votes cast for that office, such candidate shall be declared elected without the holding of a regular municipal election.

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SECTION 17. That the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide for gender neutrality by replacing "he" with "he or she" and "his" with "his or her" throughout the Charter.

SECTION 18. That this Ordinance shall not take effect unless a ballot measure is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on March 12, 2019. The ballot measure to be submitted shall be in substantially the following form:

Charter Amendment No. _____
~~Municipal Elections~~ Non-Substantive Changes

Should the Charter of the City of Fort Lauderdale be amended to provide for gender neutrality, replace the term "mayor-commissioner" with "mayor," set the compensation of the city auditor and city clerk by resolution of the city commission, delete reference to the city clerk's compensation being established by the City's pay plan, delete the term "mayor pro tem," and clarify the procedure for calling special meetings of the city commission?

☐ YES, for approval

☐ NO, for rejection

SECTION 19. That in the event the ballot measure set forth in Section ~~4011~~ of Ordinance C-19-46 and the ballot measure set forth in this Ordinance pass, the passage of this Ordinance shall exclude Sections 8, 9, and 12 of this Ordinance.

SECTION 20. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

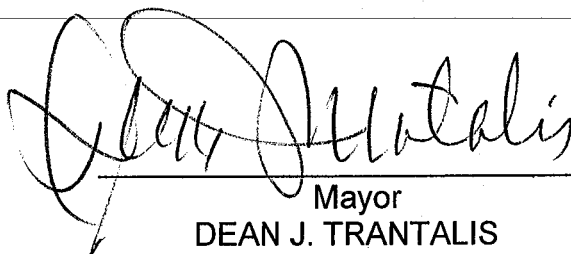
SECTION 21. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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SECTION 22. That this Ordinance shall be in full force and effect, as conditioned in Section 18, ten days from the date of certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors of the ballot question.

PASSED FIRST READING this the 18th day of December, 2018.

PASSED SECOND READING this the 22nd day of January, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

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