

PART I - CHARTER

ARTICLE I. - INCORPORATION, BOUNDARIES AND CHARTER

Section 101. - Incorporation.

City of Coconut Creek, Broward County, State of Florida, incorporated under the State of Florida Laws, by a freeholder election, February 19, 1967, and by Broward County Circuit Court, February 20, 1967. The government of the City of Coconut Creek derives its power and authority by:

- a. State of Florida General Laws, effective February 20, 1967, rescinded by;
- b. Charter, of and for the City, effective November 2, 1971, partially rescinded and revised by;
- c. Charter, of and for the City, effective November 5, 1975, as amended;
- d. Charter, of and for the City, effective November 2, 1976;
- e. Charter, of and for the City, effective November 2, 1982;
- f. Charter, of and for the City, effective March 13, 1984.
- g. Charter, of and for the City, effective March 12, 1985.
- h. Charter, of and for the City, effective November 6, 1990.
- i. Charter, of and for the City, effective March 9, 1993.
- j. Charter, of and for the City, effective March 12, 1996.
- k. Charter, of and for the City, effective March 9, 1999.
- l. Charter, of and for the City, effective March 13, 2001.
- m. Charter, of and for the City, effective March 14, 2006.
- n. Charter, of and for the City, effective November 2, 2010.
- o. Charter, of and for the City, effective November 6, 2016.

Section 102. - Effective Date of this Charter.

This Charter shall be in effect on and after the date of its approval by the electors of Coconut Creek, Florida.

Section 103. - Boundaries.

The municipal boundaries of the City of Coconut Creek shall be as defined by ordinance of annexation or act of the Florida Legislature having the latest effective date.

Section 104. - Continuation of Former Charter Provisions.

All powers of the City shall be carried into execution as provided by this Charter or, if the Charter makes no provision, by Ordinance, Resolution of the City, or by the Constitution and Laws of the State of Florida.

Section 105. - Reserved.

Section 106. - Rules of Construction.

- a. The singular includes the plural and vice versa.
- b. Words used in the present or past tense include the future as well as the present and past.
- c. The words "written" or "in writing," may include any form of reproduction or communication, except oral.

ARTICLE II. - POWERS OF THE CITY<sup>2</sup>

Section 201. - Powers of the City.

The City of Coconut Creek shall have all rights and powers of local self-government which are now, or hereafter may be, provided by the United States Constitution and the Constitution and Laws of the State of Florida, and by this Charter as fully and completely as though all said rights and powers were specifically enumerated herein.

Section 202. - Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article.

Section 203. - Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III. - CITY COMMISSION

Section 301. - Composition; Eligibility; Election and Terms of Office.

- a. *Composition.* There shall be a City Commission of five (5) members, one member elected from each of the five (5) districts within the City. Each candidate for Commissioner shall be elected at large and shall be a resident of and be primarily domiciled at the time of filing in the district in which he/she has filed his/her candidacy. Each candidate shall execute and deliver to the City Clerk an affidavit of primary domicile at the time of filing his/her candidacy. Each candidate shall also provide two (2) proofs of identification showing the candidate's address of domicile, one being a Florida Driver's License or Florida State Identification Card, plus an electric bill or water bill, or other evidence of address. Each Commissioner shall at all times remain primarily domiciled in the district in which he/she is elected. The candidate in each district receiving the greatest number of votes, among all candidates from that district, shall be elected. Voters shall vote for only one candidate in each district.
- b. *Eligibility.* Only qualified voters, who have been residents of the City or residents of any land annexed into the City for a minimum of twelve (12) months prior to filing as a candidate for office, shall be eligible to hold the office of Commissioner.
- c. *Election and Terms.* The regular election of Commissioners shall be held in accordance with State of Florida Law on the second Tuesday in March in years when the Commissioners' terms have expired.

1. Commencing with the elections in March, 2007-2023, two (2) Commissioners shall be elected, one each from districts A and D for four-year terms expiring upon the certification of election results and the swearing in of their successor. Commencing

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with the elections in March, ~~2009~~2021, three (3) Commissioners shall be elected, one each from districts B, C, and E for four-year terms expiring upon the swearing in of their successor after certification of election results.

2. Commissioners newly elected and/or re-elected in a duly certified election shall be sworn into office and seated at the ~~second next~~ regularly scheduled Commission meeting in March of election years, however if the certified election results have not been received prior to the meeting or the meeting is not held for any reason, the swearing in shall be held at the next regularly scheduled Commission Meeting or may be held at a special meeting noticed pursuant to state law after certification of the election results. In the event such meeting is not scheduled for the first Thursday following said election, a special Commission meeting shall be held no later than three (3) days from the date of the certification of the election by the Broward County Supervisor of Elections.

Ballot Question 1

3. Term Limits. No person may appear on a ballot for election after serving three (3) consecutive elected terms, whether the three (3) elected terms were for full or partial terms. Fulfillment of a term by appointment by the City Commission shall not count as an election subject to the previous limitation. Elections prior to November 2020 shall not count towards term limits. An individual who cannot be elected to office pursuant to this section may subsequently appear on a ballot for reelection only after being out of office for at least one (1) full term.

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- d. *Minimum Length of Residence* . Each candidate shall be a resident of and be primarily domiciled in his/her district in which he/she has filed his/her candidacy for at least twelve (12) months prior to filing as a candidate for office but for a change in district of said candidate due to redistricting by the City that has occurred within the preceding twelve (12) month period in which case the combined residency of the candidate's prior and current districts shall be considered for qualification.

Section 302. - The Mayor and Vice Mayor.

- a. *Election*. After the ~~swearing in seating~~ of newly elected Commissioners, or, in years where there are no newly elected Commissioners, at the ~~second regularly scheduled first~~ Commission meeting ~~subsequent to the second Tuesday~~ in March, provided at least four (4) members are present, the Commission shall, as the first order of business, reorganize, to wit:

Part of Ballot Question 3

1. The incumbent Mayor, or in his/her absence the Vice Mayor, shall ask for nominations for Mayor. After all nominations have been made and each nomination is duly seconded, the nominations shall be closed. The City Clerk shall then call the roll of Commission members and each Commissioner shall cast an affirmative vote for the Commission member of his/her choice. The Commissioner who receives a majority vote shall be elected Mayor.
2. In the event no Commissioner receives a majority of the votes cast on the first ballot, balloting with sequential roll calls shall continue until one Commissioner receives a majority vote.

3. Commissioners shall not nominate themselves but they may second any nomination. Only elected Commissioners shall be eligible for the office of Mayor, except that if the incumbent Mayor, if having has served a two (2) consecutive full terms, he/she shall not be re-elected to a third consecutive successive term as Mayor.

Part of Ballot Question 3

4. In the event there is only one nominee and second for Mayor, the nominee shall be seated as Mayor.
5. If there is no Mayor or Vice Mayor seated on the new or existing Commission, a temporary Commission chairman may be elected from the incumbent members for the purpose of electing a Mayor as set forth above.

6. The newly elected Mayor shall call for nominations for Vice Mayor, and election of Vice Mayor shall be held using the same procedure and eligibility requirements as for election of Mayor. If the incumbent Vice Mayor has served two (2) consecutive full terms, he/she shall not be eligible for a third consecutive term as Vice Mayor.

Part of Ballot  
Question 3

b. *Duties.*

1. The Mayor shall preside at meetings of the Commission, shall be recognized as head of the City Government for all ceremonial purposes but shall have no administrative duties except as specified in subparagraph b.2. below, or as prescribed by law. The Vice Mayor shall act as Mayor during the absence or disability of the Mayor, and likewise shall have no administrative duties. In the absence of the Mayor and Vice Mayor, the member with the longest tenure on the Commission shall members present shall elect a temporary chairman to preside at the meeting. In the event of a tie, the tie shall be decided by coin toss.

Part of Ballot  
Question 7

2. The Mayor shall sign all deeds, bonds, or other instruments of writing, relating or pertaining to real estate, to which the City is a party, except that the Commission may delegate this power, in specific instances, to the City Manager. The Mayor shall sign all ordinances and resolutions of the City Commission. The Mayor shall have the power to set the date and location for regular meetings as provided by law, and call special sessions as prescribed by law and this Charter.

Part of Ballot  
Question 3

Section 303. - General Powers and Duties; Compensation.

- a. All powers of the City shall be vested in the Commission except as otherwise provided by law or this Charter.
- b. Three (3) Commission members shall be considered a quorum, except as provided in Section 302.a., and may do business for the City and may carry out all functions according to the law as if all members were present. A minimum of three (3) affirmative votes shall be required for an all actions to be undertaken by the City Commission, and if any motion fails to achieve the affirmative vote of at least three (3) members of the Commission, then such motion shall be deemed to have failed and no action shall be taken by that motion. In the event that there are less than three (3) members of the Commission who are eligible to vote on a particular matter due to vacancy or required abstention pursuant to applicable state or county law, then the remaining member(s) of the Commission present may take action on a motion only upon unanimous affirmative vote.

Part of Ballot  
Question 4

c. Compensation and Expenses of Commission.

1. Compensation. The Commission shall have the power to periodically establish the annual salaries of its members. Each Commissioner shall receive an automatic increase in salary effective the first of October each year based upon the Consumer Price Index, U.S. Department of Labor, All Urban Consumers, Miami/Fort Lauderdale area. The salary of a Commissioner shall not be decreased during his/her current term of office except with his/her consent. The salary of any given Commission (District) seat shall be fixed at least forty-five (45) days prior to the deadline date of filing for that seat by any candidate. All proposals to increase Commission salaries, or to initiate

other benefits, shall be subject to a specific Commission vote for those intended purposes.

2. Expenses. The Commission shall have the power to periodically establish policies and procedures relevant to expenses incurred by its members on City business, including advances, reimbursements, and expense allowances. All proposals to increase Commission expense allowances shall be subject to a specific Commission vote.

d. Salaries and Compensation of Officers and Employees; and Bonds.

1. The Commission shall have the power to fix the salaries of all other officers and employees ~~hired or appointed by the City Commission, of the City, whether elected, appointed or chosen,~~ and to establish such bonds as in the opinion of the Commission are necessary for the faithful discharge of the duties of such officers and employees.
2. The premium of any bond required by the Commission shall be paid by the City.
3. The Commission may authorize the payment to any City Commissioner, officer or employee hired or appointed by City Commission for travel and relevant expenses for any municipal service. All payments shall be based on acceptable evidence of actual expenses incurred.

Section 304. - Prohibitions.

- a. *Holding Other Office or Employment Except as Authorized by Law* . No Commissioner shall hold any office in this City (other than Mayor or Vice Mayor) or serve as a City employee during the term for which he/she is elected to office or be employed as a paid lobbyist.
- b. *Appointments and Removals*. Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any person whom the City Manager or City Attorney is empowered to appoint, but the Commission may express its views and freely discuss in session with the City Manager or City Attorney anything pertaining to appointment and removal of such person.
- c. *Interference with Administration*. Except as provided in this Charter with respect to investigations, the Commission and its members shall deal with persons who are subject to the City Manager solely through the City Manager and neither the Commission nor its members shall give what may be deemed to be orders to any such persons, either publicly or privately. Neither the Commission nor any of its members shall in any manner change or modify any administrative systems, procedures or methods installed and/or implemented by the City Manager or his/her appointed City officers and employees, but the Commission may express its views fully and freely on such matters and may openly discuss with the City Manager anything relevant pertaining to suggestions for the change or modification thereof.

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Section 305. - Vacancies; Forfeiture of Office; Filling of Vacancies.

- a. *Vacancies* . The office of Commissioner shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or forfeiture of his/her office.
- b. *Forfeiture of Office* . A Commissioner shall forfeit his/her office if he/she (1) lacks at any time during his/her term of office any qualification of the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a felony, (4) fails to attend three (3) consecutive regular meetings of the Commission without being officially excused by the Commission at a meeting, or (5) fails to remain a resident of the district from which elected for the entire term of office.

c. *Filling of Vacancies.* A vacancy on the Commission shall be filled in one of the following ways:

1. If a vacancy occurs three hundred and sixty-five (365) or fewer calendar days before the expiration of the term of the former Commissioner, the Commission, by majority vote of the remaining members, shall appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence, unless there is an election scheduled within one hundred eighty (180) days in which case the Commission may provide for the vacancy to be filled in the next election. Said appointee shall serve until the next regular City election and be a resident qualified voter of the same district in which the vacancy has occurred. Said appointee shall fulfill the requirements of Section 301b.
2. If a vacancy occurs more than three hundred sixty-five (365) calendar days before the expiration of the term of the former Commissioner, an election to fill said vacancy shall be held no sooner than sixty (60) days and no later than one hundred eighty (180) days of said vacancy. The Commissioner elected to fill the vacancy shall serve for the unexpired term of office and shall be a resident qualified voter of the same district in which the vacancy has occurred.
3. If the vacated Commission seat is that of the Mayor or Vice Mayor, upon appointment or election of the new Commissioner, the Commission shall elect one of its members to hold the position(s) so vacated. In the instance that the Mayor's seat is vacated and the Vice Mayor assumes the role as Acting Mayor during the interim in accordance with Section 302 b.1. the Commission shall elect by a majority vote an Acting Vice Mayor who shall serve until appointment or election of the new Commissioner.

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Section 306. - Judge of Qualifications.

The Commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his/her office shall be entitled to a public hearing on demand and to be represented by counsel and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Commission under this sentence shall be subject to review by the courts.

Section 307. - Investigations.

The Commission may make investigations into the government, property and affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any City officer or employee who fails or refuses to obey a lawful order issued in the exercise of these powers by the Commission shall forfeit his/her office or employment.

Section 308. - Independent Audit.

The Commission shall provide for an annual audit of City Accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by an independent certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Commission may designate such accountant or firm, in accordance with state law and with a total contract term annually for a period not exceeding five (5) years. No accountant or firm shall perform the annual audit for more than five (5) consecutive years unless the new contract term

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provides a new lead auditor who has not worked on the City's audit in the previous five (5) years, a term that exceeds five (5) successive years. If the State makes such an audit, the Commission may accept it as satisfying the requirements of this section.

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Section 309. - Procedure.

a. *Meetings* . The Commission shall meet regularly at least once in every month at such times and places as the Commission may prescribe by rule. The Commission may cancel any meeting(s) upon a vote taken at any prior regularly scheduled meeting. Special or emergency meetings, or workshops, may be held on the call of the Mayor, the City Manager or three (3) or more members of the City Commission, and, whenever practicable, upon no less than ~~forty-eight (48) twenty-four (24)~~ hours' notice to each member. Only the person or persons who set a special or emergency meeting shall have the power to cancel said meeting. All meetings shall be public, except as provided by state law. Notice of meetings to the public shall be in accordance and consistent with the laws of the State of Florida.

Part of Ballot Question 7

b. *Rules and Minutes*. The Commission shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings to include regular meetings, special meetings, and workshop meetings.

c. *Voting*. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. In the absence of a quorum, the members present may adjourn from time to time. Notwithstanding anything to the contrary set forth in this Charter, adjournment under this Section shall constitute a regular meeting within the meaning of Section 309(a). ~~No Commissioner shall vote, nor be considered to be in attendance at any Commission meeting, except in person.~~

Part of Ballot Question 8

Section 310. - Action Requiring an Ordinance.

In addition to other acts required by law or by specific provisions of this Charter, the following actions shall be by ordinance which:

- a. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- b. Levy taxes, with respect to the property tax levied by adoption of the budget;
- c. Grant, renew or extend a franchise;
- d. Regulate the rate charged for water and wastewater services;
- e. Authorize the borrowing of money;

f. Convey or lease for an initial term of ten (10) years or more or authorize the conveyance or lease for an initial term of ten (10) years or more, of any lands owned by the City;

g. Acquire by purchase, dedication or condemnation a fee simple interest in real property;

h. Adopt with or without amendment ordinances proposed under the initiative power;

i. Amend or repeal any ordinance previously adopted except as otherwise provided in this Charter; and

~~j. Adopt or amend an administrative code.~~

Part of Ballot Question 10

Section 311. - Ordinances in General.

a. *Form*. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Coconut Creek hereby ordains." Any ordinance which repeals or amends an existing ordinance or part of the City Code of Ordinances of the City of Coconut Creek shall set out in full the ordinance, sections or subsections to be repealed or amended.

b. *Procedure*. A proposed ordinance shall be read by title, ~~or in full,~~ on at least two (2) separate days, at either regular or special meetings of the Commission and ~~notice shall be provided in accordance with state law, - at least seven (7) days prior to adoption, be noticed once in a newspaper of general circulation in the City.~~ The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances and the place or places within the City where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

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c. *Effective Date*. Except as otherwise provided in this Charter, every adopted ordinance shall become effective immediately upon approval after second reading or as otherwise specified therein.

Section 312. - Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility for its services or authorize the borrowing of money except as provided in other sections of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear specific terms. An emergency ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced, but an affirmative vote of at least four (4) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or

at such later time as it may specify and shall expire as stated in the ordinance itself or in accordance with state law. ~~Every emergency ordinance, except one made pursuant to other provisions of this Charter, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this Expiration of an emergency ordinance shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinance. An ordinance adopted while the City is under a state, county or local state of emergency, which is adopted following the procedure for ordinances in general under Section 311 of this Charter, shall not be considered an "emergency ordinance" and shall not be subject to the restrictions, or expiration requirements of this Section.~~

Part of Ballot  
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Section 313. - Distinction between Resolutions and Ordinances.

All enactments of a permanent and general nature and intended to become a part of the "Code of Ordinances of the City of Coconut Creek" shall be enacted by the passage of an ordinance, and enactments of a temporary or special nature shall be enacted by the adoption of a resolution when otherwise specified or directed by law.



~~Section 314. - Codes of Technical Regulations.~~

~~The Commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:~~

- ~~a. The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and,~~
- ~~b. A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk. Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.~~

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Question 10

ARTICLE IV. - CITY MANAGER

Section 401. - Appointment; Compensation; Qualifications.

- a. The Commission shall appoint a City Manager and fix his/her compensation and other benefits. The City Manager's qualifications shall include no less than a bachelor's degree in Public Administration, or comparable major courses of studies, from an accredited American college or university, plus a minimum of five (5) years aggregate relevant experience during the decade preceding his/her appointment in progressively responsible executive positions at the municipal and/or county government levels.

~~b. The City Manager need not be a resident of the City or State when appointed, but may reside outside the City thereafter only with the approval of a majority of the Commission.~~

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Question 11

Section 402. - Powers and Duties of the City Manager.

The City Manager shall be the chief administrative officer of the City. He/She shall be responsible to the Commission for the administration of all City matters placed in his/her charge by or under this Charter. He/She shall have the following powers and duties:

- a. He/She shall appoint and, when he/she deems it necessary for the good of the City, suspend or remove any City employees and appointive administrative officers provided for, by or under this Charter, or personnel rules adopted pursuant to this Charter. He/She may authorize any administrative officer, who is subject to his/her direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency.
- b. He/She shall direct and supervise the administration of all departments, officers, and agencies of the City, except as otherwise provided by this Charter, by City ordinance, or by law.
- c. He/She shall attend all City Commission meetings and shall have the right to take part in discussion, but shall not vote.
- d. He/She shall ensure that all laws, provisions of this Charter and acts of the Commission, subject to enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed.
- e. He/She shall prepare and submit the annual budget and capital improvement program to the Commission.

- f. He/She shall submit to the Commission and make available to the public a complete report on the finances of the City within six (6) months after the end of each fiscal year.
- g. He/She shall make such other reports as the Commission may require concerning the operations of City departments, offices and agencies subject to his/her direction and supervision.
- h. He/She shall make recommendations to the Commission concerning City matters.
- i. The City Manager shall have the exclusive authority to place matters on the City Commission agenda, except in those instances where a majority of the Commission members at a regular meeting, special meeting, or workshop agree to place a matter on the City Commission agenda.
- j. He/She shall perform such other duties as specified in this Charter or in City ordinances or as may be required by the Commission.
- k. The City Manager may appoint one or more Deputy City Managers or Assistant City Managers.

Section 403. - Acting City Manager.

In the event of absence or disability, the Manager shall designate, by writing addressed to the City Commission ~~and filed with the City Clerk~~, a qualified City administrative officer to exercise the powers and perform the duties of the Manager during his/her temporary absence or disability. ~~In the event During~~ such absence or disability ~~exceeds a period of two (2) months~~, the Commission may revoke such designation at any time and ~~designate appoint~~ another officer of the City to serve until the Manager shall return or his/her disability ~~shall cease no longer prevents him/her from performing his/her duties~~.

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Section 404. - Performance Evaluation.

The Commission shall conduct an annual review of the City Manager's overall job performance during the fiscal year and shall determine in concert with the City Manager their respective priorities and goals to be achieved in the ensuing year, and jointly specify those upon which his/her overall job performance shall be retroactively measured.

~~Section 405. - Removal. Reserved.~~

~~The Commission may remove the Manager from office for just cause in accordance with the following procedures:~~

- ~~a. The Commission shall adopt by affirmative vote of a majority of all of its members, a preliminary resolution which must state the reasons for removal and then may suspend the Manager from duty for a period not to exceed forty five (45) days. A copy of the resolution shall be delivered by the Commission to the Manager within three (3) days.~~
- ~~b. Within five (5) days after a copy of the resolution has been delivered by the Commission to the City Manager, he/she may file with the Commission a written request for a public hearing. This hearing shall be held at a Commission meeting not earlier than fifteen (15) days, nor later than thirty (30) days, after the request is filed. The City Manager may file with the Commission a written reply not later than five (5) days before the hearing.~~
- ~~c. The Commission may adopt a final resolution of removal, which may be made effective immediately by affirmative vote of a majority of all its members, at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the~~

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Manager, if he/she has not requested a public hearing, or at any time after the public hearing if he/she has requested one.

d. The Manager shall continue to receive his/her salary until the effective date of a final resolution of removal.

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Section 406. - Appointment and Duties of the City Clerk.

a. A City Clerk shall be appointed by the City Manager and shall perform such duties as are prescribed by law, and as are assigned by this Charter, ~~by the City Commission~~ or by the City Manager.

b. The City Clerk shall be keeper of the City Seal ~~and the public records~~. The City Clerk shall also serve as administrator of City Elections, ~~administrator of the City's records management program, and municipal corporate secretary to the City Commission~~.

c. The City Clerk shall authenticate by signature, and record in full, in a properly indexed record kept for the purpose all ordinances ~~and resolutions~~ enacted by the Commission. Regulations adopted by the Commission shall be maintained in a permanent record.

d. The City Clerk shall administer the oath of office to all persons elected, ~~appointed pursuant to the Charter and Ordinances of the City~~, ~~appointed to City advisory boards/committees, and sworn law enforcement personnel~~.

e. The City Clerk shall appoint one or more Deputy City Clerks, ~~who shall perform those duties assigned them by the City Clerk and, in the City Clerk's temporary absence or disability, shall perform the duties of the City Clerk~~.

f. The City Clerk ~~of the City of Coconut Creek~~ shall be the ~~filling officer official representative of the City Commission in all transactions with the Supervisor of Elections of Broward County, Florida, in relation to all matters pertaining to the use of registration books and records herein mentioned for holding such~~ municipal elections.

g. The Clerk may create, reproduce, convert and store the City public records in the most economical and efficient manner available and in the best interest of the City as provided by state law and the Florida Administrative Code absent any lawful or administrative exemptions to the contrary.

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ARTICLE V. - ESTABLISHMENT OF REQUIRED BOARDS AND COMMITTEES

Section 501. - Organization of Boards and Committees.

Boards and Committees created in accordance with this Charter shall elect their officers from the appointed members and shall determine their rules of procedure subject to the provisions of this Charter that apply. Any vacancy on a Board or Committee shall be filled ~~as provided by ordinance by appointment by a majority vote of the Commission~~. Nominees to all Boards and Committees appointed by the Commission are not required to reside in the District represented by the nominating Commissioner ~~except for Charter Review Board and Redistricting Board~~.

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Section 502. - Planning and Zoning Board.

The Commission shall by ordinance establish a City Planning and Zoning Board and shall provide for its jurisdiction, powers and duties.

Section 503. - Civil Service Board.

The Commission shall by ordinance establish a Civil Service Board and shall provide for its jurisdiction, powers and duties.

Section 504. - Reserved.

Section 505. - [Other Advisory Boards and Committees.]

The Commission may also establish such other advisory Board and Committees by ordinance as it may deem necessary to further the City's interests.

#### ARTICLE VI. - FINANCIAL PROCEDURES<sup>3</sup>

Section 601. - Submission of Budget and Budget Message.

Not later than the first day of August of each year the City Manager shall submit to the Commission a budget for the ensuing fiscal year (as defined by the Laws of the State of Florida) and a five (5) year Capital Improvement Program, and an accompanying message.

Section 602. - Commission Action on Budget and Five-Year Capital Improvement Program.

a. *Budget.* Commission action regarding the budget shall be established by the Laws of the State of Florida.

b. *Five-Year Capital Improvement Program.*

*Notice and Hearing.* The Commission shall provide notice and public hearing on the capital improvement program in accordance with state law. publish in one or more newspapers of general circulation in the City a notice of adoption stating:

1. The times and places where copies of the capital program are available for inspection by the public, and

2. The time and place, not less than two (2) weeks after such publication of notice, for a public hearing on the capital program.

c. *Adoption.* The Commission by resolution or ordinance shall adopt the budget and capital improvement program with or without amendment after the public hearing. The adoption must be on or before the beginning of the fiscal year.

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Section 603. - Amendments after Adoption.

a. *Supplemental Appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

b. *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the Commission may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the 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

shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- c. *Reduction of Impending Deficits.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the Commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and his/her recommendations as to any other steps to be taken. The Commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more programs, goals or appropriations.
- d. *Transfer of Appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the Commission may by motion transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- e. *Limitations; Effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 604. - Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if ~~five (5) years~~ ~~three (3)~~ years pass without disbursement from or encumbrance of the appropriation.

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Section 605. - Administration of Budget.

- a. *Work Programs and Allotments.* At such time as the manager shall specify, each department, office or agency shall submit work programs for ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He/she may revise such allotments during the year if he/she deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to law.
- b. *Payments and Obligations Prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are available to cover the claim or meet the obligation when it becomes due and payable. Any authorization or payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he/she shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the

making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

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ARTICLE VII. - REGISTRATION AND ELECTIONS<sup>(4)</sup>

Section 701. - County Registration Records Adopted; Qualified Electors.

City of Coconut Creek, in every municipal election, including referendum, special, primary and general elections does hereby adopt and shall use the registration records authorized by law to be used in the elections of Broward County and State of Florida, as the official registration records of the City of Coconut Creek. An elector to vote in any City election shall register in the registration records of Broward County, Florida, in the manner and at such times and places as provided by law for registering of electors to vote in State and County elections.

Section 702. - Election Precincts and Polling Places; ~~City to Designate.~~

Election precincts and polling places shall be as established pursuant to the laws of the State of Florida.

Section 703. - No Additional Power Granted County.

Nothing contained in this article shall be construed to confer any jurisdiction, power or authority to the Board of County Commissioners of Broward County, Florida over the holding and conducting of any municipal election of the City of Coconut Creek.

Section 704. - Absentee Voting.

Absentee voting shall be permitted in all municipal elections in the same manner as now or hereafter provided for in connection with Federal, State and Broward County elections.

Section 705. - General Laws to Apply.

All general laws of the State of Florida relating to elections and registration of persons qualified to vote therein which are not ~~inconsistent or~~ in conflict with the provisions hereof or the ordinances of the City, shall be applicable to the City of Coconut Creek.

Section 706. - City Elections.

*Regular Elections.* The regular City Election shall be held on the second Tuesday of March of each year in which an election is scheduled or as set by Florida Statute.

~~Section 707. - Calling an Election by Resolution. Reserved.~~

~~All elections shall be called by resolution of the City Commission, adopted not less than thirty (30) days before such election, and shall be conducted under the provisions of the General Election Laws of the State and this Charter.~~

Section 708. - Elections; How Arranged For; ~~Notice Inspectors and Clerks.~~

The City Clerk shall make all necessary arrangements for the holding of all City elections. The City Clerk ~~may shall employ or~~ contract with the ~~Broward County~~ Supervisor of Elections for ~~administrative services to conduct municipal elections within the City, a sufficient number of clerks and inspectors to adequately staff each polling place, and shall employ or contract with the Supervisor of Elections for at least four (4) pollworkers at each polling place.~~ The City Commission shall state in the resolution calling each election, the different offices to be

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~~filled or questions to be decided, and shall state the address of every polling place. The City Clerk shall provide notice in accordance with state law, cause the notice of election to be published in a newspaper of general circulation in accordance with the laws of the State of Florida once in the second week and once in the fourth week prior to the week in which the election is to be held. The official ballot shall be published in a newspaper of general circulation on the Sunday immediately preceding the election, in not less than one-quarter page size. The ballot advertisement shall state:~~

~~"NOTICE OF CITY ELECTION, CITY OF COCONUT CREEK, FLORIDA: The following is the official ballot of the City of Coconut Creek, Florida. Persons wishing further information may contact the City Clerk's office at City Hall during normal business hours."~~

~~The month, day and year of the election and the City Clerk's name, City Hall address and telephone number shall be included in the advertisement.~~

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Section 709. - Receipt of Return—Certificates of Election.

The results of voting at each polling place, when ascertained, shall be certified by the County Supervisor of Elections to the City Clerk, who shall transmit such return to the City Commission at the first regular meeting following receipt of the certified election results. At such meeting the City Commission shall receive the return, and the result as shown by such return shall be entered into the minutes of the meeting. City Commissioners shall continue to hold their offices and discharge the duties thereof until their successors are elected, as certified by the County Supervisor of Elections to the City Clerk.

Section 710. - Filing Fees For Candidates.

There shall be a one hundred and twenty-five dollar (\$125.00) filing fee for each candidate for the office of Commissioner. In addition each candidate for Commissioner shall pay, at the time of qualifying for office, an election assessment as provided by F.S. 99.093 as may be amended from time to time.

Section 711. - Commission Ballots.

All elections shall be nonpartisan.

Section 712. - Titling of Proposed Ordinances.

An ordinance proposed to the electorate shall be presented by a title on the ballot which may, if so determined by the City Commission, differ from its legal title. It shall be a clear, concise statement describing the essence of the proposed measure, without argument or prejudice. Ballots shall be in the form prescribed by Florida Statutes.

Section 713. - Vacancy in Candidacy for Office.

The City Commission, in accordance with Section 166.031(6) Florida Statutes, shall by ordinance provide procedures for filling a vacancy in candidacy caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office.

ARTICLE VIII. - INITIATIVE, REFERENDUM AND RECALL

Section 801. - General Authority.

- a. ~~Power to Initiate or Repeal an Ordinance Initiative.~~ The qualified voters of the City shall have power to propose ordinances ~~for adoption or to require repeal of any adopted ordinance following the procedures of this Article.~~ ~~to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, the proposed ordinance shall be placed on the ballot of the next regularly scheduled City general election for adoption or rejection by the electors of the City, provided that~~
- b. ~~Limitations.~~ Such power ~~to initiate~~ shall not extend to the budget or capital ~~improvement~~ program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees ~~and such power to repeal an ordinance~~
- ~~b. Referendum.~~ The qualified voters of the city shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to any emergency ordinance relating to appropriation of money, nor to the levy of taxes, the budget, or the capital ~~improvement~~ program except on capital ~~improvement~~ projects financed by tax revenue certificates for water and sewer systems or any emergency ordinance relating to appropriation of money or levy of taxes. There shall be at least thirty (30) days' notice of the referendum or special election by publication in accordance with state law, a newspaper of general circulation at least twice, one in the fifth week and once in the third week prior to the week in which the referendum is to be held.

Section 802. - Commencement of Proceedings; Petitioner's Committee; Affidavit.

Any fifty (50) qualified voters may commence initiative or ~~repeal referendum~~ proceedings by filing with the City Clerk an affidavit stating their names and addresses and 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 ~~repealed/reconsidered~~. Promptly after the affidavit of the petitioner's committee is filed, the City Clerk shall issue the appropriate ~~blank~~ petition ~~forms blanks~~ to the petitioner's committee.

Section 803. - Petitions.

- a. ~~Number of signatures.~~ Initiative and referendum petitions must be signed by a minimum of five (5) percent of the total number of registered electors as of the preceding municipal election.
- b. ~~Form and Content.~~ All pages 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 also contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- b. ~~Affidavit of Circulator.~~ Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be genuine signatures of the persons whose names they purport to be and that each signatory had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.



cd. *Time for Filing Petition to Initiate or Repeal an Ordinance. Initiative and Referendum Petitions.* Initiative and Repeal Referendum Petitions signed by a minimum of five (5) percent of the total number of registered voters as of the preceding election must be filed within ninety (90) days after the affidavit of the petitioner's committee is filed with the City Clerk, who shall provide the forms for the petition.

Section 804. - Procedure After Submittal of Petition Filing.

- a. *Certificate of Clerk; Amendment.* Within twenty (20) days after the signed petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying the deficiencies if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by certified mail with return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once within fifteen (15) days, if the petitioner's committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his/her certificate and files a supplementary petition which shall comply with the requirements of subsections (b) and (c) of Section 803 within fifteen (15) days of receipt of the Clerk's certification, and within five (5) days after an amended petition it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by certified mail with return receipt requested as in the case of an original petition. If a petition or of amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request Commission review under subsection (b) of this section within the time required, the Clerk shall promptly present his/her certificate to the Commission and the certificate shall then be a final determination as to the sufficiency of the petition.
- b. *Commission Review.* If a petition has been certified insufficient and the petitioner's 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) days after receiving the copy of such certificate, file a request that it be reviewed by the Commission. The Commission shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the Commission's determination shall then be a final determination as to the sufficiency of the petition.
- c. *Court Review, New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 805. – Repeal Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition for repeal of an ordinance is filed with the City Clerk, the ordinance sought to be repealed reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- a. There is final determination of insufficiency of the petition, or
- b. The petitioner's committee withdraws the petition, or
- c. The Commission repeals the ordinance, or
- d. A referendum for the repeal of an ordinance pursuant to 801(b) fails.

Section 806. - Action by Petitions.

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- a. *Action by Commission.* When an initiative or repeal referendum petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance or repeal of the referred ordinance in the manner provided in Section 311 of this Charter ~~or reconsider the referred ordinance by voting its repeal~~. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City, unless same would violate state or federal law.
- b. *Submission to Voters.* The vote of the City on an ordinance proposed for adoption or referred for repeal ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final Commission vote thereon and shall be noticed in accordance with state law. If no regular City election is to be held within the period prescribed in the subsection, the Commission shall provide for a special election otherwise, the vote shall be held at the same time as such regular election, except that the Commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the ordinance proposed for adoption or ~~referred~~ for repeal ordinance shall be made available at the polls.

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Ballot Question 7

Section 807. - Results of Election.

- a. *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the 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.
- b. ~~Repeal~~ Referendum. If a majority of the qualified electors voting on an ordinance referred ~~for repeal ordinance~~ vote to repeal the ordinance ~~against it~~, it shall be considered repealed upon certification of the election results.
- c. Amendment or Repeal of Initiated Ordinance. An ordinance of the City of Coconut Creek which has been enacted after a favorable vote of a majority of the electors shall not, for a period of five (5) years, be amended or repealed by the City Commission unless such amendment or repeal is approved by a majority of the electors voting in a referendum called for that purpose

Section 808. - Recall.

Any member of the City Commission may be removed from office by the electors of the City of Coconut Creek. The procedure adopted in a recall petition shall be in conformance with and identical to the general laws of the State of Florida. Any vacancy created by recall shall be filled in accordance with provisions of this Charter.

~~Section 809. -- Repeal.~~

~~An Ordinance of the City of Coconut Creek which has been enacted after a favorable referendum vote of a majority of the electors shall not be amended or repealed by the City Commission unless a majority of the electors voting in a referendum called for that purpose shall approve the proposed amendment or repeal.~~

ARTICLE IX. - GENERAL PROVISIONS

Section 901. - Personal Financial Interest.

- a. The Code of Ethics for public officers and employees as set forth in Part III of Chapter 112, Florida Statutes, as may be amended from time to time, shall apply within the City of Coconut Creek.
- b. In addition to the penalties set forth in Part III of Chapter 112, Florida Statutes, any officer or employee who willfully conceals a financial interest or willfully violates the requirements set forth in Chapter 112, Florida Statutes, shall be guilty of malfeasance in office or position and forfeit his/her office or position.

Section 902. - Change in Form of Government.

The form of government may, by ordinance adopted by the City Commission, be changed as prescribed in said ordinance if said ordinance is ratified by a majority of the votes cast at a general or special election held for that purpose.

Section 903. - Effect of Partial Invalidity.

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

Section 904. - City Attorney.

The Commission shall appoint a City Attorney and the City Attorney shall appoint such Assistant City Attorneys as he/she deems necessary subject to final approval by the City Commission. The City Attorney and assistant city attorney(s) shall act as legal advisors to the City and all of its officers in matters relating to their official duties. The City Attorney shall approve, as to form, all contracts of the municipality before same shall become effective. Assistant City Attorneys shall perform those duties assigned them by the City Attorney. Assistant City Attorney(s) may be removed with or without cause by the City Attorney.

Section 905. - State Laws as Amended.

All references to specific state law shall be construed to mean such state laws as amended.

Section 906. - Amendments to Charter.

The Charter may be amended by any one of the following:

- a. As provided by the Florida Statutes.
- b. By a Charter Review Board as provided for in Section 907 of this Article.

Section 907. - Charter Review; Charter Review Board.

In ~~April~~ ~~January, 2030~~ ~~1980~~, and every ~~ten (10)~~ ~~five (5)~~ years thereafter, the Commission shall in January appoint a Charter Review Board consisting of five (5) electors of the City, one (1) from each district, holding no other office, appointment or employment in the government of the City of Coconut Creek except on advisory bodies of the City. In addition, the Commission may appoint a Charter Review Board at any other time as it may deem necessary or desirable. Such Board shall review the Municipal Charter, and within one hundred twenty (120) days after such appointment, submit to the Commission such alteration, revisions, and amendments, if any, to this Charter, as in its judgment are desirable. The Commission shall submit to the electors not later than the next succeeding general election, ~~special election~~, or municipal election any such proposed alterations, revisions, or amendments. The members appointed to said Board shall serve without compensation and their terms shall expire one hundred twenty (120) days after their appointment.

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Section 908. - Authority of Commission to Divide City into Voting Districts; (Re-Districting Board).

The Commission, by ordinance and in accordance with the Laws of the State of Florida shall divide the City into voting districts. The Commission, by the same procedure and laws, may re-district the City. The City Commission shall establish and appoint a Re-Districting Board, consisting of five (5) electors of the City holding no other office, except on advisory bodies of the City, one (1) from each district, ~~by July 15, 2026, and again by July 15, 2032 every five (5) years commencing on or by August 1, 2008 and each succeeding ten (10)~~ ~~five (5)~~ years thereafter. The City Commission shall, however, have the right to appoint a Re-Districting Board at any time upon a determination that population variances between districts require action. The terms of the members thereof shall expire ~~one hundred twenty (120)~~ ~~ninety (90)~~ days following appointment. The Re-Districting Board shall within ~~one hundred twenty (120)~~ ~~ninety (90)~~ days of appointment submit a report to the City Commission outlining the need for a re-districting, if any, and the recommendations with regard thereto. The City Commission shall, upon a determination by it of the need to re-district, amend by ordinance the boundaries of the existing voting districts.

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Commented [MK1]: Charter Review Board Draft Charter  
April 27, 2020