

## 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- a. State of Florida General Laws, effective February 20, 1967, rescinded by;
- b. Charter, of and for the City, effective November 2, 1971, partially rescinded and revised by;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.
- d. References to "days" shall mean calendar days unless the specified time is 15 days or less, then it shall mean business days.

## ARTICLE II. - POWERS OF THE CITY

### 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.* The City Commission of Coconut Creek is a five (5) member governing body, and may be referred to throughout the City's Charter and Code of Ordinances as the "City Commission" or "Commission," collectively, and "Commission member," singularly. Until its reorganization on March 13, 2029, the City Commission consists of five (5) District Commissioners, each primarily domiciled in the district in which he/she has filed his/her candidacy and is elected at large. After its reorganization on March 13, 2029, the City Commission will consist of an Elected Mayor (referred to as "Elected Mayor" or "Mayor," unless the context dictates otherwise) and four (4) District Commissioners (referred to as "District Commissioner(s)" or "Commissioner(s)," unless the context dictates otherwise), with all members elected at large. All members of the City Commission must meet residency requirements and be primarily domiciled at the time of filing for candidacy, and continuously throughout his/her term of office, in the City's corporate boundaries (for the Elected Mayor and District Commissioners) and additionally, within the district (for District Commissioners) in which he/she has filed his/her candidacy and has been duly elected; otherwise, said office(s) is automatically forfeited.
- b. *Eligibility.* For the office of Elected Mayor, resulting from the March 13, 2029 reorganization, only qualified voters who have been primarily domiciled in the City for a minimum of twelve (12) continuous months prior to filing as a candidate will be eligible to hold the office. Prior to

and after the reorganization on March 13, 2029, for the office of District Commissioner, only qualified voters who have been primarily domiciled in the district in which he/she has filed his/her candidacy for a minimum of twelve (12) continuous months prior to filing as a candidate will be eligible to hold the office. Length of residency upon any land that is subsequently annexed into the City or land that has been re-designated within another district's boundaries due to redistricting by the City, within the preceding twelve (12)-month period, will count toward the minimum length of residency calculation. Each candidate must execute and deliver to the City Clerk an affidavit of primary domicile and length of residency within the City (and district, as applicable) at the time of filing for his/her candidacy. Each candidate must also provide two (2) proofs of identification showing the candidate's address of primary domicile, one (1) being a Florida Driver's License or Florida State Identification Card, plus an electric bill or water bill, or other evidence of address.

- c. *Election.* The regular election of the City Commission will be held biennially on the second Tuesday in March in odd-numbered years in accordance with the laws of the State of Florida, and as provided in the City's Charter and Code of Ordinances. All eligible electors in the City of Coconut Creek, without regard to their district of residency, may vote for only one (1) candidate for each office on the ballot. The candidate for each office who receives the greatest number of votes, among all the qualified candidates for a particular office, will be elected. When there is only one (1) qualified candidate for a given office, the candidate will be deemed to have voted for himself/herself and the person's name will not appear on the ballot. After an election and receipt of the certified election results, all newly elected and/or re-elected City Commission members will be sworn into office and seated at the next regularly scheduled Commission Meeting or a special meeting organized for such purpose.
- d. *Terms.* It is the intent of the City Commission to reorganize its composition at the March 13, 2029 Municipal Election from five (5) District Commissioners to one (1) Elected Mayor (at large) and four (4) District Commissioners, and to provide for staggered terms of office and biennial elections thereafter. The City Commission is hereby authorized to adopt such other ordinances as are necessary to extend certain existing terms of office in order to have all offices simultaneously end upon the Municipal Election held on March 13, 2029, and provide that terms of office are staggered thereafter; as well as adopt such ordinance(s) as are necessary to cancel the March 9, 2027 Municipal Election, in order to effectuate the above stated goals. The Municipal Election held on March 11, 2025 will be administered in the normal course, with the traditional four (4)-year term of office for the seats appearing on that ballot. It is the intent of the City to reorganize the composition of the City Commission with minimal impact upon City operations.
  - 1. *Transition.* On March 13, 2029, all four (4) District Commissioner seats and the Elected Mayor will be on the ballot for election. The Mayor will serve for a four (4)-year term and such term will expire every four (4) years thereafter. No less than ninety (90) days prior to March 13, 2029, the City Clerk, at a public meeting of the City Commission, will draw lots to determine the two (2) District Commissioner seats that will have a four (4)-year term commencing on March 13, 2029, alongside the office of Mayor. The City Clerk will ensure that a lot for each of the four (4) commission districts is placed into the drawing. The two (2) commission districts drawn will carry a four (4)-year term, and such terms of office will expire every four (4) years thereafter. The two (2) districts not drawn will carry a two (2)-year term that expires on March 11, 2031. Starting from the March 11, 2031 Municipal Election, and thereafter, the two (2) District Commissioner seats on the ballot will each have a four (4)-year term, and such terms of office will expire every four (4) years thereafter.

- e. *Term Limits.* After the City Commission's reorganization on March 13, 2029, no person may appear on a ballot for election after serving three (3) consecutive elected terms. An elected term, as used in this subsection, will include any amount of time in office after being elected at a municipal election held in the City, including a full four (4)-year term or any part thereof. In addition, an elected term applies to any elected office, interchangeably. Elected terms served prior to March 13, 2029, will not be included in the term limit computation established herein. An individual who is ineligible for office pursuant to this subsection may subsequently appear on a ballot for reelection only after being out of office for at least one (1) election cycle, meaning a minimum of two (2) years.

Section 302. - The Mayor and Vice Mayor.

- a. *Appointment Procedures before March 13, 2029.* After the swearing in of newly elected Commissioners, or, in years where there are no newly elected Commissioners, at the second regularly scheduled Commission meeting in March, or at a special meeting called for such purpose, provided at least four (4) members are present in all instances, the Commission will, as the first order of business, reorganize, to wit:
  - 1. The incumbent Mayor, or in his/her absence the incumbent Vice Mayor, will ask for nominations for Mayor. After all nominations have been made and each nomination is duly seconded, the nominations will be closed. The City Clerk will then call the roll of Commission members and each Commissioner will cast an affirmative vote for the Commission member of his/her choice. The Commissioner who receives a majority vote will be appointed as Mayor for a term that ends upon the following year's reorganization.
  - 2. In the event no Commissioner receives a majority of the votes cast on the first ballot, balloting with sequential roll calls will continue until one (1) Commissioner receives a majority vote.
  - 3. Commissioners must not nominate themselves but they may second any nomination. An incumbent Mayor who has served two (2) consecutive full terms as Mayor is not eligible to be re-appointed to a third consecutive term as Mayor.
  - 4. In the event there is only one (1) nominee and second for Mayor, the nominee will be seated as Mayor.
  - 5. If there is no incumbent Mayor or incumbent Vice Mayor seated on the newly sworn-in Commission, a temporary Commission chairperson may be appointed from the incumbent members for the sole purpose of selecting a Mayor as set forth above.
  - 6. The newly appointed Mayor will call for nominations for Vice Mayor, and the appointment of Vice Mayor will be conducted using the same procedure and eligibility requirements as for appointment of Mayor. If the incumbent Vice Mayor has served two (2) consecutive full terms, he/she will not be eligible for a third consecutive term as Vice Mayor.
- b. *Appointment of Vice Mayor after Transition to Elected Mayor.* Commencing immediately after the March 13, 2029 Municipal Election, after the swearing in of newly elected members of the City Commission, or in years where there are no newly elected members of the City Commission, at the second regularly scheduled Commission meeting in March, or at a special meeting called for such purpose, provided at least four (4) members are present in all instances, the Commission will, as the first order of business, reorganize, to wit:
  - 1. The Elected Mayor, or in his/her absence the incumbent Vice Mayor, will ask for nominations for Vice Mayor. After all nominations have been made and each nomination is duly seconded, the nominations will be closed. The City Clerk will then call the roll of Commission members and each member will cast an affirmative vote for the Commission

member of his/her choice. The District Commissioner who receives a majority vote will be appointed as Vice Mayor for a term that terminates upon the reorganization of the City Commission the following year.

2. In the event no District Commissioner receives a majority of the votes cast on the first ballot, balloting with sequential roll calls will continue until one (1) District Commissioner receives a majority vote.
3. Commission members must not nominate themselves but they may second any nomination. An incumbent Vice Mayor who has served two (2) consecutive full terms as Vice Mayor is not eligible to be re-appointed to a third consecutive term as Vice Mayor.
4. In the event there is only one (1) nominee and second for Vice Mayor, the nominee will be seated as Vice Mayor.
5. If there is no Elected Mayor or incumbent Vice Mayor seated on the newly sworn-in Commission, a temporary Commission chairperson may be appointed from the incumbent members for the sole purpose of selecting a Vice Mayor, as set forth above.

c. *Duties.*

1. The Mayor will preside at meetings of the Commission, will be recognized as head of the City Government for all ceremonial purposes but will have no administrative duties except as specified in subparagraph c.2. below, or as prescribed by law. The Vice Mayor will act as Mayor during the absence or disability of the Mayor, and likewise will have no administrative duties. In the absence of the Mayor and Vice Mayor, the member with the longest tenure on the Commission will preside at the meeting. In the event of a tie, the tie will be decided by coin toss.
2. The Mayor must 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 must sign all ordinances and resolutions of the City Commission. The Mayor will have the power to set the date and location for regular meetings as provided by law, and call special or emergency meetings, or workshops, as prescribed by law and this Charter.

Section 303. - General Powers and Duties; Compensation.

- a. All powers of the City are vested in the Commission except as otherwise provided by law or this Charter.
- b. Three (3) Commission members are considered a quorum, except as provided in Section 302.a. and b., 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 are required for an action 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 is deemed to have failed and no action is 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.
- c. Compensation and Expenses of Commission.
  1. Compensation. The Commission has the power to periodically establish the annual salaries of its members. The City Commission will 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 Commission member will not be decreased during his/her current term of office except with his/her consent. The salary of any given Commission member seat will be fixed at least forty-five (45) days prior to the deadline date for filing for that seat by any candidate. All proposals to increase Commission member salaries, or to initiate other benefits, will be subject to a specific Commission vote for those intended purposes.

2. Expenses. The Commission has 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 will be subject to a specific Commission vote.
- d. Salaries and Compensation of Officers and Employees; and Bonds.
1. The Commission has the power to fix the salaries of ~~all other officers and employees~~ the City Manager and City Attorney hired or appointed by the City Commission, and to establish such bonds as in the opinion of the Commission are necessary for the faithful discharge of the City Manager's and City Attorney's ~~duties of such officers and employees.~~
  2. The premium of any bond required by the Commission will be paid by the City.
  3. The Commission may authorize the payment to any Commission member, officer or employee hired or appointed by City Commission for travel and relevant expenses for any municipal service. All payments will be based on acceptable evidence of actual expenses incurred.

#### Section 304. - Prohibitions.

- a. *Holding Other Office or Employment Except as Authorized by Law.* Commission members must not hold any office in this City (other than Mayor or Vice Mayor) , or serve as an officer on a homeowner or condominium association board within the City, 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.

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

- a. *Vacancies.* An office of the City Commission will be considered vacant upon such member's death, resignation, removal from office in any manner authorized by law, or forfeiture of office.

- b. *Forfeiture of Office.* A Commission member will 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 excused by the Commission at a meeting, or (5) fails to remain primarily domiciled in the City's corporate boundaries (for the Elected Mayor and District Commissioners) and additionally, within the district (for District Commissioners) in which he/she has been duly elected for the entire term of office.
- c. *Filling of Vacancies.* A vacancy will be filled by a person meeting all of the qualifications to hold the office sought within the City Commission as said qualifications are set forth in this Charter. All vacancies on the City Commission will be filled by vote of the majority of electors within the City of Coconut Creek at an election. The City Commission, in accordance with Section 166.031(6), Florida Statutes, as may be amended, will by ordinance provide procedures for holding elections to fill any vacancy in office caused by death, resignation, removal from office, or forfeiture of office. Such ordinance will also provide procedures for filling a vacancy in candidacy caused by death, withdrawal, forfeiture or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two (2) candidates for an office.
- d. Prior to March 13, 2029, if the vacated Commission seat is that of the Mayor or Vice Mayor, upon filling of the vacancy by election of the new District Commissioner, the Commission will elect one (1) of its members to hold the position(s) so vacated. In the interim, and if specifically the Mayor's seat is vacated, the Vice Mayor will assume the role as Acting Mayor in accordance with Section 302 c.1., the Commission will select by the appointment procedures set forth in Section 302, herein, an Acting Vice Mayor who will serve until the vacancy is filled by election of the new District Commissioner. If the vacancy occurs after March 13, 2029 and the vacated seat is that of the appointed Vice Mayor, the Elected Mayor will coordinate the appointment of a new Vice Mayor among the remaining members of the City Commission at the next regular or special meeting of the Commission, according to the procedure set forth in Section 302 b., herein.

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

#### 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) 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.
- 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).

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

#### 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 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. 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.
- 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. 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.

#### 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. - Reserved.

### 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.

#### 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, 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 such absence or disability exceeds a period of two (2) months, the Commission may revoke such designation at any time and designate another officer of the City to serve until the Manager shall return or his/her disability no longer prevents him/her from performing his/her duties.

#### 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.

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 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 Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.
- d. The Manager shall continue to receive his salary until the effective date of a final resolution of removal.

#### 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 or by the City Manager.
- b. The City Clerk shall be keeper of the City Seal. 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.
- 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 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 shall be the filing officer of the City in relation to all matters pertaining to 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.

## ARTICLE V. - ESTABLISHMENT OF REQUIRED BOARDS AND COMMITTEES

### Section 501. - Organization of Boards and Committees.

Boards and Committees created in accordance with this Charter will elect their officers from the appointed members and will determine their rules of procedure subject to the provisions of this Charter that apply. Any vacancy on a Board or Committee will be filled as provided by ordinance. Nominees to all Boards and Committees appointed by the Commission are not required to reside in any particular district of the City, except as set forth in Sections 907 and 908, herein, concerning the composition of the Charter Review Board and the Redistricting Board, respectively.

### 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

### 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.

- 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.

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 so determined by the City Commission through the annual budget process. ~~five (5) years pass without disbursement from or encumbrance of the appropriation.~~

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.

#### ARTICLE VII. - REGISTRATION AND ELECTIONS

##### 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.

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 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. - Reserved.

Section 708. - Elections; How Arranged For; Notice.

The City Clerk shall make all necessary arrangements for the holding of all City elections. The City Clerk may contract with the Broward County Supervisor of Elections for administrative services to conduct municipal elections within the City. The City Clerk shall provide notice in accordance with state law.

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

The results of voting at each polling place, when ascertained, must be certified by the County Supervisor of Elections to the City Clerk, who will transmit such return to the City Commission at the first regular meeting following receipt of the certified election results or at a special meeting called for such purpose. At such meeting the City Commission will receive the return, and the result as shown by such return will be entered into the minutes of the meeting. Members of the City Commission will 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, and duly sworn-in.

Section 710. - Filing Fees For Candidates.

There is a one hundred and twenty-five dollar (\$125.00) filing fee plus an election assessment (as provided by Section 99.093, Fla. Stat., as may be amended) paid at the time of qualifying for office by each candidate for City Commission.

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.

Sec. 713. - Reserved.

## ARTICLE VIII. - INITIATIVE, REFERENDUM AND RECALL

Section 801. - General Authority.

- a. *Power to Initiate or Repeal an Ordinance.* 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.
- b. *Limitations.* Such power to initiate shall not extend to the budget or capital improvement program or any ordinance relating to the Land Development Code or Comprehensive Plan or any ordinance related thereto or to appropriation of money, levy of taxes or salaries of City officers or employees and such power to repeal an ordinance 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.

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

- a. Any fifty (50) qualified voters may commence initiative or repeal 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.
- b. The proposed initiative ordinance or ordinance sought to be repealed shall be reviewed by the City Attorney or designee within fifteen (15) days of submittal for consistency with the City Charter, Comprehensive Plan, City Code of Ordinances and applicable City, County, state and federal laws and requirements. If the City Attorney determines the proposed amendment is facially invalid, inconsistent or creates conflicts with any other applicable legal authority, the petition shall be returned to the Petitioner, together with a notice of deficiency specifying the deficiencies or conflicts. The Petitioner will thereafter have a period of thirty (30) days from the date of the notice of deficiency within which to submit a revised petition addressing such deficiencies. The City Attorney shall review any subsequent resubmissions pursuant to this paragraph and provide a finding of consistency or deficiency within fifteen (15) days of any resubmission. Petitioner may submit a revised petition addressing identified deficiencies no more than three (3) times after the initial submittal. If the petition is determined deficient after the third (3rd) re-submittal, the petition shall be deemed withdrawn. Petitioner may initiate a new petition pursuant to this Section 802, with new affidavits pursuant to Section 802(a), no sooner than thirty (30) days after a prior petition is deemed withdrawn.
- c. If the City Attorney determines the petition is consistent, Promptly after the affidavit of the petitioner's committee is filed, the City Clerk shall promptly issue the appropriate blank petition forms to the petitioner's committee.

Section 803. - Petitions.

- a. *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.
- c. *Time for Filing Petition to Initiate or Repeal an Ordinance.* Initiative and Repeal 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~~ blank petition forms are provided to petitioner by the City Clerk.

Section 804. - Procedure After Submittal of Petition.



- 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, 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, 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 (a) and (b) of Section 803 within fifteen (15) days of receipt of the Clerk's certification. Within five (5) days after an amended petition 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 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 Petitions; Suspension of Effect of Ordinance.

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

- a. There is final determination of insufficiency of the petition,
- b. The petitioner's committee withdraws the petition,
- 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.

- a. *Action by Commission.* When an initiative or repeal 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. 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)~~ sixty (60) 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 qualified voters of the City on an ordinance proposed for adoption or for repeal 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 general election or 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 for repeal shall be made available at the polls.

#### 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~~ they shall be implemented as provided in Section 906., "Amendments to Charter".
- b. *Repeal.* If a majority of the qualified electors voting on an ordinance referred for repeal vote to repeal the ordinance, 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. - Reserved.

### 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.

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

1. As provided by the Florida Statutes.

2. By a Charter Review Board as provided for in Section 907 of this Article.

b. In the event that there is more than one Charter Amendment on a ballot at the same election and the results of the elections on those Charter Amendments creates a conflict between the approved Charter Amendments, then each Charter Amendment shall go into effect in respect to the provisions that are not in conflict and, where there is conflict, the one receiving the highest affirmative vote shall prevail as to the provisions in conflict.

Section 907. - Charter Review; Charter Review Board.

In January, 1980, and every five (5) years thereafter, the Commission will 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. Commencing with the reorganization of the City Commission on March 13, 2029 and thereafter, the composition of the Charter Review Board will include an appointed elector from each of the four (4) districts, and one (1) appointed elector who is selected by the Elected Mayor and resides in any district of the City; all of whom must not hold any 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, having the required composition as stated herein. Such Board must 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 will submit to the electors not later than the next succeeding general election or municipal election any such proposed alterations, revisions, or amendments. The members appointed to said Board will serve without compensation and their terms will expire one hundred twenty (120) days after their appointment.

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

The Commission, by ordinance and in accordance with the Laws of the State of Florida will divide the City into districts. The Commission, by the same procedure and laws, may re-district the City. By July 15, 2026, the City Commission will 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 February 13, 2032, and each succeeding ten (10) years thereafter, the City Commission will 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; the composition of the Re-Districting Board will include an appointed elector from each of the four (4) districts, and one (1) appointed elector who is selected by the Elected Mayor and resides in any district of the City. The City Commission will, however, have the right to appoint a Re-Districting Board at any time upon a determination that population variances between districts require action, subject to having the required composition as stated herein. The terms of the members thereof will expire one hundred twenty (120) days following appointment. The Re-Districting Board must within one hundred twenty (120) 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 will, upon a determination by it of the need to re-district, amend by ordinance the boundaries of the existing districts.