

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

**May 2, 2008**

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

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

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

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

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

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

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

<b>Organizational Meeting</b>	The meeting to take place the second Thursday in November following the certification of the election results by the City Canvassing Board, such meeting to be chaired by the elected and sworn Mayor until the election of the Commission Chairperson. The Mayor shall not have the right to vote at organizational meetings.
<b>Day</b>	Calendar day, unless otherwise specified.
<b>City Commission, “the Commission”</b>	A Body consisting of five Commissioners, with all the legislative powers of the City vested therein.
<b>Commissioner</b>	An elected official with legislative powers.
<b>Commission Chairperson</b>	A Commissioner elected by Commission members, who will chair the Commission meetings and set the agenda. The Commission Chairperson automatically assumes the position of Deputy Mayor.
<b>Deputy Commission Chairperson</b>	A Commissioner elected by Commission members to serve as Chairperson during the absence of the Commission Chairperson.
<b>Mayor</b>	An elected official with executive powers.
<b>Deputy Mayor</b>	A Commissioner elected by the Commission as the Commission Chairperson.
<b>Acting Mayor</b>	The Deputy Mayor or a duly authorized person acting as Mayor during the temporary absence or disability of the Mayor.
<b>Compensation – Elected Officials</b>	<ul style="list-style-type: none"> <li>a. SALARY: Annual amounts determined by ordinance.</li> <li>b. BENEFITS: As determined by ordinance.</li> <li>c. OTHER: Actual and necessary expenses incurred in the performance of duties of office.</li> </ul>
<b>Compensation – Full-Time Employees</b>	<ul style="list-style-type: none"> <li>a. SALARY: An annual amount determined by ordinance.</li> <li>b. BENEFITS: As determined by ordinance.</li> <li>c. OTHER: Actual and necessary expenses incurred in the performance of duties of office, job, or assignment.</li> </ul>
<b>Compensation – Part-Time Employees</b>	<ul style="list-style-type: none"> <li>a. SALARY: An annual amount determined by ordinance or contract</li> <li>b. BENEFITS: As determined by ordinance.</li> <li>c. OTHER: Actual and necessary expenses incurred in the performance of duties of office, job, or assignment.</li> </ul>
<b>Employees – Nonexempt</b>	<b>Hourly</b> employees, regular, full-time, part-time, or temporary, who are entitled to overtime pay under the specific provision of federal and state wage and hour laws.
<b>Employees – Exempt</b>	<b>Salaried</b> employees who are excluded from specific provision of federal and state wage and hour laws.

<b>Employees – Temporary</b>	Employees who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project.
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**Sec. 1.04. Disbursement of funds.**

All public monies shall be deposited in the name of the City of Anna Maria, Florida, in financial institutions selected by the City Commission which are designated as "qualified public depositories" as defined by F.S. ch. 280, and by regulations issued by the Florida State Treasurer. All public monies shall be disbursed only on warrants or drafts to be signed by either the Mayor or Deputy Mayor and countersigned by the Treasurer.

(Ord. No. 459, § 1, 12-17-85)

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

**Sec. 1.05. Police Protection.**

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

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

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

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

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

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

**ARTICLE III. LEGISLATIVE**

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

There shall be a City Commission with all legislative powers of the City vested therein consisting of five (5) members, who shall be electors of the City.

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

The Commission shall appoint a Commissioner to the office of Commission Chairperson. Appointment shall be for a period of one (1) year, i.e., until the Organizational Meeting after each annual election. The Commission shall consider the appointment at the Organizational Meeting after each annual election and at each subsequent Commission meeting until the office has been filled.

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

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

A member of the City Commission shall not hold any other municipal office of the City of Anna Maria or be employed by the City of Anna Maria during his or her term of office. (Ord. No. 94-540, § IA, 9-13-94/11-8-94)

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

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

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

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

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

**Sec. 3.04. Compensation.**

The City Commission shall determine the annual compensation of the City Commissioners by ordinance. No Commission member's compensation shall be increased during his or her term of office.

**Sec. 3.05. Deputy Mayor; selection; powers and duties.**

- a. There shall be an office of Deputy Mayor, which shall be filled by the Commission Chairperson.
- b. The Deputy Mayor serves in that office at the pleasure of the Commission. The Commission may declare the office vacant, whereupon, the office shall be filled no later than the next regular meeting of the Commission.
- c. The Deputy Mayor shall perform the duties of the Mayor when the Mayor is unavailable to perform said duties, due to absence or disability. While performing the duties of the Mayor, the Deputy Mayor shall not have the powers or duties of Commissioner. When the Mayor is again available to perform said duties, the Deputy Mayor shall return to the office of Commissioner, and resume the powers and duties associated with the office.
- d. In the event that the office of Mayor becomes vacant, the Deputy Mayor shall become

Mayor for the remainder of the elected term of the previous Mayor. [Please refer to Section 4.04.] The Deputy Mayor shall enjoy the full powers, duties, and compensation of the office of Mayor. In the event that the offices of Mayor and Deputy Mayor should be vacant simultaneously, the Commission may appoint one of its members as Mayor for the remainder of the mayoral term; in that case, the appointed Mayor shall enjoy the full powers, duties, and compensation of the office of Mayor.

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

- a. *Interference with administration.* A Commissioner or Commissioners shall not direct, publicly or privately, City officers or employees who are subject to the direction and supervision of the Mayor, except as otherwise provided in this Charter. Nothing in the foregoing is to be construed to prohibit individual members of the Commission from closely scrutinizing by questions and personal observations all aspects of City government operations so as to gain independent information to assist the members in the formulation of sound policies to be considered by the Commission.
- b. *Holding other office.* No former elected City official shall hold any compensated City office or City employment until one (1) year after the expiration of the term for which he or she was elected. A former elected official who is on a City appointed board shall have per diem expenses and out-of-pocket expenses reimbursed by the City to the same extent that it reimburses any other member of that board.

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

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

- a. *Vacancies.* The office of a Commissioner shall become vacant upon his or her death, resignation, forfeiture, entry upon the office of Mayor, or removal from office in any manner authorized by law. Forfeiture shall be declared by the remaining members of the Commission, in a public hearing on the matter.
- b. *Forfeiture of office.* A Commission member shall forfeit his or her office if he or she:
  - (1) Lacks at any time during his or her term of office any qualifications for the office prescribed by this Charter or by law; or
  - (2) Fails to meet attendance requirements that have been established by the Commission.
- c. *Filling of vacancies.* A vacancy on the Commission shall be filled by a vote on a person selected by the remaining members of the Commission to serve for the remainder of the elected term.
- d. *Extraordinary vacancies.* In the event that all members of the Commission are removed by death, disability, or forfeiture of office, the Governor shall appoint an interim Commission that shall call a special election and such election shall be held in the same manner as the first election under this Charter.

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

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

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

- a. *Meetings.* The Commission shall meet regularly at least once in every month at such time and place as the Commission may prescribe by rule. Special meetings may be

- held on the call of any Commission member, and, whenever practical, upon no less than twenty-four (24) hours notice to each member and the public.
- b. *Rules.* The Commission shall determine its own rules of order at its organizational meeting.
  - c. *Voting.* Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the official minutes. A majority of the Commission shall constitute a quorum; but a smaller number may convene from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Commission. No action of the Commission, except as otherwise provided in the preceding sentence and in sections 3.07a, 3.10b and 9.03, or as provided by general law, shall be valid or binding unless adopted by the affirmative vote of three (3) or more of the Commissioners.
  - d. *Procedure.* The procedure for passing all ordinances shall be as prescribed by general law; provided however, the City may establish additional procedural requirements by either charter or ordinance, so long as the additional procedural requirements do not conflict with general law.
  - e. The procedure for amending the Future Land Use Element of the City Comprehensive Plan shall [be] as required by general law except that no amendment shall be valid and binding unless adopted by the affirmative vote of 4 of more of the Commissioners.

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

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

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

- a. Establish, alter, or abolish any City department or agency;
- b. Establish a rule or regulation the violation of which carries a penalty;
- c. Levy taxes authorized by general law;
- d. Grant, renew or extend a franchise;
- e. Set service or user charges for municipal services or grant administrative authority for such charges;
- f. Authorize the borrowing of money not inconsistent with the limitations established in the Constitution and general law of the State;
- g. Convey or lease or authorize by administrative action the conveyance or lease of any land or properties of the City;
- h. Amend or repeal any ordinance previously adopted, except as otherwise provided herein;
- i. Adopt the budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the budget by this date, the Commission by resolution may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and

renewed by resolution each fifteen (15) days with all items in it prorated accordingly, until such time as the Commission adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

- j. May adopt a code of ethics, which code may provide for forfeiture of office under circumstances established therein.

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

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

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

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

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

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

a. *Powers.*

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

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

b. *Commencement of proceedings.*

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

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

c. *Petitions.*

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

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

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

(4) *Time for filing referendum petitions.* Referendum petitions must be filed within

sixty (60) days after adoption by the Commission of the ordinance sought to be reconsidered.

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

d. *Procedure for filing.*

(1) *Certificate of Clerk; amendment.* Within twenty (20) days after the initiative petition is filed (or within ten (10) days for a referendum petition), the City Clerk or other official designated by the Commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in Subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk or other official designated by the Commission within two (2) working days after receiving a copy of the certificate and files a supplementary petition upon additional papers within ten (10) working days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of Subsections (b) and (c) of Subsection (3), and within five (5) working days after it is filed, the [City] Clerk or other official designated by the Commission shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Commission review under Subsection (b) of this section within the time required, the [City] Clerk or other official designated by the Commission shall promptly present his or her certificate to the Commission and the certificate shall then be a final determination as to the sufficiency of the petition.

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

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

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

f. *Action on petitions.*

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

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

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

g. *Results of election.*

(1) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and be treated in all respects in the same manner as ordinances of the same kind adopted by the Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

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

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

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

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

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

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

## ARTICLE IV. EXECUTIVE

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

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

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

- a. *Qualifications.* The Mayor shall be an elector of the City and shall have resided in the City for a minimum of two (2) years immediately prior to the date on which he or she qualified to run for the office of Mayor. If he or she shall cease to possess any such qualifications during his or her term of office, he or she shall forfeit the office and the Commission shall remove him or her. The Mayor shall hold no other public office, municipal office or employment of the City of Anna Maria, nor shall he or she hold any other position that could result in a conflict of interest as defined by Florida State statute.
- b. *Term.* The office of the Mayor shall be filled by election by the electors of the City. The regular election of the Mayor shall be held on the first Tuesday after the first Monday in November of years ending in even numbers. The Mayor shall be elected for a two (2) year term and may be reelected. The Mayor shall continue in office until his or her successor is duly qualified, elected and sworn into office.
- c. *Compensation.* The Commission shall determine the annual compensation of the Mayor by ordinance. No Mayor's compensation shall be increased during his or her term of office.

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

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

The Mayor shall:

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

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

- c. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;

- d. Attend Commission meetings and participate in discussions; or make reports;
- e. Have the discretion to veto in writing any proposed ordinance or resolution of the City Commission, citing specific reasons, within ten (10) working days of the adoption of such legislation by the City Commission;
- f. See that all laws, provisions of this Charter and acts of the Commission subject to enforcement by him or her, or by officers subject to his or her direction and supervision, are faithfully executed;
- g. Propose an annual operating budget and capital spending plan to the Commission for its approval.
- h. Submit to the Commission and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- i. Make such other reports as the Commission may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision;
- j. Keep the Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the Commission concerning the affairs of the City as he or she deems desirable;
- k. Sign contracts on behalf of the City pursuant to the provisions of appropriations ordinances;
- l. Perform such other duties as are specified in this Charter or as may be required by the Commission.
- m. With the Commission's approval, make assignments or appointments to all Anna Maria City Boards or Committees; and assignments or appointments to all non-City activities that require City representation.

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

- a. *Vacancy.* In the event the office of the Mayor becomes vacant through the Mayor's death, resignation, permanent disability, loss of qualification, or is removed from office as provided by law, the Deputy Mayor [see also Section 3.05. Deputy Mayor; selection; powers and duties] shall be sworn in as Mayor with full powers, duties, and compensation of Mayor as provided by this Charter or other law. The City shall thereafter hold a mayoral election at the next regular City election in order to elect a new Mayor. If the next City election is not one in which the Mayor would have otherwise been elected, the term of the newly elected Mayor's office shall be for the remainder of the term of the Mayor who had left office under the conditions specified in this section. The Deputy Mayor shall serve as Mayor until the newly elected Mayor is sworn in following the City election. While the Deputy Mayor serves as Mayor pursuant to this section, the Deputy Mayor's seat on the Commission shall be deemed vacant and filled pursuant to Section 3.07(c), unless the Deputy Mayor resigns his or her seat on the Commission to run for Mayor in the City election. In such case the Deputy Mayor may continue in the office of Mayor through the election and swearing in of newly elected officials and the Deputy Mayor's seat on the Commission shall be deemed permanently vacant and filled pursuant to Section 3.07(c) of this Charter. If the Deputy Mayor has not resigned his or her seat to run for Mayor, the Deputy Mayor shall resume her or his seat on the Commission following the newly elected

Mayor being sworn into office.

b. *Forfeiture of office.* The Mayor shall forfeit his or her office if he or she:

(1) Lacks at any time during his or her term of office any qualifications for the office prescribed by this Charter or by law, or

(2) Fails to meet attendance requirements that shall be established by the Commission by ordinance.

(3) In no event shall the Mayor be required to forfeit the office without benefit of a public hearing.

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

**Sec. 4.05. Emergency action.**

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

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

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

**Sec. 4.06. Acting Mayor; selection; powers and duties; compensation.**

a. There may be created, from time to time, a temporary position of Acting Mayor.

b. If both the Mayor and the Deputy Mayor are unavailable to perform duties temporarily, the Commission may elect a Commissioner as Acting Mayor, who shall perform such mayoral duties as may be necessary until such time as the Mayor or the Deputy Mayor is available to perform said duties.

c. A Commissioner who serves as Acting Mayor shall receive no additional compensation; however, he or she shall be entitled to have out-of-pocket expenses reimbursed by the City to the same extent that the City reimburses the Mayor.

**ARTICLE V. ADMINISTRATIVE**

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

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

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

The City Clerk shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. *Nonpartisan elections.* All elections for the offices of the City Commission and Mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or on any nomination petition or ballot.
- b. *Election results.*
  - (1) The candidate for Mayor receiving the greatest number of votes shall be declared the winner.
  - (2) Vacancies in the Commission shall be filled by the candidates receiving the greatest number of votes. Of the elected candidates, the one(s) having the fewest votes shall be deemed elected to any unexpired term(s).
  - (3) If there is only one candidate for each vacancy, he or she shall be deemed elected without the necessity of having his or her name appear on the ballot. In the event that there exists one or more unexpired terms to be filled, the newly elected Commissioners shall, at their first regular meeting of the new term, decide by coin toss or other similarly fair method agreed upon among themselves, who shall fill the unexpired term(s).

(4) In the event that a vacancy on the Commission exists because of an insufficiency of candidates, the remaining members of the Commission shall fill the vacancy by appointment (by majority vote) and the appointee shall serve until the next regular City election.

(5) In the event there is no mayoral candidate, that office shall be filled until the next general election by the Deputy Mayor. The Commission vacancy thus created shall be filled by appointment and the appointee shall serve until the next regular City election.

(6) The duly elected officers shall be sworn in and take office the second Thursday in November following the certification of the election results by the City canvassing board.

(7) In the event that any office is not filled because of a tie vote between two or more candidates, the City Commission shall schedule a run-off election to be held as soon as practical following the election in which the tie vote occurred.

(8) The City may authorize by ordinance(s) election procedures to address runoffs, tie votes, and recounts.

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

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

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

#### **Sec. 6.03. Recall.**

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

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

### **ARTICLE VII. TRANSITION SCHEDULE**

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

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

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

#### **Sec. 7.02. Ordinances preserved.**

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

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

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

**Sec. 7.04. Pending matters.**

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

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

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

**Sec. 7.06. Effective date.**

This Charter shall take effect upon ratification by a majority vote of the electors of the City, and when filed with the proper authorities.

**ARTICLE VIII. CHARTER AMENDMENT\***

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

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

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

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

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

- a. *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment.
- b. *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated

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\* **State law reference**—Charter amendments, F.S. § 166.031.  
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the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.

- c. *Certification of petition.* Upon certification of the petition by the designated official, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular City election, the City Commission shall place the proposed amendment to a vote of the Electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

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

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

No amendment made according to the provisions of this section shall be effective unless, prior to its adoption by the City Commission, the City Attorney shall have rendered a written opinion to the effect that the proposed amendment or amendments fall within the provisions of this paragraph and do not affect the substance of this Charter falling within State and Federal laws and constitutions.

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

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

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

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

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

## **ARTICLE IX. CHARTER REVIEW**

### **Sec. 9.01. Schedule.**

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

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

The Charter Review Commission shall elect a chairperson from among its members and

shall adopt such rules of procedure as a majority of its members may approve.

**Sec. 9.03. Election procedure.**

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

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

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

**Sec. 9.05. Vacancies.**

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