



**City of Cooper City
Charter Review Board Agenda
City Hall Auditorium
Tuesday, January 21, 2020
6:30 p.m.**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

(Limited to three minutes per speaker.)

4. CONSENT AGENDA

a. Minutes for January 8, 2020 meeting (*forthcoming*)

5. ITEMS FOR DISCUSSION

- a. Review of draft language as prepared by City Attorney (see attached)
- b. Continuation of charter review (beginning at Section 5.01)

6. ADJOURNMENT

NOTICE: This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 954-434-4300 ext. 220, no later than two days prior to such proceeding. One or more members of the City of Cooper City Advisory Boards and City Commission may attend and may participate at the meeting. Anyone wishing to appeal any decision made by the Charter Review Board with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed online at www.coopercityfl.org or at the Office of the City Clerk, City of Cooper City, 9090 SW 50 Place, Cooper City, Florida, 33328, 954-434-4300.

CITY OF COOPER CITY

MEMORANDUM NO. 2020-001

TO: Bob Sands, Chair
Members of the Charter Review Board

CC: Kathryn Sims, Interim City Manager / City Clerk

FROM: Jacob G. Horowitz, City Attorney *JGH*

DATE: January 16, 2020

RE: City of Cooper City ("City") / Charter Amendments

At the Charter Review Board's (the "Board") regular meeting on January 8, 2020, the Board directed the City Attorney's Office to prepare a number of proposed charter amendments for review and consideration.

I. Section 3.01 – 3.03 (Voting / Districts)

The City Attorney's Office previously prepared two (2) proposals related to commission districts and voting procedures.

The proposal attached as Exhibit "A" provides for a third option, which eliminates the commission districts and, commencing with the election in November 2022, provides for the election of the two (2) candidates receiving the highest number of votes. Commencing with the election in November 2024, the other two commission seats will be filled by the candidates receiving the highest number of votes in that election. The candidate for mayor who receives the highest number of votes in November 2024 will be elected mayor.

The mayor and each commissioner shall be elected at large and shall be required to reside continuously in the City for at least one (1) year prior to qualifying as a candidate.

II. Section 3.06 (Compensation; Expenses)

The proposal attached as Exhibit "B" requires all increases to commissioners' compensation to be subject to a referendum approved the electorate in the City. The referendum must include the percentage of the proposed salary increase. Members of the city commission shall not be entitled to receive any benefits other than the monthly salary set forth in the charter, unless otherwise provided by law. If adopted, these provisions would take effect January 1, 2021.

At the request of the Board, a 2019 salary survey which details the compensation for mayors and commissioners throughout Broward County is attached. Also included are the charter provisions

related to commission compensation for the following cities: Oakland Park, Pembroke Pines, Tamarac, Parkland and Coral Springs.

III. Section 3.07 (Filing Fees and Notice of Candidacy)

At the request of the Board, attached please find charter provisions establishing filing fees for commission candidates from the following municipalities: North Lauderdale, Coral Springs, Hallandale Beach, Lauderhill, Margate, Miramar, and Sunrise.

IV. Section 4.01 (City Manager)

The proposal attached as Exhibit "C" provides that the City Manager shall be appointed or removed by motion or resolution adopted by a majority of the full commission. This amendment is consistent with Section 1.06, related to the city attorney.

The proposal further clarifies the necessary qualifications for city manager candidates by defining a degree in an "other related field" as the type of degree possessed by any department head who reports to the city manager, including, but not limited to a degree in engineering or public finance.

Finally, this proposal eliminates the current requirement that the city commission approve the city manager's recommendation to terminate any department. City commission approval would still be required for hiring; however, if this proposal were adopted, the city manager would have the authority to unilaterally terminate department heads.

At the request of the Board, attached are copies of the charter provisions related to city manager qualifications from the following cities: Pembroke Pines, Coconut Creek, Dania Beach, Fort Lauderdale, Lauderhill, Oakland Park, and North Lauderdale.

V. Section 4.02 (City Clerk)

The proposal attached as Exhibit "D" eliminates the reference to the commission's role in appointing or removing the city clerk. The city clerk would be treated as all other departments heads contemplated by the charter.

VI. Section 4.03 (Administrative Assistant)

The proposal attached as Exhibit "E" eliminates the administrative assistant position from the charter. By deleting this provision, an employee may still be hired to serve in such capacity; however, this individual would be employed by the city manager and assigned to serve as an assistant to the commission.

Please contact our office if there is any additional information that we can provide.

EXHIBIT "A"

Option C – Eliminate Districts; elected at-large

Section 3.01. City commission, powers and composition.

(1) There shall be a city commission, with all the legislative powers of the city vested therein, consisting of five (5) members who shall be electors of the city. ~~All commissioners, one of whom shall be the duly elected mayor, shall be elected at large by the electors of the city.~~

(a) Commencing with the election in November 2022, candidates shall qualify at large for two (2) commission seats. The two (2) candidates receiving the highest number of votes shall be deemed elected to fill such seats. -

(b) ~~All commissioners, one of whom shall be the duly elected mayor, shall be elected at large by the electors of the city.~~ Commencing with the election in November 2024, candidates shall qualify at large for two (2) commission seats or the position of mayor. The two (2) candidates for the commission seats receiving the highest number of votes shall be deemed elected to fill such seats. The candidate for mayor who receives the highest number of votes shall be deemed elected as mayor.

(1)(2) ~~The four (4) commissioners~~ ~~mayor and each commissioner~~ shall be residents of the ~~election district from which they are elected~~ city and shall have resided continuously in ~~said election district~~ the city for ~~six (6) months~~ one (1) year prior to qualifying as a candidate, as provided in Section 3.02(1) below.

Section 3.02. Qualifications, elections and terms.

(1) Qualifications of the commissioners. Any citizen who is a registered elector and whose principal place of residence is within the corporate limits of Cooper City, and who has resided continuously in the city ~~and within the election district from which he or she seeks to be elected~~ for ~~six (6) months~~ one (1) year prior to qualifying as a candidate for the office shall be eligible to hold the office of mayor or commissioner. When any member of the commission ceases to possess the foregoing qualifications as specified in this Section and/or Section 3.01, that member shall immediately forfeit the office, shall be removed from the commission and shall be replaced according to the procedures concerning vacancies found in Section 3.10 of this Article. However, in the event that an adjustment is made in the configuration of election districts pursuant to Section 3.03, said adjustment shall not be applied in any manner that would affect or impair the qualifications of a commissioner who was qualified when elected.

The commission shall be the judge of the qualifications of its members and of the grounds for forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspaper of general circulation in the city and posted to the City's website and at City Hall, at least one week in advance of the hearing.

(2) Election and terms of office. The mayor and all commissioners shall be elected to a term of four (4) years. Such election shall be held on the first Tuesday after the first Monday in November of any even number calendar year in accordance with ch. 2004-443 and 2005-318, Laws of Florida, as amended.

(3) Term Limitations. The mayor and commissioners are limited to serving three (3) consecutive four (4) year terms. In no event may a person serve as mayor and/or commissioner for more than three (3) terms cumulatively without relinquishing either office for a period of one (1) full term -- four (4) years. In the event that a person is appointed or elected to complete, in whole or in part, a remaining portion of an incomplete term of office of mayor or commissioner in order to fill a vacancy created by the resignation, suspension, removal, forfeiture of office or death of the previous office-holder, the time served in office by the person so appointed or elected to fill the vacancy in office, pursuant to Section 3.10 of this Article, shall not be counted towards the term limitations provided by this paragraph (3).

Section 3.03. Election districts.

~~(1) The city commission shall establish four (4) election districts by ordinance, each containing as close to one-quarter (25%) of the total population of the city as possible in a contiguous region without dividing any residential community, and so that no election district has a population variance of more than 10% from any other election district. An election district map and a description of the districts shall be prepared which shall be available to the public.~~

~~(2) (a) Following the amendment of this section 3.03 at the election of November 6, 2012, the commission shall by ordinance, which is adopted at least six (6) months prior to the commencement of the candidate qualifying period for the November 2014 regular city commission election, adjust the election district configurations so that no election district has a population variance of more than 10% from any other election district.~~

~~(b) The commission shall review the election districts to determine if the population of the city remains evenly distributed within the four (4) districts within six (6) months after the release of any U.S. Decennial Census.~~

~~(3) Upon completion of the review required by paragraph (2)(b) above, in the event that the commission finds that the population of the city is not distributed among the election districts as required by paragraph (1) above, and further finds that the redistribution of population may be accomplished without dividing any residential community, the commission shall by ordinance, which is adopted no less than six (6) months prior to the commencement of the candidate qualifying period for the next regular city commission election, adjust the election district configurations accordingly.~~

~~(4) Further, if it shall come to the attention of the commission subsequent to the adjustment of election districts pursuant to paragraph (2)(a) or paragraph (3) above, that a population variance of more than 10% between the population of election districts has arisen, the commission shall again adjust the election district configurations accordingly, upon finding that the redistribution of population may be accomplished without dividing any residential community and upon~~

~~finding that such adjustment may be accomplished no less than six (6) months prior to the commencement of the candidate qualifying period for the next regular city commission election.~~

EXHIBIT "B"

Section 3.06. Compensation; expenses.

(1) Effective January 1, 2021, the city commission may determine any change in the monthly salary of the mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective unless approved by the electorate of the city pursuant to a ballot referendum which shall include the percentage of the proposed salary increase.~~until the date of commencement of the terms of commissioners elected at the next regular election.~~

(2) ~~Any benefit plans to be provided to the mayor and commissioners shall first be established by ordinance, said ordinance to be effective immediately upon its passage and final adoption.~~Effective January 1, 2021, members of the city commission shall not be entitled to receive any benefits other than the monthly salary established pursuant to this section, unless otherwise provided by law.

(3) The mayor and commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office, which shall be subject to approval by the city commission.

**Mayor/Commission Salary Comparison
Broward County Only
2019 Survey**

Agency	Population (4/1/2018)	Mayor	Vice-Mayor	Commissioner	Per Capita
Plantation ⁽¹⁾⁽³⁾	89,595	\$ 123,086.78		\$ 31,296.81	\$ 3.12
Lauderhill	71,751	\$ 47,989.00		\$ 43,186.00	\$ 3.08
Sunrise	92,663	\$ 45,972.78		\$ 47,122.61	\$ 2.53
Miramar	137,107	\$ 45,911.00		\$ 36,675.00	\$ 1.40
Pembroke Pines	164,860	\$ 45,853.00		\$ 23,386.00	\$ 0.85
Hollywood ⁽²⁾	149,028	\$ 40,118.52		\$ 29,561.00	\$ 1.46
Tamarac	64,663	\$ 40,031.00		\$ 34,866.00	\$ 2.78
Pompano Beach ⁽³⁾	110,227	\$ 39,045.34	\$ 37,093.06	\$ 36,442.22	\$ 2.01
Deerfield Beach	78,573	\$ 38,500.00		\$ 32,132.00	\$ 2.13
Ft Lauderdale	182,766	\$ 35,000.00		\$ 30,000.00	\$ 0.85
Hallandale Beach	39,054	\$ 35,000.00		\$ 35,000.00	\$ 4.48
Coconut Creek	58,344	\$ 34,652.80		\$ 32,094.40	\$ 2.79
Margate	58,329	\$ 34,586.00	\$ 33,794.00	\$ 33,317.00	\$ 2.89
Parkland	32,742	\$ 31,800.00		\$ 28,810.00	\$ 4.49
Coral Springs	128,757	\$ 23,501.17		\$ 18,800.46	\$ 0.77
Lighthouse Point	10,560	\$ 18,100.00		\$ 1,800.00	\$ 2.40
Weston	66,972	\$ 16,000.00		\$ 12,300.00	\$ 0.97
N Lauderdale	44,841	\$ 15,278.04		\$ 15,278.04	\$ 1.70
Oakland Park	45,276	\$ 14,414.00		\$ 12,718.00	\$ 1.44
Cooper City	33,900	\$ 14,400.00		\$ 12,000.00	\$ 1.84
Davie	103,165	\$ 12,150.00		\$ 12,150.00	\$ 0.59
Wilton Manors	12,831	\$ 11,250.00		\$ 9,750.00	\$ 3.92
Lauderdale Lakes	36,475	\$ 11,000.00		\$ 9,000.00	\$ 1.29
West Park	14,985	\$ 4,800.00		\$ 3,600.00	\$ 1.28
Dania Beach	31,755	\$ 35,205.00		\$ 33,181.00	\$ 5.29

(1) Strong Mayor form of government

(2) Mayor and six commissioners

(3) Mayor and five commissioners

3.05 - Compensation.

The Commission shall establish the benefits received by the Commission. The salary paid to the Mayor and City Commissioners shall be established pursuant to the following method: The salary of the Mayor and City Commissioners shall be fixed annually on October 1 of each year based upon the average salaries received by the Mayor and Commissioners of Deerfield Beach, Coconut Creek, and Margate. In order to determine the salary of the Mayor, the City Manager shall take the average salary for the Mayors of Deerfield Beach, Coconut Creek, and Margate (as of October 1 of that year) and deduct one percent from said average; the result shall be the salary of the Mayor of Parkland for the year beginning on October 1 and ending on September 30. In order to determine the salary of the four City Commissioners, the City Manager shall take the average salary of the City Commissioners of Deerfield Beach, Coconut Creek, and Margate (as of October 1 of that year) and deduct one percent from said average; the result shall be the salary of the four Parkland City Commissioners for the year beginning on October 1 and ending on September 30. This process shall be repeated each year. For the period beginning January 1, 2015 through September 30, 2015, the formula set forth above shall be applied to fix the salaries of the Mayor and City Commissioners for that period of time.

(Ord. No. 2014-05, § 2, 5-21-2014, passed by voters, 11-4-2014)

Section 3.08. - Compensation and expense allowance.

- (a) Each Commissioner shall be compensated at the rate of twelve thousand dollars (\$12,000.00) per year. The Mayor of Coral Springs shall be compensated at the rate of fifteen thousand dollars (\$15,000.00) per year.
- (b) The Mayor shall receive two hundred fifty dollars (\$250.00) per month non-accountable expense allowance and each Commissioner shall receive two hundred dollars (\$200.00) per month non-accountable expense allowance.
- (c) Said compensation and expense allowance for the Mayor and each Commissioner shall be subject to change on October 1 of each calendar year. The adjustment shall be made effective October 1 of each calendar year based on the comparison of the Consumer Price Index for All Urban Consumers, U.S. city average, published by the United States Department of Labor for the prior month of June in each calendar year.

(Ord. No. 78-114, § 1, 6-6-78; Ord. No. 84-133, § 1, 10-16-84; Ord. No. 98-101, § 2, 2-17-98; Ord. No. 99-102, § 1, 2-16-99; Ord. No. 2005-100, § 2, 2-15-05; Ord. No. 2014-109, § 2, 5-7-14, election of 11-4-14)

Sec. 4.04. - Compensation and expenses of mayor and commission.

The salary of the mayor and commissioners shall be set through the annual budget process.

The mayor shall be entitled to receive expenses allowable by law set through the annual budget process incurred in the performance of his duties as mayor upon delivery of an itemized voucher to the city manager.

Each commissioner (other than mayor) shall be entitled to receive expenses allowable by law set through the annual budget process incurred in the performance of his duties as commissioner upon delivery of an itemized voucher to the city manager.

Expense limitations for the mayor and commission shall be calculated per elected year.

(Ord. No. 79-8, § 2, 1-15-79; Ord. No. 80-3, § 1, 1-3-80; Ord. No. 80-122, § 1, 12-24-80; Ord. No. 99-35, § 1, 12-22-99; Ord. No. 2000-03, § 1, 1-12-2000)

Editor's note— The provisions of Ord. No. 79-8 were approved at an election held on Mar. 13, 1979; the provisions of Ord. No. 80-3 were approved at an election held Mar. 11, 1980; the provisions of Ord. No. 80-122 were approved at an election held Mar. 10, 1981; the provisions of Ord. No. 99-35 were approved at an election held March 14, 2000; the provisions of Ord. No. 2000-03 were approved at an election held March 14, 2000.

[Print](#)

Pembroke Pines Code of Ordinances

SECTION 3.08 COMPENSATION AND EXPENSES.

The Commission may determine the annual salary of the Commission members by ordinance, but no ordinance increasing such salary shall become effective until the date of a commencement of the terms of the Commission members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Any increase in compensation to Commission members or the Mayor shall be subject to a limitation whereby such compensation shall not be increased by more than twenty-five (25) percent in one calendar year. Nothing in this paragraph shall limit the right of any Commission member or the Mayor to be reimbursed for expenses actually incurred by him, with Commission approval, while performing duties on behalf of the City.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

Sec. 2.08. - Compensation and expenses.

The city commission may determine the annual salary of the mayor and commission members. No ordinance increasing such salary shall become effective until the date of commencement of the term of the commission members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Commission members shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law and approved by the city commission, and supported by appropriate documentation.

(Ord. No. O-87-4, § 3, 3-10-87)

FILING FEES

[Sec. 8.0 - Generally.]

Except as otherwise provided herein, all City of North Lauderdale elections of every kind or nature shall be conducted in accordance with the provisions of the Constitution of the State of Florida, applicable State of Florida General and Special Law(s) and Act(s) relating specifically or by general application to municipal elections and electors in Broward County, Florida, and in accordance with any applicable provisions of the revised Charter of Broward County, Florida, all as presently enacted or as may be hereafter amended; provided, however, that except and only to the extent that any of the law (s) or act(s) aforesaid supersede the provisions of this Charter without option to the City to provide otherwise, the filing fee for elective municipal office candidates shall be five percent (5%) of the City Commissioner's annual salary, and the qualifications of candidates, as elsewhere provided in this Charter, shall apply; and provided that, in accordance with Section 100.031, F.S., 2005 FL. Law Ch. 318 and 2004 FL Law Ch. 443, all elections in the City shall take place in November; and further provided, that as to any issues or matters upon which the law(s) or act(s) aforesaid is/are silent or nonexistent, or in regard to the exercise of any option or alternative available to the city pursuant to or by virtue of said law(s) or act(s), the city may address these issues, matters, options or alternatives by ordinance.

(Amend. No. 79-5; Ord. No. 06-05-1157, § 2, 5-31-06; Ord. No. 06-05-1159, § 2, 5-31-06)

Editor's note— Ord. No. 06-05-1157, Ord. No. 06-05-1159 adopted May 31, 2006 was approved at the November 2006 referendum election.

Section 4.05. - Procedure for becoming candidates.

The name of any elector of the City shall be printed upon the ballot after he or she has paid to the City Clerk a qualifying fee in the amount of five (5) per cent of the annual payment received for the office a candidate is seeking and has filed with the City Clerk his or her written acceptance of such candidacy, stating that if elected he or she will qualify and serve in such office during the term for which he or she is elected. Provided, however that any elector may obtain a waiver of the qualifying fee by obtaining the signatures of five (5) per cent of the registered voters in the city and presenting said signatures to the City Clerk. The signatures shall be verified by the Broward County Supervisor of Elections and the candidate shall be responsible for the cost of such verification. The City Clerk, on paying of the qualifying fee or obtaining of a waiver of said fee, and filing of acceptance, shall deliver to the candidate a dated receipt of the qualifying fee or waiver of said fee and the filing of acceptance must be done no earlier than noon of the second (2nd) day of the month two months prior to the scheduled election, nor later than noon on the sixteenth (16th) day of that month two months prior to the scheduled election in the year in which the general election is held. Qualifying dates for any special election shall be set by the City Commission as the need arises and using the above dates as a guideline. If the candidate fails to comply with the provisions of this section, his or her name shall not appear on the ballot.

(Ord. No. 78-114, § 1, 6-6-78; Ord. No. 83-123, 9-6-83; Ord. No. 86-142, § 1, 9-2-86; Ord. No. 2002-121, § 3, election of 3-9-04; Ord. No. 2002-127, § 5, election of 3-9-04; Ord. No. 2014-109, § 2, 5-7-14, election of 11-4-14)

Sec. 4.05: - Acceptance; qualifying fee; time for qualification.

- (1) Candidates for Mayor-Commissioner and Commissioners must pay to the city clerk a qualifying fee of fifty dollars (\$50.00), accompanied by a signed notice of candidacy in the form specified by ordinance. The city clerk shall deliver to the candidate a copy of the fully executed notice of candidacy.
- (2) The time for qualification shall be established by ordinance, but shall be consistent with state law.

(Ord. No. 86-14, §§ 1, 2, 6-3-1986; Ord. No. 2001-01, § 3, 1-16-2001; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2006-04, § 1 (6.05), 1-17-2006)

State Law reference— Form of candidate oath, F.S. § 99.021.

Section 7.02. - Procedure for becoming a candidate.

Candidates for elective office shall qualify for such office by the filing of a written notice of candidacy with the city clerk and payment of a filing fee which shall be set by ordinance. A candidate for elective office must be a resident of the city for a period of not less than two (2) years prior to the date upon which he or she would be elected to the office for which he or she is a candidate. Proof of residency requirements shall be set by resolution.

(Ord. No. 95-137, § 1, 7-24-95; Ord. No. 18O-12-152, § 1, 1-14-2019)

Section 6.04. - Candidates; affidavit and qualifying fee.

- (1) Every candidate for an elective office in the City of Margate shall file with the city clerk a candidate's affidavit as prescribed by ordinance.
- (2) Candidates for elective municipal office in the City of Margate shall pay to the city clerk a candidate's filing fee in the amount and during the time prescribed by ordinance.

Section 5.02. - Procedure for becoming candidates.

The name of any elector of the City shall be printed upon the ballot after he/she has paid to the City Clerk a qualifying fee of twenty-five dollars (\$25.00) and has filed with the City Clerk a written notice of candidacy, which notice shall designate which seat of the City Commission he/she desires to fill, exclusive of Seat 5 which shall be designated for the Mayor's seat, such Commission seats being designated 1, 2, 3, and 4, as appropriate, and which notice shall state that if elected he/she will qualify and serve in such office during the term for which he/she is elected. It shall be the duty of the City Clerk forthwith on the paying of said qualifying fee and filing of such notice to make and to deliver to such candidate a written certificate acknowledging the receipt of said qualifying fee and such certificate shall state the date of paying said qualifying fee and filing of such notice. The payment of said qualifying fee and the filing of such notice must be done thirty-five (35) days before the day of election and not more than fifty (50) days before, unless otherwise dictated by the requirements of general or special law. If the candidate fails to comply with the provisions of this section, his name shall not appear on the ballot.

(Ord. No. 09-03, § 2, 12-2-08, election of 3-10-09)

Sec. 6.06. - Candidates, Filing Affidavits, Qualifying Fee and Time of Qualifying.

Every candidate for elective office in the City of Sunrise shall file with the City Clerk a notice of candidacy and affidavit that the candidate is qualified under the terms of the Charter and that the candidate will serve if elected. Candidates shall pay to the City Clerk a filing fee in an amount equal to five (5) percent of the gross annual salary of the office which is sought.

The time for qualifying for the offices of Commissioners or Mayor shall be the period between noon on the first work day in September and no later than noon on the 7th day following the first work day in September of the calendar year in which the election is to be held.

(Ord. No. 474, § 2, 1-8-07; Ord. No. 485, § 5, 11-6-07)

EXHIBIT "C"

Section 4.01. City manager.

There shall be a city manager who shall be the chief administrative officer of the city, who shall serve at the will and pleasure of the city commission. The City Commission shall, by ordinance, resolution, and/or employment contract, establish a job description for the office of city manager and shall provide standards for the work schedule and terms and conditions of employment of the city manager, which shall be consistent with the city manager's duties and responsibilities under the city charter and with the city manager's exempt status as a full-time, salaried, executive employee under the federal Fair Labor Standards Act.

(1) Appointment and Removal. The city manager shall be appointed or removed by motion or resolution adopted by a majority of the full commission.~~Appointment, removal, suspension and resignation.~~

~~(A) Appointment. The city commission shall appoint a city manager by resolution. Such appointment shall be by a number equal to a four-fifths (4/5) vote of the full commission.~~

~~(B) Removal or suspension. The city commission may suspend or remove the city manager at will by resolution adopted by an affirmative vote of a number equal to three-fifths (3/5) of full commission. Suspension from duty shall not exceed a period of forty-five (45) days. A copy of the resolution shall be delivered promptly to the city manager. A city manager who is removed shall continue to receive his or her salary until effective date of the resolution of removal. There shall be no removal of the city manager without forty-eight (48) hours prior written notice to the city manager and each of the commissioners.~~

(2) Qualifications. The city manager shall have a combination of a Bachelor's degree in Public Administration, Business Administration, or other related fields from an accredited college or university and three (3) years' public administration experience; or ten (10) years' experience in public administration, with at least three (3) years' experience in a city manager or assistant city manager position, which is certified-credentialed by the International City Management Association. For purposes of this section "other related field" shall mean the type of degree possessed by any department head who reports to the city manager, including, but not limited to a degree in engineering or public finance.

(3) Acting city manager. By letter filed with the commission the Manager shall designate, subject to approval of the commission, a qualified city administrative officer to exercise the powers and perform the duties of manager during his/her temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or their disability shall cease.

(4) Powers and duties. The city manager shall be the chief administrative officer of the city. The manager shall be responsible to the commission for the administration of all city affairs placed in his or her charge by or under this charter. The manager shall have the following powers and duties:

(A) See that all laws, provisions of this charter and acts of the commission subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed.

(B) The city manager shall exercise the administrative powers of the city through such departments, divisions, and agencies as the commission may, by ordinance or resolution, from time to time, establish. The head of each department, division or agency, except as otherwise provided by law or by this charter, shall be responsible to the Manager for the operation thereof, and shall perform such duties and have such powers as may be prescribed. Two or more departments and/or divisions and/or agencies may be headed by the same individual.

(C) To recommend the hiring of all department heads and designated assistant department heads, subject to confirmation by the city commission ~~and to recommend removal at will, subject to confirmation by the city commission~~; except as otherwise herein provided, to employ and remove all ~~other~~ employees of the city (excluding the administrative assistant to the city commission), basing such recommendation and removals upon merit and fitness to perform the duties of the position. The terms "department heads" and "designated assistant department heads", as used in this paragraph (C), also applies to those persons who are not employees of the city but perform the functions or duties of a department head or designated assistant department head of the city. The term "confirmation", as used in this paragraph (C), requires examination and approval by majority vote of the city commission.

(D) To attend all meetings of the city commission with right to take part in the discussion but without having a vote and shall be responsible to see that minutes are kept of the proceedings.

(E) To prepare and submit the annual budget and capital improvement program to the commission after inviting and considering individual commissioner input and public input.

(F) To submit to the commission and make available to the public within thirty (30) days after the close of each fiscal year, a complete report on the finances and administrative activities of the city for the preceding fiscal year.

(G) To make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision.

(H) To make such recommendations to the commission concerning the affairs of the city as he or she deems desirable.

(I) To supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget and advise the commission on the advantages or disadvantages of contract and bid proposals. No purchase shall be made, contract let or obligation

incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by the commission. The city manager shall issue such rules governing purchasing procedures within the administrative organization as the commission shall approve.

(J) To perform such other duties as are specified in this charter or may be required by the commission.

(K) The city manager has full control over administrative services. The commission and its members shall deal with administrative services solely through the city manager.

(L) No member of the city commission shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent the manager from exercising his/her own judgment in the appointment of officers and employees in the administrative service.

(M) The city manager shall develop job descriptions, pay and benefit plans, personnel policies, and any other matters necessary to exercise control and direction over the city's organization and operations, with such job descriptions, pay and benefit plans, and personnel policies being subject to approval by majority vote of the city commission.

Print

Pembroke Pines Code of Ordinances

SECTION 4.01 CITY MANAGER.

(1) There shall be a City Manager or entity (the "City Manager") who shall be the Chief Administrative Officer of the City. The City Manager shall be responsible to the Commission for the administration of all City affairs placed in his charge by or under this Charter.

(2) *Qualifications.* The City Manager shall have a baccalaureate degree and three (3) years experience as a City Manager or Assistant City Manager.

(Adopted by electorate, 11-7-06)

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.

(Ref. of 11-6-90; Ref. 3-9-93; Ref. of 3-12-96)

Sec. 1. - Appointment, qualifications, compensation; powers and duties; suspension and removal.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. Such appointment shall require at least a four-fifths (4/5) vote. He or she shall be chosen on the basis of his or her executive and administrative qualifications, and shall be over the age of twenty-one (21). The city commission may require the city manager to be a resident of the city during his or her term of employment.

The city commission shall establish additional minimum requirements which serve as basic qualifications for the selection and appointment of a city manager. One such minimum requirement and qualification shall be that the appointee shall possess a degree in public administration or an equivalent degree, issued by an institution which has a nationally recognized accreditation. An "equivalent degree" shall, for purposes of this section, include the type of degree possessed by any department head who reports to the city manager, such as a degree in engineering or public finance. Any person who does not meet the foregoing minimum requirements and qualifications may be appointed as city manager, but such appointment shall require a four-fifths (4/5) vote of the city commission.

Compensation shall be established by a resolution of the city commission or may be prescribed by an employment contract.

The city manager shall exercise the powers and perform duties as prescribed by city ordinances, or an employment contract, or both, as well as those specified in Section 4, below.

A city manager may be suspended or removed from office with or without cause as prescribed by city ordinance, an employment contract, or both.

(Ord. No. 2010-029, § 5(Att. X), 12-14-10; Ord. No. 2016-010, § 2(Pt. F), 5-24-16/11-8-16)

Sec. 4.05. - City manager; appointment; qualifications; compensation.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government answerable to and under the direction and supervision of the city commission, and he or she shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution fix and determine, and shall furnish such bond as the city commission may require. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, shall be over the age of twenty-one (21) years, shall reside in the city during his or her term of office, but he or she need not be a resident of the city or state at the time of his or her appointment. A city manager shall serve the city on a full-time basis. He or she shall not be or become engaged in any other occupation. He or she shall not serve on any committee, board, or as an officer of any enterprise, compensated or not, while in the city's service, except by approval of the city commission by resolution.

(Ord. No. C-18-47, § 17, 1-22-19)

Section 6.02. - Appointment; qualifications; compensation.

The commission, by four or more votes, shall appoint a city manager who shall serve pursuant to the terms of the city manager's employment contract. The commission, by a majority vote, shall from time to time fix the city manager's compensation. The commission shall conduct an annual performance review of the city manager in accordance with the process established by resolution. Qualifications shall be determined by the commission by resolution. The city manager shall be appointed solely on the basis of executive and administrative qualifications, which shall include a comprehensive background investigation. The city manager need not be a resident of the city or the State of Florida at the time of appointment, but thereafter shall reside within the city at a time to be determined by the commission.

(Ord. No. 95-137, § 1, 7-24-95; Ord. No. 06R-10-181, § 2, 11-13-06; Ord. No. 15O-06-122, § 1, 8-31-2015; Ord. No. 18O-12-153, § 1, 1-14-2019)

Sec. 4.01. - City manager; appointment, qualifications, term and compensation.

The city manager shall serve such term and receive such compensation as the commission may fix and determine. The manager shall be chosen on the basis of executive and administrative qualifications without regard to political beliefs, shall be over the age of twenty-one (21), need not be a resident of the city or state at time of appointment, but shall not reside outside the city without approval of the commission.

(Ord. No. O-87-5, § 3, 3-10-87; Ord. No. O-2002-014, § 3, 6-19-02)

Editor's note— The amendment of section 4.01, placed before the voters by Ord. No. O-2002-014, was approved at a referendum held on Sept. 10, 2002.

Sec. 4.3 - Qualifications.

The City Manager shall have the minimum qualifications of a combination of a bachelor's degree in public administration, business administration or other related fields from an accredited college or university, and three (3) years' public administration experience; or ten (10) years' experience in a City Manager or Assistant City Manager position, which is certified by the International City Manager Association.

(Ord. No. 80-7-380, § 1, 7-3-80)

EXHIBIT "D"

Section 4.02. City clerk; appointment and duties.

~~(1) *Appointment.*—The city manager shall appoint the city clerk when a vacancy exists. The appointment or removal of the city clerk by the city manager shall be subject to examination and approval by majority vote of the city commission, in the same way as the city commission examines and approves appointments and removals of department heads and designated assistant department heads under city charter section 4.01(4)(C).~~

~~(2) *Duties.*—The city clerk shall be the official custodian of the city's seal and of all city records and papers of an official character; the city clerk shall give notice of commission meetings as provided by law; shall attend all meetings of the city commission; shall keep minutes of its proceedings, the correctness of which shall be approved by the commission and certified by the city clerk and the presiding officer at such meeting; sign all ordinances and resolutions and record them in full in books kept for such purposes, and shall perform such other duties as are required by law, this charter or the city manager.~~

EXHIBIT "E"

Section 4.01. City manager.

...

(4) Powers and duties. The city manager shall be the chief administrative officer of the city. The manager shall be responsible to the commission for the administration of all city affairs placed in his or her charge by or under this charter. The manager shall have the following powers and duties:

...

(C) To recommend all department heads and designated assistant department heads, subject to confirmation by the city commission and to recommend removal at will, subject to confirmation by the city commission; except as otherwise herein provided, to employ and remove all other employees of the city (~~excluding the administrative assistant to the city commission~~), basing such recommendation and removals upon merit and fitness to perform the duties of the position. The terms “department heads” and “designated assistant department heads”, as used in this paragraph (C), also applies to those persons who are not employees of the city but perform the functions or duties of a department head or designated assistant department head of the city. The term “confirmation”, as used in this paragraph (C), requires examination and approval by majority vote of the city commission.

~~Section 4.03. Administrative assistant.~~

~~The city commission may appoint a person to serve as an administrative assistant to the mayor and city commissioners. The administrative assistant shall provide secretarial services to the mayor and commissioners. Service in the position of administrative assistant shall constitute city employment. The city commission may, by resolution, hire and terminate the administrative assistant and may provide for other details of city employment, including, but not limited to, requirements for reporting to the city commission and the maintenance of confidentiality in performing the work of the administrative assistant in a manner consistent with applicable law.~~