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CITY OF HALLANDALE BEACH

CHARTER REVIEW COMMITTEE: OUTLINE OF RECOMMENDATIONS

NOVEMBER 30, 2011

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CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING:	August 31, 2011
ACTION TAKEN:	Amend Art. III, Section 3.08 to create city code violation instead of a misdemeanor

Sec. 3.08: - Investigations.

The commission may make investigations into the affairs of the city and the conduct of any city department, election, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the commission shall be ~~guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than thirty (30) days, or both.~~ punishable as provided by law.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 3.08: - Investigations.

The commission may make investigations into the affairs of the city and the conduct of any city department, election, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the commission shall be punishable as provided by law.

(Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: August 31, 2011

ACTION TAKEN: That should the city commission deem that a city ethics code be developed, that a special committee be created to address the matter of amendments to Article VII, Sections 7.01, 7.02 and 7.03

The Charter Review Committee recommends that should the city commission deem that a city ethics code be developed, that a special committee be created to address the matter of amendments to Article VII, Sections 7.01, 7.02 and 7.03

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: September 15, 2011

ACTION TAKEN: Have Attorney Churuti draft language to have the city auditor be limited to a two year term, to be added to Art. V, Section 5.04

Sec. 5.04: - Independent audit.

The commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The commission may, without requiring competitive bids, designate such accountant or firm of accountants annually or for a period not exceeding two (2) years. The certified public accountant or firm of such accountants shall in no instance provide the independent annual audit for more than two (2) years, and shall not be designated again until at least two (2) years following such service. If the state makes such an audit, the commission may accept it as satisfying the requirements of this section.

(Ord. No. 87-21, § 1, 10-6-1987; Ord. No. 2003-28, § 2, 11-18-2003)

State law reference— Annual financial audit reports, F.S. § 218.39.

Sec. 5.04: - Independent audit.

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(Ord. No. 87-21, § 1, 10-6-1987; Ord. No. 2003-28, § 2, 11-18-2003)

State law reference— Annual financial audit reports, F.S. § 218.39.

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: September 15, 2011

ACTION TAKEN: Amend Art. III, Section 3.07 to include city clerk and city attorney in non-interference provisions

Sec: 3.07: - Prohibitions.

(1) Holding other office. Except where authorized by law, no commissioner shall hold any other Hallandale Beach city office, Hallandale Beach city employment, or other elected public office during the term for which he was elected to the commission.

(2) *Appointments and removals.* Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(3) *Interference with administration.* Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the commission and assure the implementation of such policies as have been adopted. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the ordinary municipal operations of the city and that recommendations for change or improvement in city government operations be made to and through the city manager, city clerk and city attorney.

(Ord. No. 1999-15, § 1, 8-17-1999; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2008-04, § 2 (3.08), 3-5-2008)

Sec: 3.07: - Prohibitions.

(1) *Holding other office.* Except where authorized by law, no commissioner shall hold any other Hallandale Beach city office, Hallandale Beach city employment, or other elected public office during the term for which he was elected to the commission.

(2) *Appointments and removals.* Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or *any* of his subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(3) *Interference with administration.* Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the commission and assure the implementation of such policies as have been adopted. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the ordinary municipal operations of the city and that recommendations for change or improvement in city government operations be made to and through the city manager, city clerk and city attorney.

(Ord. No. 1999-15, § 1, 8-17-1999; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2008-04, § 2 (3.08), 3-5-2008)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: September 16, 2011

ACTION TAKEN: Amend Article VI, Section 6.03 to require residency by city manager.

Sec. 6.03: - Appointment, qualifications and compensation.

The city commission shall, by majority vote of the full commission, appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. The city manager shall receive such compensation as the city commission may fix and determine. The city manager shall be chosen solely on the basis of executive and administrative qualifications, without regard to political belief and shall be over the age of twenty-one (21) years. Within 90 days of his or her appointment, the city manager shall establish, and shall thereafter maintain, his or her primary residence within the city limits. Within 90 days of approval of this provision by the electorate, an incumbent city manager shall establish, and shall thereafter maintain, his or her primary residence within the city limits.

(Ord. No. 85-22, § 1, 9-19-1985; Ord. No. 94-20, § 5, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 6.03: - Appointment, qualifications and compensation.

The city commission shall, by majority vote of the full commission, appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. The city manager shall receive such compensation as the city commission may fix and determine. The city manager shall be chosen solely on the basis of executive and administrative qualifications, without regard to political belief and shall be over the age of twenty-one (21) years. Within 90 days of his or her appointment, the city manager shall establish, and shall thereafter maintain, his or her primary residence within the city limits. Within 90 days of approval of this provision by the electorate, an incumbent city manager shall establish, and shall thereafter maintain, his or her primary residence within the city limits.

(Ord. No. 85-22, § 1, 9-19-1985; Ord. No. 94-20, § 5, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: September 16, 2011

ACTION TAKEN: Amend Art. VI, Section 6.05 clarifying that the city manager shall not exercise appointment supervision powers over the city clerk and city attorney

Sec. 6.05: - Powers and duties.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city coming under his jurisdiction and he shall:

(1) Appoint all heads of departments after notification of the city commission, and all city employees and officers, except the city clerk and city attorney, except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter.

(2) When he deems it necessary for the good of the city, suspend any department head under his jurisdiction for a period not to exceed fifteen (15) days. He may remove the heads of city departments, except the ~~legal department~~except the city clerk and city attorney, provided he does so only after notification with the city commission.

(3) When he deems it necessary for the good of the administrative service, suspend or remove all other city officers or employees, except the city clerk and city attorney, in accordance with the personnel rules of the municipality. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(4) Direct and supervise the administration of all departments, offices except the city clerk and city attorney, and agencies of the city, except as otherwise provided by this Charter or by law.

(5) Attend all commission meetings and shall have the right to take part in discussion but shall not vote.

(6) See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by him or by those officers except the city clerk and city attorney, subject to his direction and supervision, are faithfully executed.

(7) Prepare and submit the annual budget and capital program to the commission as provided under article V.

(8) Submit to the commission and make available to the public within a reasonable time a report on the finances and administrative activities of the city as of the end of each fiscal year.

(9) Make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(10) Keep the commission advised as to the financial condition and future needs of the city and make recommendations to the commission concerning the affairs of the city.

(11) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.

(12) Perform such other duties as are specified in this Charter, by law, or as required by the commission.

(13) In time of emergency or disaster, assume full temporary direction of all municipal operations.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 6.05: - Powers and duties.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city coming under his jurisdiction and he shall:

(1) Appoint all heads of departments after notification of the city commission, and all city employees and officers, except the city clerk and city attorney, except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter.

(2) When he deems it necessary for the good of the city, suspend any department head under his jurisdiction for a period not to exceed fifteen (15) days. He may remove the heads of city departments, except the except the city clerk and city attorney, provided he does so only after notification with the city commission.

(3) When he deems it necessary for the good of the administrative service, suspend or remove all other city officers or employees, except the city clerk and city attorney, in accordance with the personnel rules of the municipality. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(4) Direct and supervise the administration of all departments, offices except the city clerk and city attorney, and agencies of the city, except as otherwise provided by this Charter or by law.

(5) Attend all commission meetings and shall have the right to take part in discussion but shall not vote.

(6) See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by him or by those officers except the city clerk and city attorney, subject to his direction and supervision, are faithfully executed.

(7) Prepare and submit the annual budget and capital program to the commission as provided under article V.

(8) Submit to the commission and make available to the public within a reasonable time a report on the finances and administrative activities of the city as of the end of each fiscal year.

(9) Make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(10) Keep the commission advised as to the financial condition and future needs of the city and make recommendations to the commission concerning the affairs of the city.

(11) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.

(12) Perform such other duties as are specified in this Charter, by law, or as required by the commission.

(13) In time of emergency or disaster, assume full temporary direction of all municipal operations.

(Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: September 21, 2011

ACTION TAKEN: Amend Art. VI, Section 6.01 to expand role of city attorney, make position full-time and provide budget independence.

Sec. 6.01: - City attorney.

There shall be a city attorney of the city, appointed or removed, by a majority of the full commission, who shall direct and supervise the city attorney's office and who shall serve as chief legal advisor to the commission, the city manager and all city departments, offices and agencies and who shall assure that the city is represented in all legal proceedings and perform any other duties prescribed by this Charter or by ordinance. The city attorney shall be a full-time city employee with no affiliation with any law firm. He or she may appoint assistant city attorneys. The city attorney may appoint special counsel as may be required, upon approval of the city commission. The city commission shall include in its annual budget for each fiscal year such sum as necessary for the city attorney to carry out his or her duties.

(Ord. No. 94-20, § 3, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 6.01: - City attorney.

There shall be a city attorney of the city, appointed or removed, by a majority of the full commission, who shall direct and supervise the city attorney's office and who shall serve as chief legal advisor to the commission,.the city manager and all city departments, offices and agencies and who shall assure that the city is represented in all legal proceedings and perform any other duties prescribed by this Charter or by ordinance. The city attorney shall be a full-time city employee with no affiliation with any law firm. He or she may appoint assistant city attorneys. The city attorney may appoint special counsel as may be required, upon approval of the city commission. The city commission shall include in its annual budget for each fiscal year such sum as necessary for the city attorney to carry out his or her duties.

(Ord. No. 94-20, § 3, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING:	September 21, 2011
ACTION TAKEN:	Reconsideration of amendments to Art. VI, Section 6.02, failed; previous amendments regarding appointment and independence of city clerk approved.

Sec. 6.02: - City clerk.

~~The city manager~~A majority of the full commission shall appoint the city clerk~~, following notification to the city commission when a vacancy exists~~. The city clerk shall give notice of meetings of the city commission, shall keep the journal of its proceedings, shall authenticate by his or her signature on record in full the book kept for the purpose of recording ordinances and resolutions of the commission, shall have the power to administer oaths, shall be the custodian of the seal and of all official city records, and shall perform such duties as shall be required by this Charter, by city ordinance or by the city ~~manager~~commission. He or she shall direct and supervise the city clerk's office, and may appoint assistant city clerks. The city commission shall include in its annual budget for each fiscal year such sum as if necessary for the city clerk to carry out his or her duties..

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 6.02: - City clerk.

A majority of the full commission shall appoint the city clerk. The city clerk shall give notice of meetings of the city commission, shall keep the journal of its proceedings, shall authenticate by his or her signature on record in full the book kept for the purpose of recording ordinances and resolutions of the commission, shall have the power to administer oaths, shall be the custodian of the seal and of all official city records, and shall perform such duties as shall be required by this Charter, by city ordinance or by the city commission. He or she shall direct and supervise the city clerk's office, and may appoint assistant city clerks. The city commission shall include in its annual budget for each fiscal year such sum as if necessary for the city clerk to carry out his or her duties..

(Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 12, 2011

ACTION TAKEN: Delete reference to special acts in Art. I, Section 1.04 on legal construction of the charter.

Sec. 1.04: - Legal 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. In construing the city Charter and each and every word, phrase, or part thereof, where the context will permit, the masculine includes the feminine and neuter and vice versa. ~~Special acts of the state legislature pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this Charter and pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to this Charter.~~

(Ord. No. 94-20, § 1, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 1.04: - Legal 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. In construing the city Charter and each and every word, phrase, or part thereof, where the context will permit, the masculine includes the feminine and neuter and vice versa.

(Ord. No. 94-20, § 1, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 12, 2011

ACTION TAKEN: Amend Art. V, Section 5.09 relating to the personnel system, to conform with federal and state law.

Sec. 5.09: - Personnel system.

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness, ~~demonstrated by examination or other evidence of competence,~~ and to this end, the commission shall, by ordinance, establish general personnel procedures and rules.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 5.09: - Personnel system.

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness, and to this end, the commission shall, by ordinance, establish general personnel procedures and rules. However, in no event shall such ordinances, procedures and rules be inconsistent with general law provisions restricting the employment of relatives.

(Ord. No. 2003-28, § 2, 11-18 2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 12, 2011

ACTION TAKEN: Amend Art. IV, Section 4.06 to remove archaic transition language relating to regular elections, and to make the definitions consistent with the provisions of Section 100.031, Florida Statutes, defining "General Election."

~~Sec. 4.06: - Regular and special elections.~~Sec. 4.06: - General Elections.

~~(1)~~

City election. A ~~regular~~general city election for the purpose of electing members of the city commission shall be held on the ~~second Tuesday in March beginning in 1977 and biennially thereafter in odd-numbered years through March 2007. The March 2007 will be the last biennial election held in an odd-numbered year. Commencing in 2008, regularly scheduled elections shall be held on the same date as the November general election date in all even-numbered years. Notwithstanding any provision of the Charter or Code of Ordinances to the contrary, the individuals elected in March 2005 shall serve terms of three (3) years and eight (8) months (rather than four (4) years), and shall remain in office until the individuals elected in the regular elections held in November 2008 assume the duties of the position. The individuals elected in March 2007 shall serve terms of three (3) years and eight (8) months (rather than four (4) years), and shall remain in office until the individuals elected in the regular elections held in November 2010 assume the duties of the position.~~ first Tuesday after the first Monday in November of each even-numbered year.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2006-04, § 1 (6.06), 1-17-2006)

Sec. 4.06: - General Elections.

City election. A general city election for the purpose of electing members of the city commission shall be held on the first Tuesday after the first Monday in November of each even-numbered year.

(Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2006-04, § 1 (6.06), 1-17-2006)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 12, 2011

ACTION TAKEN: Amend Art. IV, Sections 4.11, 4.12, 4.13 relating to petition procedures, deleting time limitations for referendum petitions, expanding timeframes for reviews of petitions, requiring submission to voters, and deleting withdrawal language.

Sec. 4.11: - Petitions.

(1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least ten (10) percent of the total number of qualified electors 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 personally circulated the paper, the number of signatures thereof, that all the signatures were affixed in his presence, that he 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.

~~(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.~~

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.11: - Petitions.

(1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least ten (10) percent of the total number of qualified electors 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 personally circulated the paper, the number of signatures thereof, that all the signatures were affixed in his presence, that he 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.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.12: - Procedure for filing.

(1) *Certificate of clerk; amendment.* Within twenty (20) days after an initiative or referendum petition is filed, the city clerk 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 section 4.11. 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 within ~~two~~five (~~2~~5) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (1), (2) and (3) of section 4.11, and within seven (7) days after it is filed, the city clerk shall complete a certificate as to the sufficiency of the petition 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 (2) of this section within the time required, the city clerk shall promptly present his 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~~five (~~2~~)5) business days after receiving the copy of such certificate, file a request that it be reviewed by the commission; the commission shall review the certificate at its next 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.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.12: - Procedure for filing.

(1) *Certificate of clerk; amendment.* Within twenty (20) days after an initiative or referendum petition is filed, the city clerk 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 section 4.11. 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 within five (5) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (1), (2) and (3) of section 4.11, and within seven (7) days after it is filed, the city clerk shall complete a certificate as to the sufficiency of the petition 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 (2) of this section within the time required, the city clerk shall promptly present his 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 five (5) business days after receiving the copy of such certificate, file a request that it be reviewed by the commission; the commission shall review the certificate at its next 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.

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.14: - 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 in the manner provided in article V or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city.

(2) *Submission to electors.* 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 recall petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission ~~shall provide for a special election, except that the commission may, in its discretion,~~ may provide for a special election, or at ~~an earlier date within the prescribed period.~~the next general election. Copies of the proposed or referred ordinance shall be made available at the polls and at the city clerk's office.

~~(3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) 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.~~

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.14: - 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 in the manner provided in article V or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city.

(2) *Submission to electors.* 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 recall petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission may provide for a special election, or at the next general election. Copies of the proposed or referred ordinance shall be made available at the polls and at the city clerk's office.

(Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 19, 2011

ACTION TAKEN: Repeal Art. IV, Section 4.13 relating to referendum petitions and suspensions of effect of ordinances.

~~Sec. 4.13: - Referendum petitions; suspension of effect of ordinance.~~

~~When a referendum petition has been certified sufficient by the city clerk, the ordinance sought to be reconsidered shall be suspended. Such suspension shall terminate when:~~

~~(1)~~

~~The petitioners' committee withdraws the petition; or~~

~~(2)~~

~~The commission repeals the ordinance; or~~

~~(3)~~

~~After the result of the vote on the ordinance has been certified.~~

~~(Ord. No. 2003-28, § 2, 11-18-2003)~~

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 19, 2011

ACTION TAKEN: Amend Art. IV, Section 4.14(2) to allow a petition to be placed on the ballot at the next general election, at the city commission's discretion, and to repeal Art. IV, Section 4.14(3) permitting withdrawal of petitions.

Sec. 4.14: - 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 in the manner provided in article V or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city.

(2) *Submission to electors.* 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 recall *petition* was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission ~~shall provide for a special election, except that the commission may, in its discretion,~~ may provide for a special election, or at ~~an earlier date within the prescribed period.~~the next general election. Copies of the proposed or referred ordinance shall be made available at the polls and at the city clerk's office.

~~(3)*Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) 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.~~

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 4.14: - 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 in the manner provided in article V or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the city.

(2) *Submission to electors.* 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 recall petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission may provide for a special election, or at the next general election. Copies of the proposed or referred ordinance shall be made available at the polls and at the city clerk's office.

(Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING:	October 19, 2011
ACTION TAKEN:	Repeal Art. VIII, Section 8.01(1) relating to amendment of charter by ordinance by city commission

Sec. 8.01: - Charter amendment.

~~(1)~~

~~*Initiation by ordinance.* The commission may, by ordinance, amend this Charter, except that amendments affecting the following subjects shall require approval by referendum of the electors:~~

~~(a)~~

~~Terms of elected officers and manner of their election.~~

~~(b)~~

~~Distribution of powers among elected officers.~~

~~(c)~~

~~Matters prescribed by this Charter relating to appointive boards.~~

~~(d)~~

~~Any change in the form of government.~~

~~(e)~~

~~Any other subject so provided by general law.~~

~~(2)~~

Initiation by petition. The electors of the city may propose amendments to this Charter by petition signed by at least ten (10) percent of the total number of qualified electors registered to vote in the last regular city election.

~~(a)~~1) *Form and content.* All papers of a petition shall be uniform in size and style, shall be in a form designated by the city clerk 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)~~2) *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 personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be 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.

(~~e~~3) *Certification of petition.* Upon certification of the sufficiency of the petition by the city clerk, such certification to include the validity of the names on the petition as qualified electors registered to vote in the last regular city election, the commission shall place the proposed amendment to a vote of the electors at the next regular election ~~held not less than sixty (60) days~~ after certification or at a special election called for such purpose.

(Ord. No. 84-19, § 2, 9-4-1984; Ord. No. 2003-28, § 2, 11-18-2003)

State law reference— Municipal annexation or contraction, F.S. ch. 171; required signatures, F.S. § 166.031; Charter amendment procedure, F.S. § 166.031.

Sec. 8.01: - Charter amendment.

Initiation by petition. The electors of the city may propose amendments to this Charter by petition signed by at least ten (10) percent of the total number of qualified electors registered to vote in the last regular city election.

(1) *Form and content.* All papers of a petition shall be uniform in size and style, shall be in a form designated by the city clerk 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.

(2) *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 personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be 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.

(3) *Certification of petition.* Upon certification of the sufficiency of the petition by the city clerk, such certification to include the validity of the names on the petition as qualified electors registered to vote in the last regular city election, the commission shall place the proposed amendment to a vote of the electors at the next regular election after certification or at a special election called for such purpose.

(Ord. No. 84-19, § 2, 9-4-1984; Ord. No. 2003-28, § 2, 11-18-2003)

State law reference— Municipal annexation or contraction, F.S. ch. 171; required signatures, F.S. § 166.031; Charter amendment procedure, F.S. § 166.031.

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 19, 2011

ACTION TAKEN: Move the charter review process currently provided by ordinance into the charter, maximizing the use of electronic media and provide that when five of the seven charter commissioners approve a charter amendment that the city commission shall place the associated ballot language on the general election ballot at the next general election.

(Superceded by actions on October 28, 2012; all changes are found on pages 68-71).

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING:	October 21, 2011
ACTION TAKEN:	Amend Art. III, Section 3.05 to clarify that the mayor serves as commissioner and is also elected at large; also conformed to amendments in Section 4.01(3) providing for seven (7) commissioners..

Sec. 3.05: - City commission; powers; composition.

Until the general election of November, 2012, there shall be a city commission with all legislative powers of the city vested therein, consisting of five (5) commissioners, one of whom shall be mayor, who shall be elected ~~at large~~ by the qualified electors of the city as provided in Section 4.01(3). After the general election of November, 2012, there shall be a city commission with all legislative powers of the city vested therein, consisting of seven (7) commissioners, one of whom shall be mayor, who shall be elected by the qualified electors of the city as provided in Section 4.01(3).

(Ord. No. 2003-28, § 2, 11-18-2003)

Sec. 3.05: - City commission; powers; composition.

Until the general election of November, 2012, there shall be a city commission with all legislative powers of the city vested therein, consisting of five (5) commissioners, one of whom shall be mayor, who shall be elected by the qualified electors of the city as provided in section 4.01(3). After the general election of November, 2012, there shall be a city commission with all legislative powers of the city vested therein, consisting of seven (7) commissioners, one of whom shall be mayor, who shall be elected by the qualified electors of the city as provided in section 4.01(3).

(Ord. No. 2003-28, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 21, 2011

ACTION TAKEN: Amend Art. III, Section 3.09 that in the event in the vacancy of the office of mayor for a period of less than twelve months, the vice mayor shall serve as the acting mayor, clarify that violations of codes of ethics are to be for these offices, and provide that if the city commission is unable to appoint a replacement with less than twelve (12) months remaining, that a special election will be called within approximately thirty (30) days.

Sec. 3.09: - Vacancies; forfeiture of office; filling of vacancies.

~~(1)~~

(1) *Vacancies.* A vacancy in the city commission occurs when a commissioner leaves office otherwise than before the normal expiration of his term of office. The office of a commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission.

(2) ~~(2)~~

(3) *Forfeiture of office.* A commissioner shall forfeit his office if he:

(a) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or law;

(b) Violates any standard of conduct or code of ethics established by law for public officials for the office which he or she holds;

(c) Is convicted of a crime involving moral turpitude; or

(d) Fails to attend three (3) consecutive months of regular meetings of the commission subject to and consistent with law.

~~(3)~~

(4) *Filling of vacancies.* A vacancy or vacancies in the city commission shall be filled as provided in the following:

(a) *Appointment.* Whenever there is a vacancy in the commission, including a vacancy for mayor, and there are less than twelve (12) months remaining before the next regular city or general election, the commission, by a majority vote of the remaining members, shall choose a successor to serve until that election. ~~If, after a week of deliberation,~~ In the event of a vacancy in the office of mayor, the vice mayor shall serve as the acting mayor until the position of mayor is filled. If a majority vote cannot be reached~~, the mayor, or in his absence the vice-mayor, shall cast an additional vote~~ within 30 days of the creation of the vacancy, then the commission shall schedule a special election to fill the unexpired term to be held not sooner than thirty (30) days, nor more than forty-five (45) days thereafter.

(b) *Special elections.* If no regular city or general election is scheduled within twelve (12) months, the commission shall schedule a special election to fill the unexpired term

held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy or vacancies. In any special election held for the purposes of this section, the provisions for nominations and elections contained in article IV of this Charter shall apply.

(c) *Term.* The term of office for vacancies filled by election shall be for the remainder of the unexpired term of the office in which the vacancy exists. When more than one (1) vacancy exists to be filled by election and the unexpired terms are of unequal duration, the person or persons receiving the greatest number of votes cast shall be elected to fill the longest term or terms.

(d) *Regular city election.* When, at a regular city election in addition to regular commission offices, it becomes necessary to fill a commission vacancy or vacancies which have occurred under the provisions of section 3.09(1), candidates shall be elected according to the provisions of article IV of this Charter.

(e) *Quorum requirement.* Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under (a) above.

(4) *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 as provided in (b) above and such election shall be conducted to fill the specific vacancies in the manner provided for under the regular election procedures of this city.

(Ord. No. 2002-04, § 2, 4-2-2002/11-5-2002; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-30, § 2, 11-18-2003; Ord. No. 2003-31, § 2, 11-18-2003)

Sec. 3.09: - Vacancies; forfeiture of office; filling of vacancies.

(1) *Vacancies.* A vacancy in the city commission occurs when a commissioner leaves office otherwise than before the normal expiration of his term of office. The office of a commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission.

(2) *Forfeiture of office.* A commissioner shall forfeit his office if he:

(a) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or law;

(b) Violates any standard of conduct or code of ethics established by law for public officials for the office which he or she holds;

(c) Is convicted of a crime involving moral turpitude; or

(d) Fails to attend three (3) consecutive months of regular meetings of the commission subject to and consistent with law.

(3) *Filling of vacancies.* A vacancy or vacancies in the city commission shall be filled as provided in the following:

(a) *Appointment.* Whenever there is a vacancy in the commission, including a vacancy for mayor, and there are less than twelve (12) months remaining before the next regular city or general election, the commission, by a majority vote of the remaining members, shall choose a successor to serve until that election. In the event of a vacancy in the office of mayor, the vice mayor shall serve as the acting mayor until the position of mayor is filled. If a majority vote cannot be reached within 30 days of the creation of the vacancy, then the commission shall schedule a special election to fill the unexpired term to be held not sooner than thirty (30) days, nor more than forty-five (45) days thereafter.

(b) *Special elections.* If no regular city or general election is scheduled within twelve (12) months, the commission shall schedule a special election to fill the unexpired term held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy or vacancies. In any special election held for the purposes of this section, the provisions for nominations and elections contained in article IV of this Charter shall apply.

(c) *Term.* The term of office for vacancies filled by election shall be for the remainder of the unexpired term of the office in which the vacancy exists. When more than one

(1) vacancy exists to be filled by election and the unexpired terms are of unequal duration, the person or persons receiving the greatest number of votes cast shall be elected to fill the longest term or terms.

(d) *Regular city election.* When, at a regular city election in addition to regular commission offices, it becomes necessary to fill a commission vacancy or vacancies which have occurred under the provisions of section 3.09(1), candidates shall be elected according to the provisions of article IV of this Charter.

(e) *Quorum requirement.* Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under (a) above.

(4) *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 as provided in (b) above and such election shall be conducted to fill the specific vacancies in the manner provided for under the regular election procedures of this city.

(Ord. No. 2002-04, § 2, 4-2-2002/11-5-2002; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-30, § 2, 11-18-2003; Ord. No. 2003-31, § 2, 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING:	October 21, 2011
ACTION TAKEN:	No action on charter change, but request a comment to the city commission or commissioners not voting, as it may be a violation of state laws.

The Charter Review Committee recommends that certain policies relating to votes by city commissioners be reviewed for consistency with state ethics and Sunshine Laws, particularly: Sections 6M (Announcement of Vote) 11G (Abstaining from Voting) and (13) Violations of Protocol Manual) of the City of Hallandale Beach Protocol Manual, Revised May 5, 2010, and adopted by Ordinance No. 2010-06; and to the extent applicable Resolution 2009-02, setting the procedures and schedules for commission meetings, specifically Section 2 (g) (Yeas and Nays in Minutes), Section 2(m) (Commission Members to Occupy Regular Seats), Section 2(gg) (Majority Action), Section 2(ii) (Manner of Voting) and Section 2(kk) (Binding of Action).

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 28, 2011

ACTION TAKEN: Amend Art. III, Section 3.04 to provide that the office of mayor shall be limited to one four-year term (shown with previous amendment).

Sec. 3.04: - Mayor and vice-mayor.

The electorate shall elect a mayor at large with the candidate receiving the greatest number of votes declared elected. The commission shall elect from among its members a vice-mayor for a term of two (2) years. The election shall be conducted at the organizational meeting of the commission pursuant to section 2.34(a) of the Code of Ordinances.

In the event of a tie between two (2) or more candidates, the offices of mayor or vice-mayor shall be decided by lot, to be conducted in public by the city clerk.

The mayor shall preside at meetings of the commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and shall act as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor. No one shall serve successive terms as mayor.

(Ord. No. 82-14, § 1, 10-19-1982/3-8-1983; Ord. No. 94-20, § 2, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-32, § 2 (3.06), 11-18-2003)

Sec. 3.04: - Mayor and vice-mayor.

The electorate shall elect a mayor at large with the candidate receiving the greatest number of votes declared elected. The commission shall elect from among its members a vice-mayor for a term of two (2) years. The election shall be conducted at the organizational meeting of the commission pursuant to section 2.34(a) of the Code of Ordinances.

In the event of a tie between two (2) or more candidates, the offices of mayor or vice-mayor shall be decided by lot, to be conducted in public by the city clerk.

The mayor shall preside at meetings of the commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and shall act as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor. No one shall serve successive terms as mayor.

(Ord. No. 82-14, § 1, 10-19-1982/3-8-1983; Ord. No. 94-20, § 2, 8-30-1994; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-32, § 2 (3.06), 11-18-2003)

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 28, 2011

ACTION TAKEN: Amending Art. VIII, to add 8.01(3), to provide that the charter review process be done at least every eight years but any charter amendments would coincide with a presidential election, providing that the charter amendment process take no more than six months, and providing for the selection of one member by each member of the commission and the mayor, and those charter committee members would appoint the other two members to assure diversity within the committee.

~~Sec. 2-121. – Created; membership.~~**Article 8.01(3) – Initiation by Charter Commission**

(a) *Creation.* There is created and established a body to be known as the City of Hallandale Beach Charter Review Committees. The committee will be made up of individuals appointed by the city commission ~~in 1999, or earlier~~on or before the first Tuesday of November of 2019 , by motion of the commission, and again every eight years thereafter, on or before the first Tuesday in November, and shall continue to exist until the committee renders the report described in subsection (g) of this section. This provision shall not be construed to preclude the commission from also appointing charter review committees at other times as well.

(b) *Appointment and membership.* ~~The committee shall consist of seven members and one alternate who shall be appointed in the manner provided by section 2-72, except that service on another board of authority shall not preclude service on this~~Each commissioner shall appoint one member of the charter review committee. Nominations are to be approved by a majority vote of the city commission. The committee members so appointed shall select two other committee members by majority vote to assure diversity within the committee.

(c) *Purpose.* The purpose of the committee shall be to meet on a periodic basis, as needed, to identify and address issues of concern to the city relevant to its charter.

(d) *Duties.* The duties of the committee shall be to study the existing city charter with the view to improve the charter so as to provide for the preservation of the general health, welfare and safety of the inhabitants of the city, and to make recommendations to the city commission for changes if they are deemed necessary. ~~The committee shall act only in an advisory capacity to the city commission.~~

(e) *Organization.*

(1) After the appointments have been completed, the first meeting of the committee will be called by the city manager, who will explain the duties of the committee and call for the election of the committee's chairman and vice-chairman.

(2) The members of the committee shall elect a chairman and a vice-chairman. The chairman shall set the time, date and place of the meetings~~; or four members may, in writing, call a meeting~~.

(3) The committee may adopt such internal procedures and rules as may be necessary to carry out its function, including but not limited to the method by which meetings shall be called and policies relating to attendance.

(f) *Meetings.*

(1) *Notice.* All meetings of the committee shall be open to the public, and public notice of such meetings shall be provided as is practical, and all meetings will be maximize the use of electronic media.

(2) *Quorum.* A quorum shall consist of ~~four~~a majority of the members.

(3) *Action of committee.* The affirmative vote of at least four members of the committee shall be required to carry out the functions of the committee.

(g) *Report.* Within six months of the committee's first meeting, the committee shall prepare a written report to the city commission detailing its findings and recommendations; and a copy shall be made available in the office of the city clerk for public review.

(h) The city commission shall place all of the charter review committee's proposed amendments and/or revisions approved by a vote of at least 2/3 of its members, along with the associated ballot language approved by the committee, on the general election ballot at the next general election in which the office of President of the United States is contested.

(i) The city commission shall include in its general budget for each fiscal year that the charter review committee is in existence, such sums as are necessary to carry out the duties of the charter review committee.

Secs. 2-122—2.140.~~—Reserved.~~

Article 8.01(3) – Initiation by Charter Commission

(a) *Creation.* There is created and established a body to be known as the City of Hallandale Beach Charter Review Committees. The committee will be made up of individuals appointed by the city commission on or before the first Tuesday of November of 2019 , by motion of the commission, and again every eight years thereafter, on or before the first Tuesday in November, and shall continue to exist until the committee renders the report described in subsection (g) of this section. This provision shall not be construed to preclude the commission from also appointing charter review committees at other times as well.

(b) *Appointment and membership.* Each commissioner shall appoint one member of the charter review committee. Nominations are to be approved by a majority vote of the city commission. The committee members so appointed shall select two other committee members by majority vote to assure diversity within the committee.

(c) *Purpose.* The purpose of the committee shall be to meet on a periodic basis, as needed, to identify and address issues of concern to the city relevant to its charter.

(d) *Duties.* The duties of the committee shall be to study the existing city charter with the view to improve the charter so as to provide for the preservation of the general health, welfare and safety of the inhabitants of the city, and to make recommendations to the city commission for changes if they are deemed necessary.

(e) *Organization.*

(1) After the appointments have been completed, the first meeting of the committee will be called by the city manager, who will explain the duties of the committee and call for the election of the committee's chairman and vice-chairman.

(2) The members of the committee shall elect a chairman and a vice-chairman. The chairman shall set the time, date and place of the meetings.

(3) The committee may adopt such internal procedures and rules as may be necessary to carry out its function, including but not limited to the method by which meetings shall be called and policies relating to attendance.

(f) *Meetings.*

(1) *Notice.* All meetings of the committee shall be open to the public, and public notice of such meetings shall be provided as is practical, and all meetings will be maximize the use of electronic media.

(2) *Quorum.* A quorum shall consist of a majority of the members.

(3) *Action of committee.* The affirmative vote of at least four members of the committee shall be required to carry out the functions of the committee.

(g) *Report.* Within six months of the committee's first meeting, the committee shall prepare a written report to the city commission detailing its findings and recommendations; and a copy shall be made available in the office of the city clerk for public review.

(h) The city commission shall place all of the charter review committee's proposed amendments and/or revisions approved by a vote of at least 2/3 of its members, along with the associated ballot language approved by the committee, on the general election ballot at the next general election in which the office of President of the United States is contested.

(i) The city commission shall include in its general budget for each fiscal year that the charter review committee is in existence, such sums as are necessary to carry out the duties of the charter review committee.

Secs. 2-122—2.140. – Reserved.

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 28, 2011

ACTION TAKEN: Amend Art. IV, Section 4.01(3) to provide that if no candidate applies to run in one of the residential districts, that the highest vote achieved by a losing at large candidate be awarded the residential commission seat for a period of two years only; amend to conform with candidates to be elected by residential district and showing amendments required to Section 4.07 for consistency.

(Readopting previously approved recommendation)

Sec. 4.01: - City elections generally.

(1) *Commission powers.* The city commission, by ordinance and subject to the provisions of this Charter, shall have the power to call regular and special elections as may be required for the city.

(2) *Electors.* All citizens qualified by the constitution and laws of Florida to vote in the city, and who satisfy the requirements for registration prescribed by law, shall be qualified electors within the meaning of this Charter.

(3) ~~*Number of votes.*~~ *Number of votes.*

Every elector shall be entitled to vote for as many candidates of the city commission as there are members to be elected, ~~to the commission.~~ at large, for no more than one candidate from each residential district and for no more than one mayoral candidate. If no candidate runs in one of the residential districts, the highest vote achieved by a losing candidate in a race, other than for mayor, contested in the same election, shall fill that residential district commission seat, for a period of two years only.

(4) *Nonpartisan elections.* All nominations and elections for the office of city commissioner shall be conducted on a nonpartisan basis without regard for a designation of a political party affiliation for any nominee or any nominating petition or ballot.

(Ord. No. 2003-28, § 2, 11-18-2003)

State law reference— Qualifications to register, F.S. § 97.041; municipal electors, F.S. § 166.032.

Sec. 4.01: - City elections generally.

(1) *Commission powers.* The city commission, by ordinance and subject to the provisions of this Charter, shall have the power to call regular and special elections as may be required for the city.

(2) *Electors.* All citizens qualified by the constitution and laws of Florida to vote in the city, and who satisfy the requirements for registration prescribed by law, shall be qualified electors within the meaning of this Charter.

(3) *Number of votes.*

Every elector shall be entitled to vote for as many candidates of the city commission as there are members to be elected, at large, for no more than one candidate from each residential district and for no more than one mayoral candidate. If no candidate runs in one of the residential districts, the highest vote achieved by a losing candidate in a race, other than for mayor, contested in the same election, shall fill that residential district commission seat, for a period of two years only.

(4) *Nonpartisan elections.* All nominations and elections for the office of city commissioner shall be conducted on a nonpartisan basis without regard for a designation of a political party affiliation for any nominee or any nominating petition or ballot.

(Ord. No. 2003-28, § 2, 11-18-2003)

State law reference— Qualifications to register, F.S. § 97.041; municipal electors, F.S. § 166.032.

CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING: October 28, 2011

ACTION TAKEN: Amend Art. IV, Section 4.07 changing the method of election of mayor and commissioners

Sec. 4.07: - Election of commissioners.

~~(1) *Regular ballot result.* At each regular city election commencing in 2005 and thereafter, there shall be elected a mayor at large and commissioners as follows: Candidates for mayor and commissioner receiving the greatest number of votes shall be declared elected until the number declared elected equals the number of commission offices to be filled at the election. All commissioners shall be elected for four-year terms which shall be staggered so that, alternately, two (2) or three (3) commissioners are elected every two (2) years.~~

(1) *Regular ballot result.*

(a) After the general election of November, 2014, the commission shall consist of four commissioners who may reside anywhere in the city and one commissioner each from three residential districts apportioned by population. The mayor shall be one of the four commissioners who may reside anywhere in the city.

(b) On or before the first Tuesday of November, 2013, the commission shall determine the geographic boundaries of the residential districts and shall designate one of the commission seats existing as of that date, and held by a commissioner whose term expires in 2014, as one of the residential district seats. At the general election in November, 2014, an election will be held for the seat so designated, as well as for the two other residential district seats created by the adoption of this provision. Candidates for those three seats must reside within the geographic boundaries for the seat sought. In addition, an election will be held at that time for the seat held by the other commissioner whose term is due to expire then. Candidates for that seat may reside anywhere in the city. All commissioners elected at that, and subsequent general elections, shall serve four-year terms.

(c) In all elections in which more than one at large commission seat is being contested (other than that of mayor), candidates receiving the greatest number of votes shall be declared elected until the number declared elected equals the number of at large commission seats to be filled at the election.

(2) If the number of candidates who have qualified for a particular election is equal to the number of commission offices to be filled at that election, no election shall be held and the candidates shall take office as if elected by popular vote.

(3) *Special ballot result.* When, as the result of a vacancy or vacancies in the commission occurring under section 3.09, it becomes necessary to elect an additional commissioner or commissioners to fill an unexpired term or terms, the candidates who receive the next greatest number of votes shall be declared elected to the unexpired term or terms until the vacancy or vacancies have been filled. When necessary, a tie between two (2) or more candidates in any election for the office of city commissioner shall be decided by lot, to be conducted in public by the city clerk.

(Ord. No. 91-06, § 1(b), 5-21-1991/11-3-1992; Ord. No. 2002-4, § 2, 4-2-2002/11-5-2002; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-32, § 2 (6.07), 11-18-2003)

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CITY OF HALLANDALE BEACH CHARTER REVIEW COMMITTEE

DATE OF MEETING:	November 1, 2011
ACTION TAKEN:	Amending Art. V, Section 5.09 to provide that the employment of relatives should be consistent with state statutes, as provided in Section 112.3135, Florida Statutes (2011).

Sec. 5.09: - Personnel system.

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness, ~~demonstrated by examination or other evidence of competence,~~ and to this end, the commission shall, by ordinance, establish general personnel procedures and rules. However, not withstanding any ordinances to the contrary, in no event shall such ordinances, procedures and rules be inconsistent with general law provisions restricting the employment of relatives.

(Ord. No. 2003-28, § 2, 11-18-2003)

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(Ord. No. 2003-28, § 2, 11-18 2003)