

# **CITY OF BUNNELL CHARTER**

## **ARTICLE 1. CREATION AND POWERS**

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

The City of Bunnell as heretofore created by Laws of Florida, ch. 28955 (1953), as amended by special law or otherwise, shall have all governmental, corporate and proprietary powers to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise prohibited by law.

## **ARTICLE II. CORPORATE LIMITS**

### **Sec. 2.01. Corporate Limits.**

The Corporate limits of the City of Bunnell shall consist of the boundaries of the City as established by prior Charter, or as enlarged or contracted pursuant to law, including but not limited to, procedures to be followed in the annexation or contraction of property as set forth in F.S. ch. 171, as it now exists or as it may be renumbered or amended.

All ordinances of annexation of the City heretofore adopted prior to the effective date of this Charter [ March 5, 2002 ] are hereby incorporated herein and the lands described in such ordinances, together with the boundaries of the City as described in the prior Charter, as amended, are hereby declared to be the corporate limits of the City.

## **ARTICLE III. LEGISLATIVE**

### **Sec. 3.01. City Commission; Powers and Composition**

- A. There shall be a City Commission with all long-term and short-term planning responsibilities, limited contractual powers, and legislative powers of the City vested therein consisting of four (4) at large members and the Mayor, who shall all be electors of the City.
- B. The city shall have an elected Mayor, who shall be an elector of the City. This position will retain all of the enumerated responsibilities and duties as stated in paragraph A of this section.
- C. The City Commission may appoint such boards, pursuant to Florida Statutes, commissions, and advisory committees as may be necessary. Any boards, Commissions or committees appointed pursuant to this section shall be established by resolution of a majority vote of the City Commission. Considerations by the City Commission may include but are not limited to setting forth the purpose of the boards, commissions or committees, the number of regular and/or alternate members, qualifications of members, terms of office, and procedure for appointment.

- D. The City Commission shall be empowered to encumber City funds and enter into contractual agreements for purposes of securing professional services for the City Commission. Examples of the types of professional services shall include but are not limited to planning, fiscal, legal, and consultation. Specifically, the City Attorney/legal service for the City shall be selected by the City Commission and secured by contract with the City Commission; City fiscal auditing services shall be selected by the City Commission and secured by contract with the City Commission; professional planning services may be selected by the City Commission and secured by contract with the City Commission; and other similar professional services or consolatory services may be selected by the City Commission and secured by contract with the City Commission. All contractual agreements entered into by the City of Bunnell shall be approved by a majority vote of the City Commission. The City Commission shall not approve any contract whose terms violate any Ordinance of the City of Bunnell. When such majority approval of the City Commission is recorded, the Mayor or designee shall be empowered to sign the contractual agreement(s) on behalf of the City Commission.
- E. Members of the City Commission may place items on the next agenda only with ample prior public notice, unless the matter is such an extreme emergency that if not heard, it will cause irreparable harm to the city or its citizens, property owners, or interests. In such an emergency circumstance, the new agenda item shall be placed as the first item of business on the agenda.
- F. Duties of City Commissioners. Members of the City Commission have the duty to attend all City Commission meetings, to abide by all laws, procedures, and actions of the council, to act with the best interest of the citizens on all votes and actions, to review and familiarize themselves with all items on the agenda and backup, and to represent the City in a professional and positive manner both at meetings and in public.

### **Sec. 3.02. Nonpartisan Election**

All qualifications and elections of the City Commission and the office of Mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition of ballot.

### **Sec. 3.03. Qualification**

Candidates for the office of City Commissioner and the office of Mayor shall qualify for such office by filing a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by ordinance. Each candidate for the office of City Commissioner or Mayor shall have been, at the time of qualifying as a candidate for such office, a bona fide resident and elector of the City for a period of no less than one (1) year prior to qualifying, and shall be a registered elector of the City.

### **Sec. 3.04. Election and Terms**

- A. Beginning in March of 2010, in March of every third year, two (2) Commissioners and the Mayor shall be elected and in March of the following year, two (2)

Commissioners shall be elected and in March of the following year, two (2) Commissioners shall be elected for terms of three (3) years. Example: In March of 2010, two (2) Commissioners and the Mayor shall be elected. Those two Commission seats and the one (1) Mayor seat would come up for election again in March 2013; and then again in March of 2016, and would continue to come to election every third year thereafter. The following year, in March of 2011, the two (2) Commissioner seats would come up for election. Those two (2) seats would come up for election in March of 2014; and then again in March of 2017, and would continue in this fashion, thus always remaining in the election the year following the election of the first two (2) Commission seats and one (1) Mayor seat.

- B. Offices will be filled by candidates receiving the highest number of votes. Commissioners and Mayor shall be seated at the first regular meeting in April following the election date. The Commission shall set the election date by ordinance.
- C. In the event not more than one (1) person qualifies for each designated seat of the Commission or Mayor to be filled, such candidates shall be declared elected without the necessity of being voted upon in the election and shall assume office at the first regular meeting in April following the election date pursuant to [section] 3.07.
- D. City Commissioners and the Mayor are subject to the requirements of Florida's Resign-to-Run law, Section 99.012, Fla. Stat., as amended from time to time.

### **Sec. 3.05. Compensation and Expenses**

The Commission shall determine the annual salary of Commission members and the Mayor by resolution. No resolution increasing such salary shall become effective until after the first regular election after the adoption of the ordinance.

### **Sec. 3.06. Mayor**

- A. The Mayor shall preside at meetings of the Commission and shall vote on all issues.

#### **B. Powers of the Mayor:**

Except as otherwise provided in this Charter, the Mayor may at any time, but at least on a quarterly basis review all City affairs. The Mayor shall call to the attention of the City Manager all violations of duty, any misfeasance, nonfeasance or improper conduct on part of any city official that may come to his/her attention and report back to the City Commission if no corrections have been made. When the Mayor determines that it is in the best interest of the city, he/she may exercise his/her authority to suspend the City Manager and/or that portion of the City's daily business brought into question by his/her review. An emergency meeting of the City Commission shall be called by the Mayor to address the issues and suspension of the City Manager and state the reasons for that action, within seventy-two (72) hours of said suspension. The City

Commission shall take action to reinstate or otherwise determine the status of the suspended City Manager or his/her replacement.

- C. The Mayor shall communicate on at least a quarterly basis, at a regular meeting of the City Commission such information, recommendations and comments touching the welfare of the public, as he/she may deem proper.
- D. The Mayor shall communicate to the public annually at an advertised meeting of the City Commission, scheduled as the second meeting in April. The Mayor shall present a "State of the City" address concerning such information, recommendations and comments touching the welfare of the public he/she may deem proper.
- E. The Mayor shall be recognized as head of City Government for all ceremonial purposes, by Governor for purposes of military law, for the service of process, execution of contracts, deeds, and other documents, and as the City Official designated to represent the will of the City Commission in all agreements, with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except to carry out the responsibilities as articulated in section 3.06. The Commission Vice Mayor shall act as temporary Mayor during the absence or disability of the Mayor as defined in [section] 3.07.
- F. The Commission shall elect from among its members a Vice Mayor who shall preside at City Commission meetings in the absence of the Mayor. Election of the Vice Mayor shall be performed annually at the first regular Commission meeting in April after the City election.

### **Sec. 3.07. Vacancies; Forfeiture of Office; Filling of Vacancies**

#### **A. Vacancies.**

The Office of a Commission member or Mayor shall become vacant upon the death, resignation, and removal from office in any manner authorized by law or forfeiture of the office of the member, such forfeiture to be declared by a majority of the remaining members of the commission.

#### **B. Forfeiture of Office**

A Commission member or Mayor shall forfeit that office if that member lacks, at any time during that term of office, any qualification for the office prescribed by this charter or by law.

#### **C. Filling of Vacancies.**

A vacancy of the Commission shall be filled by the Commission. The Commission shall appoint the successor(s) to fill the vacancies until a special election can be held simultaneous to the next regular election. A vacancy of the position of Mayor shall be filled by the Vice Mayor until the next regular election.

#### **D. Extraordinary Vacancies.**

(1) Notwithstanding any quorum requirements established herein, if at any time the members of the Commission are reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the shortest unexpired term to obtain a quorum for the purpose of filling vacancies under section 3.07C.

(2) In the event that all members of the Commission and Mayor are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim Commission that shall call a special election.

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

#### **A. Meetings.**

The Commission shall meet regularly at least twice in every month at such times, and places as the Commission may prescribe by rule. Special Meetings may be held on the call of the Mayor or any Commission member and with no less than seventy-two (72) hours' notice to each member and the public. Emergency Meetings may be called, with an attempt made to notify the public, by any commissioner or the Mayor, but must be of such importance that the community's health, safety, welfare, lives or the City's finances are in immediate peril. Special or Emergency Meetings shall be restricted to the subject(s) for which the meeting was called.

#### **B. Rules and Journal**

Within thirty (30) days following any regular election, the Commission shall determine its own written rules and order of business and shall keep a record of its proceedings.

#### **C. Quorum.**

A majority of the commission shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission except as otherwise provided in the proceeding sentence and in section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

### **Sec. 3.09. Prohibitions**

#### **A. Running For/Holding Other Offices.**

No member of the City Commission or the Mayor, during the term for which he/she has been elected or appointed and for one (1) year thereafter, shall be eligible to hold any office, position or employment in the city other than on the City Commission or as Mayor.

#### **B. Interfering with Administration.**

Neither individual City Commissioners nor the Mayor shall give orders to any officer or City employee, either publicly or privately, except as provided in section 3.06.

## **ARTICLE IV. ADMINISTRATIVE**

### **Sec. 4.01. City Manager**

There shall be a City Manager who shall be the Chief Administrative Officer of the City. He/she shall be responsible to the City Commission for the administration of all City affairs placed in his/her charge by the Commission or under this Charter. He/she shall serve at the will, pleasure and direction of the City Commission.

### **Sec. 4.02. Qualifications, Appointment, Termination, Compensation**

- A.** The City Manager shall be selected on the basis of experience, education, expertise and management ability as they pertain to running municipal government.
- B.** Appointment. The City Commission shall appoint a City Manager for an indefinite term by a majority vote of the City Commission. The appointment shall be secured with a contract for employment, which must contain the City Manager's Job Description developed by the City Commission and adopted by a majority vote of the City Commission. The City Manager's Job Description shall be a binding portion of the contract for employment. A provision of every City Manager's employment contract shall state that any portion of the City Manager's Job Description may be changed at any time by a majority vote of the City Commission.
- C.** Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months after such appointment he or she shall establish and maintain residency within the City, or within a 40 mile radius of corporate limits of the City.
- D.** Termination. The City Commission may terminate the City Manager by a majority vote.
- E.** Compensations. The compensation of the City Manager shall be fixed by the City Commission and shall not be reduced during that tenure.

### **Sec. 4.03. Acting/Interim City Manager**

The City Manager shall designate a qualified city department supervisor to serve as Acting City Manager in his or her temporary absence. The Acting City Manager shall exercise the powers and duties of the City Manager. If the City Manager is incapacitated or permanently unable to perform his or her duties, the highest tenured City Department Head will act as City Manager until such time as the City Commission is able to meet for the purpose of appointing an Acting/Interim City Manager.

### **Sec. 4.04. Scope of the City Manager's Duties**

- A. The City Manager will submit to the City Commission a complete report on the finances and administrative activities of the City at the end of the fiscal year in conjunction with the auditor's report. The City Manager's report will include a detailed operating statement of functions related to expenditures for each department and other "budgetary entities" within the City's fiscal structure. The City Manager shall address audit discrepancies, to include which City Officials, in addition to the City Manager, are accountable/responsible for each noted discrepancy, and report progress to the City Commission, initially within thirty (30) days after the audit report and thereafter at least monthly as required by the City Commission until each audit item is resolved to the satisfaction of the City Commission.
- B. Appoint, and when it is deemed necessary for the good of the City, suspend or remove any City employee or appointed administrative officer provided for by or under the Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter and to authorize any administrative officer to exercise these powers with respect to subordinates in that officer's department, office or agency. Appointment and termination of Department Heads are subject to review and approval of the City Commission.
- C. The City Commission as it is developing the City Manager's Employment Contract, Job Description or Change of Job Description, shall address but is not limited to the following provisions:
  - 1. Human Resource Matters
  - 2. Procurements
  - 3. Budgetary Responsibility
  - 4. Economic and Grant Development

## **ARTICLE V. TRANSITION SCHEDULE**

### **Sec. 5.01. Continuation of former Charter Provision.**

All provisions of Laws of Florida, ch. 28955, (the former Charter) as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter shall become ordinance of the city subject to modification or repeal in the same manner as other ordinances of the city.

**Editors' note** – In conjunction with the preparation of the Code of Ordinances, the former Charter was reviewed and provisions deemed viable codified. Therefore, the former Charter will be repealed by adoption of the City Code.

### **Sec. 5.02. Ordinance Preserved**

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

### **Sec. 5.03. Rights of Officers and Employees.**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City Officers or employees at

the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are seated.

#### **Sec 5.04. Pending Matters.**

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

#### **Sec. 5.05. Deletion of the Obsolete Schedule Items.**

The City Commission shall have power, by resolution, to delete from this article V, and any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

### **ARTICLE VI. CHARTER REVIEW**

#### **Sec. 6.01 Establishment of Charter Review Committee and procedures**

The City Charter shall be reviewed by a Charter Review Committee. Charter reviews shall be accomplished at least every five (5) years. The City Commission shall establish the membership, timeline and procedures for the Charter Review Committee.

#### **Section 6.02 Charter amended by petition**

The City Charter may be amended by petition of the electors of the City of Bunnell, pursuant to Section 166.031. Florida Statutes, as amended from time to time.

### **ARTICLE VII GENERAL PROVISIONS**

#### **Sec. 7.01 Conflicts of interest and ethics**

Ethics. Chapter 112, Part III, Florida Statutes, as amended from time to time, shall govern conduct related to City Commission and city employee conflicts of interest and ethics. The City Commission shall appropriate sufficient funds to provide, require and attend annual training and education of city officials, appointed officials, employees, volunteer advisory board and committee members and candidates for public office regarding the ethics code.

Penalties. Penalties for ethical violations shall be as provided by general law or as established by ordinance.