

## Part II. Legislative Branch and Legislation

### ARTICLE 1. CITY COMMISSION

#### Sec. 1. Creation of commission.

There is created a city commission consisting of five (5) commissioners who shall be elected at large in the manner provided in this charter and who shall take office on the first Tuesday immediately following their election.

(Ord. No. 2010-029, § 5(Att. X), 12-14-10)

#### Sec. 2. Terms of commissioners.

The commissioners presently in office as of the effective date of this section, or their successors in the event there have been vacancies in office before the expiration dates of their terms, shall continue in office for the terms for which they were originally elected so that two (2) seats on the city commission will become vacant in 2011 and so that three (3) seats on the city commission will become vacant in 2012.

At the municipal election to be held in March, 2011, two commissioners will be elected, who will serve terms ending in November, 2014 (instead of March, 2015, when their terms would otherwise expire), due to the change in the regular municipal election date to November of even-numbered years, as provided by City Ordinance No. 2010-027. At the municipal election to be held in November, 2012, the terms of the three commissioners who were elected in March, 2009 will expire (instead of March, 2013, when their terms would otherwise expire), and three commissioners will be elected, who will serve four year terms. All terms after the November, 2012 election for all subsequent elections shall be four year terms. Staggered terms shall be maintained.

(Ord. No. 2010-029, § 5(Att. A), 12-14-10)

#### Sec. 3. Qualification of members.

(a) To be eligible to hold the office of city commissioner of the City of Dania Beach, or to qualify for nomination or election as such, the candidate shall be a bona fide resident and citizen of the City of Dania Beach, a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall have resided in the city for at least one (1) year immediately preceding the date of election, as evidenced by City voter's registration documentation and shall be otherwise qualified as provided in this charter. Any commissioner who shall cease to possess the qualifications required in this section shall immediately forfeit his or her office.

(b) No commissioner shall serve more than eight (8) consecutive years in office (or, but for resignation, would have served for such period of time). After a full two (2) year interval out of

office, such person may serve additional terms, subject to the foregoing requirements. This provision shall be retroactive, and shall take into account the present and past terms of the presently-elected commissioners. The provisions of this section shall not apply to the time period served by a person who is appointed or elected to serve as a city commissioner to fill a vacancy occurring during a term. The provisions of this Section 3(b) apply to the terms of commissioners elected in March, 2009 and to those who are to be elected in March, 2011, even though their terms are or will be shortened by the change to regular municipal elections beginning in November, 2012, as provided by City Ordinance No. 2010-027.

(Ord. No. 2010-029, § 5(Att. A), 12-14-10)

#### Sec. 4. Judge of own elections.

The city commission shall be the judge of the election and qualification of its members, subject to review by the courts. At the time that the city commission meets to declare the results of any election any registered elector of the City of Dania Beach shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his or her election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.

(Ord. No. 2010-029, § 5(Att. A), 12-14-10)

#### Sec. 5. Election of mayor and vice-mayor.

At the organizational meeting of the city commission to be held on Tuesday following the municipal election held in March 2011, and at each biennial organizational meeting held after each regular municipal election thereafter, the city commission candidate receiving the highest number of votes in such election shall become mayor for a term of two years. The candidate receiving the second highest number of votes shall become the vice-mayor for a term of one year. After the one year passes, a vice-mayor will be selected by the city commission from among its members and he or she shall serve until the next biennial organizational meeting. A commissioner may be selected to serve as vice-mayor for successive periods. Any vacancy in the office of mayor shall be filled by the vice-mayor and a vacancy in the office of vice-mayor shall be filled by a vote of the city commission.

(Ord. No. 2010-029, § 5(Att. A), 12-14-10)

#### Sec. 6. Powers and duties.

The commission shall have the power to pass ordinances, adopt resolutions and motions, appoint all appointive officers, boards and commissions, and exercise all other powers provided in this Charter and as otherwise provided by law.

(Ord. No. 2010-029, § 5(Att. A), 12-14-10)

Sec. 7. Limitations on powers.

All powers of the City of Dania Beach except as otherwise provided by this charter or by the constitution of the State of Florida, are vested in the city commission and except as otherwise provided by this charter or by the constitution of the State of Florida, the city commission may by ordinance or resolution prescribe the manner in which any powers of the city shall be exercised.

Neither the city commission nor any of its members nor anyone acting on behalf of any of them shall dictate the appointment of any person to office or employment by the city manager, or in any manner prevent the city manager from using his or her own judgment in selecting those officers or employees which he or she is entitled to appoint or select under the provisions of this charter. The commission and its members shall deal with the administrative service solely through the city manager, and neither the commission nor any of its members nor anyone acting on behalf of any of them shall give orders to the subordinates of the city manager, either publicly or privately.

(Ord. No. 2010-029, § 5(Att. A), 12-14-10)

Sec. 8. Forfeiture of office.

Absence by any commissioner from two (2) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission. Any member of the city commission who shall be convicted of a felony while in office shall forfeit his or her office, unless such conviction be reversed. Any commissioner who shall cease to possess the qualifications required in this Charter to serve as a city commissioner shall immediately forfeit his or her office.

(Ord. No. 2010-029, § 5(Att. A), 12-14-10)