

ORDINANCE NO. 2010-029

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, CALLING AN ELECTION ON PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON TUESDAY, MARCH 8, 2011; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF A SERIES OF PROPOSED CHARTER AMENDMENTS WHICH RESULTED FROM REVIEW BY THE CITY COMMISSION OF THE RECOMMENDATIONS OF THE CITY'S CHARTER REVIEW BOARD; SUCH CHARTER AMENDMENTS CONCERN FILLING OF VACANCIES IN THE CITY COMMISSION, COMMISSION ACTION PERTAINING TO THE CITY MANAGER POSITION, PLANNING AND ZONING BOARD REVISIONS, DANIA LIBRARY BOARD, PARKS AND RECREATION BOARD, CITY COMMISSION TERM LIMITS PROVISION, QUALIFICATIONS OF COMMISSION MEMBERS, CREATION OF AMENDED CHARTER, NUMBER OF ELECTORS REQUIRED FOR PETITIONERS' COMMITTEE IN INITIATIVE AND REFERENDUM PROCESS, ELIMINATION OF PRIMARY ELECTIONS, ANTI-DISCRIMINATION PROVISION, FORFEITURE OF OFFICE FOR EXCESSIVE ABSENTEEISM FROM REGULAR COMMISSION MEETINGS, AND ACTION AT SPECIAL MEETINGS OF THE CITY COMMISSION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 166.031, Florida Statutes, and following City Commission review and action upon the recommendations of the City of Dania Beach Charter Review Board, the City Commission has caused the final drafting and preparation of proposed amendments to the City Charter for submission to the electors of the City; and

WHEREAS, the City Commission desires to submit the proposed Charter amendments to the electors of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AS FOLLOWS:

Section 1. Election Called. That an election is called for Tuesday, March 8, 2011, to present to the electors of the City of Dania Beach (the "City") each of the ballot questions provided in Section 4 of this Ordinance.

Section 2. Vote At Polls. That balloting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. at the regular polling places for City elections or as otherwise provided by the

Broward County Supervisor of Elections in accordance with applicable law. All qualified electors residing within the City who are timely registered shall be entitled to vote. Early voting may be provided as authorized by law.

Section 3. Notice. That notice of the election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to the election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be in substantially the following form:

NOTICE OF ELECTION

PUBLIC NOTICE IS GIVEN THAT PURSUANT TO AN ENABLING ORDINANCE DULY ADOPTED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA (THE "CITY"), AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, MARCH 8, 2011, BETWEEN THE HOURS OF 7:00 AM AND 7:00 PM, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSITIONS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

There are thirteen (13) proposed amendments to the City Charter, which proposals are commonly referred to by the following ballot titles:

1. Filling Of Vacancies in The City Commission
2. Commission Action Pertaining to the City Manager Position
3. Planning and Zoning Board Revisions
4. Dania Library Board
5. Parks and Recreation Board
6. City Commission Term Limits Provision
7. Qualifications of Commission Members
8. Creation of Amended Charter
9. Number of Electors Required for Petitioners' Committee in Initiative and Referendum Process
10. Elimination of Primary Elections
11. Anti-Discrimination Provision
12. Forfeiture of Office for Excessive Absenteeism From Regular Commission Meetings

13. Action at Special Meetings of the City Commission

Polling place information, as well as the full text of the proposed City Charter amendments and the enabling ordinance for this election are available at the Office of the City Clerk, located at 100 West Dania Beach Boulevard, Dania Beach, FL 33004.

Contact: Louise Stilson, City Clerk

The City Clerk may combine this Notice of Election with other Notices of Election for any other Charter amendments.

Section 4. That the form of ballot for each of the proposed Charter amendments shall be as follows:

1. FILLING OF VACANCIES IN THE CITY COMMISSION

The City Charter currently provides that Commission vacancies are filled by Commission appointment until the next regular City election, and a special election must be held if the next regular election will not occur within six months after the vacancy arises. It is proposed that the Charter be amended to provide for vacancies to be filled by Commission appointment instead of by a special election.

Shall the above-described Charter amendment be adopted?

Yes []

No []

2. COMMISSION ACTION PERTAINING TO THE CITY MANAGER POSITION

The City Charter currently provides procedures concerning the selection and removal of a person appointed as the City Manager, and describes the Manager's authority. It is proposed that the Charter be amended to revise such provisions by clarifying procedures governing action by the City Commission on the selection, appointment, retention and removal of a City Manager.

Shall the above-described Charter amendment be adopted?

Yes []

No []

3. PLANNING AND ZONING BOARD REVISIONS

The City Charter currently provides that a five member Planning and Zoning Board shall be established. It is proposed that those Board provisions be updated and clarified and that two alternate members be authorized to serve if one or more regular members cannot attend a

meeting. Additionally, other provisions related to the Board would be transferred from the Charter to the City Code of Ordinances.

Shall the above-described Charter amendment be adopted?

Yes []

No []

4. DANIA LIBRARY BOARD

The City Charter currently provides that a City Library Board may be created so as to provide for library services within the City. Since City libraries no longer exist (Broward County owns and operates the only public library in the City) it is proposed that the Charter be amended to repeal the Charter provisions relating to the Library Board.

Shall the above-described Charter amendment be adopted?

Yes []

No []

5. PARKS AND RECREATION BOARD

The City Charter currently provides that a Parks and Recreation Board shall be created and that it shall have supervision over parks and recreation activities. It is proposed that the Charter be amended to repeal provisions concerning such Board and its duties, so that such Board and its duties as an advisory board to the City Commission may be established by City Commission resolution.

Shall the above-described Charter amendment be adopted?

Yes []

No []

6. CITY COMMISSION TERM LIMITS PROVISION

The City Charter currently provides that no Commissioner shall serve more than eight consecutive years unless a two year service interval first occurs. It is proposed that the Charter be amended so that term limits shall apply to a person who resigns, but shall not apply to the term of a person who was elected or appointed to fill a vacancy during a term, and be applied retroactively.

Shall the above-described Charter amendment be adopted?

Yes []

No []

7. QUALIFICATIONS OF COMMISSION MEMBERS

The City Charter currently provides that a person must be a resident of the City for at least six months before qualifying for election as a city commissioner. It is proposed that the Charter be amended to provide that the required City residency period be increased to one year and that residency must be proven by proof of City voter registration.

Shall the above-described Charter amendment be adopted?

Yes []

No []

8. CREATION OF AMENDED CHARTER

It has been proposed that the City Charter be comprehensively amended to reflect the creation of an amended Charter including changes made for style, clarity and consistency, along with amendments describing the duties, responsibilities, authority and qualifications of City officers and advisory board members, and amendments conforming and updating the Charter to conform with State law provisions, and deleting matters more properly covered by City ordinances.

Shall the above-described Charter amendment be adopted?

Yes []

No []

9. NUMBER OF ELECTORS REQUIRED FOR PETITIONERS' COMMITTEE IN INITIATIVE AND REFERENDUM PROCESS

The current City Charter provides that only ten electors are necessary in order to commence initiative or referendum proceedings as a Petitioners' Committee. It has been proposed that the Charter be amended to provide that twenty-five City electors are required to serve on the Petitioners' Committee in order to commence initiative or referendum proceedings.

Shall the above-described Charter amendment be adopted?

Yes []

No []

10. ELIMINATION OF PRIMARY ELECTIONS

The current City Charter provides for the holding of a primary election prior to the holding of a regular municipal election for the election of City Commission members. It is proposed that the Charter

be amended to eliminate the primary election system so that Commission members may be elected at a single election at which the candidates receiving the greatest number of votes are elected.

Shall the above-described Charter amendment be adopted?

Yes []

No []

11. ANTI-DISCRIMINATION PROVISION

The City Charter currently provides that the City shall not adopt any measure or policy or otherwise discriminate against any person due to age, race, religion, creed, color, national origin, physical or mental disability, sexual orientation, sex or marital status. It is proposed that the Charter be amended to also prohibit discrimination upon the basis of gender identity or familial status.

Shall the above-described Charter amendment be adopted?

Yes []

No []

12. FORFEITURE OF OFFICE FOR EXCESSIVE ABSENTEEISM FROM REGULAR COMMISSION MEETINGS

The City Charter currently provides that a Commissioner who is absent from four consecutive regular City Commission meetings shall lose his or her office, unless such absence is excused by the City Commission. It is proposed that the Charter be amended to provide for loss of office upon two such unexcused absences.

Shall the above-described Charter amendment be adopted?

Yes []

No []

13. ACTION AT SPECIAL MEETINGS OF THE CITY COMMISSION

The City Charter currently provides that when the City Commission takes action at a special (not a regular) meeting on a purchase transaction or contract in excess of \$15,000.00, a four-fifths vote of the membership of the Commission shall be required for approval. It is proposed that the Charter be amended to provide that the four-fifths vote requirement shall only apply when the cost exceeds \$25,000.00.

Shall the above-described Charter amendment be adopted?

Yes []

No []

The order of presentation of the above listed ballot items on the ballot may be revised pursuant to Section 8, below. The ballot questions and corresponding Notice of Election may be revised by Commission resolution.

Section 5. City Charter Amended. That the City Charter is further amended by adding those provisions indicated by underline and deleting those provisions indicated by strikethrough, to read as set forth in Attachment "X", a copy of which is attached and incorporated by this reference.

Section 6. Registration. That the County registration books shall remain open at the office of the Broward County Supervisor of Elections until the date which is provided by law as the date that the registration books shall close in accordance with the provisions of the general election laws.

Section 7. Implementation. That the City Clerk, with any necessary assistance and services from the Broward County Supervisor of Elections, is authorized to take all appropriate actions necessary to carry into effect and accomplish the provisions of this Ordinance.

Section 8. Procedure; Returns. That the election returns shall be canvassed by the Broward County Canvassing Board as required by law.

Section 9. Copies Available. That copies of this Ordinance proposing the Charter amendments are on file in the office of the City Clerk located at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004, and are available for public inspection during regular business hours.

Section 10. Result of Balloting. That if a majority of the qualified electors voting on a proposed Charter amendment vote for its adoption, it shall be considered adopted and effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. Further, to the extent that the City Attorney determines that certain of the Charter amendments provided by Section 5 above are not dependent upon voter approval under that portion of Section 166.021, F.S., which enables certain charter and special act provisions which presently exist as they existed prior to the initiation of municipal Home Rule Powers in 1973 to

be amended by ordinance without a requirement for referendum approval, those limited Charter amendments identified in writing by the City Attorney shall be effective without regard to the vote of the electors and shall be included in the revised Charter.

Section 11. Conformance. That in the event that some, but not all, of the Charter amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the City Attorney is authorized to implement such conforming revisions of the Charter, by restoring any necessary text of the previously existing Charter and harmonizing provisions, all to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. The City Clerk shall file the revised Charter with the Florida Department of State.

Section 12. Application of Amendments. That each of the Charter amendments which are adopted by the electors shall be applied prospectively only unless otherwise stated by the Charter text.

Section 13. Conflicts. That in the event that the provisions of this Ordinance conflict with any other City Ordinance, the provisions of this Ordinance shall prevail to the extent of any such conflict.

Section 14. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 15. Inclusion in the Charter. That, subject to the requirements of Section 10 above, it is the intention of the City Commission, and it is ordained that the provisions of this Ordinance shall become and made a part of the Charter of the City of Dania Beach; that the sections of this Charter may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.


Section 16. Effective Date. That this Ordinance shall become effective immediately upon adoption.

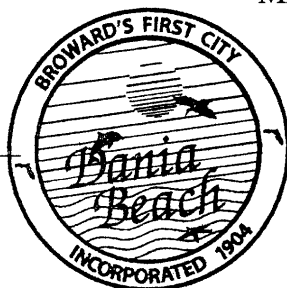
PASSED on first reading on November 23, 2010.

PASSED AND ADOPTED on second reading on December 14, 2010.

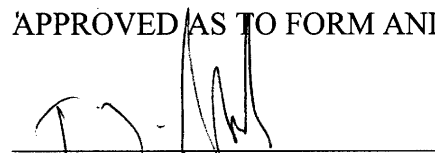

C.K. McELYEA
MAYOR-COMMISSIONER

ATTEST:


LOUISE STILSON, CMC
CITY CLERK



APPROVED AS TO FORM AND CORRECTNESS:


THOMAS J. ANSBRO
CITY ATTORNEY

ATTACHMENT "X"

Part I. The Municipality of The City of Dania Beach

ARTICLE 1. GENERAL PROVISIONS

Sec. 1. ~~Abolish~~ Existing municipality.

~~That~~ The existing municipal government of the City of Dania Beach, in the County of Broward and State of Florida, be and the same is ~~hereby abolished~~ continued in full force and effect.

Sec. 2. Title to property reserved.

The title, rights and ownership of all property, both real and personal, uncollected taxes, dues, claims, judgments, decrees, choses in action and all property and property rights held or owned by the municipality named "City of Dania Beach" ~~"abolished by this act,~~ shall ~~pass~~ continue to and be vested in the municipal corporation organized under this charter. ~~to succeed the municipality abolished.~~

Sec. 3. Obligations unimpaired.

No obligations or contracts of the ~~said~~ municipality ~~hereby~~ previously abolished, including bonds ~~heretofore~~ previously issued or any proceeding ~~heretofore~~ previously begun for any improvement, or for the borrowing of money, or issuing of bonds, shall be impaired or avoided by this charter, but such debts, obligations, contracts and bonds shall pass to and be binding upon the ~~new~~ municipality ~~hereby~~ being created continued ~~and organized,~~ and all such proceedings ~~heretofore~~ previously begun for the construction of any improvements or for the borrowing of money or issuing of bonds may be continued and completed and binding upon the ~~said new~~ municipality; and likewise all debts of and claims against the previously abolished and recreated municipality shall be valid against the ~~new~~ municipality created.

Sec. 4. Officers hold over.

~~All officers and employees heretofore elected or appointed and holding office under the said municipality hereby abolished, shall continue to hold their respective offices and discharge the respective duties thereof under the new municipality hereby created until their successors are elected and qualified under the provisions of this charter.~~

Sec. 54. Ordinances not impaired.

All existing ordinances and resolutions of the ~~said abolished~~ City municipality, not in conflict with the provisions of this charter, shall continue in effect unless repealed, amended or modified by the ~~municipality~~ City ~~which is hereby organized or created.~~

Sec. 65. Establishment of new municipality.

The inhabitants of the City of Dania Beach, as its boundaries are hereinafter designated and established, or as may hereafter be designated and established, shall continue to be a body politic and corporate, to be known and designated as the "City of Dania Beach," and as such shall have perpetual succession, may use a common seal, may contract and be contracted with, and may sue and be sued in all the courts of this state and in all matters whatsoever.

Sec. 76. Boundaries.

~~The following shall be the territory, the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipal corporation shall exercise its jurisdiction and powers, to wit:~~

(Delete 53 pages of legal description)

The corporate boundaries of the City of Dania Beach are those which exist and are in effect upon the date of adoption of this Section. A map of the City of Dania Beach depicting the boundaries as they exist upon the date of adoption of this Section and as they may be subsequently amended appears below and an official map shall be maintained by the City Clerk. A legal description of the municipal boundaries shall be maintained in the office of the City Clerk in lieu of being reprinted in this Charter.

(Editors Note: Since Sec. 166.031, F.S., provides that a charter amendment referendum may not amend the legal description of the boundaries of the City, the City boundaries shall continue to exist as previously provided, subject to amendments caused by annexation, but the voluminous legal description shall be maintained on file in the office of the City Clerk in lieu of being set out in this Charter. Pursuant to Sec. 166.031(3) F.S., the City Commission may by ordinance, and without referendum, redefine City boundaries to include only those lands previously annexed.)

INSERT MAP

Sec. 8. Seal.

The official seal of the City of Dania Beach shall bear the legend "Broward's First City -- Dania Beach -- Incorporated 1904."

Sec. 9. Jurisdiction.

The jurisdiction and powers of the City of Dania Beach shall extend over all streets, alleys, sewers, parks and all lands within said such area, whether platted or unplatted, and the air above same; and to and over all waters, waterways, streams, ~~bays, bayous,~~ submerged lands, water bottoms and wharves; and to and over all persons, firms and corporations, property and property rights, occupations, businesses and professions whatsoever, within ~~said~~ such boundaries.

The title to and jurisdiction over all streets, thoroughfares, parks, alleys, public lots, and sewers, within the city, and other property and municipal plants of the city now owned, possessed or operated by it, and all property of every kind and character which the city may hereafter acquire within or outside the city, or which may vest in it, or be dedicated to it, for its use or for the public use, shall be vested in the City of Dania Beach, as created under this charter.

~~Sec. 10. Fiscal year.~~

~~Editor's note: The fiscal year has been editorially deleted as the fiscal year is October first through September thirtieth, pursuant to F.S. §§ 166.241 and 218.33.~~

Sec. 140. Definitions.

As used in this charter, the following words shall have the following meanings:

- (a) The words "previously abolished municipality" shall mean the municipality formerly existing under the provisions of Chapter 12652, Laws of Florida, Special Acts of 1927.
- (b) The words "new municipality" shall mean the municipality established, continued and re-created ~~by~~ in this Act Charter.
- (c) The word "and" shall also mean "or," and the word "or" shall also mean "and," wherever the contents shall so require.
- (d) The masculine pronoun shall designate and include the feminine, and the neuter, where the meaning so permits.
- (e) The word "person" used ~~herein~~ in the masculine gender, shall mean a male or female person, or legal corporate entity.
- (f) The term "city clerk" shall mean the "city clerk" of the City of Dania Beach, Florida.

(g) The word "municipality" used in this Charter shall refer to the municipality of the City of Dania Beach unless otherwise indicated.

(h) The words "city commission" shall refer to the city commission of the City of Dania Beach, Florida.

~~(i) The word "freeholder" as used in this Act shall mean any male or female person who has an immediate beneficial ownership interest, legal or equitable, in the title to a fee simple estate in lands in the municipality.~~

Sec. 121. Anti-discrimination.

The city shall not adopt any measure or policy or otherwise discriminate against any person due to age, race, religion, creed, color, national origin, physical or mental disability, sexual orientation, gender identity, sex, or marital status, or familial status.

ARTICLE 2. CITY CHARTER

Sec. 1. Present charter.

This Act document shall ~~hereafter~~ be referred to as the charter of City of Dania Beach, a municipal corporation of Florida.

Sec. 2. Amendments to charter.

The charter of City of Dania Beach may from time to time be amended as provided by state law, including Section 166.031, F.S. ~~by duly enacted acts of the legislature of the State of Florida; but no special act of the legislature shall have the effect of amending the charter of City of Dania [Beach] unless notice of local legislation has been published as required by state statute before such amendment is introduced in the legislature.~~

Sec. 3. Charter review board.

A charter review board shall be appointed by the city commission and shall convene at least every eight (8) years. Such board shall be authorized to place recommendations for changes to the charter before the city commission for consideration by the city commission for placement on an elective ballot, if a referendum is required by law to make the desired change or is requested by the board.

ARTICLE 3. POWERS OF THE CITY

Sec. 1. General powers of the city.

The City of Dania Beach hereby as created, established and organized shall have full power and authority: to exercise all of the powers of local self-government and municipal home rule; to do

whatever may be deemed necessary or proper for the safety, health, convenience or general welfare of the inhabitants of the city; to exercise full police powers; and to do and perform all acts and things permitted by the laws of the State of Florida.

(1) — ~~Taxes and assessments:~~ Deleted.

(2) — ~~Alcoholic beverage licenses:~~ The number of licenses which may be granted by the City of Dania [Beach] for the sale within its corporate limits of intoxicating beverages containing alcohol of more than fourteen (14) per cent by weight, by vendors operating places of business where such intoxicating beverages are sold, is hereby limited to one license for each one thousand (1,000) persons in said city, according to the last preceding state or federal census, and no license shall be issued to any applicant for the sale of intoxicating beverages containing more than fourteen (14) per cent by weight in excess of one license for each one thousand (1,000) persons in the city according to the last preceding census.

~~State law references:~~ Limitations on the number of alcoholic beverage licenses in special acts retained, F.S. § 561.20(4).

(3) — ~~Acquisition of property:~~ To acquire by purchase, gift, devise, condemnation, lease or otherwise, real or personal property or any estate therein, or riparian rights or easements therein, within or without the city, to be used for any municipal purpose, including cemeteries or place for burial of the dead; streets and highways, public parking lots or spaces, bridge and tunnel sites; the construction of a telephone system; plants, works and wells and other equipment necessary for supplying said city with water, ice, gas for illuminating and heating purposes, and electric power for illuminating, heating or power purposes; the location of waterworks and sites for public utility works; the establishment of poorhouses, houses of detention and correction; hospitals for the cure or detention of the sick; jails; market houses, public parks, playgrounds, airports, docks, seawalls, yacht harbors, wharves, warehouses, promenades, plants for cremating, neutralizing or otherwise destroying sewage, garbage and refuse; for extension of sewer and drainage pipes and water mains; and for any public or municipal purpose; and to improve, sell, lease, pledge or otherwise dispose of same or any part thereof for the benefit of the city, to the same extent that natural persons might do, in the manner provided in this charter.

(4) — ~~Recreational facilities:~~ Deleted.

(5) — ~~Franchises:~~ Deleted.

(6) — ~~Public improvements:~~ Deleted.

(7) — ~~Expend moneys:~~ Deleted.

(8) — ~~Borrow money for operating expenses:~~ Deleted.

(9) — ~~Special assessments:~~ Deleted.

(10) — ~~Streets and sidewalks:~~ Deleted.

(11) — ~~Use of streets and sidewalks:~~ Deleted.

(12) — ~~Regulate transportation:~~ Deleted.

(13) — ~~Railroads and locomotives:~~ Deleted.

(14) — ~~Does, wharves, etc.:~~ To construct, build, improve, acquire, maintain or discontinue seawalls, docks, wharves, yacht basins, bridges, viaducts, subways, tunnels, sewers, drains and canals, and to levy assessments and hold liens for all or any part of such improvements; to establish, construct, maintain, operate and control public landings, piers, wharves, and docks within and without the city, and to acquire lands, riparian rights or other rights and easements necessary for such purposes; to lay and collect reasonable duties, charges or fees on vessels or watercraft coming into or using such landings, wharves and docks; to regulate the manner of

~~using any and all wharves and docks within and without the city and the rates of wharfage or charges to be paid by vessels or other watercraft using the same; to dredge or deepen the harbors, rivers, canals, waterways or any branch or portion thereof within the city.~~

~~(15) — *Regulate public uses:* To regulate and control the use and occupancy of the waters, waterways, water bottoms, wharves, causeways, bridges, beaches, streets thoroughfares, alleys, parks, public lots, and other public places in the city, and municipally owned or lease property within or without the city limits; prevent the use of the streets and sidewalks by private persons for business purposes or conveniences; make regulations for the protection of the public where any railroad shall cross or occupy any street, alley or public lot of the city; and prescribe or regulate the flying height and manner of flight and size of airplanes and other aerial conveyances over, above, and within the area of the city limits; and to impose and enforce adequate penalties for violation of such rules and regulations.~~

~~(16) — *Draining areas:* Deleted.~~

~~(17) — *Buildings:* Deleted.~~

~~(18) — *Pensions:* To provide for life and/or disability insurance for its employees and/or agents and/or officers on a group insurance plan approved by the said city commission, and to pay all or such portions of the premium or premiums thereon as said city commission by resolution may determine; and to establish and create by ordinance a pension, annuity and retirement system for any or all groups of officers or employees employed by said city.~~

~~(19) — *Public utilities:* Deleted.~~

~~(20) — *Cleaning lots:* Deleted.~~

~~(21) — *Sewage disposal:* Deleted.~~

~~(22) — *Abatement of nuisances:* To compel the abatement and removal of all nuisances within the city or upon the property owned by the city beyond its corporate limits, at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots or other premises within the city to be kept clean, sanitary and free from weeds, wild growth and rubbish, or to clean and make them so at the expense of the owner or occupants thereof; to regulate or prevent slaughterhouses, noisome or offensive business within the city; to prevent the carrying on of any dangerous or unwholesome business, trade or employment within the city; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, convenience and welfare of the inhabitants of the city.~~

~~(23) — *Dairies and stock:* Deleted.~~

~~(24) — *Inspections:* Deleted.~~

~~(25) — *Enforcing ordinances:* To make and enforce all police, housing, zoning, sanitary or other ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine not exceeding five hundred dollars (\$500.00) or imprisonment at hard labor on the streets or other works of the city for a term not exceeding ninety (90) days, or both.~~

~~(26) — *Municipal powers:* To exercise all of the powers of local self-government and to do whatever may be deemed necessary or proper for the safety, health, convenience or general welfare of the inhabitants of said city; to exercise full police powers; to do and perform all acts and things permitted by the laws of the State of Florida, and comprehended as duties in the performance of anything recognized as a "municipal purpose" whether now existing and recognized, or hereafter recognized as a municipal purpose by statute law or court decision.~~

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the City of Dania [Beach] shall have and may exercise all other powers which under the constitution and laws of Florida it would be competent for this paragraph specifically to enumerate.

Editor's note: All powers except extraterritorial powers have been editorially deleted in recognition of the broad home rule powers granted to municipalities in the Article VII, § 2 of the Florida Constitution and F.S. Ch. 166. Extraterritorial powers were not deleted as they may only be amended by general or special law.

Sec. 2. Special powers of the city.

[The] City of Dania [Beach] hereby created is specifically vested with power and authority:

(a) ~~*Airports.* To purchase, acquire, take, hold, establish, construct, equip, maintain and operate municipal airports, landing fields, hangars, aviation terminals and administration buildings, runways, depots, warehouses, garages, repair shops, oil and fuel tanks or stations or other necessary appurtenances for the use of airplanes and other aircraft, and to acquire or lease any and all real property within the corporate limits, or within ten (10) miles of the boundaries thereof, for such purposes; to set apart and use for such purpose any real property owned or leased by the city, whether or not originally acquired by condemnation, purchase or lease for another purpose; to adopt and enforce reasonable rules and regulations governing the use of such municipal airports; to employ airport directors, airport managers, employees or agents in connection with such operation; to impose fees or charges in connection with the use of such airport or airport facilities; to sell gasoline or other supplies necessary in connection with the operation of such airports; to provide lounges, eating places, refreshment parlors and other facilities in connection with such municipal airports; to let or lease to private persons or corporations portions of the said airports for building sites, hangar space, concessions or other uses; to appoint a Dania Airport Commission consisting of residents of the city, in the manner provided by ordinance; to prescribe and promulgate reasonable rules and regulations for the operation of such airports, and to exercise supervision and control of such operation; to accept and receive grants from the state and federal governments and any body politic for the construction, maintenance, operation and management of such airport facilities.~~

(b) ~~*Hospital.* Deleted.~~

(c) ~~*Public library.* Deleted.~~

(d) ~~*Codify ordinances.* Deleted.~~

(e) ~~*Removal of buildings and nuisances.* Deleted.~~

(f) ~~*Personal property.* Deleted.~~

(g) ~~*Authority to contract with the United States, state or county.* To enter into contracts with the State of Florida or any of its subdivisions or agencies, and with the United States of America or any department or any agency thereof, in order to purchase, lease or acquire property, real and personal, within or without the limits of the territorial boundaries of the city, for any municipal purpose, and to sell, alienate, convey, lease or otherwise dispose of same for the benefit and advantage of said city.~~

(h) ~~*To convey to United States or State of Florida.* To acquire real estate or any interest therein, located within or without the territorial limits of said city, by purchase, gift, devise, condemnation or otherwise, for the purpose of giving, granting or conveying the same to the United States of America or the State of Florida, or any lawful agency or subdivision thereof,~~

~~whenever the city commission of said city shall deem it advisable, beneficial and to the best interest of said city so to do, or in order to induce the construction of public institutions and public works of any and all kinds.~~

~~(i) *Authority to acquire, construct, own and operate a golf course or golf courses.* To acquire, construct, own and operate a golf course or golf courses and all such buildings and improvements as said city may deem necessary or desirable for use in connection therewith, within or outside the limits of said city; to use any lands now owned by said city for the purpose of a golf course or golf courses, and to acquire by purchase, lease, condemnation or otherwise for such purposes any land within or outside the limits of said city as it may deem necessary or desirable; to charge reasonable admissions, rentals or fees for the use or enjoyment of such golf course or golf courses by the users thereof; to appoint a "Dania Golf Commission" of citizens to supervise the operation of such golf course, and prescribe reasonable rules and regulations for the use and operation thereof.~~

~~(j) *Plats.* Deleted.~~

~~(k) *Foreclosure.* Deleted.~~

~~(l) *Off street parking.* Deleted.~~

~~(m) *Sidewalks.* Deleted.~~

~~(n) *Civil service.* To ordain and enact by ordinance an overall and comprehensive plan to civil service for the benefit and protection of both the municipality and the employees of City of Dania [Beach], Florida; to provide for the authority to the City of Dania [Beach], by such ordinance, the discretionary right to prescribe and provide for a system of civil service concerning, but not limited to, such matters as civil service boards and commissions, examinations and tests for employees, appointments, promotions, reductions, suspensions, removals, retirements and reinstatements; and further providing that such ordinance may apply to all, or only a part, of the employees of the city providing that there exists a reasonable method of classification; and further providing that such ordinance may apply to, or exclude, department heads; and further providing that any civil service board or commission which may be authorized by such ordinance shall have the right to adopt rules and regulations concerning employees, their duties, hours of work, discipline, control and pay of employees, number of employees in each grade, tenure, probationary or temporary employees, discharge of permanent employees and hearings, and giving such civil service board or commission the right to initiate investigations and prefer charges; and further providing that such ordinance may provide for all incidental matters and subjects reasonably required incidental to the adoption of such civil service plan.~~

~~(Sp. Act, Ch. 65 1427, § 1)~~

~~**Editor's note:** All powers except extraterritorial powers have been editorially deleted in recognition of the broad home rule powers granted to municipalities in the Article VII, § 2 of the Florida Constitution and F.S. Ch. 166. Extraterritorial powers were not deleted as they may only be amended by general or special law.~~

~~Sec. 3. Reserved.~~

~~**Editor's note:** No section 3 appears in the original.~~

~~Sec. 4. Cemeteries.~~

~~The City of Dania Beach is hereby authorized and empowered to acquire, own, maintain and operate a cemetery or cemeteries within or without the corporate limits of the city for the burial and memorialization of the dead and activities incidental and convenient thereto. To issue bonds~~

~~and revenue certificates for the purpose of obtaining money to establish or improve said facilities in the same manner as other bonds or revenue certificates are provided for in the Charter of the City of Dania Beach. To establish and administer an endowment or perpetual care fund for the maintenance of said cemetery or cemeteries to be made up by depositing a portion of the moneys received from the sale of lots or plots, and accept gifts to be deposited in said fund, said fund to be administered by the city commission, acting as a board of trustees for city cemeteries. To regulate the uniformity, class and kind of all markers and memorials within the city cemeteries, and prohibit the erection of monuments, effigies or other structures by lot owners in or upon any portion of the cemetery or cemeteries in violation of said regulations. To erect, maintain and operate chapels, buildings, workshops, greenhouses, nurseries and other incidental buildings and equipment. To sell burial lots and burial rights and all things incidental thereto. To sell, erect, maintain and operate community mausoleums and columbaria. To sell, install, and maintain memorials of such character as are approved by the city commission. To sell, manufacture, install and maintain grave liners, burial vaults, tombs and crypts. To erect, own, maintain and operate crematories within the confines of the cemetery or cemeteries, or elsewhere. To do any and all things necessary or incidental to the accomplishment of any such purposes.
(Ch. 29002, § 1, Sp. Acts 1953; Ord. No. 2003-033, § 1, 9-23-03)~~

Sec. 25. Certain expenditures.

Any agreement, commitment or any other action of any kind, pursuant to which the city shall or may become obligated to expend more than one million dollars (\$1,000,000.00) in city funds, either in connection with one transaction or cumulatively from a series of directly related transactions, or which has a direct net fiscal impact, as determined by the city finance director, upon city funds exceeding that amount, shall require a four-fifths (4/5) vote of the city commission, as authorized in advance by adoption of an ordinance. There shall be two (2) public hearings on the ordinance and notice of each such hearing shall be published in a newspaper of general circulation within the city, at least ten (10) days before each such hearing.

Sec. 36. Airport matters.

Any agreement of any kind to which the city may be a party, which affects any city residents and which involves any expansion, modification, addition to or change to or of any lands associated with the Fort Lauderdale-Hollywood International Airport, shall require a unanimous vote of the city commission, as authorized in advance by adoption of an ordinance. There shall be two (2) public hearings on the ordinance and notice of each such hearing shall be published in a newspaper of general circulation within the city, at least ten (10) days before each such hearing.

ARTICLE 4. FORM OF GOVERNMENT

Sec. 1. Commission-manager plan.

The form of government of City of Dania Beach, provided under this charter, shall be known as the "commission-manager plan."

Part II. LEGISLATIVE BRANCH AND LEGISLATION

ARTICLE 1. CITY COMMISSION

Sec. 1. Creation of commission.

There is hereby 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.

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 ~~1967~~ 2011 and so that three (3) seats on the city commission will become vacant in ~~1968~~ 2012.

~~At the municipal election for the year 1967, two (2) commissioners shall be elected for terms of three (3) years each. Thereafter, beginning with the municipal election for the year 1970, and at the municipal elections every four (4) years following, two (2) commissioners shall be elected for terms of four (4) years each.~~

~~At the municipal election for the year 1968, and at the municipal elections every four (4) years following, three (3) commissioners shall be elected for terms of four (4) years each.~~

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.

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 ~~the six (6) months~~ immediately preceding the date of election, as evidenced by City voter's registration documentation and shall be otherwise qualified as provided in this charter. ~~Candidates for nomination or election for the office of city commissioner shall comply with all the rules and~~

~~regulations set out in the charter as to their conduct.~~ 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 ~~two (2)~~ eight (8) consecutive ~~four (4)~~ years terms in office ~~(or, but for resignation, would have served for such period of time).~~ ~~with a~~ After a full two (2) year interval out of office, such person may serve before serving additional terms, subject to the foregoing requirements. This provision shall be ~~prospective and not retroactive,~~ and shall ~~not~~ take into account the present ~~and~~ or past terms of the presently-elected commissioners, ~~or the commissioners to be elected at the city's general election on March 9, 1993.~~ 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.

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.

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 ~~every two years thereafter~~ 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 ~~or~~ 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.

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 ~~by resolution,~~ and exercise all other powers ~~herein provided.~~ in this Charter and as otherwise provided by law.

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 ~~hereby~~ 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 prescribed the manner in which any powers of the ~~said~~ 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 ~~members thereof~~ shall give orders to the subordinates of the city manager, either publicly or privately.

Sec. 8. Forfeiture of office.

Absence by any commissioner from ~~four(4)~~ 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, ~~by resolution setting forth the fact of such excuse, duly entered upon the minutes.~~ Any member of the city commission who shall be convicted of a felony while in office shall ~~thereupon~~ 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.

ARTICLE 2. GENERAL PROVISIONS

Sec. 1. Legislative branch.

The legislative powers of the city shall be vested in and exercised by the city commission, consistent with the provisions of this charter, the Constitution of the United States of American and the State of Florida, and the laws and ordinances of the City of Dania Beach.

ARTICLE 3. ORDINANCES AND RESOLUTIONS

Sec. 1. Definition of "ordinance" and "resolution."

As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

- (a) "Ordinance" means an official, legislative action of the city commission of the City of Dania Beach, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) "Resolution" means an expression of the city commission of the City of Dania Beach concerning matters of administration, expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the city commission of the City of Dania Beach.

Sec. 2. Requirements as to form of ordinance or resolution.

Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected ~~therewith.~~ with it. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a section or subsection.

Sec. 3. Publication of notice; waiver of notice under emergency conditions.

(a) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City of Dania Beach. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the limits of the City of Dania Beach where such proposed ordinances may be inspected by the public. ~~Said~~ The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(b) The city commission of the City of Dania Beach with a two-thirds vote may enact an emergency ordinance without complying with the requirements of paragraph (a) of ~~the~~ within ~~this~~ section.

Sec. 4. Members of the city commission required to constitute a quorum and enact ordinances or pass resolutions.

The majority of the members of the city commission of the City of Dania {Beach} shall constitute a quorum. The affirmative vote of three (3) members of the city commissioners shall be necessary to enact any ordinance or adopt any resolutions; provided that two-thirds of the membership of the city commission is required to enact an emergency ordinance. On final passage, the vote of each member of the city commission shall be entered on the official record of the meeting. ~~All ordinances or resolutions passed by the governing body shall become effective ten (10) days after passage or as otherwise provided therein.~~

Sec. 5. Permanent record of ordinances and resolutions.

Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose, and shall be signed by the mayor ~~commissioner~~ and the city clerk ~~auditor~~ of the city (or the deputy or acting city clerk ~~auditor~~ in the absence of the city clerk ~~auditor~~).

Sec. 6. Code of Ordinances.

~~From time to time~~ The ordinances of the City of Dania Beach ~~may~~ shall be codified into a "Code of Ordinances of the City of Dania Beach" and the existing ordinances of the City of Dania Beach may be revised, recodified and reprinted, and such revision or recodification may be enacted by a single ordinance.

ARTICLE 4. THE INITIATIVE

Sec. 1. Petition for proposed ordinance.

Any proposed ordinance, including ordinances for the repeal or amendment of ordinances then in effect, may be submitted to the city commission by petition signed by five (5) per cent of the total number of qualified electors in the municipality. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written ~~thereon~~ on them the names and addresses of at least ~~ten (10)~~ twenty-five (25) electors who shall be officially regarded as having filed the petition, and shall constitute a committee of the petitioner for the purposes ~~hereinafter named.~~ set forth in this Section. Each signer of the petition shall sign his or her name in ink or indelible pencil and shall place on the petition, opposite his or her name, the date of the signature and his or her place of residence by voting precinct, if any he or she has, and street number. The signatures to any such petition need not all be appended to one paper, but to each such papers there shall be attached an affidavit by the circulator ~~thereof~~ of it, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant, and on the date indicated. It shall be the duty of the city attorney to draft such proposed ordinance in proper form when such petition shall be presented to him or her properly signed by ~~ten (10)~~ twenty-five (25) electors.

Sec. 2. Time of filing.

All papers comprising a petition shall be assembled and filed with the city clerk as one instrument, within sixty (60) days of the date of the first signature, ~~thereto~~, and when so filed, the clerk shall determine if same contains the necessary signatures, and if so, shall submit the same to the city commission at its next regular meeting, and provision shall then be made for public hearings upon the proposed ordinance.

Sec. 3. Demand for election.

The city commission shall at once proceed to consider such petition and shall take final action ~~thereon~~ on it within thirty (30) days after the date of submission. If the city commission rejects the proposed ordinance, or passes it in a different form from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners, by written demand filed with the city clerk, may require that the proposed ordinance be submitted to a vote of the electors in its original form, if, with such demand, a petition for such election signed after the final action or inaction of the city commission is filed with the city clerk, bearing additional signatures of five (5) per cent of the electors of the city, none of whom were signers of the first

petition. The city clerk shall ~~forthwith~~ immediately certify to the city commission the proposed ordinance, stating whether or not a special election is demanded in the petition, and the percentage of registered voters who signed the two (2) petitions.

Sec. 4. Time of holding election.

If an election is scheduled to be held not less than thirty (30) days and not more than sixty (60) days after the city clerk certifies that the petition bears the required number of signers, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the city commission shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than forty-five (45) days, nor earlier than thirty (30) days thereafter, if the petitions for such ordinance and the petition for such election so demand, and if the signers of the two (2) petitions amount in the aggregate to at least fifteen (15) per cent of the registered voters of the said city. At least ten (10) days before any such election, the city clerk shall cause such proposed ordinance to be published, in one issue of ~~the official organ~~ a newspaper of general circulation within the City and the official City website.

Sec. 5. Ballots.

~~Ballots to be used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two (2) propositions "for the proposed ordinance" and "against the proposed ordinance." Immediately to the left of each proposition there shall be a square in which by making a cross mark (X), the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof of it, it shall thereupon become an ordinance of the city. The form of ballot and method of voting on the proposed ordinance provided herein shall be subject to applicable election laws.~~

Sec. 6. Duty of city attorney.

Before any ordinance so proposed shall be submitted to the city commission, it shall be first approved as to its form by the city attorney whose duty it shall be to draft such proposed ordinance in proper legal language, if called upon so to do, and to render such other service to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the city commission.

Sec. 7. Amendments and repeals.

No ordinance passed by an electoral vote can be repealed or amended except by electoral vote,; but an ordinance to repeal or amend any such ordinance may, by resolution of the city commission, be submitted to an electoral vote at any regular or special election, provided notice of intention to do so be published by the city commission not more than sixty (60) days nor less than thirty (30) days prior to such election, in the manner required for the publication of initiated ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment

in full. Such submission shall be in the same manner and the vote shall have the same effect as in cases of ~~for~~ ordinances submitted to an electoral vote by popular petition.

ARTICLE 5. THE REFERENDUM

Sec. 1. Petition for repeal or amendment of existing ordinances.

Any existing ordinance of the City of Dania Beach or any section or related sections of the "Code of Ordinances of the City of Dania Beach" including any initiated ordinances, may be repealed or amended at a referendum election held and brought about in the same manner as the election upon initiated ordinances.

~~ARTICLE 6. THE RECALL~~

~~Editor's note: This article has been editorially deleted as preempted by municipal recall, F.S. § 100.361.~~

ARTICLE 76. MEETINGS OF THE COMMISSION

Sec. 1. Biennial organization meeting.

On the first Tuesday following each biennial regular election, the city commission shall meet at the usual place for holding the meetings of the legislative body of the city, at which time the newly elected city commissioners shall take the prescribed oaths of office and assume the duties of their respective offices.

~~{Sec. 2. Special meeting to seat a new member.~~

~~On the first Monday following the election of a new member, elected at other than a biennial regular election, the commission shall meet to receive such new member.~~

Sec. 32. Regular meetings.

The city commission shall meet regularly at such times as may be specified by resolution, ~~except that it shall meet regularly not less than twice each month;~~ provided, however, that by a motion adopted at a regular meeting the city commission may choose to cancel one or more meetings for reasons such as, but not limited to a summer recess or a holiday recess.

Regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; provided, however, that no more than four (4) regular meetings in any one (1) calendar year or any special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meetings.

Sec. 43. Special meetings; how called.

The mayor, any two (2) members of the city commission, or the city manager, may call special meetings of the city commission upon at least six (6) hours' written notice to each member, the city manager, city clerk, city attorney and chief of police, served personally or left at his or her

usual place of residence. ~~The regularity or validity of any proceedings, taken at any special meeting at which a majority of members of the city commission and the city clerk is present, shall not be questioned on account of any omission or irregularity in calling such special meeting.~~

Sec. ~~54~~. Meetings, minutes and procedure.

~~Regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; provided, however, that no more than four (4) regular meetings in any one (1) calendar year or a special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meetings.~~

Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records of them at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its own rules, regulations and order of business, and shall keep minutes of its proceedings.

Sec. ~~65~~. Quorum and vote.

A majority of all members of the city commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of three (3) members shall be necessary to pass any ordinance on a reading or adopt a resolution, and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the minutes.

Any action taken at a special meeting to sell, lease or grant concession rights to city property as well as to purchase or to contract in excess of ~~fifteen~~ twenty-five thousand dollars (\$~~125,000.00~~) ~~will~~ shall require a four-fifths (4/5) vote of the membership of the city commission for approval if placed on the agenda of a special meeting rather than on the agenda of one of the scheduled bimonthly regular meetings.

Part III. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

ARTICLE 1. EXECUTIVE AND ADMINISTRATIVE

Sec. 1. How constituted.

The executive, administrative, and legal advisory powers of the city, not otherwise provided for in the charter, shall be vested in and exercised by the following officers and boards, respectively:

- (a) Mayor ~~commissioner~~
- (b) City manager
- (c) A city attorney
- (d) Advisory boards.

At the head of each department there shall be an officer of the city who shall have supervision and control of the department, subject to the city manager. Two (2) or more departments may be headed by the same individual, and the director of any department may also serve as a chief or superintendent in a division under a department. The work of each department, division or classification may be distributed under the direction of the city manager. The commission may by ordinance create, change and abolish departments.

Sec. 2. Compensation of officers and employees.

The city commission of the City of Dania {Beach} shall by resolution fix the compensation of the commissioners, the city manager, and of the city attorney.

Sec. 3. Oath of office.

Every elected official of the City of Dania Beach, Florida, shall, before entering upon the duties of his or her office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city clerk, which oath shall be in the form prescribed, as follows:

OATH

I do solemnly swear (or affirm) that I am a citizen of the United States, and a resident of the State of Florida, and of the City of Dania Beach, Florida, and have all the qualifications as required by the charter for the office upon which I am about to enter; that I will support the Constitution of the United States, the Constitution of the State of Florida, and the laws and ordinances of the City of Dania Beach; and that I will faithfully perform the duties of the office upon which I am now about to enter.

Elected Official
Title of office:

Sworn to and subscribed before me on _____, _____ this the _____ day of _____
A.D. 19_____.

Notary Public

Sec. 4. Official bonds.

The city commission shall ~~by resolution~~ determine and fix or provide for the bonds of all officers, clerks or employees required to furnish bond, as determined by the city commission. Where a bond is required, ~~same~~ it shall be procured from a regularly accredited surety or insurance company, authorized to do business under the laws of Florida, ~~and maintaining an~~

~~office in the City of Dania Beach. The City of Dania Beach shall pay the premium of such bonds,; all of which shall be payable to the City of Dania Beach and filed in the office of the city clerk.~~

ARTICLE 2. MAYOR COMMISSIONER

Sec. ~~3~~1. Functions and duties of mayor ~~commissioner~~.

The mayor ~~commissioner~~ or, in his or her absence or disqualification, the vice-mayor or mayor pro tem shall perform the following functions:

(a) He or she shall preside at all meetings of the city commission and perform all duties consistent with ~~his~~ the office, and shall have a voice and vote in the proceedings of the city commission, but no veto power. ~~He~~ The mayor shall vote last upon the roll call of commissioners.

(b) ~~He~~ The mayor may use the title of mayor in any case in which the execution of legal instruments, writings, or other papers so require; but this shall not be considered as conferring upon ~~him~~ the mayor any of the administrative or judicial functions of a mayor under the general laws of the state, except as ~~herein~~ provided in this Charter.

(c) ~~He~~ The mayor shall be recognized as the official head of the city by the courts for the purposes of serving civil processes; by the government in the exercise of military law; and by the public in general for all ceremonial purposes.

(d) ~~He~~ The mayor may take command of the police and govern the city by proclamation, under the direction of the city commission, during times of grave public danger or emergency, and the city commission shall be the judge of what constitutes such public danger or emergency.

(e) ~~He~~ The mayor shall exercise all the powers and duties of the mayor as may be conferred upon ~~him~~ such official by the city commission in pursuance of the provisions of this charter, and no others.

ARTICLE 3. CITY MANAGER

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

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

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

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

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

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

Sec. 2. Absence or disability.

During a prolonged absence or disability of the city manager, the city commission may by resolution designate some properly qualified person to temporarily execute the functions of the position. The person so designated shall have the same powers and duties as the city manager, and shall be known while so serving as the acting city manager. For periods of absence of a city manager not exceeding fifteen (15) business days, the city manager may designate in writing a qualified person to serve as the acting city manager.

Sec. 3. Right of city to enter into contract of employment.

(a) Pursuant to a resolution, the city commission shall have the right to enter into an employment contract with the person it appoints as city manager. The employment contract shall not extend beyond a maximum period of three (3) years; ~~provided, however, that if the appointee is a person who was appointed by a four-fifths (4/5) vote (because the appointee did not meet minimum requirements and qualifications), then such contract shall only extend for a period of six (6) months from its effective (beginning) date. If the city commission votes to continue the contract, such contract shall continue until it terminates on the date of the expiration of a three year period, measured from the beginning date of the contract.~~ The maximum three-year term shall not be extended by any amendment to a contract. Such contract may set the compensation to be paid, ~~and provide that the full compensation due for the term of the contract will be paid to the city manager as agreed upon liquidated damages if the contract is terminated by the city commission before its expiration date. In any event, no such contract shall include any provision for liquidated damages which would exceed the amount otherwise payable to the city manager up to the date of the natural expiration of the contract.~~ Any such contract shall include a provision which specifies that the contract shall be terminated automatically if the city manager (1) violates any one or more of the tenets of the International City Manager's

Association (ICMA) code of ethics, as supplemented by applicable ICMA guidelines, or (2) in the sole opinion of the city commission, commits an act or exhibits misconduct which reflects discredit upon the city, or involves substance abuse, or (3) is found to have assisted an elected city official in the commission of an act which is in violation of any provision of the Florida Code of Ethics applicable to elected city officials, or (4) shall participate, actively or otherwise, in the candidacy of any person seeking elective office in the city, including the direct or indirect solicitation of campaign contributions or support of any kind for or against any candidate. However, a city manager whose contract is so terminated may be retained by the city commission to serve at the pleasure of the city commission. A city manager who wishes to challenge an automatic termination may do so. In such event, the city manager and the city commission shall resort to a mutually selected method of dispute resolution such as use of a hearing officer, mediation (as prescribed by the procedures promulgated by the Federal Mediation and Conciliation Service), arbitration, or any other method which will result in a final and binding decision and resolution of the dispute. The cost of such method, including attorney fees, if any, shall be shared equally between the city and the city manager, but the prevailing party shall be reimbursed its share of such costs by the other party.

(b) Any resolution pertaining to an employment contract with the city manager shall provide that the city shall not execute the contract until a public hearing concerning the contract is conducted by the city commission. Notice of such public hearing shall be advertised once only in a newspaper which is generally circulated in the city and such notice shall be published at least five (5) days before the hearing. At the conclusion of the hearing, the city shall have authority to execute the employment contract subject to any changes which may be made as the result of the hearing.

(c) It shall not be mandatory on the part of the city commission to enter into an employment contract with the city manager and, in the absence of an employment contract, the city manager may be appointed by resolution of the city commission to serve at the pleasure of the city commission for whatever compensation such resolution may fix and determine.

(d) ~~If a city manager is appointed to serve at the pleasure of the city commission, without an employment contract, the city manager may be removed from office for cause by a majority vote of the city commission; if removed without cause, a four-fifths (4/5) vote is required. "Cause" includes but is not limited to the grounds for termination identified in subsection 3(a) above. as provided in this subparagraph. A city manager who has served less than one (1) year may be removed without cause by a three fifths (3/5) vote of the city commission. However, if a city manager serves in such capacity for a one year period, but receives a less than satisfactory performance rating from the city commission, the city manager may be afforded a six month period of time to improve performance. After that period, the city manager shall be rated by the city commission and if the performance continues to be rated as less than satisfactory, the city manager may be removed by a three fifths (3/5) vote of the city commission. Performance evaluations of the city manager shall be conducted annually, on or about October 1st of each year. The following provisions shall apply to any city manager who serves in such capacity for a one year period and receives a satisfactory performance evaluation by the city commission. If removal without cause of such city manager is sought by the city commission, a four fifths (4/5) vote of the city commission shall be required. If after a subsequent year of service the~~

~~performance of the city manager is rated by the city commission to be less than satisfactory, the city manager shall be afforded a period of six (6) months to improve performance. After that period the city manager shall be rated by the city commission and if the performance continues to be rated as less than satisfactory, the city manager may be removed by a three-fifths (3/5) vote of the city commission. Despite any provision which is or appears to be to the contrary in the foregoing provision, a city manager may be removed without cause at any time by a four-fifths (4/5) vote of the city commission.~~

Sec. 4. 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 or her jurisdiction, and his or her powers are:

- (a) To see that the laws and ordinances of the city are enforced.
- (b) To appoint or remove all department heads or directors, subordinate officers, and employees.
- (c) To exercise control and direct supervision over all departments and divisions of the municipal government.
- (d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation of them, to call the same to the attention of the city attorney, whose duty it is made by this charter to take such legal steps as may be necessary to enforce the same.
- (e) To attend all meetings of the city commission, with right to take part in the discussions, but without having a vote.
- (f) To recommend to the city commission such measures as deemed necessary or expedient in the interest of the city.
- (g) To keep the city commission fully advised as to the financial conditions and needs of the city, and at the proper time to submit to the city commission for its consideration an annual budget.
- (h) To advise and consult with all officers and directors of the several departments of the city relative to the affairs of any such department, and to make recommendations to the city commission.
- (i) To perform such other duties as may be prescribed under this charter, or may be required by motion, direction, ordinance, or resolution of the city commission.
- (j) To purchase supplies, services, materials, and equipment for the various departments of the city government in an amount up to and including a monetary threshold (as established by the city commission by ordinance) whenever necessary and proper so to do. Purchases of supplies,

services, materials, and equipment for the city government in excess of the established monetary threshold may be made by the city manager without competitive bidding and without advertisement for bids if the city manager is authorized to do so in advance by a resolution adopted by the city commission. Contracts for the purchase of supplies, services, materials and equipment for the city government in excess of the monetary threshold shall be entered into or let by authorization and approval of the city commission, after advertisement for bids in one (1) or more governmental bid solicitation web sites (such as "Demand Star") and in a newspaper which is generally circulated within the city. Such advertisement is to be published once, not less than fifteen (15) days prior to the reception of bids. During unusual conditions or emergencies, the city commission may, by resolution, authorize the purchase by the city manager of designated supplies, services, equipment and materials in amounts in excess of the monetary threshold without competitive bids and without advertisement for bids.

In addition to the foregoing, the city commission may, by resolution, authorize the purchase of designated supplies, services, equipment and materials in amounts in excess of the monetary threshold without competitive bids and without advertising for bids if such purchases are made pursuant to a competitive bid obtained within the last eighteen (18) months (or as such bid may have been extended by the vendor, supplier, contractor or other similar person, subject to the same conditions as the original bid) by other governmental entities, provided that any such purchase which exceeds a monetary threshold as established by the city commission by ordinance requires a four-fifths (4/5) vote of the city commission. Nothing in this paragraph (j) shall be applied in a manner which conflicts with the requirements of the Florida Statutes. The restrictions in this paragraph do not apply to services sought by the city which relate to cost recovery, as such cost recovery system is established by ordinance.

(k) To prepare and submit to the city commission, within sixty (60) days after the close of each fiscal year, a complete report of the operation and business of the city for the preceding fiscal year.

~~(l) To sign all checks, warrants, bonds, and agreements issued by the city; provided, however, that any such instrument which exceeds a monetary threshold subject to procedures as established by city ordinance shall require two (2) manual signatures of city officials. Authorized officials are the city manager, city finance director, city clerk and in an emergency the mayor (or in the absence of the mayor, the vice mayor). Instruments which involve an amount below the monetary threshold shall require a manual signature of one (1) of the foregoing designated officials and a facsimile signature of any other authorized official, other than that of the person manually signing the instrument.~~

ARTICLE 5. CITY ATTORNEY

Sec. 1. Appointment and qualifications.

The city commission shall appoint a city attorney who shall serve at the pleasure of the commission. He or she shall be a lawyer of at least two (2) years experience and practice in the courts of the State of Florida. He or she shall receive such compensation as the city commission may by resolution fix and designate.

~~Sec. 2. Duties.~~

~~The city attorney shall be the legal advisor to an attorney and counselor for the municipality and all of its officers in matters relating to their official duties, and to that end he shall:~~

- ~~(a) — Attend the meetings of the city commission and advise the city commission on all points of law and parliamentary procedure.~~
- ~~(b) — Prepare all ordinances and resolutions required by the city commission for adoption or enactment.~~
- ~~(c) — Prepare all contracts and other instruments in writing in which the municipality is concerned, and endorse on each his approval of the form and correctness thereof (except that municipal bonds need not be endorsed with the approval of the city attorney as to form and correctness thereof), and no contract with the municipality shall take effect until such approval is so endorsed thereon.~~
- ~~(d) — When required to do so by the city commission, protect and defend on behalf of the city all complaints, suits and controversies in which the city is a party, or file any action on behalf of the city.~~
- ~~(e) — Furnish the city commission, the city manager, the head of any department, or any officer or board, his opinion on any question of law relating to their respective powers and duties.~~
- ~~(f) — Act as the official advisor of any city advisory board or department when so designated.~~
- ~~(g) — Perform such other professional duties as may be required of him by this charter or by ordinance or resolution of the city commission.~~

~~Sec. 3. Assistant city attorney and special city attorneys.~~

~~The city attorney is authorized to appoint such assistant city attorneys as may be necessary to assist him in performing the duties of his office, and such assistant city attorneys shall perform their duties under the supervision of the city attorney. Any assistant city attorneys who are appointed by the city attorney shall be compensated by the city attorney from the retainer or regular compensation which he receives from the city, and such assistant city attorneys shall have no direct claim against the city for the value of their services. Evidence of the appointment of assistant city attorneys shall be in the form of a letter from the city attorney to the city manager, which shall be retained on file at the city hall, and which shall show the name, home address and business address of each assistant city attorney. Assistant city attorneys must be admitted to practice in the courts of the State of Florida, but such assistant city attorneys need not have any minimum amount of experience. In no event shall the appointment of an assistant city attorney by the city attorney remain in force after the end of the appointment of the city attorney. In addition to assistant city attorneys who may be appointed by the city attorney as aforesaid, the city commission shall also have the right to appoint and to employ special city attorneys who shall serve under whatever terms and conditions as may be fixed in the resolution regarding their appointments.~~

~~(Sp. Acts, Ch. 67-1260, § 2)~~

Part VI. REGISTRATIONS AND ELECTIONS

ARTICLE 2-1 ELECTIONS

~~Sec. 1. Regular annual municipal primary election.~~

~~In the event in any year candidates for city commission shall not equal more than double the number of members to be elected in such year, each candidate for whom a nomination petition has been filed shall be placed upon the general election ballot for the general municipal election in such year for the office of city commissioners, and it shall be unnecessary to hold any primary election in such year.~~

~~In the event candidates for city commission in any year more than double the number of members of the city commission to be elected in such year, nomination petitions shall be filed for such candidates. Then in such event the city commission shall y resolution call a primary election for the nomination of candidates for the office of city commission. Said primary election shall be held on the second Tuesday of February in said year, and at said primary election the candidates receiving the highest number of votes shall be declared nominated, and shall be placed upon the general election ballot to the extent of double the number of members of the city commission to be elected in said year.~~

Sec. 21. Regular municipal elections.

~~Sec. 2. Regular municipal elections.~~

~~An election shall be held on the Tuesday next succeeding the first Monday in November, 1967, to elect two (2) members of the city commission for terms of three (3) years each. The two (2) commissioners elected in 1967 shall be the successors in office to the two (2) members of the city commission in office as of the effective date of this section whose terms presently expire in 1967. The two (2) members of the city commission elected at the municipal election in November, 1967, shall serve for terms which expire on the Tuesday next succeeding the first Monday of November, 1970. on the Tuesday next succeeding the first Monday of November, 1970, and on the Tuesday next succeeding the first Monday of November every four (4) years thereafter until after 1975 and then on the second Tuesday in march thereafter, two (2) members of the city commission shall be elected for terms of four (4) years each.~~

~~An election shall be held on the Tuesday next succeeding the first Monday in November, 1968, to elect three (3) members of the city commission for terms of four (4) years each. The three (3) commissioners elected in 1968 shall be the successors in office to the three (3) members of the city commission in office as of the effective date of this section whose terms presently expire in 1968. The three (3) members of the city commission elected at the municipal election in November, 1968, shall serve for terms which expire on the Tuesday next succeeding the first Monday of November, 1972. On the Tuesday next succeeding the first Monday of November, 1972, and on the Tuesday next succeeding the first Monday of November every four (4) years thereafter until 1975 and then on the second Tuesday in March thereafter, three (3) members of the city commission shall be elected for terms of four (4) years each.~~

~~Notwithstanding any language to the contrary in this section or in other sections of this charter, the term of any commissioner who holds a present office and who is being succeeded by a newly elected commissioner shall extend to and expire as of, the date on which the newly elected commissioner shall take the prescribed oath of office and assume the duties of his office in accordance with the other provisions of this charter concerning the seating of newly elected commissioners at organizational meetings of the city commission.~~

~~Effective as of the 1968 regular municipal election and without limitation on the foregoing, it is one of the purposes and intents of this section to provide generally that the regular municipal elections of city commissioners shall be held biennially, with three (3) of the five (5) city commissioners to be elected for terms of four (4) years each beginning on the Tuesday next succeeding the first Monday in November, 1968, and for their successors in office to be elected and effective in 1975 on the second Tuesday in March every four (4) years thereafter and with two (2) of the remaining five (5) commissioners to be elected for terms of four (4) years each beginning on the Tuesday next succeeding the first Monday in November, 1970, and for their successors in office to be elected and effective in 1975 on the second Tuesday in March every four (4) years thereafter. The provisions of this paragraph shall be subject to the provisions in another section of this charter concerning the methods of filling vacancies in the office of city commissioner and which may allow, in some instances where there has been a vacancy in office, the election of four (4) city commissioners at a municipal election.~~

Regular municipal elections shall be held at such time and in such manner as prescribed by City Ordinance consistent with the requirements of state law.

[Editor's note: See Ordinance No. 2010-027 concerning the regular municipal election date.]

Sec. 32. Special elections for other purposes.

A special election, for a purpose other than the ~~nomination or~~ election of city commissioners, may be called by resolution at any time by the city commission, provided that fifteen (15) days intervene between the date of the adoption of the resolution and the date of the election, unless a different time ~~be is~~ otherwise provided in this Aet Charter or ~~in the act under authority of which the elections is called by law.~~ Any matter ~~or matters,~~ which by the terms of this Charter or Aet by law may be submitted to the electors of the city at any special election, may be submitted and voted upon at any regular municipal ~~primary or~~ election.

Sec. 53. Calling an election.

All elections shall be called by resolution of the city commission, and shall be conducted, except as otherwise specifically provided, under the rules of elections prescribed by the general election laws of the state, when not inconsistent with the provisions of this Charter. Should the city commission fail or refuse to call any ~~annual primary or~~ election in due time, the city manager shall do so.

In the event due to hurricane, storm warnings or other disaster it shall be necessary or expedient in the opinion of the city commissioners of the City of Dania [Beach], they may by resolution postpone the date of the holding of any regular or special election of the City of Dania [Beach].

~~Sec. 6. Elections; how arranged for; inspectors and clerk.~~

~~(a) The city commission shall by resolution determine and provide for the method and manner of calling and holding any and all City elections, except as otherwise provided by law. the City Clerk shall name the inspectors and clerk to serve upon election boards and designate a poll deputy at each election precinct.~~

~~(b) All poll workers shall rotate through the various precincts within the municipality so that no poll worker shall serve or work in the same polling precinct in two consecutive municipal general elections.~~

~~(c) Every precinct shall be staffed by poll workers randomly selected from the general pool of poll workers.~~

~~(d) Alternatively, in lieu of procedures described above as to poll workers, the City Commission may delegate the poll worker selection process to the Broward County Supervisor of Elections.~~

Sec. 94. Nomination of candidates for city commission.

Any bona fide resident of the City of Dania Beach and of the State of Florida, and citizen of the United States of America who is a registered voter of City of Dania Beach and possesses the qualifications necessary to vote at city, state and national elections, and who is otherwise qualified to be a member of the city commission, as provided in this Act Charter, may be a candidate for the office of city commissioner by filing a verified notice of candidacy for city commissioner with the city clerk of said city no earlier than noon on the first work day in January nor later than noon on the fourteenth day following the first work day in January of the calendar year in which the election is to be held in the manner hereinafter set out, within the applicable qualifying period as prescribed by law (for the March, 2011 regular municipal election only, the qualifying period begins at noon on January 3, 2011 and ends at noon on January 10, 2011), and by paying as a qualifying fee the sum of twenty-five dollars (\$25.00) one hundred dollars (\$100.00) to the city clerk of the City of Dania [Beach] at such time, which money shall be used for the purpose of defraying the election expenses, and by paying any applicable statutory election assessment required by law. Such notice shall be in the following form, to-wit:

NOTICE OF CANDIDACY FOR CITY COMMISSIONER

I, _____, residing at _____ Dania Beach, Broward County,
(name of candidate) (resident address of candidate)
Florida, ~~do hereby~~ by this document give notice of my candidacy for the office of city commissioner of the City of Dania [Beach], Florida, in the forthcoming primary election to be held in said the city on _____.
(date of primary election)

I do further state that I am a bona fide citizen of the United States of America, and a resident of [the] City of Dania Beach; and that I have resided in and have been a registered voter in [the]

City of Dania Beach, for ~~six months~~ one (1) year immediately preceding the date of the election to be held; that I am over the age of twenty-one (21) years; that I have paid the qualifying fee for ~~said the~~ office, and that I have fully satisfied all conditions precedent to such candidacy, pursuant to the provisions of the charter of ~~said the~~ city.

(Signature of candidate to sign on this line)

State of Florida)
County of Broward)

Before me, the undersigned authority, this day personally appeared _____
(name of candidate)

who, upon being duly sworn, deposed and said: That he or she is the candidate referred to in the foregoing notice; that he or she is familiar with the contents of ~~said the~~ notice, and that the facts and matters ~~therein~~ stated in it are true; and that he or she did sign ~~said the~~ notice for the purpose ~~therein~~ specified in it.

(candidate)

Sworn to and subscribed before me this the _____ day of _____ A.D. 19____. on _____.

Notary Public, State of Florida

My commission expires:

Such person ~~so~~ filing ~~said the~~ notice ~~as prescribed~~, and after paying the qualifying fee as prescribed, if otherwise found to be qualified, shall be entitled to have his or her name printed upon the official primary ballot at for such primary election.

~~Sec. 10. When primary election unnecessary. Whenever, for any primary election, the number of candidates qualifying is less than, or not more than, twice the number of positions to be filled, then, and in that event, no primary election shall be held, even though previously called, and when time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission, and the city commission shall declare such persons to be nominated for the office of city commissioner, and have their names printed on the ballot for the next regular or special municipal election. However, if candidates in number greater than twice the number of places to be filled have qualified for any primary election, as aforesaid, then it shall be the duty of the city commission to hold such primary election.~~

Section 11. Conduct of candidates.

~~Candidates for nomination or election to the city commission may make personal canvass among the voters, may publish advertisements and other notices concerning his candidacy in any newspaper, brochure, bulletin or other printed matter and shall be permitted to speak upon the issues involved at any public gathering or over any communications media such as radio or television. No candidate shall be permitted to promise any money, office, employment or other thing of value to individual voters for the purpose of securing their votes. A violation of any of these provisions shall disqualify such candidate from holding the office, if elected, and the person receiving the next highest number of votes, observing the foregoing conditions, shall be entitled to the office.~~

Sec. 126. Nomination and election.

~~The names of the candidates for nomination to the office of city commissioner, who shall receive the greatest number of votes in a regular or special primary election, shall be placed upon the ballot at the next regular or special election in a number equal to twice the number of vacancies to be filled in the city commission. At the regular or special municipal election, the candidates who shall receive the greatest number of votes at such regular or special municipal election, equal to the number of places to be filled, shall be declared elected. If a primary election is called to fill only one vacancy, and a candidate in such primary election shall receive a majority of the valid votes cast, such candidate shall be declared elected without the holding of a general election.~~

The names of the candidates for nomination for the office of the city commission shall be placed upon the ballot and the candidates who receive the greatest number of votes at such election, equal to the number of places to be filled, shall be declared elected; provided, however that the person who receives the greatest number of votes shall be the mayor for a two year term, as provided in Part II, Article I, Section 5 of the Charter.

Sec. 137. Filling vacancies in the office of city commissioner.

~~In the event that a permanent vacancy arises on the city commission at the time which is within six (6) months from the date of a scheduled election in which the city's electors are authorized to participate, the city commission shall appoint a qualified city elector to temporarily fill such vacancy until such election. In such event, the city commission shall make such appointment within thirty (30) days from the date that the vacancy occurs. If, however, the next available election in which the city's electors may anticipate will not occur until after a period of time exceeding six (6) months from the date that the vacancy occurs, then the city commission, within thirty (30) days from the date that the vacancy occurs, shall take action to call a special election to fill the vacancy for the remainder of the unexpired portion of the term. For purposes of this section,, a permanent vacancy generally consists of a vacancy caused by resignation, death, removal from or forfeiture of office. The procedures for filling vacancies shall be further provided for by city ordinance.~~

In the event that a permanent vacancy arises in the office of the city commission, the city commission shall appoint a person who would otherwise be qualified as a candidate to the vacant position within sixty (60) days of the vacancy. Such person shall serve for the unexpired portion

of the term of the position, but only until the very next City biennial election occurs, so that the remainder of the term, if any, may be filled at such election. On the first Monday following the appointment of a new member, the commission shall meet to receive such new member and to have the oath administered.

Sec. 148. Interim government.

Should a condition arise where there should be no city commission serving, either through death, resignation or otherwise, in the interim until a special election can be called to fill such vacancies the city manager shall be the official head of the city and shall conduct the business usually transacted by the city commission; but he or she shall by proclamation call a special election at the earliest possible date. In the event of the inability or refusal of the city manager to serve in such capacity or to issue ~~said~~ such proclamation within five (5) days after such condition arises, the city clerk shall do so.

~~Section 15. General laws to apply.~~

~~All elections shall be conducted, except as otherwise specifically provided under this charter, under the rules and conditions prescribed by the general election laws of the state.~~

Part VII. FINANCES AND TAXATION

ARTICLE 1. ANNUAL BUDGET AND LEVY

Sec. 1. Annual report and estimate.

The city manager shall, as near to ~~{September}~~ first in each year as practicable, submit to the city commission ~~his~~ an annual report covering the fiscal year ending ~~{September}~~ ~~thirty-first~~ thirtieth. In making such report ~~he~~ the city manager shall estimate receipts and disbursements for the month of ~~{September}~~, based on information in his or her possession. He or she shall also make an estimate of the expenditures and revenues of the city for the ensuing year. This estimate shall be compiled from detailed information, and its arrangement and classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the city, and shall give in parallel columns the following information:

- (a) Detailed estimate of the expense of conducting each department and division of the city government, including all public utilities, facilities and enterprises conducted by the city.
- (b) Expenditures for corresponding items during the two (2) fiscal years last past.
- (c) Amount of supplies and materials on hand.
- (d) Increase or decrease of demands for the ensuing year as compared with corresponding appropriation for the last fiscal year.
- (e) Such other information as required by the city commission or as the city manager may deem advisable to submit.

(f) Estimates of revenues to be derived from sources other than ad valorem levy. The estimates so given, constituting the recommendation of the city manager as to the amounts necessary to be appropriated for the ensuing fiscal year, shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the city commission a comprehensive understanding of the needs and requirements of the various divisions of the city government for the ensuing period. Sufficient copies of the annual report and estimate of the city manager shall be prepared so that there may be copies on file in the office of the city clerk for inspection by the public.

Sec. 2. Annual budget and appropriation.

As soon as practicable after the receipt of the annual report and estimate of the city manager, the city commission shall meet and carefully consider the same; shall determine and fix the amount necessary to carry on the government of the city for the ensuing year; shall by resolution adopt a budget setting forth the amount necessary to be raised for the various departments of the city; shall appropriate such amounts to the various departments; and shall determine the amount of applicable funds on hand, the estimated departmental revenues, and the amount of millage necessary to be levied.

Sec. 4~~3~~. Power to levy.

The city commission shall have the power by resolution to raise such a sum of money by taxation, and to levy upon the taxable property in ~~{the} City of Dania [Beach]~~ such a millage or tax, as it shall determine to be necessary in order to raise such sum for the operation of the ~~said~~ municipality; the right to levy such additional taxes as may be necessary to pay interest on outstanding bonds or such bonds as the city may from time to time issue in accordance with law, and also to provide a sinking fund for the redemption of ~~said~~ such bonds; and shall have the power to levy additional taxes for other purposes provided for in this charter and by the laws of the State of Florida.

~~Sec. 5. Taxable property.~~

~~All property, real and personal, in {the} City of Dania [Beach], not expressly exempt by the laws of the State of Florida, shall be subject to taxation by {the} City of Dania [Beach].~~

~~**State law references:** Taxation and finance, F.S. Ch. 192 et seq.~~

~~Sec. 6. Transfer of funds.~~

~~The city commission shall have authority to transfer any part of any unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department, provided the provisions of this section shall not apply to special earmarked funds nor to sinking funds.~~

~~Sec 7. Limitation of appropriations.~~

~~At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation, except that special funds shall remain intact. Any accruing revenue of the city, not appropriated~~

~~as hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by resolution of the city commission to such use as will not conflict with any uses for which such revenue specifically accrued. No money shall be drawn from the depository of the city, nor shall any obligation for the expenditure of any money be incurred, except pursuant to the appropriation made by the city commission.~~

~~State law references: Appropriations, F.S. § 166.24193).~~

~~Sec. 8. Payment of claims.~~

~~No warrant for the payment of any account or claim shall be issued by the city clerk until such account shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager, and such officers and their sureties shall be liable to the municipality for all loss and damage sustained by the municipality for reason of corrupt or improper approval of any such claim or account against the municipality.~~

~~(Ord. No. 19 98, § 12. 10 27 98)~~

ARTICLE 52. SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS ADOPTION

Sec. 1. State law adopted.

The city hereby adopts by reference, the provisions of Chapter 170, Florida Statutes, relating to the assessment and collection of special assessments within the City of Dania [Beach], Florida.

ARTICLE 63. GENERAL PROVISIONS

Sec. 1. Checks and warrants.

~~All checks and warrants for the payment of money shall be signed by the finance director, or in his or her absence, by the city clerk or, in his or her absence, by the deputy city clerk, and countersigned by the city manager, or, in his or her absence, countersigned by the mayor. For a check or warrant that does not exceed the sum of one thousand five hundred dollars (\$1,500.00), one of the two (2) required signatures may be a facsimile. During vacations or unusual conditions or emergencies, the city commission may, by resolution, authorize or designate additional city officials to countersign all checks and warrants.~~

The city commission shall by ordinance establish procedures to be followed by the Director of Finance to implement current banking procedures which comply with state law with respect to the payment of money on behalf of the City.

Sec. 2. Contracts.

All contracts, bonds, certificates of indebtedness and legal instruments shall be signed by the city clerk and the city manager and countersigned by the mayor ~~commissioner~~ or acting mayor-~~commissioner~~.

~~Sec. 3. Fees and moneys collected.~~

~~All fees and moneys collected and received by officers and employees shall be immediately paid over to the finance director for deposit in the depositories as herein provided.~~

~~Sec. 4. Trustees of sinking fund.~~

~~The members of the city commission shall constitute the trustees of the sinking funds of the City of Dania [Beach], and as such shall be the trustees of such bonds as may be issued from time to time for legally authorized municipal purposes, and shall manage and control the sinking funds created for the liquidation of such bonds, subject to the provisions of the general laws of the State of Florida and the ordinances of the City of Dania [Beach], with relation to the management of such funds.~~

~~Sec. 53. City depositories.~~

~~The city commission shall from time to time in its discretion designate banks or trust companies as city depositories. Any bank acting as city depository shall make monthly reports to the city commission showing the balance on hand at the beginning of the month, the sums received and paid out during the month, and the balance on hand at the end of the month, and shall return with said the report all checks or warrants properly cancelled, which the said bank has paid during the said month. The city commission may establish rules and regulations regulating the deposits, withdrawals of funds, security to be posted or provided by the depository, and other safeguards for the deposited moneys of the City of Dania [Beach]; providing that same shall not be inconsistent with the provisions of this Act Charter.~~

~~Sec. 64. Insurance reserve fund.~~

~~There is hereby created and established for the City of Dania [Beach] a separate fund to be known and designated as "insurance reserve fund," and monies which may be placed therein in it from time to time shall be kept separate and apart from any and all other funds of said the city. Funds or sums of money which may be placed in said "insurance reserve fund" shall be invested by the city manager in such securities or upon such collateral only as may be approved by resolution of the city commission, and shall be expended only for replacing, rebuilding, or repairing city property damaged or destroyed by flood, storm, fire or hurricane.~~

~~Part IX VIII. City Planning and Development~~

~~Sec. 1. General powers.~~

~~For the purpose of promoting health, safety, morals, future development, or the general welfare of the community, the city commission of the City of Dania [Beach] is hereby empowered to regulate the use of all real estate and improvements in the city, and to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.~~

~~The city commission of the City of Dania [Beach] is also empowered to zone and establish areas within the limits of the City of Dania [Beach] wherein beverages containing alcoholic content may not be sold.~~

~~Sec. 2. Districts.~~

~~For any or all said purposes the city commission shall by ordinance divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of the article, and shall specify what lands or areas shall be included in each district; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings in each district, but the regulations in one district may differ from those in other districts.~~

~~Sec. 3. Purposes in view.~~

~~Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the street; to secure safety from fire, panic and other damages; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of lands; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, the growth and development of the city, and with a view to conserving the value of buildings and encouraging the most appropriate use of lands throughout such municipality.~~

~~Sec. 4. Present zoning ordinances.~~

~~The present zoning ordinances and regulations of the City of Dania [Beach], not inconsistent with the provisions of this Act, shall constitute the zoning regulations and restrictions of the city, until amended in the method provided in this article.~~

~~Sec. 5. Amendments to zoning ordinances.~~

~~The city commission may from time to time amend, supplement, change, modify or repeal any existing zoning ordinance if done in accordance with the following requirements:~~

~~(1) Any amendment, supplement, change, modification or repeal of an existing zoning ordinance shall be done by ordinance duly adopted by the city commission of the City of Dania Beach.~~

~~(2) Any such ordinance which amends, supplements, changes, modifies or repeals an existing zoning Ordinance shall be adopted in accordance with the requirements of Ordinance No. 33 of the city commission of [the] City of Dania Beach, adopted on final reading on December 4, 1973, and in accordance with the like requirements of section 166.041, Florida Statutes, and all such requirements of both said Ordinance No. 33 and of section 166.041, Florida Statutes, shall be applicable to every type of zoning ordinance adopted by the city commission of [the] city commission of [the] City of Dania Beach.~~

~~(3) Specifically, without limitation on the foregoing, the procedure to be followed by the city commission in adopting any type of zoning ordinance shall be the same as the procedure of adopting all other types of ordinances.~~

ARTICLE 21. CITY PLANNING AND ZONING BOARD

Sec. 1. Establishment and membership.

The "city planning and zoning board" of the City of Dania Beach, Florida, consisting of five (5) members and two (2) alternate members, is created and established. The members shall be appointed by ~~resolution of~~ the city commission and each shall serve at the pleasure of the city commission and each shall be a resident and qualified voter of the City of Dania Beach, Florida. In addition, the School Board of Broward County, Florida, is authorized to appoint a designee to serve as an ex-officio (non-voting) member of the board. Such appointee is not required to be either a resident or qualified voter of the City. Such board shall elect a ~~chairman~~person and vice-chairman~~person and secretary~~ from its members. ~~The city manager, city chief building planning official of the City, and the eCity aAttorney shall attend all board meetings, and other city officials are considered as advisors to the city planning and zoning board, and may be called on from time to time to meet with the board.~~ The board members shall serve without compensation. Regular meetings of the board shall be held monthly ~~at time specified~~, and minutes of board meetings shall be kept and preserved, but special meetings may be called more frequently, if desired.

~~Sec. 2. Duties of Board.~~

~~The duties of the city planning and zoning board shall be as follows:~~

- ~~(a) — To act in an advisory capacity to the city commission on questions relating to zoning, and to conduct investigations and hearings on matters of proposals to change zoning regulations, and report its findings and recommendations on such proposals to the city commission;~~
- ~~(b) — To study any existing city plan, with the view to improving same so as to provide for the development general improvement, and probable future growth of the city, and from time to time make recommendations to the city commission for changes in the existing city plan so as to incorporate new developments, or for the adoption of a new city plan;~~
- ~~(c) — To investigate and approve or disapprove all new plats to be represented to the city commission for approval;~~
- ~~(d) To perform such other duties as may from time to time be assigned to such board by the city commission.~~

~~Sec 3. Rules, regulations and procedure.~~

~~Such board shall adopt reasonable rules and regulations for the presentation of matters before such board, for conducting and holding hearings, for appointment of committees to assist in research work or planning work and for calling in advisors or assistants from time to time as needed, which are not inconsistent with any ordinance relating thereto. From time to time the board shall have the right to recommend to the city commission that stenographers, typists and electrical help, not in the classified service, be employed from time to time within the limits of the funds provided. The board shall have the right to pay miscellaneous expenses from time to time in preparing city plans or amendments thereto, and zoning provisions and amendments thereto, but no member of the board shall draw any compensation for his services.~~

~~Sec. 4. Administration fund.~~

~~For the purpose of defraying the expenses of the board, the city commission shall appropriate to the administration fund of the planning and zoning board each year an adequate sum.~~

~~Sec. 5. Clerk of the board.~~

~~Upon recommendation of the city planning and zoning board the city commission shall designate a clerk of the city planning and zoning board, who shall not necessarily be in the classified service, and who shall receive such compensation as may be fixed and determined. It shall be the duty of the clerk to keep an accurate record of the minutes of the meetings of the board and to keep and preserve any and all records of the board.~~

~~Sec. 6. Exceptions to zoning ordinances.~~

~~The city planning and zoning board of the City of Dania Beach upon receiving applications and after due notice to those affected, upon hearing testimony in appropriate cases, may make such exceptions to the terms of zoning ordinances of the city as will not be contrary to the public interest and shall recommend their findings as to such special exceptions to the city commission for their approval. It shall not be necessary for any ordinance or resolution to be adopted by the city commission as to any such exception unless and except the city commission shall rule contrary to the recommendation of said city planning and zoning board.~~

~~ARTICLE 3. GENERAL PROVISIONS GOVERNING DEVELOPMENT OF THE CITY~~

~~Sec. 1. Plats and subdivisions.~~

~~The owners of lots or parcels of land within the corporate limits of [the] City of Dania [Beach] as now defined, or as hereafter defined to be the limits of [the] City of Dania [Beach], who shall subdivide or lay out such lots or grounds into a subdivision, shall cause to be made an accurate map or plat of such subdivision in the manner provided by state statutes, describing with certainty all lands included in the subdivision and all grounds laid out or granted for streets, highways, alleys, parks, parkways, commons or other public uses, showing the nearest section corner, quarter section corner, or established monument, and establishing accurate connections therewith by angles and distances, and showing the location of all adjacent or intersecting streets in the adjacent platted subdivisions, if any. All lots sold or intended for sale shall be designated by numbers or letters, and the precise length or width of each lot and the width of each street, highway, alley, or width of each lot and the width of each street, highway, alley, park, parkway, waterway, common or other public use shall be shown. All streets and highways shown on said plat shall conform so far as possible to the location of established intersecting and adjacent streets. Such map or plat shall be subscribed by the owners of all lots subdivided thereby, and shall contain without reversionary clause an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, commons or other public uses shown thereon, which plat and dedication shall be subscribed by the owner or owners and acknowledged before an officer authorized to take acknowledgments of deeds. Said complete plat or map shall be submitted to the city commission for approval, and upon approval by ordinance of the city commission, said plat may be recorded in the office of the clerk of the circuit court in and for Broward County, Florida, immediately after its approval. The map or plat so recorded shall thereupon constitute a sufficient conveyance to vest in [the] City of Dania [Beach] the fee title to the parcels of land described for streets, highways, alleys, parks, parkways, commons or other public uses, to be~~

~~held by the city in trust for the uses and purposes in the instrument set forth, expressed, designated, and intended, and the ordinance of the city commission approving said map or plat shall have the force and effect of an acceptance of the streets, highways, alleys, parks, parkways, commons, or other public uses therein contained. No plat shall be accepted by [the] City of Dania [Beach] or approved by the city commission unless and until all taxes and improvement liens levied against the lands included in said plat shall have been paid and discharged, and until same has been submitted to the city planning and zoning board.~~

~~Sec. 2. Opening of new streets.~~

~~No dedicated public street or alley can be constructed, improved or extended by private individuals, but only by [the] City of Dania [Beach] or under its supervision. No such dedicated street or alley may be constructed except on street grades established by [the] City of Dania [Beach], and adequate easements and rights of way shall be provided for the installation of sewers and the extension of water mains and utilities. The city shall have the right to specify the minimum paved surface which may be permitted, and no public street shall be opened which contains less than a forty foot dedicated right of way.~~

~~Sec. 3. Vacating or changing streets or alleys.~~

~~Whenever it may be deemed necessary, the city commission may cause any street, alley or public highway to be opened, straightened, diverted, widened, narrowed, or vacated. No street, alley or other property dedicated to the public use shall be vacated or abandoned except by a new plat submitted to and approved by the city commission, showing the condition of the area after such vacation and abandonment; however, if it is determined by the city commission that the submission and approval of such new plat would cause an undue hardship to the property owner or owners requesting such a vacation or abandonment, the submission and approval of such new plat may be waived by the city commission. Before any street, avenue, alley or other public place, appearing on any plat of record and dedicated to the public use, can be vacated or abandoned, the person or parties so desiring the vacation or abandonment shall make application to the city commission of [the] City of Dania [Beach] for such vacation and abandonment, whereupon such application for vacation of street or alley shall be referred to the city planning and zoning board for its recommendation, and thereafter the city commission shall cause a public hearing to be held on such matter at a regular meeting of the commission, not less than fifteen (15) days after the presentation of such application, and notice of such public hearing shall be duly published in a newspaper of general circulation published in [the] City of Dania [Beach].~~

~~(Ord. No. 160, § 1, 10-25-77)~~

~~Sec. 4. Illegal erection of buildings.~~

~~In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of any ordinance or other regulation made under authority conferred by this Act, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises, regardless of whether a permit for such construction has been issued or not, and in case~~

~~of failure of [the] City of Dania [Beach] to take proper action within a reasonable time, any taxpayer may do so.~~

~~Sec. 5. City map.~~

~~The city commission may by ordinance provide for the preparation of a city map, showing thereon any or all of the lands of the city, each lot and block, tract or parcel of land being thereon so indicated by number or other designation as to be easily and intelligently referred to by way of description, and for the filing thereof in the office of the clerk of the circuit court for Broward County, Florida, as a part of the public records of Broward County, Florida; and after such filing thereof, the lands therein indicated may be described and assessed upon the city tax assessment roll by reference to such map, which shall be plainly endorsed "Dania City Map" as a sufficient designation.~~

Part XI IX. ADVISORY BOARDS

ARTICLE 1. DANIA LIBRARY BOARD

~~Sec. 1. Created.~~

~~There may be created by ordinance of the city commission of the City of Dania [Beach] a "Dania Library Board," to consist of five (5) members, to be appointed by resolution and serve at the pleasure of the city commission. No member shall receive any pay or compensation for any service rendered as a member of the board. The board shall elect one of its members as chairman, and such other officers as may be necessary.~~

~~Sec. 2. Quorum and powers.~~

~~Three (3) members shall constitute a quorum. They shall have power to make and adopt such bylaws, rules and regulations for their own guidance, and for the government of the library and reading room, as they may deem expedient, subject to the control and supervision of the city commission. They shall have control and supervision of expenditures of moneys collected or donated to the credit of the "library fund."~~

~~Sec. 3. Employees.~~

~~All paid employees of the public city library or libraries shall be appointed by the city commission.~~

~~Sec. 4. Report of library board.~~

~~The library board shall, on or before the first day of August in each year, make a report to the city commission of the City of Dania [Beach] of the condition of their trust on the first day of August in such year, showing all moneys received or expended; the number of books and periodicals on hand; newspapers and current literature subscribed for or donated to the reading room; the number of books and periodicals ordered by purchase, gift or obtained during the year, and the number lost or missing; the number of visitors attending; the number of and character of books loaned or issued, with such statistics, information and suggestions as they may deem of general interest, or as the city commission may require, which report shall be verified by affidavit of the proper officers of said board.~~

~~Sec. 5. Public library.~~

~~Every library and reading room operated and maintained by the city shall be forever free to the use of the inhabitants of the city, subject always to such reasonable regulations as the Dania Library Board may adopt to render said libraries and reading rooms of the greatest use to the inhabitants of said city. The librarian may exclude from the use of any library and reading room any person who shall wilfully violate or refuse to comply with rules and regulations established for the government thereof.~~

~~Sec. 6. Funds.~~

~~All special taxes levied or collected and all funds donated, or in any way acquired for the erection, maintenance or support of any public library, shall be kept for the use of such library, in a separate fund of said city, and shall not be used or disbursed for any other purpose.~~

~~Sec. 7. Amendments of bylaws.~~

~~Any bylaws or regulations established by the library board may be amended by the city commission.~~

ARTICLE 2. PARKS AND RECREATION BOARD

~~Sec. 1. Created.~~

~~There may be created by ordinance of the city commission of the City of Dania [Beach] a "parks and recreation board" for the City of Dania [Beach], which shall consist of five (5) residents of the City of Dania [Beach], who shall be appointed by resolution of the city commission and serve without compensation at the pleasure of the city commission.~~

~~Sec. 2. Officers.~~

~~The parks and recreation board is hereby authorized to elect one of its members as president and one of its members as secretary. A copy of the minutes or record of the meetings shall be furnished to the city commission.~~

~~Sec. 3. Powers and duties.~~

~~The parks and recreation board shall have such supervision over designated parks and recreational facilities of the city and shall perform such duties and exercise such powers in connection therewith as may be prescribed by ordinance duly enacted.~~

~~Sec. 4. Superintendent of parks.~~

~~There may be a superintendent of parks who shall perform such duties as are assigned to him, and perform his duties in cooperation with the parks and recreation board. He shall meet with the parks and recreation board and be an ex officio member of said board.~~

ARTICLE 31. ADVISORY BOARDS GENERAL PROVISIONS

~~Sec. 1. How constituted.~~

~~The city commission may at any time by resolution appoint advisory boards composed of men or women who are residents of the City of Dania [Beach] for a period of six (6) months prior to~~

~~their appointment and otherwise qualified to act in an advisory capacity to the city commission, the city manager, or to any department of the city government, with respect to the conduct and management of any property or institution or the exercise of any public functions of the city. The members of such board shall serve without compensation at the pleasure of the commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the city. Each board shall adopt its own by laws and elect a chairperson and a vice chairperson from the membership. Minutes of each meeting shall be prepared and filed with the city clerk.~~

Sec. 1. Creation.

The city commission may at any time by resolution create advisory boards and appoint members to them, who shall be residents of the City for a period of six (6) months prior to their appointment. The members of such boards shall serve without compensation at the pleasure of the commission. Each board shall elect a chairperson and a vice-chairperson from its membership. Minutes of each meeting shall be prepared and filed with the city clerk.

Part ~~XII~~ X. MISCELLANEOUS PROVISIONS

ARTICLE 1. PUBLIC WORKS AND UTILITIES

~~Sec. 1. Public works.~~

~~The city commission shall have the power within and without its corporate limits, to construct, condemn, purchase, acquire or lease any interest in any property, and to maintain, conduct, and operate, within and without the corporate limits, wharves, warehouses, ship canals, breakwaters, reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works, off street parking lots, transportation systems, cemeteries, gas plants and distribution systems, and any other building or facilities as may be required in connection therewith, and to make a contract of whatever nature in connection therewith; and shall have the right and power to issue bonds or revenue certificates in the manner provided in this charter, in an amount necessary to carry out any of said powers or purposes. All of the above works are considered as utilities within the meaning of any constitutional or statutory provision, and any existing utility may be combined with another existing utility and jointly improved by one issue of revenue bonds or certificates, and the revenues derived jointly pledges to retire such bonds or certificates.~~

~~Sec. 2. Lights, heat and power.~~

~~The city commission shall have power to provide for lighting the streets, parks, public buildings and public places of the city; and to purchase or otherwise acquire, establish, maintain and operate plants either within or without the corporate limits of the city for source of power, lighting, heating by electricity, gas, atomic power or other unknown sources of energy or any other method; and to supply the inhabitants of said city with artificial light, heat and power, for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.~~

~~Sec. 3. Waterworks.~~

~~The city commission shall have the power to construct, establish and maintain waterworks, and to bore and dig wells, construct reservoirs, lay pipes, and do such other things as may be necessary, essential or convenient for procuring and distributing an abundant supply of good and wholesome water to the inhabitants of said city for domestic and other purposes, and to protect the property of said city and its inhabitants against fire; and to collect reasonable rates, prices and compensations for furnishing and supplying same, except for fire protection, which may be provided for in the tax levy.~~

~~Sec. 4. Sewers.~~

~~The city shall have the power to create sewer zones or areas by ordinance and to prescribe reasonable regulations requiring all persons or corporations living or doing business within such areas to connect, when available, with any sewerage system constructed, erected, operated or serving such zone or area.~~

Sec. 51. Service of utilities to consumers outside of city.

The city shall have power to supply water, ~~electricity and gas~~ and sewer service for domestic and other purposes, to individuals, firms, corporations, and other municipalities outside of ~~said~~ the city, and to charge and collect reasonable rates, prices and compensation for such services therefore, but and the city shall may charge a rate not less more than twenty-five (25) per cent higher to such consumers than is charged for a like class of service to a like class of consumers within the city limits.

ARTICLE 32. SALE OF PUBLIC PROPERTY

Sec. 1. Resolution declaring property not needed for public use.

Before any lands, the title to which is vested in the city, shall be sold, traded, exchanged, or otherwise disposed of, the city commission shall adopt a resolution at a regular meeting particularly describing the land by metes and bounds or reference to a recorded plat or government survey, its location by street number, if any, a description of all improvements, if any, located upon the land, declaring how the land has been used since it has belonged to the city, why it is no longer needed for public purposes, and containing a statement that the city declares it to be surplus and desires to sell, trade, exchange, or otherwise dispose of it. If the property is valued by a qualified appraiser at a value which is less than two hundred fifty thousand dollars (\$250,000.00), a majority vote of the city commission shall be required for such a resolution. If the property is valued by a qualified appraiser at a value between two hundred fifty thousand dollars (\$250,000.00) and five hundred thousand dollars (\$500,000.00), a four-fifths (4/5) vote of the city commission shall be required to adopt such a resolution. If the property is valued by a qualified appraiser at a value which exceeds five hundred thousand dollars (\$500,000.00), a referendum election shall be held to determine whether or not such property should be sold, traded, exchanged, or otherwise subject to disposition. The provisions of this section shall not apply to vacations of streets, alleys, or utility easements, unless any such vacation involves land contiguous to any park. Despite any provision which is or may appear to

be to the contrary in this article, however, these provisions shall not apply to lands located within the city community redevelopment area unless the existing or future lands are designated as parks or community facilities, as identified in the city comprehensive land use plan.

Sec. 2. Notice of sale.

Not less than thirty (30) days, nor more than sixty (60) days, after adoption of such resolution or the affirmative vote of the electors approving the sale or other similar disposition (referred to generally as a "sale" for purposes of this section and section 3), the land shall be offered for sale to the public, and a notice shall be published by the city in the official newspaper for two (2) issues before such date of sale, with the first publication to be made not less than ten (10) days before the date of sale, and the second publication one (1) week after the first, describing which date of sale bids shall be received and protest heard, if any. Sealed bids shall be received, accompanied by cashiers' or certified checks, or other forms of bid deposits approved by the city attorney, payable to the city in an amount equal to at least ten percent of the bid price. The city shall sell for cash to the highest and best bidder, but the city may reject any and all bids. Notwithstanding defects in the frequency of the publication of the notice of sale or in the dates on which the notice of sale was published, all sales of public property previously made by the city prior to the effective date of this section are ratified.

Sec. 3. Protests.

During the period of not less than thirty (30) days, nor more than sixty (60) days, intervening between the adoption of the resolution and the date of sale, taxpayers and electors of the city may protest or object to the sale, or propose other public uses for the property. The city commission may rescind its former action and repeal the resolution declaring that the property is not needed for public use. If before the date of the execution of a contract for the proposed sale, a petition is filed with the city clerk signed by five percent of the electors (based on the number of electors registered to vote in the last preceding municipal election) objecting to the sale, no such sale shall be made until the sale of the property has been approved by a majority of the voters at a special election, which shall be called by the city commission by resolution. This provision shall not apply if the sale has already been authorized by referendum approval of the electors of the city.

Sec. 4. Power to sell.

Subject to the restrictive provisions of this article, the city commission is empowered to sell or dispose of any lands, improvements, public buildings, parks or other lands now owned or subsequently acquired by the city. The deed of conveyance may place such conditions, limitations, and restrictions on the use of such property by the purchasers as the city commission shall deem proper. Except as otherwise specified in section 1 above concerning property valued at less than two hundred fifty thousand dollars (\$250,000.00), a four-fifths (4/5) vote of the members of the city commission shall be necessary to approve such sales. This shall not impair the referendum requirement of section 1 above. The above restrictions shall not apply to the sale of cemetery plots in municipal cemeteries.

Sec. 5. Sale of surplus real property.

(a) Notwithstanding the other provisions of this article, the City of Dania Beach shall have the right to exchange, sell or convey real property acquired by the City of Dania Beach through enforcement or foreclosure of City liens and transfer of Lands Available for Taxes from Broward County, in accordance with the procedures stated in part (b) ~~herein~~ below.

(b) Procedures. The Commission must pass by resolution with a supermajority vote requiring four out of five Commissioners' assent, which resolution must include the following:

(1) A determination that the real property is surplus property and acquired by the City in a manner described in part (a) ~~herein~~ above;

(2) An authorization for the City Manager to enter into an exclusive listing agreement for a period of six months, with a registered real estate broker, who has obtained a business tax receipt to do business in the State of Florida, ~~and with its main office located in the City of Dania Beach and possessing a business tax receipt to sell real estate issued by the City of Dania Beach.~~ The real estate broker shall be selected by lottery from among the qualified brokers and shall be paid a reasonable and customary real estate commission by the seller;

(3) An appraisal of the real property by a state certified real estate appraiser with MAI designation;

(4) An authorization for the City Manager to enter into a contract for sale of the real property and to close the contract for sale, so long as the purchase price is not less than ninety percent (90%) of the appraised value;

(5) The contract for sale of the real property executed by the City Manager shall be contingent upon approval by majority vote of the City Commission at an advertised public hearing held at a regularly scheduled commission meeting. If the fair market value of the surplus real property, as appraised by the state certified appraiser, is greater than \$100,000.00; then the contract for sale of the real property shall be contingent upon approval by a supermajority vote requiring four out of five commissioners' assent at an advertised public hearing held at a regularly scheduled commission meeting.

ARTICLE 4. LEASES

Sec. 1. Power.

The City of Dania Beach is ~~hereby~~ empowered to lease any lands, improvements, public buildings, recreational parks or facilities, public utility plants, or any public works or property of the city to any person, firm or corporation under the following conditions, ~~to-wit:~~

(a) Leases of concession rights on, in or to public property of the City of Dania Beach operated in a proprietary capacity, except the I.T. Parker Community Center, for a period not exceeding one year, may be granted or executed upon a majority vote of the city commission at any time. Included in properties operated in a proprietary capacity are airports and airport property, public

recreational facilities, golf courses, tennis courts, recreational halls, stadiums, football fields, baseball fields, playgrounds, public beaches (including all lands which are currently owned by {the} City of Dania Beach at Dania Beach), swimming pools, fishing piers, yacht basins, docks and wharves. The ~~said~~ list which is enumerated is not exclusive but merely indicative of the class of public property deemed to be operated in a proprietary capacity. A lease of the I.T. Parker Community Center for a term of more than thirty (30) days in any one year period shall not be entered into by the city except after an advertised public hearing and a referendum election to determine whether or not ~~said~~ such property should be leased for a term exceeding thirty (30) days and to approve the terms and considerations of such lease. A lease of the property known as the Dania Beach Grille shall not include any concession rights for the beach area outside the boundaries of the property on which the Beach Grille is located. ~~e~~Concession right for all other areas of Dania Beach shall be by separate lease agreements.

(b) Leases of public property, as set forth in paragraph (a), of the City of Dania Beach, operated in a proprietary capacity, in order to permit the lessee to construct ~~thereon~~ buildings or improvements to be used in connection with an existing facility, and in a manner not detrimental or harmful to the operation of the proposed facility, may be authorized for a period of time not exceeding twenty (20) years, by ordinance of the city commission duly enacted in accordance with law, and without regard to the amount of capital investment the lessee may make unless a minimum capital investment is set forth in any bids and specifications of the city should the city determine, solely within its discretion, to advertise for bids for the lease on a competitive bid basis. However, there shall never be any mandatory duty on the part of the city to advertise for the leasing of any municipal lands, owned in a proprietary capacity, on a competitive bid basis. Specifically, at all times and with regard to all leases of municipal property owned in a proprietary capacity, the city commission shall have the right to negotiate for the leasing of such property without the necessity of competitive bidding.

(c) Leases of public property, as set forth in paragraph (a), of the City of Dania Beach, operated in a proprietary capacity, may be negotiated by the City of Dania Beach for a term in excess of twenty (20) years upon a four-fifth (4/5) vote of the members of the city commission on a noncompetitive bid basis, provided that the lessee agrees to make a substantial capital investment within two and one-half (2-1/2) years after the beginning date of the lease, with such capital investment to be expended for the purpose of making lease-hold improvements on the lands which are the subject of the lease. ~~A The lease made under the provisions of the within paragraph shall specify the type of leasehold improvements (in general language) to be made. However, without limitation on such type of improvements, same it may include, for example, restaurant buildings, retail store units which are incidental to restaurant enterprises, gift shops, curio shops, souvenir shops, wharves, boat docking facilities, nightclubs, cocktail lounges and all types of recreational facilities. In addition, residential units may be constructed and used by employees of any of said such types of facilities.~~

(d) In order to encourage a lessee to make capital expenditures or capital investments of a continuing nature throughout the entire term of the lease, when the lease is executed under the provisions of paragraph (c) concerning a lease in excess of twenty (20) years, the provisions of ~~the within this~~ this paragraph (d) may be applicable to all leases in excess of twenty (20) years, executed under the provisions of ~~said~~ above paragraph (c) above. As to a lease executed under the

provisions of paragraph (c), or any renewals thereof which the city commission may later make during the term of the beginning lease, the lessee in the beginning lease shall have no vested or absolute right of renewal as to any further renewals of the basic or beginning lease and the city shall have the right to negotiate with third parties regarding the renewal of a lease executed under the provisions of paragraph (c). In the event that the city does negotiate with a third party to renew the aforesaid type of lease agreement (during the beginning term or after the expiration of the beginning term or during any renewal thereof), the lessee in the original lease shall have the right to offer to lease the property described in the beginning lease under the exact same terms and conditions as any third party offeror. However, if the lessee under the beginning lease (or any renewal thereof) offers to lease for an additional term of years under the same terms and conditions as stated in the lease agreement which is then expiring and if the city elects to lease the property to a third party offeror (rather than to the lessee under the beginning leasehold term or any renewal thereof), the lessee under the beginning lease (or any renewal thereof) may be entitled to receive (in cash) from the city at the expiration of the leasehold term and, provided that the lessee is not then in default under any of the terms and conditions of the lease, an amount equal to the difference between the appraised value of all leasehold improvements made during the entire term of the lease with the appraised value to be determined at the end of the lease and the accumulated depreciation taken by the lessee for income tax purposes of such leasehold improvements during the term of the lease (and during the term of any renewals if the beginning lessee has renewed the original lease). Specifically, without limitation on the foregoing and merely as a statement of general intent it is one of the purposes of ~~the within~~ this paragraph (d) to grant ~~unto~~ the lessee the right to recover the difference between the appraised value of all leasehold improvements made by the lessee (during the entire term of the beginning lease and any renewals thereof) and the accumulated depreciation taken for income tax purposes by the lessee of such leasehold improvements during the term of the lease (and any renewals thereof), all on the premise and general understanding that the lessee negotiates in good faith with the city to renew the lease for a renewal term (having the same term of years as the original lease or any renewal lease if the lessee renews the original lease) and on the further premise that the city then elects to lease the property in question for a renewal term to a third party lessee, notwithstanding the fact that the original lessee has offered to renew the lease under the same terms and conditions as are stated in the lease between the city and the third party lessee. Further, if at the expiration of the original lease or any renewals ~~thereof of it~~, the city itself elects to operate the enterprise originally covered by the type of lease which is the subject of ~~the within this~~ this paragraph, the original lessee (under the beginning lease or any renewals ~~thereof of it~~) shall have the right to recover the difference between the appraised value of all leasehold improvements made by the lessee and the accumulated depreciation taken by the lessee for income tax purposes on such leasehold improvements during the term of the lease.

(e) On condition that the lessee, in a lease exceeding twenty (20) years and of the type provided in paragraph (c), pays to the city a reasonable consideration (in an amount to be determined solely by the city commission within its discretion) the city shall have the right to enter into a lease of the type provided by paragraph (c), for a term in excess of twenty (20) years with the effective, or beginning, date of the term of the lease to be no more than one year after the actual execution of the lease.

(f) Any and all amendments, modifications, extensions and renewals of a lease exceeding twenty (20) years as ~~hereinabove~~ described above in ~~subsections~~ paragraphs (c), (d) and (e) shall be approved only upon an affirmative four-fifths (4/5) vote of the members of the city commission.

Sec. 2. Form of lease.

All leases shall be for a definite period of time, shall be in writing and executed in duplicate. The form of lease shall be approved by the city attorney. Such leases shall be executed on behalf of the city by the officers of the city designated by charter to sign same, except that leases or concession rights for a period of time not exceeding one year may be signed in the name of the city by the city manager.

ARTICLE 5. CONTRACTS

Sec. 1. Execution.

All contracts, bonds, revenue certificates and legal instruments, in which the City of Dania Beach is concerned or is a party, shall be signed by the city clerk and the city manager and countersigned by the ~~mayor-commissioner~~ or acting ~~mayor-commissioner~~, except as otherwise provided in this Charter.

Sec. ~~3~~2. Approval by city commission of certain contracts.

~~Contracts for the purchase of supplies, equipment, materials and services for the city government in amounts up to and including twenty five thousand dollars (\$25,000.00) may be made by the city manager, without competitive bidding and without advertisement for bids whenever he or she deems it necessary and proper so to do. During unusual conditions or emergencies, contracts for the purchase of supplies, equipment, materials and services for the city government in excess of twenty five thousand dollars (\$25,000.00 may be made by the city manager without competitive bidding and without advertisement for bids if he or she is authorized to do so in advance by a resolution adopted by the city commission. Contracts for the purchase of supplies, equipment materials and services in excess of twenty five thousand dollars (\$25,000.00) and all contracts for the construction, extension and improvements to any public utilities works in excess of twenty five thousand dollars (\$25,000.00) shall not be entered into or let except by authorization and approval of the city commission, after advertisement for bids in a newspaper published in Broward County, Florida, with such publication to be published weekly for two (2) consecutive weeks with the first publication to be not less than fifteen (15) days prior to the reception of bids. However, during unusual conditions or circumstances and emergencies, the city commission may, by resolution, authorize the purchase of designated supplies, services, equipment and materials in amounts in excess of twenty five thousand dollars (\$25,000.0) without competitive bids and without advertisement for bids. Further, †The city shall have the right to contract for the disposal of garbage, trash, waste and all types of debris by direct negotiation for such services without competitive bidding and without advertisement for bids for periods of time not to exceed twenty (20) years.~~

~~That in addition to the foregoing, the city commission may, by resolution, authorize the purchase of designated supplies, services, equipment and materials in amounts in excess of the monetary threshold without competitive bids and without advertising for bids if such purchases are made pursuant to a competitive bid obtained within the last eighteen (18) months by other governmental entities such as the federal government, the State of Florida or a Florida county or municipality.~~

ARTICLE 6. INVESTIGATIONS

Sec. 1. By whom made.

The city commission or any committee ~~thereof~~ formed or appointed by it, the city manager, or any advisory board appointed by the city commission for such purpose, shall have the power at any time to cause the affairs of any department or the conduct of any officer or employee of the city to be investigated; and for such purpose shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose summons or subpoenas may be issued by the presiding officers of the body, or by the officer making the investigation, and same shall be served by any officer authorized by law to serve such process. The authority making such investigation shall have the power to cause testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths; and shall have the power to punish as for contempt any person failing or refusing to testify to any fact within his or her knowledge, or to produce any book or paper under his or her care or control, relating to the matter under investigation.

ARTICLE 9. GENERAL CLAUSES

Sec. ~~3~~1. Saving clause.

The provisions of this ~~Aet~~ Charter are severable, and if any section, part of section, paragraph, sentence, or clause of this ~~Aet~~ Charter shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion ~~thereof~~ of it, but shall be restricted and limited in its operation and effect to that specific portion ~~hereof~~ of it involved in the controversy in which such decision shall have been rendered.

Sec. ~~4~~2. Charter and ordinances as evidence in courts.

The courts of this state shall take judicial cognizance of the charter and ordinances of the City of Dania Beach, Florida, and a certified copy or officially printed copy of the same shall be taken as evidence in any trial in which the same may be competent, without proof of the due passage and approval ~~thereof~~ of it.

Sec. ~~5~~3. Conflicting laws.

All laws or parts of laws, insofar as they are in conflict or inconsistent with the provisions of this ~~Aet~~ Charter, be and the same are ~~hereby~~ repealed.

Sec. 64. Effective date.

This Aet Charter shall be in force and take effect upon its approval by the governor of the State of Florida, or upon its becoming a law without such approval. as provided by law. Upon approval by the majority of electors voting, the Charter amendments provided for herein in this Charter shall be effective as provided by the ordinance which submits the amendments to the electors for approval.

Sec. 75. Publication of legal notice or advertisements; publication of resolutions of city commission.

All legal notices or publications required to be published under the charter of the City of ~~Dania~~ ~~[Beach], Florida,~~ and all resolutions authorized to be published by the city commission of the ~~City of Dania [Beach], Florida,~~ may be published in any newspaper published in Broward County, Florida, which is generally circulated within the city limits, ~~of the City of Dania [Beach], Florida.~~