

## Virginia Smith

---

**From:** Kimble Medley <kimblemedley@gmail.com>  
**Sent:** Tuesday, October 24, 2017 12:09 PM  
**To:** Charter; Virginia Smith  
**Subject:** Charter Review Recommendations  
**Attachments:** PC City Charter Review Recommended Changes.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

As recommended by the facilitator, Ms. Crotty, and city staff, I am attaching my suggested changes to the Charter, with mark-ups and comments.

I may submit further recommendations based on future meetings.

Thank you,

Kim Medley

Sent from [Mail](#) for Windows 10



CITY OF PALM COAST - CHARTER[1]

Footnotes: --- (1) ---

Editor's note— Printed herein is the Charter of the City of Palm Coast, Florida, as adopted by Laws of Fla., ch. 99-448, and as amended in ch. 2002-339, effective on May 1, 2002.

Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

**Insert Introductory paragraph**

**Commented [KM1]:** Add introductory paragraph similar to a mission statement or a basic definition of what the charter is.  
**Deleted:** ¶

**Article I. - Short title.**

**Commented [KM2]:** Change current "Section" titles to Article.  
**Deleted:** Sec. 1

This act, together with any future amendments thereto, shall be known and may be cited as the "City of Palm Coast Charter," hereinafter referred to as "the Charter."

**Deleted:**

**Article II. - Legislative intent.**

**Deleted:** Sec. 2

The Legislature hereby finds and declares that:  
(1) The area in Flagler County known as the Palm Coast Service District includes a compact and contiguous urban community amenable to separate municipal government.

(2) It is in the best interests of the public health, safety, and welfare of the citizens of this community to form a separate municipality for the Palm Coast Service District area with all powers and authority necessary to provide efficient and adequate municipal services to its residents.

**Article III. - Incorporation of municipality.**

(1) There is hereby created effective, December 31, 1999, in Flagler County, Florida, a new municipality to be known as the City of Palm Coast.

(2) The corporate boundaries of the City of Palm Coast, hereinafter referred to as "the City," shall be as they exist as of the current time and as amended by state law.

(3) The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Article 5) shall be to set policy; the general duties of the Manager (described in Article 6) shall be to carry out those policies.

**Article IV - Municipal powers.**

The City shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City.

Deleted: Sec. 3

Commented [KM3]: Delete reference to section 9(1) as this will be changed in the same section, thereby deleting 48 pages of the charter.

Deleted: described in section 9(1).

Commented [KM4]: Change from section to Article

Deleted: section

Commented [KM5]: Change from section to Article

Deleted: section

Deleted: Sec. 4.

Deleted: ¶  
¶  
¶

**Article V - City Council.**

(1) City Council: composition; qualifications for office.

(a) Composition.

1. There shall be a five-member City Council consisting of four District members and a Mayor.

2. There shall be four districts within the City, derived from the boundaries as existing at the current time and as amended by State law. These districts shall be designated as District One, District Two, District Three, and District Four.

3. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.

4. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.

(2) Qualifications for office:

- 1. Each candidate for office shall be a qualified elector of the City.
- 2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:

a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent (1%) of the electorate

Deleted: Sec. 5.

Deleted:

Deleted:

Deleted: ¶

Deleted: the boundaries of which are . . . as outlined in section 9

Commented [KM6]: remove reference of section 9(1).

Moved (insertion) [1]

Deleted: ¶

Deleted: E

Deleted: .

Deleted: (2).

Moved up [1]: These districts shall be designated as District One, District Two, District Three, and . . . District Four. E

Deleted: .

Deleted:

Deleted: .

Commented [KM7]: Separated for ease of reading.

Deleted: (3).

Deleted: .

Deleted: . (b)

Deleted:

residing within the district (as identified in the most recent decennial census) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought;

- Deleted:
- Deleted:
- Deleted:
- Deleted:
- Deleted:

**or, Pay to the City Clerk:**

i. An election assessment fee of one percent (1%) of the annual salary of the office sought; and,

- Commented [KM8]: language consistent with F.S. 99.093(1)
- Commented [KM9]: F.S. 99.093(1).
- Deleted: a qualifying
- Deleted:
- Deleted: ten
- Deleted:
- Commented [KM10]: Adds fee from F.S. 99.092(1)

ii. A filing fee of three percent (3%) of the annual salary of the office sought.

Candidates seeking to qualify who cannot pay the election assessment, fee as such payment presents an undue burden, may seek an exemption from the fee in accordance with the process outlined in state law.

- Deleted: he/she seeks to run for.

b. At the time of qualification, each candidate for a Seat on the Council shall have established a physical residency and resided within the boundaries of the district for the office sought for one year; and, shall continue to maintain a residency for the length of the term of office, wherein he/she resides for a minimum of 45 weeks of each year.

- Commented [KM11]: Added to include undue burden exemption process F.S. 99.093(2).

- Deleted:
- Deleted:

3. Each individual seeking to qualify as a candidate for Mayor shall:

a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census) no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk;

- Commented [KM12]: Physical residency shall have been established for at least one year and maintained through the term with 45 weeks of the year.

- Deleted: that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.

- Deleted: a qualifying fee of ten percent of the Mayoral salary.

i. ~~An election assessment fee of one percent (1%) of the annual salary of the office sought; and,~~

**Commented [KM13]:** language consistent with F.S. 99.093(1)  
**Commented [KM14]:** F.S. 99.093(1).

ii. ~~A filing fee of three percent (3%) of the annual salary of the office sought.~~

**Commented [KM15]:** Adds fee from F.S. 99.092(1)

b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's term(s), the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.

~~(3) Terms of office.~~

**Deleted:** 4. Additionally, for the initial election, following the referendum approving the creation of the City, candidates for office shall qualify as provided in section 13(3)

**Deleted:** ), ¶

**Deleted:** 2

(a) The term of office for each District Member shall be four ~~years.~~

**Commented [KM17]:** The initial term of office has passed and this section about staggering is no longer relevant.

(b) No Council member or Mayor may serve more than two successive four-year terms. ~~No council member and/or Mayor, having served no more than two successive four-year terms, may serve any additional term as either Mayor or as City Council from a new district.~~

**Deleted:** in the same seat.

**Deleted:** ¶

(c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.

~~(4) Powers and duties of Council. Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council~~

**Deleted:** 3

shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.

5 Powers and duties of the Mayor.

Deleted: 4

(a) Powers. In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.

(b) Duties. In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

6 The Vice-Mayor: election and duties.

Deleted: 5

(a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.

(b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in section 5(4).

(c) In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

~~(7)~~ Compensation and expenses.

Deleted: 6

(a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.

~~(b)~~ Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

Deleted: (1) The Mayor of the City of Palm Coast, Florida shall receive the annual salary . . . of \$11,400.00. ¶  
. . . (2) Reserved. ¶  
. . . (3) Each member of the City Council of the City of Palm Coast, Florida not . . . serving as Mayor, shall receive the annual salary of \$9,600.00

~~(8)~~ Vacancies; forfeiture of office; suspension; recall; filling of vacancies.

Deleted: .

(a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.

Deleted: 7

(b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:

1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
2. Is convicted of a felony, or enters a plea of guilty or nolo contendere to



a crime punishable as a felony, even if adjudication of guilt has been withheld;

3. Is convicted of a first-degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;

4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or

5. Is absent from three consecutive regular Council meetings without being excused by the Council.

(c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.

2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be

entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.

(d) Recall. The electors of the City following the procedures for recall established by general law, ordinance, and Florida Statutes 100.361, may remove the Mayor or any member of the City Council from office.

**Commented [KM20]:** specifically reference F.S. 100.361

**Deleted:** or

**Deleted:** .

(e) Filling of vacancies.

1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor. If less than six (6) months of the term remains; the council may appoint a Mayor until the next general election. If more than six (6) months of the term remain, then 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in section 8(5)(b). The Special Election for Mayor shall be for the remainder of the unfilled term.

**Commented [KM21]:** Modified to consider vacancy of less than 6 months and avoid multiple special elections.

2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled

by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.

4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in section 8(5)(b) and F.S. 100.361 (6)(a-d).

**Commented [KM22]:** Reference F.S. 100.361

5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.

(9) City Council meetings: organizational meeting; quorum; special meetings. The Council shall meet regularly at least twice a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

**Deleted:** 8

**Commented [KM23]:** Provides consistency with current practice of (2) Council meetings per month

**Deleted:** once

(a) Organizational meeting. The first meeting following a general City election at which elected or reelected Council members are inducted into office shall be held in accordance with City ordinance.

(b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.

(c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. Recommended actions shall be

~~presented at the next City Council meeting such that any action taken shall be by ordinance, resolution, or motion.~~ The City Clerk shall provide not less than 24 hours prior notice of the meeting to the public, unless a declared emergency situation exists.

**Commented [KM24]:** This stops decisions made at workshops and allows for public comment. Currently, public comment is not offered at workshops.

~~(10) City records.~~ The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep verbatim recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.

**Deleted:** 9

~~(11) Limit of employment of Council members.~~ Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of ~~five (5) years~~ from the time of leaving office.

**Deleted:** 10

**Commented [KM25]:** extend time limit post council/mayoral service

**Deleted:** one

**Deleted:** 1

~~(12) Noninterference by City Council.~~ Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes. (Ord. No. 03-08, § 1, 4-15-03; Ord. No. 07-07, § 1, 4-3-07; Ord. No. 2014-4, § 1, 2-4-14)

**Deleted:** 11

Article VI - Charter officers. The designated Charter Officers shall be the City Manager and the City Attorney.

**Deleted:** Sec. 6.

(1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.

(a) Appointment. The Charter Officers shall be appointed by a unanimous vote of the full Council and shall serve at the pleasure of the Council.

**Commented [KM26]:** Requires any candidate to appeal and demonstrate to all members of his or her qualifications and ability to garner support.

**Deleted:** majority

(b) Removal. The Charter Officers shall be removed from office by a unanimous vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.

**Commented [KM27]:** Stops the easy to garner majority rule and allows council to remove a City Manager and not be under his or her dictate for his or her own departure.

**Deleted:** only by a ... majority

(c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council, shall be calculated in accordance with an industry accepted formula, which includes merit based benchmarks, and shall be reviewed every year, along with all severance packages and benefits.

**Commented [KM28]:** Prevents Golden Parachutes and does not tie the hands of future councils.

(d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 30 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.

**Commented [KM29]:** Process should begin sooner rather than later

(e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.

(2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.

(a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.

(b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain a physical residency within the corporate limits of the City.

(c) Power and Duties. The City Manager shall:

1. Attend all meetings of the City Council.
2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be countersigned by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.
3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
4. Provide administrative services as required by the Mayor and the Council.
5. Appoint a City Clerk to serve at his/her pleasure.
6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to

**Commented [KM30]:** Not just a P O Box

**Deleted:** Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.

**Deleted:** ¶

subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.

7. Shall establish procedures and provide training consistent with Florida Statute 112.3187, "Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief", also known as "Whistleblower Laws".

**Commented [KM32]:** Adds F.S. 112.3187 and can set up a process whereby employees are able to approach City Council Members.

8. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.

9. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.

10. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.

11. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.

12. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.

13. Sign contracts on behalf of the City to the extent authorized by the Council. Assign a dollar limit

**Commented [KM33]:** Contracts that exceed this dollar limit shall be presented to the City Council for decision.

14. Perform other such duties as are specified in this Charter or as may be directed by the Council.

(3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney ~~shall be retained in house; and when appropriate, may be retained part-time, under contract.~~

**Deleted:** may either be retained in-house, or be retained part-time under contract.

(a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.

(b) Residency. ~~The City Attorney shall, within six (6) months of such appointment, establish and maintain a physical residency within the corporate limits of the City. If any City Attorney services are retained part-time and under contract, such attorney need not be a resident of the City.~~

**Deleted:** If retained in-house, t

**Deleted:** Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6

**Commented [KM34]:** The Charter Officer, the City Attorney, must reside within the City. Other attorneys hired at his or her discretion, need not be residents.

**Deleted:** contracted,

(c) Powers and Duties. The City Attorney shall:

1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.

2. ~~Appoint, suspend or remove such assistant attorneys as may be required.~~ The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.

**Deleted:** If in-house; appoint

**Deleted:** . . . . .

**Commented [KM35]:** If the City Attorney hires outside legal counsel, he or she shall appoint, suspend, or remove; not the City Manager.

**Deleted:** If City Attorney services are contracted, the City Manager . . . shall appoint, suspend or remove any in-house assistant attorneys as may . . . be required

3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.

4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City



Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

Article VII - Budget and appropriations.

Deleted: Sec. 7.

(1) Fiscal year. The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.

(2) Budget adoption. The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

(3) Appropriation amendments during the fiscal year: Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.

(a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.

(b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.

(c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds ~~\$5,000,000.00~~

**Article VIII. - Elections.**

(1) Electors. Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.

(2) Nonpartisan elections. All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.

**Commented [KM36]:** Reduce amount to limit power.

**Deleted:** \$15,000,000.00.

**Deleted:** Sec. 8

(3) Qualifying for office. Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of section 5.

(4) Schedule of regular elections and primaries: The general City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.

(a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of section 5, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.

(b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of section 5, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.

(5) Schedule for special elections.

(a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of section 5, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.

(b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.

(6) Determination of election to office.

(a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.

(b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.

(c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:

1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.

(d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
2. The candidate whose call matches the coin toss shall be declared the winner.

(7) City Canvassing Board. For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law. (H. B. No. 527, § 1, 5-1-02; Ord. No. 2011-03, § 2, 9-13-11; Ord. No. 2011-21, § 2, 9-13-11; Ord. No. 2014-4, §§ 2, 3, 2-4-14) Editor's note— Section 8 of Ord. No. 2014-4, adopted Feb. 4, 2014, states, "Sections 2, 3, and 4 of this Ordinance are adopted retroactively to October 4, 2011, the effective date of Resolution 2011-94, certifying the 2011 election."

**Article IX – Campaign Contribution Limitations; Citizen Campaign Finance**

- (1) No candidate for the City of Palm Coast Council shall accept any election campaign contribution from any contributor, including a political committee as defined by state law, in cash or in kind, in an amount in excess of \$250 per election.
- (2) A registered elector of the City of Palm Coast may claim a refund equal to the amount of the elector's monetary contributions made in the calendar year to candidates for Mayor and City Council of the City of Palm Coast. The maximum refund for an individual is \$25. A refund is allowed only if the elector files a form, signed under penalty of perjury, with the Ethics Board and attaches to the form a copy of an official refund receipt form(s) issued by the candidate's principal campaign committee after each contribution was received. A claim form must be filed within time limits and procedures set by the Ethics Board. No individual may file more than one claim per election cycle. No receipt can be issued by a Candidate who has not met all legal requirements of the City of Palm Coast Code of General Ordinances. The Ethics Board shall file a summary report to the Mayor and City Council showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate.
- (3) The City Council shall establish procedures consistent with this section for the implementation of the refund policy. The amount the Ethics Board states is necessary to pay refunds as provided for in this section shall be appropriated in amounts from the general fund or any other fund as determined by the City Council within their sole budgetary discretion and powers.
- (4) The filing of a contribution refund form containing materially false information or the willful issuance of an official refund receipt form or a facsimile of one by a candidate

or agent of a candidate to a person who did not make a contribution to such candidate is an ethics offense with penalties to be established by the City Council. The Ethics Board may hear complaints or initiate proceedings, and levy civil penalties, relating to alleged violations of this section.

**Commented [KM37]:** This was adopted by the City of Tallahassee for Campaign Contributions in its municipal elections. Consider adoption with changes in line with Palm Coast.

**Deleted:** Sec. 9.

**Article X - Land description.**

1) City boundaries. The initial corporate boundaries shall be as set forth in chapter 99-448, Laws of Florida Boundaries may be changed in accordance with general laws regarding annexation without amendments to the Charter. Upon the effective date of this act, the corporate boundaries shall be as they exist at the current time, as amended by state law. Complete descriptions and district maps shall be maintained in accordance with City Records, Article V, Section 9, and shall be available to the public.

**Commented [KM38]:** Added more concise statement and deleted pages of legal description.

2) City Council district boundaries. The City Council district boundaries for the districts of the City Council are hereby created and established and shall exist as of the current time and as amended by state law. Boundary descriptions and maps shall be maintained in accordance with City Records, Article V, Section 9; and, shall be available to the public. The City of Palm Coast City Council Districts are: District 1, District 2, District 3, and District 4.

**Commented [KM39]:** Added concise statement and deleted descriptions and maps. Should be maintained on City's website, especially district maps.

3) Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.

(a) Number of districts. There shall be four City Council districts. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of subsection (2) of Article X are accomplished and adequately monitored or until a redistricting

commission is appointed as outlined in paragraph (b). All Council district boundaries shall be based upon population data derived from the most recent decennial census.

(b) Districting commission. By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the City in any other capacity.

(c) Commission report. Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:

1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.

2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.

(d) Support. It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.

Deleted: Page 51



(e) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.

(f) Failure to enact ordinance. After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next general City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.

Commented [KM40]: replaced regular with general.

(g) Effect of enactment.

1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.

2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.

3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.

Commented [KM41]: Moved from old Section 10.

**Article XI - General provisions.**

Deleted: Sec. 10.

Deleted: Page 50 (

(1) Charter amendment. This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, as the same may be amended

from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

(2) Charter review; schedule, Charter Review Committee.

(a) Schedule. The Charter shall be reviewed, by a Charter Review Committee as defined by (2)(b), ten years or thereafter the creation date of December 31, 1999 of the City of Palm Coast. Thereafter it shall be reviewed every 10 years.

(b) Charter Review Committee. A seven-member Charter Review Committee shall be appointed. Each district council member shall appoint one member from his or her district, and the Mayor shall appoint one member at large. The Charter Review Committee shall appoint two members. The Palm Coast City Council shall establish timeline and procedures for the Charter Review Committee. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election. The Palm Coast City Manager and City Attorney shall be directed by the Palm Coast City Council to assist the Charter Review Committee with its organization and in considering, formulating, and making amendments to the Charter; however, the Palm Coast City Council may also authorize and fund the services of such other attorneys, consultants, and advisors as it deems necessary and appropriate. The Palm Coast City Council shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.

(3) Initiative and referendum. At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an

**Commented [KM42]:** Incorporates elements of City of Bunnell Charter Review Process and establishes dates for reviews.

**Commented [KM43]:** Consistent with F.S. 1660.31(1)

**Deleted:** 25

adopted ordinance, or to propose an amendment to this Charter, pursuant to F.S. § 166.031, as amended from time to time. If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election.

(5) Standards of conduct, ethics, and anti-corruption: All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council shall, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law:

a). **Statement of Ethics and Anti-corruption Policy.** The proper operation of responsible government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the community and the government; that public office not be used for personal gain; that officials and employees not be unduly or inappropriately influenced by those they regulate or by those who seek special benefits from the City; and that the public have confidence in the integrity and transparency of its government.

b). **Ethics Code and Ethics Board to be established.**

(i). **Ethics Code.** The City Council shall, within six (6) months of the enactment of this charter provision, enact an ethics, or conflicts of interest, code with jurisdiction over the officers and employees of the City of Palm Coast, whether elected or appointed, paid or unpaid, and over the members, officers and

Commented [KM44]: Added statute.

employees of any boards, commissions, or committees thereof. The ethics code may, as allowed by law, supplement state ethics laws.

(ii). Ethics Board. There is hereby created an independent, appointed, ongoing citizens Ethics Board of seven members, whose membership shall consist of registered City of Palm Coast electors who have appropriate subject matter expertise none of whom may be an officer or employee of local government. Each of the following persons or entities shall make an appointment of one of five Board members to wit: the City Council, the Chair of the County Commission for Flagler County, the Chief Judge for the Seventh Judicial Circuit, the State Attorney for the Seventh Judicial Circuit, and the Sheriff of Flagler County. Two Board members shall be appointed by the Ethics Board. Initial appointments shall be made within 90 days of the approval of this Charter provision and all subsequent appointments shall be made within 60 days of a vacancy occurring. The City Commission shall provide by ordinance for the length and staggering of the terms of Ethics Board members.

(iii). The Ethics Board shall:

- (1) assist the City Council in the development of the ethics code;
- (2) adopt bylaws and due process procedures for the administration of the Ethics Board;
- (3) manage a citywide ethics hotline for receipt of allegations of local corruption, fraud, waste, mismanagement, campaign finance and ethics violations;

- (4) manage and coordinate the mandatory training of local officials, officers, employees, and board members in state and local ethics;
- (5) have the authority to refer ethics and corruption matters to appropriate enforcement agencies;
- (6) recommend proposed ordinances, resolutions, or charter amendments to the City Council in all areas of ethics and corruption, including but not limited to: conflicts of interests, financial disclosure, voting conflicts, hotline policies, ethics education, ethics in procurement, campaign ethics and financing, and lobbying; such legislative proposals shall be filed with and considered by the City Council;
- (7) have the authority to investigate complaints and to levy those civil penalties as may be authorized by the City Council for violations of the City's ethics code; and
- (8) employ staff serving in the ethics office. A structure shall be established for the Ethics Board that ensures independence and impartiality, and provides for the maximum practicable input from citizens and community organizations. The Ethics Board shall be funded by the City Council within its discretionary budgetary authority at a level sufficient to discharge the Board's responsibilities.

**Commented [KM45]:** Incorporate language from City of Tallahassee Charter Amendment. See link: [https://www.talgov.com/Uploads/Public/Documents/ethics/pdf/referendum\\_150210.pdf](https://www.talgov.com/Uploads/Public/Documents/ethics/pdf/referendum_150210.pdf)

Footnotes: --- (2) --- Editor's note— The referendum language contained within Section 10(3) of the City Charter requiring a minimum of 25 percent of the qualified electorate of the City to propose an amendment to the City Charter is statutorily preempted in accordance with Section 166.031, F.S. Pursuant to Section 166.031(1), F.S., the electors of the City of Palm Coast may, by a petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of the City of Palm Coast a proposed amendment to its Charter, which amendment may be to any part or to all of said Charter except that part describing the boundaries of such municipality.

Article XII - Severability. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable. (H. B. No. 527, § 5, 5-1-02)

Deleted: Sec. 11.

Article XIII. - Transition schedule.

Deleted: Sec. 12

Deleted: Page 52

(1) Creation and establishment of City. For the purpose of compliance with Florida Statutes relating to assessment and collection of ad valorem taxes, and for the purpose of subsection (2) of section 10, the City is hereby created and established effective December 31, 1999.

(2) Transitional ordinances and resolutions. The City Council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting shall be passed as emergency ordinances. These transitional ordinances shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

(3) Transitional comprehensive plan and land development regulation. (a) Until such time as the City shall adopt a comprehensive plan, the applicable provisions of the Comprehensive Plan of Flagler County, Florida, as the same exists on the day the City commences corporate existence, shall remain in effect as the City's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the City Council of Palm Coast, which shall be deemed the local planning agency until the Council establishes a separate local planning agency. (b) All powers and duties of the Flagler County Planning and Land Development Regulations Council, any boards of adjustment and appeals created pursuant to statutory trade codes, and the County Commission of Flagler County, Florida, as set forth in these transitional zoning and land use regulations, shall be vested in the City Council of Palm Coast until such time as the City Council delegates all or a portion thereof to another entity. General law prohibits the adoption of zoning ordinances as emergency ordinances. (c) Subsequent to the commencement of the City's corporate existence, no amendment of the comprehensive plan or land development regulations enacted by the Flagler County Commission shall be deemed an amendment of the City's transitional comprehensive plan or land development regulations or shall otherwise take effect within the City's corporate limits unless approved by the City Council. (H. B. No. 527, § 6, 5-1-02)

**Commented [KM46]:** Needs to be reworked to reflect current time. City has already been established.