



CHARTER

Provided by: The City Clerk's Office
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CHARTER*

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***Editor's note**—The current Charter of the City of Lauderdale Lakes, Ord. No. 604, is set out herein as ratified by the electorate on March 13, 1979. The former Charter was created from Laws of Fla. ch. 61-2386, as amended by the following legislation:

<i>Special Acts</i>		<i>Special Acts</i>		<i>Special Acts</i>	
63-1128		65-1808		65-1811	67-1626
63-1528		65-1809		67-1625	67-1627
63-1530		65-1810			

<i>Ordinance</i>	<i>Date</i>	<i>Ordinance</i>	<i>Date</i>	<i>Ordinance</i>	<i>Date</i>
163 (Res.)	10-21-1971	409	2-12-1974	497	9-14-1976
165 (Res.)	11- 9-1971	430	7- 9-1974	516	12-21-1976
334	10-10-1972	448	12-10-1974	521	1- 4-1977
407	2-12-1974	457	5-20-1975	418 (Res.)	5- 3-1977
408	2-12-1974	461	7- 1-1975		

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PREAMBLE

The citizens of the City of Lauderdale Lakes, in order to protect the health, welfare and safety of its residents, and promote honest, efficient and responsive government, hereby adopt a revised Home Rule Charter in accordance with the Constitution and Laws of Florida.

ARTICLE I. CREATION AND POWERS OF THE CITY**Section 1.01. Establishment and powers.**

The City of Lauderdale Lakes established pursuant to Laws of Fla. ch. 61-2386(1), Subsequent Special Acts, and the referendum adopting this Charter on March 13, 1979, shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, render municipal services, and may exercise any power for municipal purposes except as provided by law.

Section 1.02. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, including Florida and its civil divisions and agencies, or the United States or any agency thereof.

Section 1.03. Extraterritorial powers.

All extraterritorial powers conferred upon the City of Lauderdale Lakes by general or special act prior to the adoption of this Charter shall remain in full force and effect until repealed by ordinance or by amendment to this Charter.

Section 1.04. Legal construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the Constitution, general law and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this Charter and, pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to this Charter.

ARTICLE II. CORPORATE LIMITS**Section 2.01. Description of corporate limits.**

The following area shall constitute the corporate limits of the city: All that territory lying and situate in Broward County, Florida, as provided in Laws of Fla. ch. 61-2386(2); Laws of Fla. ch. 67-1625(1) and additions thereto, to wit:

Beginning at the intersection of the easterly right-of-way line of the Sunshine State Parkway and the south right-of-way line of the South Florida Water Management District

Canal C-13; thence northerly along the said easterly right-of-way line of the Sunshine State Parkway, to an intersection with the north line of Section 24, Township 49 South, Range 41 East; thence easterly along the said north line of Section 24 to the northwest corner of the northeast one-quarter of the northeast one-quarter of said Section 24; thence northerly along the west line of the southeast one-quarter of the southeast one-quarter of Section 13, Township 49 South, Range 41 East to the northwest corner thereof; thence easterly along the north line of the southeast one-quarter of the southeast one-quarter of said Section 13 to a point of intersection with the west right-of-way line of State Road No. 7 as located and constructed; thence northerly along the said westerly right-of-way line to an intersection with the westerly extension of a line parallel with and 1011.04 feet south of, as measured at right angles to, the north line of the southwest one-quarter of Section 18, Township 49 South, Range 42 East; thence easterly along said line parallel with and 1011.04 feet south of, as measured at right angles to, the north line of the southwest one-quarter of said Section 18 to a point on the east line of the southwest one-quarter of said Section 18; thence southerly along the east line of the southwest one-quarter of said Section 18 to a point on the north line of Section 19, Township 49 South, Range 42 East; thence easterly along the north line of said Section 19 and along the north line of Section 20, Township 49 South, Range 42 East to the northeast corner of the west one-half of the northwest one-quarter of said Section 20; thence southerly along the east line of said west one-half of the northwest one-quarter of Section 20 to an intersection with the south right-of-way line of the said South Florida Water Management District Canal C-13; thence westerly along the said south right-of-way line to the east line of said Section 19, Township 49 South, Range 42 East; thence southerly along the said east line and along the west line of Section 29, Township 49 South, Range 42 East to the northwest corner of the southwest one-quarter of the northwest one-quarter of said Section 29; thence easterly along the north line of the said southwest one-quarter of the northwest one-quarter of Section 29 to the northeast corner of the said southwest one-quarter of the northwest one-quarter of Section 29; thence southerly along the east line of the north one-half of the southwest one-quarter of the northwest one-quarter of Section 29 to the southeast corner of the said north one-half of the southwest one-quarter of the northwest one-quarter of Section 29; thence westerly along the south line of the northeast one-quarter of the southwest one-quarter of the northwest one-quarter of said Section 29 to the southwest corner of the said northeast one-quarter of the southwest one-quarter of the northwest one-quarter of Section 29; thence southerly along the east line of the southwest one-quarter of the southwest one-quarter of the northwest one-quarter of said Section 29 to the southeast corner of the said southwest one-quarter of the southwest one-quarter of the northwest one-quarter of Section 29; thence westerly along the south line of the said southwest one-quarter of the southwest one-quarter of the northwest one-quarter of Section 29 to the southwest corner of the said southwest one-quarter of the southwest one-quarter of the northwest one-quarter of Section 29, said point being on the west line of said Section 29 and the east line of Section 30, Township 49 South, Range 42 East; thence southerly along the said east line of Section 30 to the southeast corner of the east three-fourths of the north one-half of the south one-half of the southeast one-quarter of said Section 30; thence westerly along the south line of the said east three-quarters of the north

one-half of the south one-half of the southeast one-quarter of Section 30 to the southwest corner of the said east three-quarters of the north one-half of the south one-half of the southeast one-quarter of Section 30; thence southerly along the east line of the southwest one-quarter of the southwest one-quarter of the southeast one-quarter of Section 30 to the southeast corner of the said southwest one-quarter of the southwest one-quarter of the southeast one-quarter of Section 30 and the south line of said Section 30; thence westerly along the said south line of Section 30 to the southwest corner of said Section 30; thence northerly on the section line between said Section 30, Township 49 South, Range 42 East and Section 25, Township 49 South, Range 41 East, said line being the easterly city limits of the City of Lauderhill, Florida, to the southeast corner of the north one-half of the north one-half of said Section 25; thence westerly along the south line of the said north one-half of the north one-half of Section 25, said south line being the northerly city limits of the City of Lauderhill, Florida, to the southeast corner of the west one-half of the northeast one-quarter of the northwest one-quarter of said Section 25; thence southerly along the east line of the west one-half of the southeast one-quarter of the northwest one-quarter of said Section 25, said line being the city limits of the City of Lauderhill, Florida, to the southeast corner of the said west one-half of the southeast one-quarter of the northwest one-quarter of Section 25; thence continuing southerly along the east line of the west three-quarters of the north one-half of the north one-half of the southwest one-quarter of Section 25; said line being the city limits of the City of Lauderhill, Florida, to the southeast corner of the said west three-quarters of the north one-half of the north one-half of the southwest one-quarter of Section 25; thence westerly along the south line of the said west three-quarters of the north one-half of the north one-half of the southwest one-quarter of Section 25, said line being the city limits of the City of Lauderhill, Florida, to an intersection with the easterly right-of-way line of the said Sunshine State Parkway; thence northerly along the said easterly right-of-way line of the Sunshine State Parkway, through said Sections 25 and 24, Township 49 South, Range 41 East to an intersection with the said south right-of-way line of the South Florida Water Management District Canal C-13 and the point of beginning, all of said land being in Broward County, Florida:

Less, however, the following described lands in Broward County, Florida, to wit: The east one-half of the northeast one-quarter of the southeast one-quarter and the east three-quarters of the southeast one-quarter of the southeast one-quarter; and the east 660 feet of the north 330 feet of the northwest one-quarter of the northeast one-quarter; and the north 330 feet of the northeast one-quarter of the northeast one-quarter, all in Section 19, Township 49 South, Range 42 East; and the west 353 feet of the north 330 feet of the northwest one-quarter of the northwest one-quarter of Section 20, Township 49 South, Range 42 East; and also less and except therefrom the following described property: Beginning at the southeast corner of the southwest one-quarter of Section 18, Township 49 South, Range 42 East; thence north 01 degrees 43 minutes 21 seconds west along the east line of the southwest one-quarter of said Section 18, a distance of 520.08 feet; thence south 88 degrees 54 minutes 11 seconds west, a distance of 40.00 feet; thence south 01 degrees 43 minutes 21 seconds east, a distance of 520.08 feet to a point on the south line of the

southwest one-quarter of said Section 18; thence north 88 degrees 54 minutes 11 seconds east along the south line of the said southwest one-quarter, a distance of 40.00 feet to the point of beginning.

(Ord. No. 84-15, § 1, 9-4-1984; Ord. No. 00-24, § 2, 5-23-2000; Res. No. 00-255, § 2, 11-14-2000)

Editor's note—The boundaries of the city have been amended and such amendments are on file in the city clerk's office.

ARTICLE III. GOVERNMENT OF THE CITY

Section 3.01. Government of the city; composition; powers; quorum.

The form of government of the city shall be a mayor/city commission/city manager form of government. All legislative, regulatory and policy-making powers of the city shall be vested in the city commission. All administrative powers of the city shall be vested in the city manager, and the city manager shall provide for the performance of all duties and obligations imposed on the city by law, through its various departments and divisions.

- (1) Beginning with the election of November, 2014, seat 3 will be eliminated, seats 1, 2, 4, 5 and 6 shall thereafter remain until the general election in November 2016, and from the election of 2014 until the general election of 2016, the city commission shall consist of five (5) members, and, from 2014 until the general election of 2016, there shall be a mayor who shall only vote in the case of an unresolvable tie vote of the city commission. As of the election of November 2016, seat 5 shall be eliminated, and former seat 6 will become seat 3; the remaining seats 1, 2, 4 and 6 shall be reconstituted as seats 1, 2, 3 and 4 beginning with the general election of November 2016. As of the election of 2016, the city commission shall consist of one (1) mayor-commissioner and four (4) commissioners each of whom shall be elected at-large according to seats newly constituted, by the qualified electors of the city at such regular elections called for such purpose, and they shall hold their respective offices during the terms prescribed in section 3.04 hereof. The terms of office of the mayor-commissioner first elected in the November 2016 election and the other commissioners shall be staggered. The commissioners shall continue to be elected by seats. Commencing with the election of November 2016, the position of mayor-commissioner shall be subject to election as provided in Section 3.04 hereof. Commencing with the election in November of 2014 and for each election thereafter, candidates for city commission, except the mayor-commissioner, shall designate the seat for which he or she is running based upon the seats reconstituted for the election of 2016. The commission seats that are up for re-election in November of 2014 shall be designated as seats 1 and 2. The seats that are up for re-election in November of 2016 shall be designated as seats 3 and 4. After the qualifying period closes, a candidate shall not change his or her designation. The candidate receiving the highest number of votes from the electors for each of the respective seats shall be elected to that seat. An elector shall vote for only one (1) candidate for each seat. After the applicable qualifying period closes, if there shall be only one candidate for a seat, that candidate shall be the winner of the election.

(2) As of the general election of November 2016, the title of mayor set forth in this Charter shall be deemed mayor-commissioner as provided herein and may be referred to as mayor-commissioner or mayor.

(3) A quorum of the city commission shall consist of three (3) city commission members including the mayor-commissioner.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3A, 1-13-1998; Ord. No. 03-52, § 3, 12-16-2003; Ord. No. 04-38, § 2, 9-14-2004; Ord. No. 2013-08, § 5, 6-11-2013)

Section 3.02. Qualifications of mayor and city commissioners.

Any qualified Broward County elector whose principal place of residence is in the City of Lauderdale Lakes and who has resided continuously in the city for six (6) months immediately preceding his qualifying as a candidate for the office shall be eligible to hold the office of mayor or city commissioner.

(Ord. No. 97-23, 1-13-1998)

Section 3.03. Judge of qualifications.

The city commission shall be the judge of the election and qualification of its members and of the mayor as defined in section 3.02 above, and of the grounds for forfeiture of their respective offices. A member of the city commission or the mayor charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notices of such hearing shall be published once in one newspaper of general circulation in the city at least one week in advance of the hearing.

(Ord. No. 97-23, 1-13-1998)

Section 3.04. Election and terms of mayor and city commission members.

Pursuant to the Laws of Florida and the County of Broward, commencing with the election of March, 2006, the City of Lauderdale Lakes shall hold all future elections on even numbered years. Commencing, however, in November 2008, all such elections shall be held in November, concurrent with the national elections; in addition:

- (1) The Mayor and the three city commissioners elected in March of 2004 shall serve a term of four (4) years. However, the terms of these commissioners shall be extended for a period of eight (8) months, from March 2008 to November 2008.
- (2) The terms of the three (3) city commission members previously elected which are scheduled to expire in March of 2005, shall be extended for a period of one (1) year to the election to be held in March 2006; the three (3) city commissioners to be elected in March shall fill said terms for four (4) years and eight (8) months until the election to be held in November 2010. Thereafter, all commissioners shall serve four (4) year terms.
- (3) Every elected or appointed officer shall serve until his or her successor is elected and sworn in, except in the case of automatic vacancies provided for in this Charter.
- (4) Beginning with the election in the month of March, 2004, no one holding the office of mayor or city commissioner shall serve in excess of two successive terms in such office, provided however, that nothing herein contained shall be construed to prevent an incumbent city commissioner who has served two successive terms in such office from holding the office of the mayor, upon election thereto, at the election succeeding such commissioner's successive term, and nothing herein contained shall prevent a person who has served as mayor for the requisite successive terms, from holding the office of city commissioner in the term succeeding such person's service as mayor, and nothing

herein contained shall preclude a former mayor or former commissioner who has once served the requisite successive terms from once again holding such office as she or he shall have held for the requisite successive terms, after the passage of a full term after she or he shall have left office.

(Ord. No. 91-19, § 2, 11-5-1991; Ord. No. 03-55, § 3, 1-13-2004; Ord. No. 04-33, § 2, 6-22-2004; Ord. No. 04-38, § 2, 9-14-2004)

Editor's note—Ord. No. 97-23, adopted January 13, 1998, changed the name of the city council to the city commission and was approved by the electorate on March 10, 1998.

Section 3.05. Oath of office.

Before entering upon the duties of their respective offices, all elected and appointed officers shall take and subscribe to the following oath of office: "I do solemnly swear (or affirm) that I am a registered voter and resident of the City of Lauderdale Lakes, and I have been a resident for a period of six (6) months immediately preceding my qualifying and I shall support, protect and defend the Constitution and government of the United States, and the Constitution of the State of Florida and the Charter of the City of Lauderdale Lakes, and that I will well and faithfully perform the duties of my office of the said City of Lauderdale Lakes upon which I am now about to enter, so help me God."

Section 3.06. Swearing-in ceremony.

At noon on the first Monday following a regular city election and certification by the supervisor of elections, or as soon as may be practicable if there has been a disputed election, the city commission and mayor shall meet at the City Hall at which time:

- (a) The newly elected city commissioners shall take the oath of office;
 - (b) In years when a mayor is elected, the newly elected mayor shall take the oath of office.
- (Ord. No. 97-23, 1-13-1998)

Section 3.07. Salary and expenses.

(1) The city commission shall fix by ordinance the salary of the mayor and the members of the city commission; provided, however, that no increase in such salaries may be granted without approval of a majority of the electors voting on such question at the next general election following the passage of an ordinance submitting the question of the proposed increase to the electors. The next consideration of such an ordinance shall be made by the city commission prior to November 2004, to permit the matter to be voted upon by the electors at a referendum to be held in November 2004. Thereafter, an ordinance fixing the salaries of the mayor and members of the city commission shall be considered by the city commission every four (4) years.

(2) The city commission shall fix by ordinance the annual expense accounts of the mayor and members of the city commission.

(3) The city commission may approve extraordinary expenses of the mayor and members of the city commission, in addition to the expenses provided for in the annual expense accounts; provided that such extraordinary expenses shall be for a public purpose and the same shall be supported by appropriate vouchers, receipts and other evidences of the purpose and amount of such approved expenditures.

(4) The city commission may establish, by ordinance, the city's medical and retirement benefits for the mayor and city commissioners.

(Ord. No. 97-23, 1-13-1998; Ord. No. 00-01, § 4, 3-14-2000; Ord. No. 03-56, § 3, 12-16-2003)

Section 3.08. Mayor [to be] presiding officer; responsibilities.

The mayor shall preside at the meetings of the city commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for the purpose of military law and civil disaster, for execution of contracts, deeds and other documents as provided in the Charter, for service of process, and as the city official designated to represent the city in all agreements with other governmental entities or certification to other governmental entities. The mayor shall execute such business of the city as the city commission may direct from time to time.

As presiding officer of the city commission, the mayor may participate in all deliberations, but shall cast a vote only in case of a tie among the city commission.

(Ord. No. 97-23, 1-13-1998)

Section 3.09. Vice-mayor; selection, term, duties, vacancies; presiding officer; transition.

(1) *Service of vice-mayor.* The city shall hold its annual organizational meeting in the month designated for the election of city officials, which organizational meeting shall take place irrespective of an actual election of officials. At the annual organizational meeting provided for herein, except as otherwise provided for the initial transition period, the city commission shall by motion select from among its members a vice-mayor who shall serve a term of one year. The vice-mayor shall act as mayor during the absence or disability of the mayor and while so acting, the vice-mayor shall relinquish all committee duties and shall exercise the same responsibilities and shall be subject to the same limitations as are incident to the office of mayor. A vice-mayor succeeding to the office of mayor as the result of a vacancy shall serve the remaining portion of his regular term of office as a city commissioner following the election of a new mayor.

Whenever there is a vacancy in the office of vice-mayor, the city commission shall select from among its members a successor to serve until the next regular election.

The city shall hold a transitional organizational meeting in November, 2007, and the vice-mayor selected by the city commission shall continue to hold office until November, 2008; at which time the initial organizational meeting provided herein shall be conducted.

(2) *Presiding officer in the absence or disability of mayor or vice-mayor.* In the event of the absence or disability of the mayor and vice-mayor, the city commission shall appoint from among its members a presiding officer for the purpose of conducting the meeting at which such presiding officer is appointed, and such presiding officer shall exercise the same responsibilities and be subject to the same limitations as are incident to the office of the mayor.

(Ord. No. 97-23, 1-13-1998; Ord. No. 07-30, § 2, 11-27-2007)

Editor's note—Ord. No. 07-30, § 2, adopted November 27, 2007, changed the title of § 3.09 from "Vice-mayor; selection, term, duties, vacancies; presiding officer" to "Vice-mayor; selection, term, duties, vacancies; presiding officer; transition."

Section 3.10. Vacancies; forfeiture of office; filling of vacancies.

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

(2) *Forfeiture of office.* A mayor or a city commissioner shall forfeit his office if that person:

- (a) Lacks at any time during a term of office any qualifications for the office prescribed in this Charter or law, or
- (b) Violates any standard of conduct or code of ethics established by law for public officials, or
- (c) Is convicted of a crime involving moral turpitude, or
- (d) Fails to attend three (3) consecutive regular meetings of the city commission without an excuse satisfactory to a majority of remaining members, or
- (e) Has become incapable of performing the duties of the office for a period of more than three (3) months, or
- (f) Has moved his principal place of residence from the City of Lauderdale Lakes.

In all circumstances arising under this article, the city commission shall be the judge of the applicability of its provisions.

(3) *Filling of vacancies, office of mayor.* Whenever there is a vacancy in the office of mayor, the vice-mayor shall vacate his/her city commission seat and automatically succeed to the post of mayor upon taking the oath of office, to serve until the next regular city election. In the event that it becomes necessary to fill a vacancy in the office of mayor in a regular election held in an odd-numbered year, the person elected mayor shall serve until the next regular election held in an even-numbered year in accordance with section 3.04(1).

(4) *Filling of vacancies, office of city commissioner.* Whenever there is a vacancy in the city commission, the city commission, by majority vote of the remaining members, shall, by resolution, as soon as practicable after such vacancy occurs, choose a successor to serve until the next regular city election or at the conclusion of the term for which such appointment is

made, whichever first occurs; provided, however, that in the event there shall be less than one hundred thirty (130) days remaining before the next general election, the city commission, by majority vote of its remaining members, may resolve to omit to fill such vacancy and to let such vacancy stand open until the next general election, at which time a successor shall be elected to fill his or her predecessor's remaining term of office.

(5) *Vacancies, qualifying and election procedures.* When at a regular city election, it becomes necessary to fill a mayoral or city commission vacancy, candidates in the regular city election shall be qualified and elected according to the provisions of Article VI of this Charter.

(6) *Quorum requirements, reduced city commission membership.* Notwithstanding any quorum requirements established by this Charter to the contrary, in the event at any time the membership of the city commission shall be reduced, by virtue of one or more vacancies, to a number no less than three (3), such that the remaining members cannot obtain a quorum, such remaining members may, by a majority vote, appoint such persons to serve as interim city commissioners as shall be necessary to obtain a quorum, and each of such persons shall serve until the next regular city election.

(7) *Extraordinary vacancies.* In the event that four (4) or more members of the city commission are removed by death, disability or forfeiture of office, the governor shall appoint such persons as shall be necessary to create a quorum, and those persons then creating a quorum shall call a special election within thirty (30) days, and such election shall be called to fill the specific vacancies in the manner provided for under the regular election procedures of the city and this Charter.

(8) *Failure to qualify.* If any elected or appointed officer shall fail to qualify for the office to which he was elected or appointed, within thirty (30) days after his election or appointment, said office shall be deemed vacant and shall be filled as provided in this Charter.
(Prop. No. 2, 11-2-1982; Ord. No. 97-23, 1-13-1998)

Section 3.11. Prohibitions.

Holding other office. No mayor or city commissioner shall hold any other Lauderdale Lakes city office for which there is additional compensation paid, or other elected public office during the term for which he was elected to the city commission, and no former mayor or city commissioner shall hold any compensated, appointive Lauderdale Lakes city office or Lauderdale Lakes city employment until one year after the expiration of the term for which he was elected to the mayor's post or the city commission.
(Ord. No. 97-23, 1-13-1998)

Section 3.12. Legal officer.

There shall be a legal officer of the city, appointed or removed, by a majority of the city commission who shall serve as chief legal adviser to the city commission, the mayor and all city departments, offices and agencies, and who shall assure that the city is represented in all legal proceedings and perform any other duties prescribed by this Charter, by ordinance or by city commission direction.
(Ord. No. 97-23, 1-13-1998)

Section 3.13. Boards, authorities and commissions.

In addition to the regular committees established under section 4.01(1) [sic], the city commission may create by ordinance boards, authorities and commissions and may specify the membership and duties thereof.

No person shall serve on more than two (2) such boards, authorities or commissions, and members of such boards shall serve without compensation but may receive necessary expenses

if approved by the city commission. Such boards, authorities and commissions shall be part of the municipal government and shall, whenever practicable, utilize the services available through the regular departments, offices and agencies of the city, including the legal officer, as authorized by the city commission.

(Ord. No. 97-23, 1-13-1998; House Bill 1609, § 1, 6-12-2007)

Section 3.14. Investigations.

The city commission by majority vote may make or cause to be made investigations into the affairs of the city and the conduct of any city department, city election, city office or city agency. (Ord. No. 97-23, 1-13-1998)

Section 3.15. Independent audit.

The city commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The city commission may, without requiring competitive bids, designate such accountants or firm of accountants annually or biennially, provided that the designation for any particular fiscal year shall be made not later than ninety (90) days after the beginning of such fiscal year. If the State of Florida makes such an audit, the city commission may accept it as satisfying the requirement of this section.

(Ord. No. 97-23, 1-13-1998)

Section 3.16. Procedure and meetings.

(1) *Regular.* The city commission shall meet regularly not less than twice each month and at such times and places as shall be specified by ordinance. All meetings, formal or informal, of the city commission, all committees and all boards, elective or appointive, administrative or advisory, shall be conducted in open session and the press and public shall be permitted to attend any of such meetings, except such private, executive sessions as may be permitted by law.

(2) *Special.* Special meetings shall be held on the call of the mayor. In addition, upon the request of a majority of the members of the city commission, the mayor shall call a special meeting. Such special meeting shall be held on no less than forty-eight (48) hours' notice to each member and the public.

(3) *Workshop.* In addition to regular and special meetings, the mayor may call, or at the request of a majority of the city commission shall call, workshop meetings for information on and discussion of municipal and related matters, which meetings may be conducted like regular meetings, except that no resolution or ordinance may be adopted at a workshop meeting.

(4) *Emergency.* Whenever there is a public emergency affecting life, health, property or the public peace and whenever practicable upon no less than twelve (12) hours' notice to each member and the public, the mayor may call an emergency meeting. In addition, upon the request of a majority of the members of the city commission, the mayor shall call an emergency meeting. In the absence or disability of the mayor and vice-mayor, any four (4) members of the city commission may call an emergency meeting. When necessary, the twelve-hour notice requirement may be waived.

(5) *Rules and written record.* The city commission shall determine its own rules and order of business and shall provide for keeping a written record of its proceedings. This written record shall be a public record.

(6) *Voting.* Voting on ordinances shall be by roll call and shall be recorded in the written record. In the absence of a quorum, the city commissioners present may recess from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the city commission. No action of the city commission except as otherwise provided in this Charter, in the preceding sentence and in section 3.10(6) shall be valid or binding unless adopted by the affirmative vote of the majority of the city commission entitled to vote on a question.

(Ord. No. 97-23, 1-13-1998)

Section 3.17. Ordinances and resolutions.

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

A "resolution" is an expression of the city commission on matters of official concern, opinion or administration, of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

- (1) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. 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.
- (2) *Procedure.* The proposed ordinance shall be read in full on the first reading, and by title or in full on the second reading on at least two (2) separate dates, at either regular or special meetings of the city commission; provided, however, upon the affirmative vote of five (5) members of the city commission, the necessity that the ordinance be read in full on the first reading may be waived. At least eight (8) days prior to the second reading, a proposed ordinance shall be advertised at least once in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time and place or places within the city where such proposed ordinance may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

- (3) *Effective date.* Each ordinance shall become effective on the date specified therein; provided that in the absence of such designation in an ordinance, such ordinance shall become effective on the tenth business day subsequent to its adoption.
 - (4) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
 - (a) Adopt or amend an administrative code, or establish, alter or abolish any city department or agency;
 - (b) Establish a rule or regulation the violation which carries a penalty;
 - (c) Levy taxes authorized by general law;
 - (d) Grant, renew or extend a franchise;
 - (e) Set service or user charges for municipal services of [or] granting administrative authority for such charges;
 - (f) Authorize the borrowing of money not inconsistent with the limitations in the Constitution and general law of the state;
 - (g) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
 - (h) Amend or repeal any ordinance previously adopted.
- (Prop. No. 1, 11-2-1982; Ord. No. 97-23, 1-13-1998)

Section 3.18. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the city commission may adopt one or more emergency ordinances but such ordinances may not levy taxes, grant, review or extend a franchise, set service or user charges for any municipal services, rezone real property or authorize the borrowing of money except as provided under the emergency appropriations provisions of Article V, section 5.04(5) of this Charter.

- (1) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (2) *Procedure.* The city commission may by a two-thirds vote, enact an emergency ordinance without complying with the requirements of section 3.17(2); provided, however, that within fourteen (14) days from the date of the adoption of such emergency ordinance such ordinance shall be published once in a newspaper of general circulation.
- (3) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in this ordinance.
- (4) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first day following the date on which it is adopted,

but this shall not prevent re-enactment of the ordinance under regular procedures. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of an emergency ordinance.

(Ord. No. 97-23, 1-13-1998)

State law reference—Minimum mandatory procedures for adoption, F.S. § 166.041.

Section 3.19. Authentication, recording and disposition of ordinances, resolutions and Charter amendments.

(1) *Authentication.* The presiding officer of the city commission and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the city commission. In addition, when Charter amendments have been approved by the electors, the presiding officer of the city commission and the city clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

(2) *Recording.* The city clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the city commission. Ordinances shall be codified periodically, published and made available for distribution on a continuing basis. The city clerk shall also maintain the City Charter in current form and shall enter all Charter amendments and send a copy of the revised Charter incorporating amendments to the secretary of state's office.

(3) *Printing.* The city commission shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference and this Charter available for public inspection and available for purchase at a reasonable price.

(Ord. No. 97-23, 1-13-1998)

ARTICLE IV. ADMINISTRATION OF THE CITY

Section 4.01. Administration; officers' appointment; duties and compensation.

The conduct of the affairs of the municipal government of the city shall be by a mayor (whose responsibilities remain as they existed on March 10, 1998 and which are outlined in section 3.08), a city commission (whose responsibilities are outlined in section 4.03) and a city manager (whose responsibilities are outlined in section 4.04).

The city commission shall, by resolution, appoint and fix the compensation of the following officers of the city:

- (1) City manager.
- (2) City attorney.
- (3) City auditor.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3B, 1-13-1998)

Section 4.02. City manager.

The city commission shall appoint a manager who shall be the city's chief administrative officer. The city manager's duties are briefly described in section 4.04 and shall be more specifically described by city ordinance.

- (1) *Appointment.* The city commission shall appoint the city manager based on experience, expertise and management ability as it pertains to operating a municipal government. The appointment shall be by a vote of no less than four (4) votes of the six (6) city commissioners.
- (2) *Term of appointment.* The city commission shall appoint the city manager for an indefinite term.
- (3) *Compensation.* The city commission shall set the compensation of the city manager.
- (4) *Removal.* The city commission may remove the manager provided no less than four (4) of the six (6) city commissioners vote for removal.
- (5) *Acting city manager during city manager's absence, incapacitation or vacancy.* Within six (6) weeks of appointment and before taking any vacation time, the city manager shall designate a qualified administrative officer to exercise the powers and perform the duties of the city manager during any period of temporary absence, disability or removal. The manager shall notify the city commission of the appointment by memorandum, a copy of which shall be filed with the city clerk and the city attorney. The city commission may consider the appointment at any subsequent city commission meeting. At that time, it may disapprove the appointment and instruct the manager to select some other competent administrative officer. Further, during any period of absence, disability or after removal, the city commission may revoke such designation and appoint another officer of the city to serve until the manager returns or is replaced. Neither the city commission nor the manager may appoint an elected official as acting city manager.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3C, 1-13-1998)

Section 4.03. Powers and duties of city commission.

The city commission shall provide the leadership of the city, set the general direction of the government and possess all the powers provided for by general law and by this Charter. It shall develop the city's mission statement, its policies, its strategic plan and its annual goals and objectives. It shall set service levels, approve the budget, adopt ordinances and oversee the city's advisory boards. It shall be responsible to authorize the negotiation and execution of all city contracts, except as specifically set forth by ordinance. It shall also be responsible for holding the manager accountable for achieving the city commission's goals and objectives.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3D, 1-13-1998)

Section 4.04. Power and duties of the city manager; city commission/manager interface.

(1) *Powers and duties of the city manager.* The city manager shall be responsible for insuring the city commission's direction is followed and for managing the day-to-day operations of the city. The city manager shall supervise all departments, develop and administer all

city contracts, oversee all personnel matters (such as hiring, firing and other disciplinary actions), develop the city's financial structure and budget, and serve as a representative of the city.

(2) *City commission / manager interface.* The city commission or its members shall direct all requests for service and all orders to city employees (who are within the city manager's span of control) through the city manager.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3E, 1-13-1998)

Section 4.05. City clerk.

The city manager shall appoint the city clerk. The city clerk shall give notice of meetings of the city commission; shall keep the written record of its proceedings; shall authenticate by signature on record in full the book kept for the purpose of recording ordinances and resolutions of the city commission; shall be custodian of the seal and of all official records and shall perform such duties as shall be required by this Charter, by city ordinance or by direction of the city commission.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3F, 1-13-1998)

Section 4.06. Administrative code.

The city manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the city commission.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3G, 1-13-1998)

ARTICLE V. FINANCIAL PROCEDURES

Section 5.01. Fiscal year.

The fiscal year of the city shall conform to the general law of the state and shall commence on the first day of October and end the last day of September in each year as currently provided and until such controlling general law shall be changed.

Section 5.02. Budget and budget document.

(1) On or before the fifteenth day of August of each year, or as soon thereafter as practicable, the city manager shall present to the city commission the budget for the ensuing fiscal year.

The budget document shall explain the budget in fiscal terms and describe programs. It shall outline the financial policies of the city for the fiscal year; indicate major changes in policy, expenditures and revenue together with the reasons for such changes; summarize the city's debt position and include such other material as it deems desirable.

(2) The city manager shall prepare and submit as part of the regular budget a long-term capital improvement program which shall include supporting documentation as the manager deems desirable.

(Ord. No. 97-23, 1-13-1998; Ord. No. 97-24, § 3H, 1-13-1998)

Section 5.03. Budget adoption.

The city commission shall by ordinance adopt the budget pursuant to the provisions of section 3.17 on or before the thirtieth day of September of each year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the city commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

(Ord. No. 97-23, 1-13-1998)

Section 5.04. Amendments after adoption.

(1) *Supplemental appropriations.* If during the fiscal year the city commission certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(2) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city commission that the revenues available will be insufficient to meet the amount appropriated, the city commission shall make known this fact without delay, indicating the estimated amount of the deficit, and remedial action taken and its recommendations as to any other steps to be taken. The city commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(3) *Transfer of appropriations.* At any time during the fiscal year the city commission may authorize the transfer of part or all of any unencumbered appropriation balance among programs within a department, office or agency, and transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(4) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriations may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be effective immediately upon adoption.

(5) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the city commission may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions in section 3.18. To the extent that there are no available unappropriated revenues to meet such appropriations, the city commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(Ord. No. 97-23, 1-13-1998)

Section 5.05. Payment of money by city.

Money shall be paid out of the city treasury only on warrants or checks signed by the city manager and countersigned by the city clerk; provided, however, that in the absence of either of them, the mayor may act as a substitute signatory on warrants or checks, but in no event shall a check or warrant of the city be negotiable except that it be signed by two (2) of such officers.

Section 5.06. Bonds of city officers and employees; surety.

The city commission shall determine by ordinance which city officers and employees in addition to the mayor, the city manager and the city clerk shall give bond and the amount of penalty thereof.

All persons required by the city commission to give bond shall, upon entering into their respective duties, give bond with surety to be approved by the city commission conditioned upon the faithful performance of the respective offices, which bond shall be payable to the city in such penalty as the city commission may prescribe, and surety on any official bond shall be guaranteed only by a known, solvent bonding and surety company authorized to do business in the State of Florida. The premium on any such bonds shall be paid by the city and notice of such bonds shall be filed with the city clerk.

(Ord. No. 97-23, 1-13-1998; Ord. No. 03-53, § 3, 12-16-2003)

ARTICLE VI. QUALIFICATIONS AND ELECTIONS**Section 6.01. City elections generally.**

(1) *City commission powers.* The city commission by ordinance and subject to the Constitution and laws of Florida and Broward County and this Charter shall have the power to call for regular and special elections for the city and to make necessary regulations for the conduct thereof.

(2) *Electors.* All citizens qualified by the constitution and laws of Florida who are registered voters in Broward County and whose principal place of residence is in the City of Lauderdale Lakes shall be electors under this Charter.

(3) *Nonpartisan elections.* All notices of candidacy and elections for the office of mayor and city commissioner shall be conducted on a nonpartisan basis without regard for a designation of a political party affiliation for any candidate on any notice or ballot.

(4) *Voting machines.* The city commission may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

(Ord. No. 97-23, 1-13-1998)

Section 6.02. Candidates; qualifying and fees.

Candidates for the offices of mayor and city commissioner shall qualify for such offices by filing with the city clerk a written notice of candidacy, including an affidavit that the candidate is qualified and will serve, and paying to the city clerk a candidate's filing fee in the amount and during the time prescribed by ordinance.

(Ord. No. 97-23, 1-13-1998)

Section 6.03. Form of ballots.

(1) *Mayor and city commissioner.* The city commission by ordinance shall prescribe the form of the ballot including the method for listing candidates for city commissioner and mayor and any other city election.

(2) *Names on ballots.* The names of all candidates nominated for mayor and city commissioner, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol. If two (2) or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot. The candidates' names are to be listed in alphabetical order.

(3) *Charter amendments and referenda.* A Charter amendment or referendum issue to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question, or words of substantially the same meaning: "Shall the above-described amendment (or issue) be adopted?" Immediately below such question shall appear, [in] the following order, the words "For Approval" and also the words "Against Approval" with a sufficient blank space thereafter for the placing of symbol "X" on paper ballots, punched card or electronic voting devices, or with a lever opposite "For Approval" or "Against Approval" if voting machines are used.

(Ord. No. 97-23, 1-13-1998)

Section 6.04. Conduct of elections.

Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Florida and Broward County shall apply to elections held under the Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law.

For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the city commission may adopt, by ordinance, other election regulations which it considers desirable, consistent with law and this Charter.

(Ord. No. 97-23, 1-13-1998)

Section 6.05. Special elections.

Special city elections may be held to submit to referendum proposed Charter amendments, bond proposals and other issues requiring the expression of voter opinion, and to comply with the recall provisions of general law at such times as the city commission may determine. (Ord. No. 97-23, 1-13-1998)

Section 6.06. Election of city commissioners and mayor.

The candidates for city commissioners receiving the greater number of votes cast shall be declared elected until the number elected equals the number of city commission offices to be filled.

The candidate for mayor receiving the greatest number of votes cast for that office shall be declared elected. (Ord. No. 97-23, 1-13-1998)

Section 6.07. Tie votes.

When necessary, a tie between two (2) or more candidates in any election for the office of mayor or city commissioner shall, after a recount, be decided by lot to be conducted in public by the city clerk. (Ord. No. 97-23, 1-13-1998)

Section 6.08. Extraordinary electoral procedures.

Notwithstanding anything to the contrary contained here, where referenda or elections are to be conducted in accordance with this article, the conduct of such referenda and elections shall be consistent with the procedures prescribed by the office of the supervisor of elections of Broward County.

ARTICLE VII. CIVIL SERVICE BOARD AND PERSONNEL SYSTEM**Section 7.01. Creation of board.**

(A) A civil service board for the City of Lauderdale Lakes is hereby created. This board shall be composed of five (5) voting members who shall be:

- (1) Full-time residents of Lauderdale Lakes.
- (2) Not employees of the city nor have any conflict of interest with the city.
- (3) The voting members of the civil service board shall be chosen for overlapping terms in the following manner according to the following schedule:
 - (a) The city commission shall appoint two (2) members following the adoption of this Charter provided that one of the members hereby appointed shall serve an initial

term of two (2) years and the other shall serve a regular three-year term. All subsequent terms of board members appointed by the city commission shall be for three years.

- (b) The full-time, permanent employees in the classified service of the city shall elect two (2) members following the adoption of this Charter provided that one of the members hereby elected shall serve an initial term of two (2) years and the other shall serve a regular three-year term. All subsequent terms of board members elected by the city employees shall be for three-year terms.
- (c) The fifth member of the board shall be chosen by a majority of the four (4) members appointed by the city commission and elected by the city employees, to serve a term of three (3) years. In the event the four (4) appointed and elected members are unable to agree upon a fifth member within ten (10) days or prior to the next scheduled meeting of the city commission, whichever is the longer period, after discussion with the board members, the city commission shall appoint the fifth member of the board for a regular three-year term.

(B) A city employee shall serve as a non-voting member of the civil service board and shall be:

- (1) Elected by the permanent employees in the classified service of the city.
- (2) Serve a three (3) year term.

(C) The civil service board shall elect a chairperson from among its members who shall serve a term of one year. The board may elect other officers including a vice-chairperson and secretary. After the first election, the officers shall be elected at the first meeting in January of each year. The chairperson shall preside at meetings and hearings of the board, serve as liaison with city officials and officers, call special meetings, set hearings and perform other duties assigned by the board. Other officers of the board shall perform duties assigned by the board.

(D) The civil service board shall prepare and submit to the city commission for adoption an annual budget to cover the routine operating expenses of the board. The board shall also submit requests for any extraordinary expenses incurred in the conduct of hearings.

(Ord. No. 97-23, 1-13-1998; Ord. No. 03-59, § 3, 1-13-2004)

Editor's note—The first paragraph of § 7.01 has been designated (A) and subsections formerly numbered (4) and (5) have been redesignated as paragraphs (B) and (C) at the editor's discretion to facilitate indexing and use.

Section 7.02. Personnel system.

(1) *Classified service; application.* The terms, conditions and provisions hereof, together with such civil service rules, regulations and procedures as may be adopted pursuant to the provisions hereof, shall be applicable to any regular employee of the city, occupying a permanent position of employment, excluding, however, any such employee during the period

of time that such employee's hours, wages and other conditions of employment are provided for in an employment or a collective bargaining agreement, bargained for pursuant to the provisions of F.S. ch. 447, unless otherwise provided for in such agreement.

(2) *Merit principle.* All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(3) *Assistance to civil service board.* The city clerk shall provide necessary staff assistance for the civil service board.

(Ord. No. 97-23, 1-13-1998; Ord. No. 03-54, § 3, 12-16-2003)

ARTICLE VIII. OFFICIAL CONDUCT

Section 8.01. Standards of ethics.

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 and this Charter. In addition, the city commission may, by ordinance, establish a code of ethics for officials and employees of the city. (Ord. No. 97-23, 1-13-1998)

Section 8.02. Personal financial interest.

Any city officer, employee, board member or members of their immediate families who have a financial interest, direct or indirect, in any corporation, partnership or other organization in any contract with the city, in zoning and land classification, or in the sale of any land, material supplies or services to the city or to a contractor supplying the city, shall make known that interest; and, if substantial, shall refrain from voting upon or otherwise participating in his capacity as a city officer, employee or board member in the making of such sale or in the making or performance of such contract. Nor shall any city officer, employee or board member or members of their immediate families subsequently benefit from any contract with the city, or matters of zoning and land classification, or the sale of any land, material, supplies or services to the city or to a contractor supplying the city wherein his financial interest failed to be disclosed under penalty of forfeiture of office or position and such additional penalties as may be prescribed by law. Any city officer, employee or board member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section, shall be deemed guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person, corporation, partnership or other organization contracting with or making a sale to the city may render the contract or sale voidable by the city commission.

(Ord. No. 97-23, 1-13-1998)

Section 8.03. Penalties.

Violations of ordinances of this Charter shall be punishable in accordance with the uniform fines and penalties set by general law.

ARTICLE IX. CHARTER AMENDMENTS**Section 9.01. Charter amendment.**

(1) *Initiative by ordinance.* The city commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next regular election held within the city or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the city commission and shall not be subject to a vote of the electors, except as provided by general law.

(2) *Initiative by petition.* The electors of the city may propose amendments to this Charter by petition signed by at least ten (10) per cent of the total number of qualified electors of the city, registered to vote in the election last occurring as determined by the supervisor of elections of Broward County.

(a) *Form and content.* All papers of a petition shall be uniform in size and style, shall be in a form designated by the city clerk and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment.

(b) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.

(c) *Certification of petition.* Upon certification of the sufficiency of the petition by the city clerk, such certification to include the validity of the names on the petitions as qualified electors registered to vote in the city, the city commission shall place the proposed amendment to a vote of the electors at the next regular election held not less than thirty (30) days and not more than ninety (90) days after certification or at a special election called for such purpose.

(Ord. No. 97-23, 1-13-1998)

ARTICLE X. RECALL, INITIATIVE AND REFERENDUM**Section 10.01. Recall.**

The qualified electors of the city shall have the power to recall any elected official of the city in accordance with the laws of the State of Florida.

Section 10.02. Initiative ordinance.

The qualified electors of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city employees.

(Ord. No. 97-23, 1-13-1998)

Section 10.03. Referendum ordinance.

The qualified electors of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election provided such power shall not extend to the budget or capital program or ordinance relating to appropriation of money or levy of taxes.

(Ord. No. 97-23, 1-13-1998)

Section 10.04. Commencement of proceedings and time limitations.

(1) Whenever one hundred fifty (150) qualified electors of the City of Lauderdale Lakes shall by proper petition and affidavit to the city commission request the enactment of an ordinance, the substance of which is stated in the petition, or, shall request the repeal of an existing ordinance as stated in the petition, the city commission shall consider such petition and take action.

(2) If the city commission decides not to take favorable action on such petition, the matter shall become a question of citizens initiative or referendum, as applicable, according to the following procedures:

- (a) Any five (5) qualified electors, one of whom shall be designated chairperson, may then commence initiative or referendum proceedings by filing with the city clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be rescinded.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall, at the committee's request, issue the appropriate petition blanks to the petitioners' committee.

- (b) Following the issuance and delivery of the petition blanks to the petitioners' committee by the city clerk, the petition drive must be ended by filing with the city clerk the

completed petitions not later than the sixtieth day following issuance and delivery of the petitions not to include Saturday, Sunday or legal holidays recognized by the city as final days.

(Ord. No. 97-23, 1-13-1998)

Section 10.05. Petitions.

(1) *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least ten (10) per cent of the total number of qualified electors, registered to vote in the election last occurring as determined by the supervisor of elections of Broward County.

(2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address and election precinct of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be rescinded.

(3) *Affidavit of circulator.* Each petition or counterpart thereof shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that the signatures were affixed in his presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be rescinded.

Section 10.06. Procedure for filing.

(1) *Certificate of clerk; amendment.* Within five (5) working days after an initiative or referendum petition is filed, the city clerk shall submit such petition to the supervisor of elections of Broward County; and upon receipt of the certification of said supervisor as to the number of qualified signatures, the city clerk shall within two (2) working days from the date of receipt of such notification from the supervisor take the necessary steps to complete a certificate to such petitions, sufficiently specifying, if it shall be insufficient, the particulars wherein it is defective; and the city clerk shall promptly send a copy of the certificate to the petitioners' committee, by certified mail. The committee shall then have fifteen (15) working days from the time of such filing to conduct the drive for an amended petition not to include Saturday, Sunday or holidays if they are the final days of the period. Such supplementary petition shall comply with the requirements of subsections (1), (2) and (3) of section 10.05 and within five (5) working days after it is filed, the city clerk shall take the necessary steps to complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, the city clerk shall promptly present the certificate to the city commission which shall take action to submit the issue to the voters pursuant to section 10.09(1) [10.06(4)]. If a petition or amended petition is certified insufficient, and the petitioners' committee does not elect to amend or request city commission

review under subsection (2) of this section within the time required, the city clerk shall promptly present the certificate to the city commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) *City commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the city commission's determination shall then be a final determination as to the sufficiency of the petition.

(3) *Action by city commission.* When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or repeal the existing ordinance referred to in the referendum ordinance. If the city commission fails to adopt a proposed initiative ordinance as presented or with only those changes agreed to by the petitioning committee within thirty (30) days or fails to repeal the existing ordinance referred to in the referendum ordinance within thirty (30) days, it shall submit the proposed initiative or referendum ordinance to the voters of the city.

(4) *Submission to voters.* The vote of the city on a proposed initiative or referendum ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the city commission shall provide for a special election, except that the city commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed initiative or referendum ordinance shall be made available at the polls.

(5) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ord. No. 97-23, 1-13-1998)

Section 10.07. Results of election.

(1) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered approved and adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall be considered adopted.

(2) *Referendum.* If a majority of the qualified electors voting on a proposed referendum ordinance vote in its favor, it shall be considered approved and adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission.

(Ord. No. 97-23, 1-13-1998)

Section 10.08. Limitations.

No adopted initiative ordinance shall be repealed by the city commission. No ordinance which has been repealed as a result of the approval of a referendum ordinance in accordance with the provisions of this article shall be re-enacted by the city commission.

(Ord. No. 97-23, 1-13-1998)

ARTICLE XI. RESERVED*

***Editor's note**—Resolution No. 00-021, § 2, adopted Jan. 25, 2000, repealed in their entirety the provisions of article XI of the Charter of the Lauderdale Lakes Code. Former article XI, which encompassed sections 11.01—11.07, pertained to the transition schedule and derived from Ord. No. 604, adopted March 13, 1979, and Ord. No. 97-23, adopted January 13, 1998.