

PART I - CHARTER^[1]

Footnotes:

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Editor's note—This part contains the home rule charter of the city, first proposed by Ord. No. 74-6, adopted September 17, 1974, and approved at referendum held November 5, 1974. Such charter was confirmed and reenacted without change by Laws of Fla. ch. 75-329. It was then amended and readopted in its entirety by Ord. No. 03-37, and approved at referendum held November 4, 2003. Material in brackets has been added where necessary to correct obvious errors or to facilitate use and indexing of the charter. A uniform system of capitalization has been used. Obvious misspellings have been corrected without notation.

State Law reference— Municipal home rule powers act, F.S. ch. 166.

ARTICLE I. - CREATION AND POWERS^[2]

Footnotes:

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State Law reference— General municipal powers, F.S. § 166.021.

Sec. 1.01. - Creation and powers.

The City of Belle Isle, Florida, as now established shall continue to be a municipal body politic and corporate in perpetuity under the name "City of Belle Isle" and, under that name shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

Sec. 1.02. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general law and specified 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 the charter.

ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Description of corporate limits.

The boundary description of the City of Belle Isle is on file in the City Clerk's office.

Sec. 2.02. - Changes in corporate boundaries.

The corporate boundaries of the city may be changed in accordance with the general laws of the State of Florida, or special laws relating to the city enacted subsequent to the effective date of this charter.

State Law reference— Municipal annexation or contraction, F.S. ch. 171.

ARTICLE III. - LEGISLATIVE

Sec. 3.01. - Creation, powers and composition of city council.

There shall be a city council with all the legislative powers of the city vested therein. The city council may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. The city council shall consist of seven (7) commissioners; one residing in each of seven (7) election districts, elected at large by the qualified voters of the city.

Sec. 3.02. - Qualifications.

Commissioners and candidates for commissioner shall have resided in the city at least one (1) year immediately prior to the date on which they qualify to run for the office of commissioner, and shall have the qualifications of electors therein. No person may qualify as a candidate for commissioner who holds another public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office.

(Ord. No. 80-6, § 1, 9-2-1980, App. at Ref. 11-4-1980; Ord. No. 87-11, § 1, 9-1-1987, App. at Ref. 11-3-1987)

State Law reference— Qualifications of municipal electors, F.S. §§ 97.041, 99.012, 101.002(3), 166.032.

Sec. 3.03. - Judge of election and qualification of members.

The city council shall be the judge of the election and qualification of its own members, subject to review by the court.

Sec. 3.04. - Election and terms.

The regular election of the city commissioners shall be held on the second Tuesday after the first Monday in March of each year, in the manner provided in Article VI of this charter, and shall be for a term of three (3) years.

(Ord. No. 81-17, § 2, 12-15-1981, App. at Ref. 9-17-1982; Ord. No. 87-12, § 1, 9-1-1987, App. at Ref. 11-3-1987; Ord. No. 94-6, 11-1-1994)

Sec. 3.05. - When term to begin.

The term of office of any persons elected commissioner or mayor at any general election held in the city shall commence and begin on the first Tuesday in April following the said election.

(Ord. No. 81-17, § 1, 12-15-1981, App. at Ref. 9-17-1982; Ord. No. 94-6, 11-1-1994)

Sec. 3.06. - Commissioner or mayor not to hold two elected offices; vacancies.

No commissioner or mayor may hold two (2) elective offices, whether such offices are federal, state, county or municipal. At least ten (10) days prior to the first day of qualifying for another office, the commissioner or mayor seeking the office must submit to the City Clerk a written resignation, which resignation shall be effective no later than the date the commissioner or mayor would take the new office, if elected. The resignation shall be irrevocable.

State Law reference— Resign to run law, F.S. § 99.012.

Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

(A) *Vacancies*: The office of a commissioner shall become vacant upon death, disability, resignation, entry upon the office of mayor, removal from office in any manner authorized by law or forfeiture of office.

(B) *Forfeiture of office*: A commissioner shall forfeit the office if the commissioner:

(1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.

(2) Violates any standard of conduct or code of ethics established by law or [commits] a misdemeanor of the second degree or a felony of any degree.

(3) Misses four (4) consecutive, regularly scheduled council meetings, without being excused by the council.

(C)

Filling of vacancies: A vacancy on the council shall be filled by the mayor appointing a candidate from the district where the vacancy has occurred. The appointee shall be confirmed by a majority vote of the council. The filling of the office shall be completed within one month of the date that the council seat was vacated. After the seat has been filled, the newly appointed commissioner will hold office until the next regular election scheduled for that district.

- (D) *Extraordinary vacancies:* In the event that all commissioners are removed by death, disability, resignation or forfeiture of office, the governor shall appoint an interim council that shall call for a special election.

State Law reference— Mandate to provide for filling of vacancies in elective offices, F.S. § 166.031 (6).

Sec. 3.08. - Procedure.

- (A) *Meetings.* The council shall meet regularly at least once in every month at such time and place as the council may prescribe by rule. Special meetings may be held on the call of the mayor or a majority of the commissioners and, whenever practicable, upon no less than twelve (12) hours' notice to each commissioner and the public. All meetings shall be public.
- (B) *Rules and journal.* The council shall determine its own rules and the mayor shall set the order of business for each meeting.
- (C) *Voting.* Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent commissioners in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.; public records, F.S. ch. 119; public meetings and records, F.S. § 286.011.

Sec. 3.09. - Compensation and expenses.

The council may determine the annual salary of the commissioners and mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of commissioners elected at the next regular city election, provided that such

election follows the adoption of such ordinances by at least six (6) months. All city public officials shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

State Law reference— Per diem and travel expenses of public officers and employees, F.S. § 112.061.

Sec. 3.10. - Prohibitions.

- (A) *Holding other office:* No former elected city official shall hold any compensated appointive city office of employment until one year after the expiration of the term for which he was elected.
- (B) *Appointments and removals:* Except to the extent provided otherwise in this charter, neither the council nor any commissioners shall in any manner dictate the appointment or removal of any city administrative officer or employee which the city manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- (C) *Interference with administration:* Except for the purpose of inquiries and investigations, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this charter, however, that recommendations for improvement in city government operations by individual commissioners be made to and through the city manager, so that the city manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

(Ord. No. 88-17, § 1, 10-4-1988, App. at Ref. 11-8-1988)

Sec. 3.11. - Ordinances and resolutions in general.