

## **Chapter 2 ADMINISTRATIVE PROVISIONS\***

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\*Editor's note--Ord. No. 415, revising Ch. 2 to read as herein set out, superseded former <sec><sec> 2-1--2-8, derived from Ord. No. 172, <sec><sec> 1--3, dated Sept. 18, 1951; Ord. No. 181, <sec> 1, dated June 2, 1953; Ord. No. 222, <sec> 1, dated Oct. 21, 1958; Ord. No. 234, <sec><sec> 1, 2, dated Aug. 16, 1960; and Ord. No. 408, <sec><sec> 1, 2, dated Aug. 7, 1973.

Cross reference(s)--Building commission, Ch. 7; city employees' federal old age and survivor's insurance, Ch. 8; city finances, Ch. 8A; code enforcement board, Ch. 9A; licenses, Ch. 12; park board, Ch. 16; local planning agency, <sec> 16A-3; taxation , Ch. 21; administration of zoning regulations, <sec> 26-10; board of zoning appeals, <sec> 26-11; planning commission, <sec> 26-11.1.  
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### **Sec. 2-1. Reserved.**

\* Editor's note—Ord. No. 1502-07, <sec> 1, dated September 19, 2007 eliminated this section in its entirety.

### **Sec. 2.2. Reserved.**

\* Editor's note - Ord. No. 1502-07, <sec> 1, dated September 19, 2007 eliminated this section in its entirety.

### **Sec. 2-2.1. Adjustment of compensation of Mayor and Councilmembers.**

The salary, travel allowance and any other compensation for the Mayor and Councilmembers will be as determined annually in the budget.

(Ord. No. 1015-90, <sec> 1, 12-19-90; Ord. No. 1309-01, <sec> 1, 6-6-01)

**Sec. 2-3. Compensation of City officers.**

The salary of City officers shall be established by resolution of the City Council, provided, however, that in lieu of such resolution the action of the City Council in approving the annual budget in conformance with the City Charter shall constitute establishment of compensation of City officers.

(Ord. No. 415, <sec> 1, 12-4-73)

**Sec. 2-4. City Seal.**

There is hereby adopted as the official seal of the City of Punta Gorda, the seal adopted by Resolution No. 5, dated November 5, 1924 consisting of the embossed impression of a circular metallic disc, containing in the outer rim the words "City of Punta Gorda, Florida", and containing in the center an emblem and the words "Prosperitas in Sanitat", a copy of which is depicted herein.



The manufacture, use, display, sale or other employment of any facsimile or reproduction of the City Seal, except by City officials or employees in the performance of their official duties, without the express approval of the Punta Gorda City Council is hereby prohibited.

(Ord. No. 1520-07, <sec> 1, 11-7-07)

**Sec. 2-5. Increase in the amount of monthly retirement benefits to City policemen.**

The amount of monthly retirement income payable to a policeman who retires on or after his normal retirement date shall be an amount equal to the number of years of credited service multiplied by two and one-half (2 1/2) per cent of his average final compensation as provided for by Florida Statutes.

(Ord. No. 502, <sec> 1, 9-21-77)

Editor's note--Section 2-5 is derived from Ord. No. 502, <sec> 1, adopted Sept 21, 1977, which ordinance was nonamendatory of this Code.

**Sec. 2-6. Assessment of court costs; costs used for police training.**

- (a) There is hereby assessed by the City of Punta Gorda, Florida in compliance with Section 938.01(1), Florida Statutes, an additional three dollars (\$3.00), as court costs against every person convicted for violation of a state penal or criminal statute or convicted of a municipal or county ordinance, where said offense occurred within the City limits of Punta Gorda. In addition, three dollars (\$3.00) shall be deducted from every bond estreature or forfeited bail related to such penal statutes or ordinances. However, no such assessment shall be made against any person convicted for violation of any state statute, municipal or county ordinance relating to the parking of vehicles.
- (b) All such assessments shall be collected by the appropriate court and shall be remitted to the City of Punta Gorda and earmarked for law enforcement education and training for members of the police department. The use and expenditure of such funds shall be in accordance with education and training programs for law enforcement personnel as determined by the Chief of Police and in accordance with Section 938.15, Florida Statutes.

(Ord. No. 556-79, <sec> 1, 9-5-79; Ord. No. 642-81, <sec> 1, 8-19-81; Ord. No. 1537-08, <sec> 1, 1-2-08)

**Sec. 2-7. Records management program.**

There is hereby created a City records center, under the office of the City Clerk, with the responsibility of creating and maintaining a complete records management program for the City of Punta Gorda as described in subsection (a)(7) below.

- (a) Definitions.
  - (1) **Record:** Any writing containing information relative to the conduct of the public's business, prepared, owned, used, or retained by the City, regardless of physical form or characteristics.
  - (2) **Writing:** Any handwriting, typewriting, printing, photostating, photographing, microphotographing or other means of duplication, and any form of communication or representation, including letter, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographs, films, prints, magnetic or punched cards, discs, drums, and other documentation.
  - (3) **Physical inventory:** A complete listing of all records (writings) and identification as to function.
  - (4) **Appraisal and evaluation:** Distinguishing between "duplicate" copies (i.e., a "record" copy is filed elsewhere within the city government) and record copies;

evaluating for permanency based on historical, administrative, fiscal, legal, research, or statutory requirements, and determining the period needed for retention in the current files area.

- (5) **Disposition:** The transfer of semiactive records to the City records center or City archives or destroying or recycling them.
  - (6) **Retention period:** That period of time, based on statutory requirements or evaluation that documents need to be retained before being destroyed.
  - (7) **Records management:** The management of information and records. This includes, but is not limited to, management of forms and reports; control of correspondence; evaluation and approval of micrographic systems and other automated systems of information recording and retrieval; management of filing equipment and office duplication machines, including authority for purchase; management of records centers and archives, and of vital alternate record programs.
- (b) Responsibilities of department heads. The heads of all departments and offices, excepting the Punta Gorda Police Department, shall:
- (1) Conduct a physical inventory and appraisal and evaluation of all records maintained by the offices and departments.
  - (2) With the assistance of the City Clerk, identify all records as they relate to the functions of the offices and departments and caption them accordingly.
- (c) Responsibilities of the City Clerk. The City Clerk shall:
- (1) Advise and assist all offices and departments of the City in the installation of the records management program.
  - (2) Arrange for the management of semiactive records.
  - (3) Install and arrange for the management and operation of a City archives for historical documents of all offices and departments of the City.
- (d) Records evaluation committee. A records evaluation committee shall be appointed by the City Manager and shall include representation from the offices of the City Clerk, the Director of Finance, and City Manager. This committee shall evaluate any proposed changes in retention periods by offices and departments that differ from those approved by the State of Florida, Division of Archives, History and Records Management, and request amendments as prescribed by law.

- (e) Disposition of nonrecord documents. Department and office heads shall have authority to destroy duplicate and other nonrecord documents, regardless of age, when no longer needed for reference.
- (f) Requests for destruction. Requests for destruction of record material shall be approved by the heads of departments and offices, forwarded to the City Clerk for confirmation of compliance with State of Florida Public Records Disposal Procedures, consolidated and forwarded to state division of records management for final approval. Upon approval, the City Clerk will arrange for destruction. Requests will be forwarded to the City Clerk on or about May 1 of each year for files and documentation maintained on a fiscal year basis, and on November 1 of each year for files maintained on a calendar year basis.

(Ord. No. 667-82, <sec> 1, 4-7-82)

**Sec. 2-8. Vacancy in candidacy.**

- (a) If the withdrawal of a qualified candidate following the end of the qualifying period results in only, one (1) candidate remaining on the ballot for that office, the remaining candidate shall be declared elected and no election for that office shall be required.
- (b)
  - (1) If the death or removal from the ballot of a qualified candidate following the end of the qualifying period results in only one (1) candidate remaining for that office, a special election shall be scheduled by the City Council not less than sixty (60) days nor more than one hundred twenty (120) days after the vacancy in the candidacy has occurred.
  - (2) If a special election is called pursuant to subsection (b)(1) above, a supplemental qualifying period shall be established beginning on the day the vacancy in the candidacy has occurred and ending at noon on the forty-sixth (46th) day prior to the date of the special election. Any candidate wishing to qualify during this supplemental qualifying period shall file the qualifying statement and petition required by the City Charter, accompanied by such qualifying fees as set by applicable law, prior to the end of the supplemental qualifying period.
  - (3) The remaining candidate for that office shall not be required to requalify for election or pay a second qualifying fee. The remaining candidate shall not be declared an unopposed candidate under Chapter 106, Florida Statutes, unless no additional candidate qualifies for election during the supplemental qualifying period. The remaining candidate may continue to accept contributions

until he is declared unopposed. If he is declared unopposed pursuant to this section, he shall be declared elected and the special election shall be cancelled.

- (4) The filing of campaign expense statements pursuant to Chapter 106, Florida Statutes, by candidates in a special election called under subsection (b)(1) including the remaining candidate, shall not be later than such dates as fixed by the City Clerk. In fixing such dates, the City Clerk shall take into consideration and be governed by the practical time limitations and the dates established for such statements in a regular City election.
  - (5) If a special election is called pursuant to subsection (b)(1), and other candidates qualify for election during the supplemental qualifying period, supplemental absentee ballots for the special election shall be mailed by the City Clerk to any absentee voter who was mailed an absentee ballot for the regular election. If an absentee voter returns the initial ballot he was mailed, his vote for that office for which the special election was called will be null and void, but his votes on all other offices and issues shall be counted.
- (c)
- (1) If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period results in no candidates for an office, and more than twenty-one (21) days remains prior to the date of the election, qualifying shall be reopened to allow candidates to qualify for the election to that office in accordance with the City Charter. Any candidate wishing to qualify shall file the qualifying statement and petition required by the City Charter, accompanied by such qualifying fees as set by applicable law, no later than noon of the twenty-first day prior to the date of election.
  - (2) If less than twenty-one (21) days remain to the election date after the death, withdrawal, or removal from the ballot of the lone qualified candidate for an office, and if a vacancy shall result on the City Council, the remaining Councilmembers shall appoint by majority vote a person otherwise qualified to be a Councilmember, and the person so appointed shall serve as Councilmember for the entire term. If the Council does not appoint a person to fill the vacancy within thirty (30) days after the first regular Council meeting held after the vacancy has occurred, a special election shall be held in order to fill the vacancy for the unexpired portion of the entire term. The special election shall be held not less than thirty (30) days nor more than ninety (90) days after the initial thirty-day period has expired.
  - (3) If the qualifying period is reopened pursuant to (c)(1) above, supplemental absentee ballots reflecting the new candidates who have qualified for that office only shall be

mailed by the City Clerk as soon as possible to any absentee voter who was mailed an absentee ballot. If an absentee voter returns the initial ballot he was mailed, his vote for the office for which qualification was reopened will be null and void, but his vote on all other offices and issues shall be counted.

- (d) The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.
- (e) A candidate withdrawing or being removed from the ballot after having qualified and paid the qualification fee shall not receive a refund of the qualifying fee.

(Ord. No. 1018-91, <sec> 1, 1-2-91)