

ARTICLE III. FORM OF GOVERNMENT; COMPOSITION OF COUNCIL; ITS POWERS AND DUTIES

Section 1. Form of government.

The municipal government provided by this Charter shall be known as the "Council-Manager government". Pursuant to its provisions and subject only to the limitations imposed by the general laws of this state, by the State Constitution, and by the amended and revised Charter, all powers of this City, as declared by statute, shall be vested in an elective Council, hereinafter referred to as "Council."

Section 2. Number; selection; term.

The Council shall consist of five (5) members who shall reside one in each of five (5) City Council districts, the districts together covering the entire City, and as nearly equal in population as practicable; and each Councilmember shall be elected by the qualified electors of the City at large. Within one (1) year after each decennial census is certified by the Census Bureau, the Council shall divide the City into districts of contiguous territory as nearly equal in population as practicable.

All Councilmembers shall be elected for two-year terms which shall be staggered so that alternatively, one more or one less than half of the Councilmembers shall be elected every year.

(Res. No. 807-85 <sec> 1, 10-16-85; Ord. No. 1169-96 <sec> 1, 11-20-96)

Section 3. Qualifications.

Councilmembers shall be, at all times, qualified electors of the City and shall hold no other compensated public office except that of notary public, or member of the national guard or armed forces reserve. Councilmembers shall reside in their district for six months prior to the date of election and throughout their term. If a Councilmember shall cease to possess any of the qualifications prescribed by this Charter, or by law, or shall be convicted of a felony, his or her office shall immediately and automatically become forfeited.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04, <sec> 2, 12-15-04)

Section 4. Salary.

The salary of Councilmembers shall be equal to 20% of the salary of Charlotte County Commissioners and the salary of the Mayor shall be equal to 22.5% of the salary of Charlotte County Commissioners which is determined by the State legislature.

(Res. No. 858-87 Ex. B, 07-15-87; Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1851-16 <sec> 1, 07-13-2016)

Section 5. Presiding officer; Mayor; Vice-Mayor.

At each organizational meeting, the Council shall elect one of its members as Mayor. Such election shall be conducted by the City Attorney. The Mayor shall preside at meetings of the Council and shall be recognized as head of the City government for all ceremonial purposes, by the Governor for the purposes of military law, and for the service of process on the City. The Council shall also elect one of its members as Vice-Mayor. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor. In the event of the death, resignation or disqualification of the Mayor, the Vice-Mayor shall assume the office of Mayor until the next succeeding organizational meeting and the Council shall appoint a new Vice-Mayor to serve until the next succeeding organizational meeting. In the event of the death, resignation or disqualification of the Vice-Mayor, the Council shall appoint a new Vice-Mayor to serve until the next succeeding organizational meeting.

(Ord. No. 1169-96 <sec> 1, 11-20-96)

Section 6. Vacancies in the Council membership; forfeitures of office.

- (a) Any vacancy on the Council occasioned by the death, resignation, successful recall election, permanent disability, forfeiture of office or change of permanent residence to a location outside of the district the Councilmember was elected to represent shall be filled for the remainder of the unexpired term by majority vote of the remaining members of the Council; provided however, that if such vacancy is not filled within twenty-five (25) days after it shall have occurred, appointment to fill it shall be made by the Governor of Florida. For the purposes of this Section, in addition to grounds for forfeiture of office specified in other Sections of this Charter, grounds for forfeiture of office shall be: malfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony.
- (b) At any regular or special meeting of the City Council, the Council may adopt a resolution alleging the forfeiture of office by a Councilmember, which resolution shall state with specificity the alleged grounds for forfeiture of office. In its discretion, the City Council may choose to reprimand or censure a Councilmember instead of causing a forfeiture of office. The party affected by such resolution shall be given written notice thereof, which shall be delivered to his or her personal place of abode within twenty-four (24) hours after the resolution is adopted. Within three (3) days after the adoption of the resolution, the affected party may, in writing served upon the City Clerk, demand a hearing upon the question of forfeiture at a public hearing to be fixed within ten (10) days of such demand. If not written demand for a hearing is timely served upon the City Clerk, or if following the public hearing the Council determines that the affected party has forfeited his or her office, or if the affected party has resigned prior to a vote of the Council, the time in which a replacement may be appointed by the Council is extended until twenty-five (25) days after the date of the scheduled public hearing.

(Ord. 1169-96 <sec> 1, 11-20-96; Ord. No. 1851-16 <sec> 1, 07-13-2016)

Section 7. Induction of Councilmember into office; meeting of the Council.

The first regular meeting of the Council following a City election shall be termed the organizational meeting, at which newly elected members shall be inducted into office. The Council shall meet regularly at such times as may be prescribed by its rules or resolution but not less frequently than twenty-two (22) times per year and not less than once per month. Except as otherwise permitted by law, all meetings of the Council shall be open to the public. The Mayor, any member of the Council, or the City Manager may call special meetings of the Council upon at least twenty-four (24) hours' notice to each member, and proof of such notice or attempted notice shall be filed at the called meeting. The purpose of the meeting shall be stated in the notice.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04, <sec> 2, 12-15-04; Ord. No. 1851-16 <sec> 1, 07-13-2016)

Section 8. Quorum.

A majority of all members elected to the Council shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least three (3) members shall be necessary to enact any ordinance or adopt any resolution.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04 <sec> 2, 12-15-04)

Section 9. Council to be judge of qualifications of its members.

The Council shall be the judge of the election and qualifications of its members including all residency requirements, and for such purpose shall have the power to subpoena witnesses and require the production of records by subpoena, but the decision of the Council in any such case shall not preclude review thereof by a court of competent jurisdiction.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04 <sec> 2, 12-15-04)

Section 10. Rules of procedure and journal.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings, and the journal shall be open to public inspection and shall reside in the office of the City Clerk.

(Ord. No. 1399-04 <sec> 2, 12-15-04)

Section 11. Absence from meetings.

Willful absence from four (4) consecutive regular meetings of the Council shall operate to forfeit the office of a member, unless such absence is excused by resolution duly adopted by the Council setting forth the facts and circumstances causing such absence.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04 <sec> 2, 12-15-04)

Section 12. Enactment of Ordinances.

In the enactment of ordinances, the Council shall proceed as required by statute.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04 <sec> 2, 12-15-04)

Section 13. Appointment and removal of City Manager, City Clerk, and City Attorney.

The City Manager, City Clerk, and City Attorney shall be chosen solely on the basis of their qualifications, in respect to the duties of the offices as hereinafter set forth. At the time of their appointments they need not be residents of the City or State, but, during their tenures in office, the City Manager shall reside in the City and the City Attorney and City Clerk shall reside in Charlotte County. Such appointments shall be for indefinite terms by a majority vote of all Councilmembers.

The Council may remove the City Manager, City Clerk or City Attorney by a majority vote of all the Councilmembers.

The compensation and terms of employment of the City Manager, City Clerk and City Attorney shall be fixed by the Council.

(Res. No. 858-87 Ex. D, 07-15-87; Res. No. 882-88 <sec> 2, 02-03-88; Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1170-96 <sec> 1, 11-20-96; Ord. No. 1399-04 <sec> 2, 12-15-04)