

PART I CHARTER ^[1]

PREAMBLE

The citizens of Margate, 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. - POWERS OF THE CITY

ARTICLE II. - CORPORATE LIMITS

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Section 1.01. Establishment and powers.

The City of Margate is established pursuant to the laws of Florida and 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 otherwise 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 Margate 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this Charter shall remain in full force and effect until repealed by ordinance or by amendment to this Charter.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.

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 Chapter 65-1902, Laws of Florida, Special Acts of 1965, and additions thereto, to wit:

(1) *As established by Special Acts, Chapter 65-1902, Section 2:*

(a)

That the boundaries of the City of Margate and the lands embraced in and by the City of Margate shall be as follows: The South Half (S½) of Section 25, Township 48 South, Range 41 East; the South Half (S½) of Section 26, Township 48 South, Range 41 East; and all of Sections 35 and 36, Township 48 South, Range 41 East; the South 1800 feet of the East 900 feet of the North Half (N½) of Section 25, Township 48 South, Range 41 East; the East 900 feet of the North Half (N½) of Section 25, Township 48 South, Range 41 East, less the South 1800 feet of said East 900 feet; all of the North Half (N½) of said Section 25, less the East 900 feet thereof; all of Section 23, Township 48 South, Range 41 East; the South Half (S½) of the South Half of Section 24, Township 48 South, Range 41 East; Parcel "A" and North 960 feet of Parcel "B", Section

1, Township 49 South, Range 41 East, containing 77.7 acres, more or less, according to the Plat thereof recorded in Plat Book 26, Page 21, of the public records of Broward County, Florida; all of Parcel "B", less the North 960 feet thereof (as measured at right angles) according to the plat of a Subdivision of Section 1, Township 49 South, Range 41 East Broward County, Florida, as recorded in Plat Book 26, Page 21, of the public records of Broward County, Florida; Sections 1 and 2 of SERINO PARK, according to the Plats thereof recorded in Plat Book 54, Page 42, and Plat Book 55, Page 16, of the public records of Broward County, Florida; and Tracts 1, 3, 4, 5 and 8, Block 95, PALM BEACH FARMS PLAT NO. 3, according to the plat thereof recorded in Plat Book 2, Pages 45 to 54, inclusive, of the public records of Palm Beach County, Florida; and that part of Tract 2, Block 95, PALM BEACH FARMS, described as follows: Beginning at the Southwest corner of said Tract 2, thence along the West boundary thereof North 1°17' West 711.7 feet, thence North 88°39' East 1012.7 feet; thence North 0°42' West 613.6 feet, thence North 89°42' East 496.4 feet to the Northeast corner of said Tract 2; thence along the East boundary thereof South 1°34' West 1345 feet to the Southeast corner thereof, thence along the South boundary of said Tract 2 South 89°42' West 1451 feet to Point of Beginning, containing 31.3 acres, more or less, according to Palm Beach Farms Company's Plat No. 3, recorded in Plat Book 2, Pages 45 to 54, inclusive, of the public records of Palm Beach County, Florida; and all of the remaining portions of said Tract 2, Block 95; and all of Tract 35, in Block 94, of PALM BEACH FARMS PLAT NO. 3, according to the Plat thereof recorded in Plat Book 2, Pages 45 to 54, inclusive, of the public records of Palm Beach County, Florida, lying South of Cypress Creek (Pompano) Canal; and all of that part of the West Half (W½) of Government Lot 2 lying South of Cypress Creek (Pompano) Canal; and all of Government Lot 7; and the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); all lying in Section 6, Township 49 South,

Range 42 East; excepting therefrom a strip of land along the West side thereof conveyed by Model Land Company to Palm Beach Farms Company by warranty deed dated September 7, 1917, and recorded in Deed Book 7, Page 337, of the public records of Broward County, Florida, described as follows: Beginning at a point on the North line of Section 6, Township 49 South, Range 42 East, a distance of 2478.79 feet Westerly from the Northeast corner of said Section, and run thence Southerly to the South line of said Section at a point 2465.9 feet Westerly from the Southeast corner of said Section; thence Westerly 151 feet to the quarter post on the South line of said Section; thence Northerly to the quarter post on the North line of said Section, being 2660.79 feet Westerly from the Northeast corner of said Section; thence Easterly along the North line of said Section 182 feet to a Point of Beginning; excepting therefrom and reserving therefrom the right-of-way of Cypress Creek State Drainage Canal as now located and constructed over and across the above described land, containing 29 acres, more or less, together with any and all dedications for the use and benefit of the public, including rights-of-way and drainage easements shown in any of the plats that may be described herein, and all dedications and grants for the benefit of the public as may be a matter of record. LESS a portion of Government Lot 7, in Section 6, Township 49 South, Range 42 East, lying and being in Broward County, Florida, more particularly described as follows: Commence at the intersection of the center line of Southwest Sixth Street, as shown on the Plat of MARGATE ESTATES SECTION 2, according to the Plat thereof as recorded in Plat Book 51, Page 21, of the public records of Broward County, Florida, with the East line of the said Plat of MARGATE ESTATES SECTION 2; thence run North 9°18'0" West along the East line of the said Plat of MARGATE ESTATES SECTION 2, along the East line of the Plat of PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 54, of the public records of Palm Beach County, Florida, 405.02 feet to the Point of Beginning; thence

continue North $0^{\circ}18'0''$ West along the last described course for 387.64 feet to the North line of said Government Lot 7; thence run North $87^{\circ}37'03''$ East along the North line of said Government Lot 7 for 7.84 feet, thence run Southerly along a circular curve to the left having a radius of 387.27 feet and a central angle of $22^{\circ}0'34''$ for an arc distance of 148.76 feet to the Point of Tangency; thence run South $22^{\circ}40'06''$ East for 151.64 feet to a Point of Curvature; thence run Southerly along a circular curve to the right having a radius of 270 feet a central angle of $22^{\circ}22'06''$ for an arc distance of 105.41 feet to the Point of Tangency; thence run Westerly radial to the last described curve for 115 feet to the Point of Beginning. LESS lands platted as MARGATE ESTATES SECTION 1, according to the Plat thereof recorded in Plat Book 50, Page 9, of the public records of Broward County, Florida. LESS lands platted as MARGATE ESTATES SECTION 2, according to the Plat recorded in Plat Book 51, Page 21, of the public records of Broward County, Florida. LESS lands platted as MARGATE ESTATES SECTION 3, according to the Plat thereof recorded in Plat Book 53, Page 2, of the public records of Broward County, Florida. LESS a portion of Government Lot 7, in Section 6, Township 49 South, Range 42 East, lying and being in Broward County, Florida, and more particularly described as follows: BEGIN at the intersection of the South line of the Plat of MARGATE ESTATES SECTION 3, according to the Plat thereof, recorded in Plat Book 53, Page 2, of the public records of Broward County, Florida, and the center line of Southwest 50 Avenue as shown on said Plat of MARGATE ESTATES SECTION 3; thence run North $87^{\circ}37'03''$ East along the South line of said Plat of MARGATE ESTATES SECTION 3 and the Easterly extension thereof for 943.02 feet to a point on the East line of said Government Lot 7; thence run South $0^{\circ}36'02''$ East along the East line of said Government Lot 7 for 501.29 feet to the Southeast corner of said Government Lot 7; thence South $86^{\circ}27'44''$ West along the South line of said Government Lot 7 for 946.53 feet to a point lying

on the Southerly extension of the center line of Southwest 50 Avenue as shown on the said Plat of MARGATE ESTATES SECTION 3; thence North 0°18' West along the Southerly extension of the center line of said Southwest 50 Avenue for 520.47 feet to the Point of Beginning. A portion of Tract 6, Block 95, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof recorded in Plat Book 2, Page 54, of the public records of Palm Beach County, Florida, more fully described as follows: Commencing at the Northwest corner of said Tract 6; thence South 0°59' East along the West line of said Tract 6, a distance of 10 feet to the Point of Beginning; thence continuing South 0°59' East along the said West line a distance of 1323.97 feet to the Southwest corner of said Tract 6; thence due East along the South line of said Tract 6, a distance of 1314.10 feet to the Southeast corner of said Tract 6; thence North 1°52' East along the East line of said Tract 6, a distance of 951.50 feet to the Southeast corner of SERINO PARK SECTION 2, according to the Plat thereof recorded in Plat Book 55, Page 16, of the public records of Broward County, Florida; thence due West along the South boundary line of said SERINO PARK SECTION 2, a distance of 1161.40 feet; thence North 0°59' West along the West line of said SERINO PARK SECTION 2, a distance of 372.83 feet to a point on the South line of SERINO PARK SECTION 1, according to the plat thereof recorded in Plat Book 54, Page 42, of the public records of Broward County, Florida; thence due West along the said South line, a distance of 200 feet to the Point of Beginning. The North Half (N½) of Section 26, Township 48 South, Range 41 East, located in Broward County, Florida. All of State Road 7, also known as U.S. 441, also known as Main Boulevard, up to and including all of the eastern right-of-way and the western right-of-way of said State Road 7, from the southernmost boundary to the northernmost boundary of the existing territorial limits of the City of Margate, Broward County, Florida. Also described as all of the lands included in the right-of-way map

recorded in the Right-of-Way Map Book 5, Page 50, of the public records of Broward County, Florida. All of said lands lying and being in Broward County, Florida.

(b)

That certain areas in the immediate environs of the existing City Limits of the City of Margate are designated as the "Greater Margate Area" to be eventually integrated into the City of Margate; such "Greater Margate Area" consisting of two (2) separate areas of land in the unincorporated area of Broward County, Florida, which areas are hereby designated for description purposes as Parcels A and B, which areas are described as follows: Parcel A, the West Half (W½) of Sections 19, 30 and 31, Township 48 South, Range 42 East, Broward County, Florida; and that portion of Section 24, Township 48 South, Range 41 East, Broward County, Florida, lying North of the present boundary lines of the City of Margate. Parcel B, all of Parcel "C" of the Subdivision of Section 1, Township 49 South, Range 41 East as recorded in Plat Book 26, Page 21, of the public records of Broward County, Florida, less and except therefrom the North Half (N½) of Section 24, Township 48 South, Range 41 East, Broward County, Florida.

(2)

Addition by Special Acts, Chapter 69-1293, Section 1:

Chapter 30962, Laws of Florida, Special Acts of 1955, as amended, as said chapter relates to the boundaries of the City of Margate, in Broward County, Florida, is amended to enlarge the City's limits and boundaries to include additional lands and territory legally described as follows: The West Half (W½) of Section 31, Township 48 South, Range 42 East; and also, all of MARGATE ESTATES SECTIONS 1, 2 and 3 as recorded in Plat Book 50, Page 9, Plat Book 51, Page 21 and Plat Book 53, Page 2, public records of Broward County, Florida. All of the aforesaid land being in Broward County, Florida.

(3)

Addition by Special Acts, Chapter 70-801, Section 1:

Chapter 30962, Laws of Florida, Special Acts of 1955, as amended, as said chapter relates to the boundaries of the City of Margate, in Broward County, Florida is amended to enlarge the City's limits and boundaries to include additional lands and territory described as follows:

(a)

The North Half (N½) of the South Half (S½) of Section 24, Township 48 South, Range 41 East, and also the North Half (N½) of said Section 24

(b)

Tracts 4 through 9 inclusive; 16 through 21 inclusive; 28 through 33 inclusive; 40 through 45 inclusive, Block 93. And also all portions of Tracts 4, 5 and the West Half (W½) of Tract 3, Block 94, lying within Section 30, Township 48 South, Range 42 East, AND ALSO Tracts 11 through 17 inclusive; Tracts 27 through 42 inclusive; Tracts 55 through 70 inclusive; Tracts 83 through 97 inclusive, Block 90, and all portions of Tracts 4 through 10 inclusive, Block 90, lying South of the South right-of-way line of Sample Road.

All according to PALM BEACH FARMS COMPANY PLAT NO. 3, Plat Book 2, Pages 45-54, Palm Beach County Records.

(c)

The East Half (E½) of Government Lot 2, Section 6, Township 49 South, Range 42 East, lying South of Cypress Creek Canal (C-14).

(d)

A portion of Government Lot 7, in Section 6, Township 49 South, Range 42 East, lying and being in Broward County, Florida, and more particularly described as follows: BEGIN at the intersection of the South line of the Plat of MARGATE ESTATES SECTION 3, according to the Plat thereof, recorded in Plat Book 53, Page 2, of the public records of Broward County, Florida, and the center line of Southwest 50 Avenue as shown on said Plat of MARGATE ESTATES SECTION 3; thence run North 87°37'03" East along the South line of said Plat of MARGATE ESTATES SECTION 3 and the Easterly extension thereof for 943.02 feet to a point on the East line of

said Government Lot 7; thence run South 0°36'02" East along the East line of said Government Lot 7 for 501.29 feet to the Southeast corner of said Government Lot 7; thence South 86°27'44" West along the South line of said Government Lot 7 for 946.53 feet to a point lying on the Southerly extension of the center line of Southwest 50 Avenue as shown on the said Plat of MARGATE ESTATES SECTION 3; thence North 0°18' West along the Southerly extension of the center line of said Southwest 50 Avenue for 520.47 feet to the Point of Beginning.

(e)

Parcel C of the Subdivision in Section 1, Township 49 South, Range 41 East, as recorded in Plat Book 26, Page 21, Public Records of Broward County, Florida.

(f)

All lands included in the above described boundaries to be annexed to the City of Margate which are presently within the boundaries of any other municipal corporation or city are hereby de-annexed therefrom to the extent necessary to give effect to this Act.

(4)

Addition by Ordinance No. 73-27:

The property described in the attached petition for annexation, being Tract 7, Block 95, of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45-54, inclusive, of the public records of Palm Beach County, Florida, and containing 39.125 acres, more or less. All situate, lying and being in Broward County, Florida, as set forth in Florida Statute 171.16 and Chapter 30962, Special Laws of Florida 1955, as amended by Special Acts, Chapter 65-1902, Chapter 69-193, and by Chapter 70-081, said special acts being the Charter of the City of Margate, be and the same is hereby incorporated into the City of Margate under the provisions of the aforementioned Florida Statutes and Charter of the City of Margate.

(5)

Addition by Ordinance No. 74-13:

The property described in the attached petition for annexation, being: All that portion of a 50.0 foot right-of-way lying between Blocks 95 and 96, according to the Plat of PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 53 of the public records of Palm Beach County, Florida, all situate, lying and being in Broward County, Florida, as set forth in Florida Statute 171.16, be and the same is hereby incorporated into the City of Margate under the provisions of the aforementioned Florida Statute.

(6)

Addition by Ordinance No. 81-41:

The property described in the attached petition for annexation being: Property lying and being in Broward County, Florida, described as: All that portion of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) lying Westerly of Sunshine State Parkway and lying Easterly of Palm Beach Farms Plat No. 3 recorded in Plat Book 2, Page 54, of the Public Records of Palm Beach County, Florida, in Section 6, Township 49 South, Range 42 East, all situate lying and being in Broward County, Florida, be and the same is hereby incorporated into the City of Margate under the provisions of Florida Statute 171.044.

(7)

Addition by Ordinance No. 81-42:

The property described in the attached petition for annexation being: Government Lot 7 lying North and West of MARGATE ESTATES SECTION THREE according to the Plat thereof recorded in Plat Book 53, Page 2 of the public records of Broward County, Florida, less part in Palm Beach Farms, all situate, lying and being in Broward County, Florida, be and the same is hereby incorporated into the City of Margate under the provisions of Florida Statute 171.044.

(8)

Addition by Special Acts, Chapter 83-465, Sections 1 and 2:

Section 1. The present corporate limits of the City of Margate, Broward County, Florida, are hereby extended and

enlarged so as to include, in addition to the territory presently within its corporate limits, the following:

ANNEXATION PARCEL A

(Portion of State Road 7 right-of-way lying north of the South right-of-way line of SW 8th Court)

A portion of Section 1, Township 49 South, Range 41 East more particularly described as follows: Commence at the NE corner of said Sec. 1-49-41; thence westerly along the North line of said Sec. 1-49-41; thence southerly along a line 85 feet west of and parallel to the East line of said Sec. 1-49-41 for 2927.27 feet to the Point of Beginning; thence continue along the previously described course 314.92 feet; thence easterly along a line 3242.19 feet south of and parallel to the North line of said Sec. 1-49-41 85 feet; thence northerly along the East line of said Sec. 1-49-41 314.92 feet; thence westerly along a line 2927.27 feet south of and parallel to the North line of said Sec. 1-49-41 85 feet to the Point of Beginning.

ANNEXATION PARCEL B

Parcel 2, OAKLAND HILLS 7th SECTION, as recorded in Plat Book 81, page 30 of the Public Records of Broward County, Florida less and except the West 320 feet thereof.

Section 2. The present corporate limits within the City of Margate, Broward County, Florida, are hereby reduced and contracted so as to exclude those portions of territory presently within its corporate limits as follows:

DEANNEXATION PARCEL A

(The East One-Half of Rock Island Road right-of-way south of the South right-of-way of Southgate Boulevard to South city limits)

A portion of Section 1, Township 49 South, Range 41 East more particularly described as follows: Commence at the NW corner of said Sec. 1-49-41; thence S 1°14'05"E along the West line of said Sec. 1-49-41 40 feet to the Point of Beginning; thence continue along the previous course 2340.69 feet; thence S 89°54'51"E 53.01 feet to a

point coincident with the SW corner of Tract G, KIMBERLY FOREST as recorded in Plat Book 68, page 31 of the Public Records of Broward County, Florida; thence N 1°14'05"W 2340.69 feet; thence N 89°49'42"W 53 feet to the Point of Beginning.

DEANNEXATION PARCEL B

(A portion of State Road 7 right-of-way lying south of the South right-of-way of SW 8th Court)

A portion of Section 6, Township 49 South, Range 42 East more particularly described as follows: All of that portion of Tract 7 and the adjacent 25 foot road reservation, Block 95 and the South 147.88 feet of Tract 6 and the adjacent 25 foot road reservation, Block 95, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, page 54 of the Public Records of Palm Beach County, Florida lying west of a line 115 feet east of and parallel to the West line of said Section 6-49-42.

(9)

Addition by Special Acts, Chapter 85-390, Sections 1 and 2:

Section 1. The present corporate limits of the City of Coconut Creek, Broward County, Florida, are hereby realigned so as to include, in addition to the territory presently within its corporate limits, a portion of Sections 30 and 31, Township 48 South, Range 42 East, Broward County, Florida, being more particularly described as follows:

District No. 1: Beginning at the Northwest corner of Section 31, Township 48 South, Range 42 East, and run North 89 degrees 49 minutes 20 seconds East, along the centerline of Coconut Creek Parkway (State Road No. 912) for 2170.02 feet to the Point of Beginning of the parcel of land hereinafter described;

Thence run North 0 degrees 10 minutes 40 seconds West, at right angles to the last described course for 55.00 feet;

Thence run North 45 degrees 15 minutes 02 seconds East for 49.13 feet (said last course being coincident with a boundary line of Parcel "A" as shown on the "CENTRAL PARK OF COMMERCE", according to the plat thereof recorded in Plat Book 119 at Page 27 of the Public Records of Broward County, Florida);

Thence run North 89 degrees 18 minutes 51 seconds East for 118.03 feet;

Thence run South 44 degrees 44 minutes 58 seconds East for 49.86 feet;

Thence run North 89 degrees 49 minutes 20 seconds East for 586.84 feet;

Thence run South 0 degrees 39 minutes 05 seconds West, along the West line of the East ½ of the aforementioned Tract 3, 8, 11, 16, and 21 of Block 94 for 3336.67 feet;

Thence run North 89 degrees 21 minutes 53 seconds West along the South line of the aforesaid Tract 21 for 676.51 feet to a point on the centerline of Banks Road (as same is shown on "LAKEWOOD EAST SECTION ONE" according to the plat thereof recorded in Plat Book 93 at Page 4 of the Public Records of Broward County, Florida) said point lying in a circular curve, and bearing North 89 degrees 19 minutes 40 seconds West from the radius of said curve;

Thence run Northerly along the arc of a circular curve concave to the East having a radius of 1000.00 feet and a central angle of 15 degrees 44 minutes 26 seconds, for an arc distance of 274.72 feet to Point of Reverse Curvature;

Thence run Northerly along the arc of a circular curve concave to the West having a radius of 1000.00 feet and a central angle of 15 degrees 44 minutes 26 seconds for an arc distance of 274.72 feet to a Point of Tangency;

Thence run North 0 degrees 40 minutes 20 seconds East for 1616.42 feet to a Point of Curvature;

Thence run Northerly along a circular curve concave to the West having a radius of 1000.00 feet and a central angle of 15 degrees 44 minutes 26 seconds of an arc distance of 274.72 feet to a Point of Reverse Curvature;

Thence run Northerly along a circular curve concave to the East having a radius of 1000.00 feet and central angle of 15 degrees 44 minutes 26 seconds for an arc distance of 274.72 feet to Point of Tangency;

Thence run North 0 degrees 40 minutes 20 seconds East for 515.53 feet to a point on the South Right-of-Way line of the aforementioned Coconut Creek Parkway (said last described six courses being coincident with the aforementioned centerline of Banks Road);

Thence run South 89 degrees 49 minutes 20 seconds West along said South Right-of-Way line of Coconut Creek Parkway for 97.85 feet;

Thence run North 0 degrees 10 minutes 40 seconds West, at right angles to the last described course for 55.00 feet to the Point of Beginning, lying and being in Broward County, Florida and containing 48.35 Acres more or less.

Section 2. The present corporate limits of the City of Margate, Broward County, Florida, are hereby realigned so as to include, in addition to the territory presently within its corporate limits, a portion of Section 31, Township 48 South, Range 42 East, Broward County, Florida, being more particularly described as follows:

District No. 2. Commence at the Northwest corner of Section 31 Township 48 South, Range 42 East and run North 89 degrees 49 minutes 20 seconds East, along the centerline of Coconut Creek Parkway (State Road No. 912) for 2929.07 feet;

Thence run South 0 degrees 39 minutes 05 seconds West along the West line of the East $\frac{1}{2}$ of Tract 3, 8, 11, 16, 21, and 26 in Block 98 of "THE PALM BEACH FARMS COMPANY PLAT NO. 3", for 3791.96 feet to a Point of Intersection with the Northerly Right-of-Way line of West Atlantic

Boulevard (State Road No. 814), said point being the Point of Beginning of the parcel of land hereinafter described;

Thence run South 73 degrees 14 minutes 58 seconds East along said Northerly Right-of-Way line of West Atlantic Boulevard for 636.74 feet;

Thence run South 0 degrees 37 minutes 50 seconds West, along a line parallel with and 50.00 feet West of, as measured at right angles to, the East line of Tract 31 in the aforesaid Block 94 of "THE PALM BEACH FARMS COMPANY PLAT NO. 3" for 973.41 feet;

Thence run South 89 degrees 52 minutes 55 seconds West, along the Northerly Right-of-Way of the South Florida Water Management District's Canal C-14 for 612.18 feet;

Thence run North 0 degrees 39 minutes 05 seconds East along the West line of the aforesaid Tract 31 and along the West line of the East ½ of tract 26 in Block 94 for 1158.20 feet to the Point of Beginning, lying and being in Broward County, Florida and containing 14.97 Acres more or less.

Section 2.02. Liability of lands for debts.

There is no bonded debt or other debt or liability against the said lands embraced in the City of Margate for which the City of Margate is liable, but nothing in this section shall be construed or taken so as to impair any obligations to which the lands embraced in the City of Margate may be subject by reason of any (if any) bonded debt of Broward County, Florida, the State of Florida, or of any political subdivision of Broward County, Florida, or of the State of Florida.

Section 2.03. Annexation procedure.

- (1) Any of the lands, parts or parcels designated or to be designated as the "Greater Margate Area", lying contiguous or adjacent to any of the boundaries of the City of Margate as it now or may hereafter exist, when integrated into the City of Margate, shall be subject

to the jurisdiction, obligations, benefits and privileges of said City of Margate.

- (2) Any of the part, parcels or areas of the land known or to be known as the "Greater Margate Area" may be integrated into and made part of the said City of Margate upon petition of the owners of not less than seventy-five (75) per cent of the area of the individual parcel to be integrated into and made a part of said city. The petition or petitions for integration into the City of Margate shall be substantially in the following form, to wit:

PETITION TO INTEGRATE TERRITORY INTO THE CITY OF MARGATE

This petition is filed pursuant to the Charter of the City of Margate, for the purpose of integrating the hereinafter described lands into the City of Margate, Florida. We, the undersigned, being the owners of not less than seventy-five (75) per cent of the hereinafter described territory, lying within the "Greater Margate Area", hereby file this, our petition, for the integration and annexation of such territory into the City of Margate, Florida, in accordance with the above described Charter, as amended, to wit:

(Here describe territory)

(Here place signatures of petitioners, showing in detail place of residence, showing street number when available; if not, mailing address)

As many petitions as may be desired may be filed affecting the same territory, and if such petitions are insufficient for any reason, additional or supplemental petitions may be filed.

When completed such petitions, and additional and supplemental petitions, shall be filed with the Clerk of the City of Margate, together with certificates of ownership, and the Clerk shall, within five (5) days after the filing of such petitions and certificates of ownership, check the names of the petitioners whose names appear on

said petition or petitions and, if correct, shall certify within thirty (30) days that the signatures are genuine and that said petitioners are qualified under this section to sign said petition or petitions. In the event the number of qualified petitioners is found to be insufficient, supplemental petitions may be filed until the sufficient number is obtained. The petition meeting the requirements of this section shall thereupon be presented to the City Commission at its next regular meeting, together with the aforesaid certificate of the Clerk, and a certificate from an engineer showing a sufficient legal description of the area to be integrated and annexed and the quantity of land contained in said area. At said meeting, the City Commission may enact an ordinance setting forth the filing of said petition, the certifications of the Clerk and the engineer, and may declare that said area is incorporated into the City of Margate.

Upon the enactment of the ordinance, the particular parcel or parcels designated in the petition shall forthwith become a part of the City of Margate, but none of said parcels shall become a part of the City of Margate pursuant to the provisions of this section unless and until said petition is filed by the landowners as above specified and accepted by the City Commission.

After the enactment of said ordinance, all residents and landowners in the newly annexed territory shall be bound by the laws and ordinances of the City of Margate existing on the date of such integration and annexation, and as thereafter amended.

None of the area contained in any of the lands within the boundaries described as or to be described as the "Greater Margate Area" may become part of or incorporate into any other municipality of Broward County, Florida.

Nothing in the provisions of this section shall be construed to limit or modify the power and authority of the City of Margate to annex and integrate into the City and to redefine its boundaries in connection therewith as such power and authority is elsewhere granted to said city, and

the provisions hereof shall be construed to be supplemental and additional to such powers of annexation as granted under the general laws of the State of Florida.

Section 3.01. City Commission, powers, composition.

There shall be a Ceity Commission with all legislative powers of the Ceity vested therein, consisting of five (5) Commissioners who shall be elected at large by the qualified electors of the Ceity.

Section 3.02. Qualifications of Commissioners.

- A. *Elector/Residency:* Any qualified Broward County elector whose principal place of residence is in the City of Margate and who has resided continuously in the Ceity for six (6) months prior to qualifying as a candidate for the office shall be eligible to hold the office of Ceity Commissioner.
- B. *Term Limitations:* Effective with the terms of Commissioners that commenced in November 2012, an individual shall not be eligible for election as a Commissioner for more than three consecutive four-year terms. Service as a Commissioner prior to the terms that commenced in November 2012 shall not be considered in applying the term limitations of this Section. Service of a two-year term, or any other partial term subsequent to November 2012, shall not be considered in applying the term limitation provisions of this Section.

Section 3.03. Judge of qualifications.

The Commission shall be the judge of the election and qualification of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his/her office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Ceity at least one week in advance of the hearing. All investigations are to be conducted pursuant to Section 3.15 of this Charter.

Section 3.04. Election and terms.

Each City Commission seat shall be assigned a number from one (1) to five (5). Each City Commission seat shall be filled separately and candidates for the City Commission shall designate, at the time of qualifying, the seat for which they shall run—one (1) through five (5). A candidate receiving the highest total of votes for the seat which he/she qualified for shall be elected to the Margate City Commission for said seat. Seats one (1), two (2) and three (3) shall be vacant and first filled for terms beginning in November 2012 pursuant to this section (unless a vacancy prior to said date occurs pursuant to the terms of this Charter). Seats four (4) and five (5) shall be vacant and first filled for terms beginning in March 2013, pursuant to this section (unless a vacancy prior to this date occurs pursuant to the terms of the Charter).

The regular election of all Ceity Ceommissioners shall be held on the first Tuesday after the first Monday in November, and every four years thereafter, ~~beginning with 2012.~~ Commissioners for seats one (1), two (2) and three (3) shall be elected for four-year terms beginning in November 2012, and every four (4) years thereafter. Commissioners for seats four (4) and five (5) shall be elected in November 2012 for four-year terms, and every four (4) years thereafter, however their terms shall not begin until March 2013 and every four (4) years thereafter.

Notwithstanding the foregoing, the term of the Commissioner elected at the election of November 2012 for seat three (3), shall terminate when a successor is elected at the municipal election on the first Tuesday after the first Monday in November 2014 and seated pursuant to the ordinances of the City.

The term of the Commissioner elected for seat five (5) in the municipal election of November 2012, shall be for a term of two (2) years and shall terminate when a successor is elected at the municipal election on the first Tuesday after the first Monday in November 2014 and seated pursuant to the ordinances of the City.

At the municipal election on the first Tuesday after the first Monday in November 2014, the term of Commissioners elected to fill seats three (3) and five (5) shall be four-year terms and elected successors shall be elected for four-year terms thereafter.

The term of the Commissioner elected for seat four (4) in November 2012, shall terminate when a successor is elected at the municipal election of the first Tuesday after the first Monday in November 2016 and seated pursuant to the ordinances of the City.

Beginning with the municipal election of November 2016, Commissioners elected to seats one (1), two (2), and four (4) shall be elected to four year terms, and seated pursuant to the ordinances of the City. Elected successors for seats one (1), two (2) and four (4) shall be elected to four year terms thereafter.

Section 3.05. Oath of office.

Before entering upon the duties of their respective offices, officers shall each take and subscribe substantially to the following oath: "I do solemnly swear or affirm that I am a registered voter and a resident in the City of Margate, as shown by the public records of Broward County, Florida. I further swear that I will support, protect and defend the Constitution and government of the United States, and the Constitution of the State of Florida, and that I will well and faithfully perform the duties of my office of the said City of Margate upon which I am about to enter, so help me God."

Section 3.06. Compensation and expenses.

- (1) The Commission may determine the annual salary of Commissioners. An ordinance or resolution increasing such salary shall become effective coincident with and at the time of the adoption of the next City budget.
- (2) Commissioners shall further receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

Section 3.07. Mayor and vice-mayor.

When there is an election for a City Commissioner in the month of November, on the third Wednesday of each March, up to November 2012 and thereafter on the third Wednesday of each November, ~~T~~he Ceity Ceommission shall elect from among its members a Mmayor who shall serve for one (1) year. The Mmayor, if so elected by the Ceity Ceommission, may serve another one (1) year in the same office for a total not to exceed two (2) years in succession. The Mmayor shall preside at meetings of the Ceommission and shall be recognized as head of Ceity government for all ceremonial purposes; by the Governor for purposes of military law and civil disaster; for execution of contracts, deeds and other documents as provided for in Article IV, Section 4.10; for service of process; and as the Ceity official designated to represent the Ceity in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The Vvice-Mmayor shall be chosen in the same manner as the Mmayor and may serve up to a total of two (2) successive terms if chosen by the Ceity Ceommission. The Vvice-Mmayor shall act as Mmayor during the absence or disability of the Mmayor. Should both the mayor and Vvice-Mmayor not be present at a Ceommission meeting, the member of the Ceommission with greatest longevity shall preside at the meeting.

Section 3.08. General powers and duties.

All powers of the Ceity shall be vested in the Ceommission except as otherwise provided for by law or this Charter, and the Ceommission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 3.09. City departments, offices, agencies and boards.

The following are hereby created and permanently established as departments and boards of the City of Margate, Florida:

- (1) The Police Department of the City of Margate;
- (2) The Fire Department of the City of Margate;
- (3) The Planning and Zoning Board of the City of Margate;
- (4) The Board of Adjustment of the City of Margate; and
- (5) The Civil Service Board. The city commission may establish by ordinance all further city departments, offices, agencies and boards and shall prescribe their functions and duties, subject to this Charter, by ordinance.

Section 3.10. Prohibitions.

- (1) *Holding other office.* Except where authorized by law, no Commissioner shall hold any other Margate Ceity office, Margate Ceity employment, or other elected public office during the term for which he/she was elected to the Commission, and no former Commissioner shall hold any compensated Margate Ceity office or Margate Ceity employment until one year after the expiration of the term for which he/she was elected to the commission.
- (2) *Appointments and removals.* Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any Ceity administrative officers or employees whom the Ceity Manager or any of his/her subordinates are empowered to appoint, but the Commission may express its views and fully and freely discuss with the Ceity Manager anything pertaining to appointment and removal of such officers and employees.
- (3) *Interference with administration.* Except for the purpose of inquiries and investigations, the Commission or its members shall deal with Ceity officers and employees who are subject to the direction and supervision of the Ceity Manager solely through the Ceity Manager, and neither the Commission 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 Commission from closely scrutinizing by questions and personal

observation all aspects of Ccity government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the commission and assure the implementation of such policies as have been adopted. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the ordinary municipal operations of the Ccity and that recommendations for change or improvement in Ccity government operations be made to and through the Ccity Manager.

Section 3.11. Vacancies; forfeiture of office; filling of vacancies.

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

(2) *Forfeiture of office.* A Commissioner shall forfeit his/her office if he/she:

(a) Lacks at any time during his/her term of office any qualification for the office prescribed by this Charter or law;

(b) Violates any standard of conduct or code of ethics established by law for public officials;

(c) Is convicted of a crime involving moral turpitude~~+~~
~~or~~

(d) Fails to attend four (4) consecutive agendaed meetings of the Commission without prior notification to the Ccity Clerk.

In all circumstances arising under this article, the Commission shall be the judge of its own membership.

(3) *Filling of vacancies.* A vacancy or vacancies in the City Commission shall be filled as provided in the following:

(a) *Appointment.* Whenever there is a vacancy in the Commission, the Commission, by a majority vote of the remaining members, shall choose a successor to serve until the next general, county-wide or—regularly scheduled City election. The Commissioner elected at said election shall be for the remainder of the unexpired term. If a majority of said remaining members are unable to agree on a selection to fill the vacancy after three (3) regular meetings have been held, the City Commission shall call a special election for the purpose of filling said vacancy. Said special election to fill the unexpired term shall be held not sooner than sixty (60) days nor more than ninety (90) days following the determination that the Commission is unable to fill the vacancy by appointment.

In any special election held for the purposes of this section, the provisions for candidates and elections of Article VI of this Charter shall apply.

(b) *Term.*

(i) The term of office for vacancies filled by appointment or special election in subsection (3)(a) shall be until the next general, county-wide or regularly scheduled City election or for the remainder of the unexpired term of the office in which the vacancy exists, whichever comes first.

(ii) The vacancy filled at the next regular, City, county-wide general election, as provided

in subsection (3)(a) shall be for the remainder of the unexpired term of the vacancy.

(c) *Quorum requirements.* Notwithstanding any quorum requirements established by this Charter, if at any time the membership of the Commission is reduced to less than a quorum, the remaining members may by majority vote appoint additional Commissioners as provided in (3)(a) above.

(d) *Extraordinary vacancies.* In the event that all members of the Commission are removed by death, disability or forfeiture of office, the Governor shall appoint an interim Commission that shall call a special election as provided in paragraph (3)(a) above, and such election shall be conducted to fill the specific vacancies in the manner provided for under the regular election procedures of this Ceity.

Section 3.12. City Clerk.

(1) Appointment. The Ceity Commission shall appoint the Ceity Clerk, who shall serve under the Ceity Commission. The Ceity Clerk shall give notice of meetings of the Ceity Commission, shall keep the journal of its proceedings, shall authenticate by signatures on record in full in the book kept for the purpose of recording ordinances and resolutions of the Commission, shall be the custodian of the seal and of all official Ceity records, [shall] conduct Ceity elections, and shall perform such duties as shall be required by this Charter, by Ceity ordinance or by the Ceity Commission.

Section 3.13. Legal officer.

There shall be a legal officer of the Ceity appointed or removed by a majority of the full Commission, who shall serve as chief legal adviser to the Commission, the Ceity Manager and all Ceity departments, offices and agencies,

and who shall assure that the Ceity is represented in all legal proceedings and perform any other duties prescribed by this Charter or by ordinance.

Section 3.14. Boards.

The Ceommission may create by ordinance boards, authorities and agencies and may specify the membership and duties thereof. Members of such boards, authorities or agencies shall serve without compensation except for necessary expenses approved by the Ceommission. Such boards, authorities and agencies shall be part of the municipal government and shall utilize the services available through the regular departments and offices of the Ceity, including the legal officer.

Section 3.15. Investigations.

The Ceommission by majority vote may make investigations into the affairs of the Ceity and the conduct of any Ceity department, election, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Ceommission shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or both.

Section 3.16. Independent audit.

The Ceommission shall provide for an independent annual audit of all Ceity 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 Ceity government or any of its officers. The commission may, without requiring competitive bids, designate such accountant 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 makes such an audit, the Commission may accept it as satisfying the requirements of this section.

Section 3.17. Procedure and meetings.

(1) *Organization.* At the first meeting of the newly elected Ceity Commission following the regular Ceity election and certification by the supervisor of elections, or as soon as may be practicable thereafter if there has been a disputed election, the newly elected commissioners shall take the oath of office and the Commission shall appoint a mayor and vice-mayor.

(2) *Regular meetings.* The Commission shall meet regularly not less than twice each month and at such times and places as shall be specified by resolution. All meetings, formal or informal, of the Ceity 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.

(3) *Special meetings.* Special meetings may be held on the call of the ~~M~~ayor or of a majority of the members of the Commission upon no less than forty-eight (48) hours' notice to each member and the public.

(4) *Workshop meetings.* In addition to regular and special meetings, the ~~M~~ayor or the Commission by a majority vote may decide to hold 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.

(5) *Emergency meetings.* Emergency meetings may be held on the call of the ~~M~~ayor or of a majority of the members of the Commission 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.

(6) *Rules and journal.* The Commission shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal shall be a public record.

(7) *Voting.* Voting on ordinances and resolutions shall be by roll call and shall be recorded in the journal. A majority of the Commission shall constitute a quorum; but a smaller number may adjourn 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 Commission. No action of the Commission, except as otherwise provided in this Charter, in the preceding sentence, and in Section 3.11(3) shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum of the commission.

Section 3.18. Ordinances and resolutions.

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

A "resolution" is an expression of the 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.* A proposed ordinance shall be read by title or in full on the first reading, and by title or in full on the second reading on at least two (2) separate days, at either regular or special meetings of the Ceommission. At least seven (7) days prior to first reading, a proposed ordinance shall be advertised once in a newspaper of general circulation in the Ceity. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the Ceity where such proposed ordinances 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.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective ten (10) days after adoption or as otherwise specified therein.

(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 Ceity Ceommission shall be by ordinance which:

(a) Adopt or amend an administrative code or establish, alter or abolish any Ceity department or agency;

(b) Establish a rule or regulation the violation of 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 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 Ceity;

(h) Amend or repeal any ordinance previously adopted.

Section 3.19. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the 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; or authorize the borrowing of money except as provided under the emergency appropriations provisions of Article V, Section 5.05(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.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds of all the Commission shall be required for adoption. After its adoption, the 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 the 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 was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures or, if the emergency

still exists, in the manner specified in this section. 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.

Section 3.20. Authentication, recording and disposition of ordinances, resolutions and Charter amendments.

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

(2) *Recording.* The Ceity Celerk shall keep properly indexed books; in which shall be recorded in full all ordinances and resolutions passed by the Ceommission. Ordinances shall be codified periodically, published and made available for distribution on a continuing basis. The Ceity Celerk shall also maintain the Ceity 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.

(2) *Printing.* The Ceommission 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.

Section 4.01. Creation of office.

The office of the Ceity Manager is hereby created.

Section 4.02. Administrative and executive responsibilities.

The Ceity Manager shall be the administrative and executive head of the City of Margate.

Section 4.03. Appointment of Ceity Manager.

The Ceity Manager shall be appointed by affirmative vote of three (3) members of the Ceity Commission for an indefinite term. He/she shall be chosen by the Commission solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in or his/her knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of his/her appointment, he/she need not be a resident of the City of Margate or the State of Florida, but within ninety (90) days after appointment, he/she shall reside within Broward County. No Commissioner shall receive such appointment during the term for which he/she shall have been elected nor within one (1) year after the expiration of his/her term.

Section 4.04. Compensation.

The Ceity Manager shall receive such compensation as the Commission shall fix from time to time by ordinance or resolution.

Section 4.05. Removal or discharge.

The Ceity Manager may be removed or discharged by resolution of a three-fifths vote by the Ceity Commission at any time. In such resolution, the Commission shall designate an acting Ceity Manager to serve in the place of the removed Ceity Manager, and the removed Ceity Manager shall vacate the office upon adoption of the resolution. Within five (5) days after the adoption of the resolution removing or discharging the Ceity Manager, such removed Ceity Manager shall have the right to have served upon him a written statement of specific reasons for his/her discharge, if he/she so desires, by filing a demand for same with the Ceity Clerk and leaving sufficient copies with the Ceity Clerk for service upon members of the Ceity Commission. Such written statement of specific reasons signed by a majority of the Ceity Commissioners shall be

delivered to such removed officer within five (5) days after service of such demand, as aforesaid, and a definite time and date [shall be] fixed in such written statement for a public hearing before the Ceommission within not less than five (5) days and not more than ten (10) days after the service of such written statement. At the time and place specified, the Ceity Ceommission shall convene as a body at a special meeting for the purpose of conducting a public hearing upon such charges. The removed Ceity ~~M~~anager shall have the right to appear at such hearing to answer and rebut such charges or reasons, and he/she shall have the right to be represented by his/her own private counsel. At the conclusion of such hearing, the Ceommission shall adopt a resolution confirming such a removal or reinstating such removed Ceity ~~M~~anager. This resolution must be approved by three (3) affirmative votes of the Ceity Ceommission. A reinstating resolution must be approved by three (3) affirmative votes.

In the event that the Ceity ~~M~~anager is terminated because of his conviction of any illegal act or after his/her entry of a plea of guilty to a charge of committing an illegal act, then and in that event the Ceity shall have no obligation to pay any severance pay. If reinstated, he/she shall receive full pay for the period intervening between his/her removal and his/her reinstatement.

Section 4.06. Vacancy.

Any vacancy in the office of Ceity ~~M~~anager shall be filled within ninety (90) days after the effective date of such vacancy.

Section 4.07. Duties; general powers.

The Ceity ~~M~~anager shall perform all duties consistent with his/her office and as may be imposed by the Ceity Ceommission. He/she may make recommendations from time to time to the Ceity Ceommission for the enactment of such laws or the adoption of such rules and regulations for the government of the various Ceity departments as will in his/her judgment best promote the interests of the Ceity and shall do and perform all duties imposed upon him by

ordinances and resolutions of the Ceity and by this Charter.

Section 4.08. Powers and duties of Ceity ~~M~~anager.

The Ceity ~~M~~anager shall be the chief administrative and executive officer of the Ceity. He/she may head one or more departments and shall be responsible to the Ceity Commission for the proper administration of all affairs of the Ceity. To that end he/she shall have the power and shall be required to:

(a) Appoint and, when necessary for the good of the Ceity, suspend or remove all employees of the Ceity except as otherwise provided by the Ceity Charter or law, and except as he/she may authorize the head of a department or office to suspend or remove subordinates in such department or office.

This power of appointment, suspension and removal shall include the power to appoint and suspend or remove all department heads in the Ceity, except that the Ceity Commission reserves to itself the power of appointment, suspension and removal of the following:

(1) The attorneys for the Ceity; and

(2) The Ceity Clerk for the Ceity.

(b) Prepare the budget annually and submit it to the Commission for approval, together with a message describing the important features, and be responsible for administration after adoption by the Commission.

(c) Prepare and submit to the Commission at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

(d) Keep the Commission advised of the financial condition and future needs of the Ceity on a monthly basis and make such recommendations as he/she may deem desirable.

(e) Recommend to the governing body a standard schedule of pay for each appointive office and position in the Ceity service, including minimum, intermediate and maximum rates.

(f) Recommend to the governing body from time to time the adoption of such measures as he/she may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.

(g) Consolidate or combine offices, positions, departments or units under his/her jurisdiction, with prior approval of the city commission.

(h) Attend all meetings of the Ceity Commission unless excused therefrom and take part in the discussion of all matters coming before the commission, but he/she shall not vote. He/she shall be entitled to notice of all regular and special meetings of the Commission and shall have the power to call special meetings of the Ceity Commission.

(i) Investigate and determine whether purchases of current supplies and contractual services are made in accordance with regulations prescribed by Charter and ordinance and whether competitive conditions are maintained in a fair and impartial manner.

(j) See that all laws and ordinances are duly enforced.

(k) Investigate the affairs of the Ccity or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the City and in regard to service maintained by the public utilities in the City; and see that all franchises, permits and privileges granted by the Ccity are faithfully observed and, upon knowledge of any violation thereof, call same to the attention of the Ccity Attorney and the Ccity Commission.

(l) Devote his entire time to the discharge of his/her official duties.

(m) Perform such other duties as may be required by the Commission not inconsistent with the City Charter, law or ordinances.

(n) Shall be responsible for supervising the acquisition of all available grants.

Section 4.09. Commission not to interfere with appointments or removals.

Neither the commission nor any of its members shall direct or request the appointment of any person to or his/her removal from office by the Ccity Manager or any of his subordinates, or in any manner take part in the appointment or removal of department heads and employees in the administrative services of the Ccity. Except for the purpose of inquiry, the Commission and its members shall deal with the administrative service solely through the Ccity Manager, and neither the Commission nor any member thereof shall give offers [orders] to any subordinates of the Ccity Manager, either publicly or privately.

Section 4.10. Contracts.

All contracts must be authorized by the Ccity Commission. Countersigning of contracts [is] required, with the Ccity Manager and Mayor or Vice-Mayor signing.

Section 4.11. Purchases and bid awards.

The Ceity Mmanager may authorize purchases and bid awards on behalf of the Ceity when individual expenditures do not exceed the amount of twenty-five thousand dollars (\$25,000.00).

Section 4.12. Emergencies.

In case of accident, disaster or other circumstances creating a public emergency, the Ceity Mmanager may award contracts and make purchases for the purpose of meeting said emergency; but he/she shall file with the Ceommission within a twenty-four-hour period, a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures. (Note: This provision subject to Florida law on this subject.)

Section 4.13. Surety bond.

The Ceity Mmanager shall furnish a surety bond to be approved by the Ceommission, said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the Ceity.

Section 4.14. Bonds.

The Ceity Mmanager and the Mmayor or Vvice-Mmayor shall sign all bonds of the Ceity.

Section 4.15. Active participation in political campaign.

The Ceity Mmanager of the City of Margate shall take no active part in the campaign or candidacy of any person who is a candidate for the office of Ceity Ceommissioner or in any recall election, upon penalty of immediate suspension from office or dismissal from employment.

Section 4.16. Acting Ceity Mmanager.

By letter filed with the Ceity Celerk, the City Mmanager shall designate, subject to the approval of the commission, a qualified Ceity administrative officer to exercise the powers and perform the duties of Ceity Mmanager during his temporary absence or disability. During

such absence or disability, the Commission may revoke such designation at any time and appoint another officer of the Ceity to serve until the City Manager shall return or his disability shall cease.

Section 5.01. Fiscal year.

The fiscal year of the Ceity 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 message.

On or before the fifteenth day of August of each year, the Ceity Manager shall submit to the Commission a budget for the ensuing fiscal year and a budget message.

The budget message shall explain the budget in fiscal terms and describe programs. It shall outline the financial policies of the Ceity for the fiscal year; indicate major changes in policy, expenditure and revenue together with the reasons for such changes; summarize the Ceity's debt position; and include such other material as the manager deems desirable. The total of proposed expenditures shall not exceed the total of estimated income.

Section 5.03. Capital program.

The City Manager shall prepare and submit with the regular budget a five-year capital program which the Commission may adopt by resolution.

The capital program shall include: A general summary; a list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing; cost estimates; methods of financing and recommended time schedules for such improvements; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.04. Budget adoption.

The Commission shall by ordinance adopt the budget pursuant to the provisions of Section 3.18 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 commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

Section 5.05. Amendments after adoption.

(1) *Supplemental appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Commission by ordinance adopted by no less than a four-fifths vote 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 ~~M~~anager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the Commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and his/her recommendations as to any other steps to be taken. The 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 ~~M~~anager may transfer part or all of

any unencumbered appropriation balance among programs within a department, office or agency, and upon written request approved by the Ceommission, the City ~~M~~anager may 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 appropriation 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 made effective immediately upon adoption.

(5) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the Ceommission may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions in Section 3.17(5). To the extent that there are no available unappropriated revenues to meet such appropriations, the Ceommission 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.

Section 5.06. Payment of money by city.

Money shall be paid out of the Ceity treasury only on warrants or checks signed by the finance director and countersigned by the Ceity ~~M~~anager. In the absence of one or more, the ~~M~~ayor or Vice-~~M~~ayor may sign.

Section 5.07. Bonds of Ceity officers and employees.

The Ceity Ceommission shall determine by ordinance which Ceity officers and employees in addition to the Ceity ~~M~~anager, Ceity Clerk and finance director shall give bond and the amount of penalty thereof.

All persons required by the Ceity Ceommission to give bond shall, upon entering upon their respective duties, give bond with surety to be approved by the Ceommission, conditioned for the faithful performance of these respective offices, which bond shall be payable to the city in such penalty as the Ceommission 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 Ceity, and notice of such bonds shall be filed with the Ceity Celerk.

~~Section 5.08. Contracts.~~

Contracts shall be authorized by the Ceity Ceommission, with countersigning by the Ceity Manager and the Mayor or Vice-Mayor signing.

Section 5.09. Issuance of government bonds.

No government bonds except those relating to special assessment improvements shall be issued by the City of Margate unless the issuance of such bonds shall have been approved by the majority of the votes of qualified electors cast in a general election or special election held for that purpose.

Section 6.01. City elections generally.

(1) *Commission powers.* The Ceity Ceommission, by ordinance and subject to the provisions of the Constitution and Laws of Florida, Broward County and this Charter, shall have the power to call for regular and special elections as may be required for the Ceity and to make all necessary regulations for the conduct thereof.

(2) *Electors.* All citizens qualified by the Constitution and laws of Florida to vote in the Ceity, and who satisfy the requirements for registration prescribed by law, shall be qualified electors within the meaning of this Charter.

(3) *Number of votes.* Every elector shall be entitled to vote for as many candidates of the Ceity Ceommission as there are members to be elected to the Ceommission.

(4) *Nonpartisan elections.* All nominations and elections for the office of Ceity Ceommissioner shall be conducted on a nonpartisan basis without regard for a designation of a political party affiliation for any nominee or any nominating petition or ballot.

Section 6.02. Conduct of elections.

Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Florida shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. For the conduct of Ceity elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the Ceommission may adopt by ordinance other election regulations which it considers desirable, consistent with law and this Charter.

Section 6.03. Regular and special elections.

(1) A regular Ceity election for the purpose of electing members of the Ceity Ceommission shall be held as provided in Section 3.04

(2) A special Ceity election may be held to fill vacancies in the Ceity Ceommission as provided in Sec. 3.11; to submit to referendum proposed Charter amendments and other issues requiring the expression of voter opinion; and to comply with the recall provisions of general law.

Section 6.04. Candidates; affidavit and qualifying fee.

(1) Every candidate for an elective office in the City of Margate shall file with the Ceity Celerk a candidate's affidavit as prescribed by ordinance.

(2) Candidates for elective municipal office in the City of Margate shall pay to the Ceity Celerk a candidate's filing fee in the amount and during the time prescribed by ordinance.

Section 6.05. Election of Commissioners.

Candidates for each seat for Ceity Commissioner receiving the greatest number of votes shall be declared elected.

Section 6.06. Tie votes.

In the event of a tie vote between two (2) or more candidates for any elective office, the tie shall be resolved by a runoff election held according to the provisions of an election ordinance.

Section 6.07. Initiative and referendum.

(1) Any proposed ordinance, including ordinances for repeal of ordinances then in effect or which have been enacted but not yet effective, may be submitted to the Ceity Commission by a petition signed by at least ten (10) per cent of the total number of registered voters in the Ceity.

(2) Notwithstanding the above, no ordinance regarding any budgetary matter, capital program, appropriation of money, levy of taxes, or salaries of Ceity officers or employees shall be subject to initiative and referendum under this section.

(3) All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written thereon the names of five (5) electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for all purposes under this section.

(4) Said five (5) electors shall present to the Ceity Celerk of the City of Margate their proposed ordinance and shall have sixty (60) days from the date of presentation to

the Ceity Celerk in which to gather petitions for the ordinance which they propose.

(5) Each signer of the petition shall sign his/her name in ink or indelible pencil and shall place on the petition opposite his/her name the date of his signature. The signatures of any such petition need not be appended to one paper, but to each such paper shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that each signature and date appended to the paper is the genuine signature and date of the person whose name and time it purports to be, and that it was made in the presence of the affiant on the date indicated.

(6) All papers comprising an initiative petition shall be assembled and filed with the Ceity Celerk after the requisite number of petitions have been gathered, and the Ceity Celerk shall proceed to forward same to the Ceounty Supervisor of Elections for certification. The five (5) electors who have been officially regarded as filing the petition shall be responsible for payment of any and all certification fees for same.

(7) The Ceity Celerk shall submit the above petition to the Ceity Ceommission, after certification by the Broward County Supervisor of Elections, at its next regular meeting, and provisions shall be made by the Ceity Celerk for public hearings upon the proposed ordinance in accordance with the laws of the Ceity.

(8) The Ceity Ceommission shall at once proceed to consider such petition and shall take final action thereon within sixty (60) days after the date of submission by the City Clerk. If the Ceity Ceommission rejects any of the substance of the provisions of the proposed ordinance, as set forth in the petition, the Ceity Celerk shall at once cause notice of the filing of such petition and the refusal of the Ceity Ceommission to pass said ordinance to be published in a newspaper of general circulation published

in the City of Margate, and the Ccity Commission shall at once proceed to submit the passage of the ordinance to the majority vote of the qualified electors of the CeCcity voting in the next municipal or general election, whichever occurs first. Said proposed ordinance shall only appear on the Ccity ballot if it has met all laws and provisions established by both the State of Florida and Broward County, Florida.

(9) After the matter submitted to referendum is approved by a majority of the electors voting in said referendum, the concerned ordinance at issue shall become effective immediately and shall be an ordinance of the City of Margate with the full force and effect of law as if adopted by the Ccity Commission of the City of Margate.

(10) Any ordinance adopted pursuant to this Charter section may be repealed by the Ccity Commission of the City of Margate only after one year from its effective date has transpired.

Section 7.01. Creation of board.

A civil service board for the City of Margate is hereby created. This board shall be composed of five (5) members who shall take office as follows:

(1) Two (2) members shall be appointed by the Ccity Commission;

(2) One (1) member shall be elected by the employees of the City of Margate;

(3) One (1) member shall be elected by the employees of the City of Margate and shall be an employee of the City of Margate;

(4) One (1) member shall be appointed by the four (4) previously appointed and elected members.

Each member shall be appointed or elected for a term of two (2) years.

Section 7.02. Personnel system.

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

(2) *Personnel director.* There shall be a ~~personnel~~ director appointed by the Ceity Manager as provided in Section 4.08, who shall administer the personnel system of the Ceity.

(3) *Personnel rules.* The personnel director shall prepare personnel rules. The Ceity Manager shall refer such proposed rules to the civil service board, which shall report to the Ceity Manager its recommendations thereon. When approved by the Ceity Manager, the rules shall be proposed to the Commission, and the Commission may by ordinance adopt them with or without amendment.

Section 8.01. Standards of ethics.

All elected officials and employees of the Ceity shall be subject to the standards of conduct for public officers and employees set by general law and this Charter. In addition, the Commission may by ordinance establish a code of ethics for officials and employees of the Ceity.

Section 8.02. Penalties.

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

Section 9.01. Charter amendments.

Charter amendments shall be as provided for by state law.

Section 10.01. Continuation of former Charter provisions.

All provisions of Chapter 30962, Special Laws of Florida, 1955, (the former Charter) as amended by special law or otherwise, which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the Ccity, subject to modification or repeal in the same manner as other ordinances of the Ccity in accordance with general law.

Editor's note—

Ord. No. 80-38, § 1, adopted June 4, 1980, which repealed Arts. I-XV of the former Charter, reads as follows:

Section 1. That the Code of Ordinances of the City of Margate, Florida, is amended by repealing Sections 1.01 through 15.05 of the former City Charter of the City of Margate provided by Chapter 309.62, Special Laws of Florida, 1955, and amendments thereto either by special act or ordinance, repealing sections as to: General; Officers, Obligations, Terms, Etc.; The City Manager, His Duties, Powers, Etc.; The City Commission, Its Organization, Powers, Etc.; Taxation; Elections; Zoning Regulations; Miscellaneous; Form of Government; Fire Department; Civil Service System; and all other articles pertaining to the government of Margate.

Section 10.02. Ordinances preserved.

All ordinances and resolutions in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Section 10.03. Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Ccity officers or employees at the time of adoption.

Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

City employees at the time this Charter takes effect who were serving in the same or comparable positions at the time of its adoption shall not be subjected to competitive tests as a condition of continued employment in the same positions, but all Ceity employees in all other respects shall be subject to the personnel system as provided by ordinance and regulations. The Ceity ~~M~~anager holding office at the time of the adoption of this Charter document shall be dismissed only by a four-fifths vote. All subsequent city managers shall be subject to Section 4.05 in full.

Section 10.04. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the Ceity shall continue except as modified pursuant to the provisions of this Charter.

Section 10.05. Schedule.

(1) *Time of taking full effect.* This Charter shall be in full effect for all purposes following its adoption in accordance with general law.

(2) *Transition ordinances.* The Ceommission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within sixty (60) days of the first Ceommission meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in Article III, except that transition ordinances shall be effective for up to ninety (90) days after enactment. Thereafter, such ordinances may be readopted, renewed or otherwise continued only in the manner prescribed for normal ordinances in Article III.

Section 10.06. Deletion of obsolete schedule items.

The Commission shall have the power by resolution to delete from this Article X any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

Section 10.07. Severability clause.

If the provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.