



City of South Pasadena

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AGENDA

ADMINISTRATIVE WORKSHOP
SOUTH PASADENA, FLORIDA

TUESDAY, NOVEMBER 5, 2019
COMMISSION CHAMBERS
IMMEDIATELY FOLLOWING THE
AGENDA MEETING
(APPROXIMATELY 9:05 A.M.)

CALL TO ORDER
ROLL CALL

DISCUSSION ITEMS

- 2019 Proposed City Charter Changes Update
- Community Improvement Department Staffing

ADJOURN

Carley Lewis, City Clerk

This meeting is open to the public. Ordinances may be inspected by the public in the office of the City Clerk at City Hall from 8:00 a.m. to 4:00 p.m. Monday through Friday with the exception of holidays. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of South Pasadena is committed to providing reasonable accommodation for access for the disabled. In accordance with the Americans with Disabilities Act and F.S. 286.26, anyone needing assistance with regard to this meeting should contact the City Clerk's Office in writing at least 48 hours prior to the meeting. For more information or assistance please contact the City Clerk's office at 727-347-4171.



2019 Proposed City Charter Changes Report

As of November 1, 2019

NOTE: UNDERLINED TEXT REPRESENTS PROPOSED ADDITIONAL LANGUAGE, ~~STRIKE THROUGH~~ TEXT REPRESENTS PROPOSED DELETED LANGUAGE.

**ARTICLE I
General Provisions**

§ 1.01. Creation and powers.

The City of South Pasadena, created by Chapter 31277, Laws of Florida, 1955, shall continue and is hereby vested with the governmental, corporate and propriety powers to enable it to conduct municipal government, perform municipal functions and render municipal services and may exercise any power for municipal purposes not expressly prohibited by the Constitution, general or special law or County Charter.

§ 1.02. Corporate limits. [Amended 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996]

The corporate limits of the City of South Pasadena, Florida, shall consist of all land within the boundaries set forth by the legislature in Senate Bill 864, Laws of Florida, Acts of 1955, plus all lands annexed subsequent to June 28, 1955, as reflected in the complete legal description adopted April 27, 1993, and filed with the Department of State, May 4, 1993.

§ 1.03. Power and jurisdiction.

The power and jurisdiction of the City shall extend over all lands and over all bodies of water and the air above, to the extent allowed by law within the corporate limits, and to all land without the limits of the City owned, leased or operated by the City. The power and jurisdiction of the City includes all extraterritorial powers and jurisdiction previously granted by Chapter 31277, Laws of Florida, 1955, as amended, or any special or general law. The City shall continue to exercise the power of eminent domain within or without the limits of the City which authority was granted by Chapter 31277, Laws of Florida, 1955.

§ 1.04. Legislative powers of City. [Amended 10-9-2007 by Ord. No. 2007-06, Ref. of 1-29-2008]

The legislative powers of the City shall be vested in and exercised by the City Commission, consistent with the provisions of this Charter, the United States Constitution, Florida Constitution, laws of the State of Florida and laws and ordinances of the City. The City Commission may not expend or authorize the expenditure of public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to a vote of the electors without first holding a public hearing.

ARTICLE II
The City Commission

§ 2.01. Membership.

The City Commission shall consist of five (5) members who shall be elected from the City at large as provided in this Charter, one (1) of whom shall be elected as Mayor.

§ 2.02. Election and term. [Amended 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996]

The election of City Commissioners, including the Mayor, shall be as provided by this Charter, general and special law and ordinances of the City. The terms of the City Commissioners, including the Mayor, shall be ~~three (3)~~ **four (4)** years. ~~No Commissioner, or Mayor, shall serve more than three (3) consecutive full or partial elected terms in either office or in a combination of the two (2) offices.~~

No person shall be eligible to be a candidate for Mayor after serving three (3) consecutive terms as Mayor for the succeeding term. No person shall be eligible as a candidate for Commissioner who has been elected to three (3) consecutive terms as Commissioner for the succeeding term.

Any Commissioner is eligible to be a candidate for the next Mayoral general election cycle regardless of the number of terms in which they have been elected as a Commissioner. The Mayor, after three (3) consecutive terms will not be eligible to run for Commissioner for the succeeding general election cycle for Commissioner.

The calculation of consecutive terms shall commence on March 5, 1985.

§ 2.03. Vacancy. [Amended 12-16-1986 by Ord. No. 86-18, Ref. of 3-3-1987; 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996; 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

- (a) The office of Commissioner, including the Mayor, shall become vacant upon death, resignation, removal from office in any manner authorized by law or forfeiture of office. Forfeiture of office shall be declared by a majority vote of the remaining members of the Commission.
- (b) A Commissioner, including the Mayor, shall forfeit the office if the person lacks, at any time during the term of office, any qualification for the office prescribed by this Charter or by law.
- (c) The Commission shall have the power and authority to remove any member of the Commission:
 - (1) For malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence or permanent inability to perform the official duties;

- (2) Upon conviction for a felony;
 - (3) Upon conviction for a misdemeanor related to the duties of office; or
 - (4) Upon conviction for the commission of any federal felony or misdemeanor.
- (d) The Commission shall have the power and authority to suspend without pay any member of the Commission:
- (1) For any cause sufficient for removal;
 - (2) Upon arrest for a felony;
 - (3) Upon arrest for a misdemeanor related to the duties of office; or
 - (4) Upon indictment or being informed against for the commission of any federal felony or misdemeanor.
- (e) Any such suspension or removal shall only occur after reasonable notice to the Commission member being considered for suspension or removal, and such Commission member shall have been given an opportunity to be heard and present a defense.
- (f) If the Commission member is acquitted or found not guilty or is otherwise cleared of the charges which were the basis of the arrest, indictment or information by reason of which the person was suspended under the provisions of this section, the Commission shall forthwith revoke the suspension and restore such Commission member to office, and the member shall be entitled to and be paid full back pay and other emoluments or allowances to which the person would have been entitled for the full period of time of the suspension. If during the person's suspension, the term of office of the suspended Commission member expires and a successor is either appointed or confirmed, such back pay, emoluments or allowances shall only be paid for the duration of the term of office during which the suspended Commission member was suspended under the provisions of this section, and the person shall not be reinstated.
- (g) A suspended Commission member may, at any time before removal, be reinstated by unanimous vote of the Commission in its discretion.
- (h) The suspension of a Commission member by the Commission of the City of South Pasadena creates a temporary vacancy in such office during the suspension. Any temporary vacancy in office created by the suspension of a Commission member under the provisions of this section shall be filled by a temporary appointment to such office for the period of the suspension, not to extend beyond the term of the suspended Commission member. Such temporary appointment shall be made in the same manner and by the same authority as provided by § 2.03(k) or 2.03(l) of this article, as applicable.
- (i) No Commission member who has been suspended from office under this section may perform any official act, duty or function during the suspension; receive any pay or allowance during the suspension; or be entitled to any of the emoluments or privileges of the office during the suspension.

- (j) A member of the Commission shall be removed from the Commission upon the unanimous affirmative vote of the members forming the quorum present and taking part in the determination. The Commission, by a unanimous vote of the members forming the quorum present and taking part in the determination, shall have authority to suspend a member. The accused member shall not be entitled to participate in the deliberations or decision in relation to the suspension or removal. A quorum must be present and voting for the Commission to act under this section. For the purpose of this section, a quorum shall be constituted of four (4) voting members.
- (k) If three or more members of the Commission are removed by death, disability or forfeiture of office, the Governor shall appoint interim Commission members who shall call a special election, and such election shall be held to fill the unexpired terms of Commission members. If necessary, the newly constituted Commission will appoint a Mayor and/or Vice Mayor.
- (l) A vacancy in the membership of the Commission, including the Mayor, except a vacancy caused by resignation after a recall petition has been filed, shall be filled within ~~ten (10)~~ **thirty (30)** calendar days after such vacancy occurs by a majority vote of the remaining Commission members by appointment of an eligible person. The City Commission shall determine the length of the appointed term and may set a special election to fill the unexpired term. In no event shall the City Commission appoint a member to **serve longer than the next general election in which the unexpired term can be filled or** more than 15 months.

§ 2.04. Qualifications of members.

- (a) Each candidate for nomination and election as a member of the City Commission, including the Mayor, shall have been a resident of the City for one (1) year immediately prior to qualifying and shall be a duly qualified elector of the City at the time of qualifying for such office and be otherwise qualified as provided in this Charter and shall remain domiciled in the City for the term of the office for which the person was elected. **[Amended 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996]**
- (b) The Commission shall be the judge of the election and qualification of its own members.

§ 2.05. Duties and responsibilities of the Mayor. [Amended 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996; 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

- (a) The Mayor shall preside at meetings of the Commission and perform such other duties consistent with the office and this Charter as may be imposed by the Commission.
- (b) The Mayor shall be recognized as the official head of the City for all ceremonial purposes and by the courts for the purpose of serving civil processes.
- (c) The Mayor shall represent the City in agreements with other governmental entities or certifications to its governmental entities and execute contracts, deeds and other documents. The Mayor shall be the Commissioner of Administration, and shall be responsible for all other duties not specifically assigned to one of the other Commissioners.

(d) During the temporary absence or temporary disability of the Mayor, the duties shall be performed by the Vice Mayor. In the event of the death or removal or resignation of the Mayor, the Vice Mayor shall assume the duties of the Mayor until the vacancy thereby created shall be filled as per § 2.03 of this Charter.

§ 2.06. Vice Mayor. [Amended 4-21-1987 by Ord. No. 87-08, Ref. of 3-1-1988; 1-19-1988 by Ord. No. 87-25; 10-17-1989 by Ord. No. 89-20, Ref. of 3-6-1990; 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

The Mayor, at a ~~special Commission meeting~~ Regular Commission Meeting following each annual regular election, shall appoint a Vice Mayor who shall be confirmed by a majority vote of the Commission. In the case of a Vice Mayor being removed by death, disability or resignation, the Mayor, at a special Commission meeting, shall appoint a Vice Mayor who shall be confirmed by majority vote of the Commission.

§ 2.07. Commission meetings. [Amended 6-13-1995 by Ord. No. 95-06, Ref. 3-5-1996]

The Commission shall meet regularly at least once every month at such times and places as the Commission may prescribe by rule. Special meetings may be held at the call of a majority of the members, and whenever practicable, upon thirty-six (36) hours' notice to each member and the public. Emergency matters may be acted upon without notice when authorized by a majority vote of the entire City Commission. Unless otherwise specified, all other action of the Commission shall be by affirmative vote of the majority of a quorum present. The Commission shall establish rules and order of business. A majority of the City Commission shall constitute a quorum.

§ 2.08. Salaries of Commissioners and Mayor. [Added 7-16-1985 by Ord. No. 85-17, Ref. of 3-4-1986; amended 6-13-1995 by Ord. No. 95-06, Ref. 3-5-1996; 11-24-1998 by Ord. No. 98-12; 11-28-2006 by Ord. No. 2006-08]

Salaries of the Mayor and Commission shall be as follows:

Mayor: ~~\$833.33~~ \$1,041.66 per month.

Commissioners: ~~\$633.29~~ \$791.61 per month.

These salaries shall remain in effect until amended by ordinance, except that the Mayor and the Commissioners are eligible to receive the same cost of living increase as other City employees. Ordinances proposing salary adjustments shall only be adopted during the month of November and must have an effective date of January 1 of the following year. Adoption of any such ordinance shall require approval by a super majority of the entire Commission (4 of 5). Any increase or decrease must be applied uniformly to the Mayor and Commissioners. Salaries shall be reviewed every six (6) years by a Charter Review Committee.

ARTICLE III
Election

§ 3.01. Election date. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002; 10-14-2003 by Ord. No. 2003-09; 10-11-2011 by Ord. No. 2011-11]

Elections for the purpose of electing members of the City Commission, including the Mayor, shall be held on the second Tuesday in March of each year **as needed** to fill the expired and/or unexpired terms as established in Chapter 31277, Laws of Florida, 1955, and continued in this Charter. In the event the Pinellas County Supervisor of Elections notifies the City that the Supervisor is unwilling to conduct a municipal election on the second Tuesday of March, the City election shall be held in conjunction with the Presidential Primary.

§ 3.02. Nonpartisan elections.

All nominations and elections for the office of City Commissioner, including the Mayor, shall be nonpartisan, without regard for, or designation of, political party affiliation of any nominee on any nomination petition.

§ 3.03. Electors.

Any person who is a resident of the City, who has qualified as an elector of this state and who registers in the manner prescribed by general law and ordinance of the City shall be an elector of the City.

§ 3.04. Election petitions. [Amended 12-19-1989 by Ord. No. 89-42, Ref. of 3-6-1989; 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996; 10-14-2003 by Ord. No. 2003-09; 10-11-2011 by Ord. No. 2011-11]

All candidates offering themselves to the electors for the election to the office of Commissioner or Mayor shall file with the City Clerk a petition signed by ten (10) qualified electors of the City of South Pasadena which shall be in the following form:

"We, the undersigned registered voters, do hereby petition the City Commission of the City of South Pasadena, Florida, to place the name of _____ on the ballot for the office of _____ at an election to be held in the City of South Pasadena on _____."

Attached to such petition shall be an announcement in the following form, signed by the person announcing his or her candidacy for the office of Commissioner:

"I do hereby announce my candidacy for the office of _____ of the City of South Pasadena and do hereby certify that I am a qualified resident of the City of South Pasadena, Florida."

Said petition and announcement shall be filed with the City Clerk in accordance with the timeframes established in the City Code.

§ 3.05. Form of ballot.

The Commission, by ordinance, shall prescribe the form of the ballot, including the method for listing candidates, for City Commission elections and any other City election. A Charter amendment to be voted on by the City shall be presented for voting by ballot title pursuant to law.

ARTICLE IV
Administration
[Amended 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996]

§ 4.01. City Commissioners. [Amended 9-24-1996 by Ord. No. 96-11, Ref. of 3-4-1997; 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

At the first regular meeting of the City Commission in March of each year, the Commission shall designate, by majority vote, one Commissioner to be Commissioner of Public Safety, one Commissioner to be Commissioner of Public Works, one Commissioner to be Commissioner of Finance and one Commissioner to be Commissioner of Community Improvement. Department designations shall be effective for a period of at least one year. If a vacancy occurs on the Commission(s) during the year, the individual appointed to fill the vacancy shall assume the department duties of the Commission member he or she has replaced. If the entire Commission is replaced pursuant to § 2.03(k) of this Charter, the replacement Commissioners shall each, at their first regular meeting, designate department assignments. The Mayor shall be Commissioner of Administration. These titles may be amended by ordinance. Commissioners shall be directors of the respective City departments and shall supervise and direct that department through the head of the department. The Commissioner of each department shall have the right to appoint or dismiss the head of the department in accordance with adopted City employment policies, subject to the approval of a majority of the entire Commission.

§ 4.02. Head of department. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

The head of a department shall have the authority to appoint and/or dismiss any employee within that department in accordance with adopted City employment policies, subject to approval by the Commissioner of that department. Each department head, under the direction of the respective Commissioner of that department, shall supervise and direct the operations of, and be accountable for, that department.

§ 4.03. City Attorney. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

The Commission shall appoint a City Attorney who shall be responsible only to the Commission. The Commission shall have the power to employ special legal counsel whenever in their discretion it is necessary or may be deemed advisable for the preservation and protection of the City's interest. The City Attorney shall be an attorney-at-law in good standing and shall be the legal advisor and counsel for the City and for all officers and departments thereof in matters relating to their official duties, giving advice in the form of written opinions. Copies of all written opinions shall be kept on file in the City Clerk's office. The City Attorney shall institute and defend all suits for and on behalf of the City; prepare all contracts, bonds and other instruments in writing to which the City is a party; approve the form and correctness of all ordinances, resolutions, contracts, bonds and any other instruments or obligations of the City; and perform such other duties as directed by the Commission.

§ 4.04. City Clerk.

There shall be a City Clerk appointed by the City Commission, who shall be head of the Department of Administration under the direction of the Commissioner of Administration. The City Clerk shall perform all duties assigned by state law or ordinance, resolution or direction of the City Commission.

§ 4.05. City Administrator.

The Commission shall appoint a City Administrator, as needed, who will serve as the head administrative officer of the City. The City Administrator shall perform all duties which have been delegated by the City Commission and will perform, at a minimum, the following:

1. Assists the Mayor, all Commissioners and City Attorney in the areas of planning, project scheduling, budgeting, City activities and drafting of legislation.
2. Assists the Commission in overseeing and coordinating all full-time, part-time, and contracted employees of the City, with the exception of the City Attorney.
3. Serves as the Administrator of the department head management team and assigns project management and/or coordination of responsibilities to appropriate department heads and reports such assignments to the Commission.
4. Administers rules and regulations governing city operations, interprets, analyzes and explains policies, procedures and programs to city staff and public.
5. All other functions as delegated by the City Commission either by motion or by resolution.

ARTICLE V
Transition Schedule

§ 5.01. Continuation of former Charter provisions.

All provisions of the former Charter, as amended by special law or otherwise, which are not embraced herein and which are not inconsistent with this Charter which were not repealed or made ordinances by F.S. § 166.021, shall become ordinances of the City subject to modification or repeal in the same manner as other ordinances of the City.

§ 5.02. Ordinances preserved.

All ordinances 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.

§ 5.03. Rights of officers and employees. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

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

§ 5.04. Effective date.

This Charter shall become effective when approved by the voters and filed in the manner prescribed by law.

ARTICLE VI
Initiative and Referendum

[Added 7-16-1985 by Ord. No. 85-14, Ref. of 3-4-1986; amended 4-15-1986 by Ord. No. 86-05, Ref. of 3-3-1987; 1-20-1987 by Ord. No. 86-21, Ref. of 3-3-1987; 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996]

§ 6.01. Initiative.

~~The qualified voters of the City shall have power to propose ordinances in the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, to adopt it or reject it at a City election, provided that such power shall be limited to legislative matters and shall not extend to the budget or capital program or any ordinance relating to appropriations of money, levy of taxes or salaries of City employees.~~

The qualified voters of the City shall have the power to propose ordinances to the Commission. If the Commission fails to adopt the proposed ordinance without any change in substance, the qualified voters may, through the initiative process set forth in this Charter, seek to require the Commission to adopt or reject the proposed ordinance by vote at a City election; provided that such power shall be limited to legislative matters and shall not extend to budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City employees.

§ 6.02. Referendum.

The qualified voters of the City shall have power to require reconsideration by the Commission of any adopted ordinance dealing with a legislative matter and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinances relating to appropriation of money, levy of taxes or salaries of City employees.

§ 6.03. Commencement of proceedings; petitions; procedure for filing referendum petitions, no effect on ordinances while pending; action on petitions, results of election. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

(a) Commencement of proceedings. Any five (5) qualified voters of the City may commence initiative and referendum proceedings by filing with the City Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for supervising the circulation of the petition and filing it in proper form, stating their names and addresses and specifying the addresses at which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Any person who circulates the petition on behalf of the committee shall be at least eighteen (18) years of age and capable of lawfully executing an affidavit. Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall, if requested by the committee, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(b) Petitions.

- (1) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal to a number at least ten percent (10%) of the total number of qualified voters registered to vote at the last general City election.
- (2) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (3) Affidavit of circulator. Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity, before signing, to read the full text of the ordinance proposed or sought to be reconsidered.

(c) Procedure for filing.

- (1) Certificate of Clerk; amendment. Within thirty (30) days after the petition is filed the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in Section 6.03(b). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of § 6.03(b)(2) and (3), and within thirty (30) days after it is filed the City Clerk shall complete a certificate as to the sufficiency of the petition, as amended, and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Commission review under Subsection (c)(2) of this section within the time required, the City Clerk shall promptly present the certificate to the Commission, and the certificate shall then be a final determination as to the sufficiency of the petition. **[Amended 10-9-2007 by Ord. No. 2007-06, Ref. of 1-29-2008]**
- (2) Commission review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Commission. The Commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Commission's determination shall then be a final determination as to the sufficiency of the petition.

(d) Referendum petitions; no effect on ordinance while pending. When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall remain fully in effect, pending approval by Commission vote or by referendum in accordance with the other provisions herein. The ordinance to be reconsidered shall only cease to be in effect when:

(1) The Commission repeals the ordinance; or

(2) After a vote of the electors of the City on the ordinance has been certified and the referendum to reconsider the ordinance has passed.

(e) Action on petitions.

(1) Action by the Commission. When an initiative or referendum petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within ninety (90) days or fails to repeal the referred ordinance within ninety (90) days, it shall submit the proposed or referred ordinance to the voters of the City.

(2) Submission to voters. The vote of the City on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one hundred eighty (180) days from the date that the petition was determined sufficient. If no regular City election is to be held within the period prescribed in this subsection, the Commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Commission may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls. **[Amended 10-9-2007 by Ord. No. 2007-06, Ref. of 1-29-2008]**

(3) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

(f) Results of election.

(1) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. An ordinance created by initiative referendum cannot be repealed except by referendum.

(2) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results. The City Commission shall not enact any ordinance which has the same substantive effect as an ordinance repealed by referendum, unless it is approved at a subsequent referendum.

ARTICLE VII
Charter Review
[Added 6-13-1995 by Ord. No. 95-06, Ref. of 3-5-1996]

§ 7.01. Time frame for review and Committee membership. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002; 10-9-2007 by Ord. No. 2007-06, Ref. of 1-29-2008]

During the month of March 2001, and every six (6) years thereafter, ~~there shall be established the process to establish~~ a Charter Review Committee composed of nine (9) registered voters of the City who shall serve without compensation ~~shall be implemented~~. The members shall be appointed by the City Commission. A maximum of one (1) current and one (1) past member of the City Commission may serve on this Committee.

§ 7.02. Duties and responsibilities of the Committee. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002]

The Charter Review Committee shall be responsible for reviewing the entire City Charter, including the compensation of the Mayor and Commissioners. The Committee may solicit input from residents, business owners, staff and other cities in conducting its evaluation of the Charter. The Committee shall make recommendations for any changes to the Charter which the Committee determines are proper and in the best interest of the City. The Committee shall adopt a final written report detailing its recommendations.

§ 7.03. Committee rules of procedure. [Amended 10-9-2007 by Ord. No. 2007-06, Ref. of 1-29-2008]

The current member of the City Commission on the Committee shall schedule the first meeting, set the agenda and temporarily open and preside over the first meeting. At the first meeting, the Committee shall elect a permanent Chairperson and Vice Chairperson from its membership. The Committee shall establish its own meeting schedule. All meetings shall be posted and open to the public. Meetings shall be conducted using Robert's Rules of Order as a procedural guide to a fair and orderly meeting. In order for the Committee to adopt a recommendation for modification of the Charter, a majority of the entire Committee must be physically present and vote in favor of the recommendation [five (5) affirmative votes regardless of number of members in attendance].

§ 7.04. Obligations of the City Commission. [Amended 6-26-2001 by Ord. No. 2001-03, Ref. of 3-5-2002; 10-9-2007 by Ord. No. 2007-06, Ref. of 1-29-2008]

The City Commission shall be responsible for soliciting volunteers to serve on each Charter Review Committee. The Commission shall by resolution establish the duration of each Committee, set the date for each Committee's final report, furnish each Committee with staff assistance, including City Department Heads, a recording secretary and legal advisor. The City Commission shall place an ~~ordinance item~~ incorporating the recommendations of the Committee

on the first available agenda following submission of the Committee's final report. Nothing in this section shall obligate the Commission to adopt or submit for referendum any of the recommendations of the Charter Review Committee.

ARTICLE VIII
Severability
[Added 6-13-1995 by Ord. No. 95-06, Ref. 3-5-1996]

If an article, section, subsection, sentence, clause or provision of this Charter is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Charter.