

CHARTER OF THE CITY OF PEMBROKE PINES, FLORIDA

Section

ARTICLE I - CREATION AND POWERS

- [1.01](#) Short Title
- [1.02](#) Creation and Powers
- [1.03](#) Extraterritorial Powers
- [1.04](#) Construction
- [1.05](#) Seal
- [1.06](#) Form of Government
- [1.07](#) Jurisdiction, Extent
- [1.08](#) Title or Right to Easement to and Jurisdiction over Property is Vested in Municipality
- [1.09](#) Fiscal Year
- [1.10](#) Definitions

ARTICLE II - CORPORATE LIMITS

- [2.01](#) Description of Corporate Limits

ARTICLE III - LEGISLATURE

- [3.01](#) City Commission; Powers, Compensation and Qualifications
- [3.02](#) Commission Members
- [3.03](#) Nonpartisan Elections
- [3.04](#) Qualifications, Filing Fees and Oaths
- [3.05](#) Mayor
- [3.06](#) Vice-Mayor
- [3.07](#) Procedure
- [3.08](#) Compensation and Expenses
- [3.09](#) Prohibitions
- [3.10](#) Oath Required
- [3.11](#) Vacancies; Forfeiture of Office; Filling of Vacancies
- [3.12](#) Ordinances and Resolutions
- [3.13](#) Emergency Ordinances

ARTICLE IV - ADMINISTRATION

- [4.01](#) City Manager
- [4.02](#) City Manager – Appointment; Removal; Compensation
- [4.03](#) Acting City Manager
- [4.04](#) Powers and Duties of City Manager
- [4.05](#) City Clerk; Deputy City Clerk
- [4.06](#) Department of Finance
- [4.07](#) City Attorney
- [4.08](#) Personnel System
- [4.09](#) Fire Department
- [4.10](#) Police Department
- [4.11](#) Public Services Department
- [4.12](#) Procurement
- [4.13](#) Commission Auditor
- [4.14](#) Annual Written Review of Charter Officers

ARTICLE V - BUDGET

- [5.01](#) Estimates of Revenues and Expenditures; Information to be Included
- [5.02](#) Preparation of Proposed Budget
- [5.03](#) Public Hearing on Budget
- [5.04](#) Adoption of Budget
- [5.05](#) Reserved
- [5.06](#) When Contracts and Expenditures Prohibited
- [5.07](#) Appropriations to Lapse at End of Year
- [5.08](#) Capital Improvement Program
- [5.09](#) Independent Audit

ARTICLE VI - INITIATIVE AND REFERENDUM

- [6.01](#) Initiative and Referendum
- [6.02](#) Commencement of Proceedings
- [6.03](#) Petitions
- [6.04](#) Procedure for Filing
- [6.05](#) Referendum Petitions; Suspension of Effect of Ordinance
- [6.06](#) Action on Petitions
- [6.07](#) Results of Election

ARTICLE VII - CHARTER REVIEW BOARD

- [7.01](#) Creation of Board; Membership
- [7.02](#) Qualifications and Term for the Charter Review Board
- [7.03](#) Expense Fund
- [7.04](#) Organization
- [7.05](#) Forfeiture of Membership Office
- [7.06](#) Duties and Functions

ARTICLE VIII - GENERAL LIMITATIONS

- [8.01](#) Printing, Recording and Indexing of Ordinances and Resolutions
- [8.02](#) Authority to Codify Ordinances
- [8.03](#) Sale of City Property
- [8.04](#) Chief of Police or His or Her Designee Shall Attend All Commission Meetings and Execute Their Commands
- [8.05](#) Conflicting Charter Amendments
- [8.06](#) Appropriations to Libraries and Charitable Institutions
- [8.07](#) No Contract Executed Until Bond Ordinance Effective
- [8.08](#) Acquisition of Property for Municipal Purposes

ARTICLE IX - TRANSITION SCHEDULE

- [9.01](#) Reserved
- [9.02](#) Ordinances Preserved
- [9.03](#) Rights of Officers and Employees
- [9.04](#) Pending Matters
- [9.05](#) Effective Date
- [9.06](#) Severability of Charter Provisions

**ARTICLE I
CREATION AND POWERS**

SECTION 1.01 SHORT TITLE.

This shall be known as the Charter of the City of Pembroke Pines, Broward County, Florida.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-12)

SECTION 1.02 CREATION AND POWERS.

The City of Pembroke Pines, Florida, is hereby created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services except as otherwise provided by law.

(Adopted by electorate, 3-13-84)

SECTION 1.03 EXTRATERRITORIAL POWERS.

Any extraterritorial powers conferred upon the City of Pembroke Pines, Florida, by special act or Charter shall continue in full force and effect.

(Adopted by electorate, 3-13-84)

SECTION 1.04 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.

(Adopted by electorate, 3-13-84)

SECTION 1.05 SEAL.

The City may adopt and use a common seal and have the power to alter it.

(Adopted by electorate, 3-13-84)

SECTION 1.06 FORM OF GOVERNMENT.

The form of government of the City is known as the City Commission-Manager.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 1.07 JURISDICTION, EXTENT.

The jurisdiction and powers of the City extends over all streets, alleys, sewers, parks, and all lands within its area, whether platted or unplatted, and to and over all waters, waterways, streams, bays, bayous, submerged land, water bottoms and wharves, and to and over all persons, property and property rights, occupations, businesses and professions, whatsoever, within its boundaries. The jurisdiction and powers of the City, its officers or agents shall also extend to areas outside of the City's geographical boundaries when the City, its officers or agents are in hot pursuit.

(Adopted by electorate, 3-13-84)

SECTION 1.08 TITLE OR RIGHT TO EASEMENT TO AND JURISDICTION OVER PROPERTY IS VESTED IN MUNICIPALITY.

The title or right to easements in and jurisdiction over all streets, thoroughfares, parks, alleys, public locks and sewers within the City, and all other property and municipal plants of the City, and the title or right to all property of every kind and nature which the City presently has or may acquire within or outside the City, or which may vest in it or be dedicated to it for its use or for the public use, is vested in the municipality.

(Adopted by electorate, 3-13-84)

SECTION 1.09 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of October of each year and end on the thirtieth day of September of the following year.

(Adopted by electorate, 3-13-84)

SECTION 1.10 DEFINITIONS.

Definitions as used in this Charter:

- (a) **And** means and, and the word “or” means or, in whatever context the words are used.
- (b) **Charter** means a set of written procedures or instructions which establishes required guidelines for the City Commission when conducting municipal services for the City of Pembroke Pines.
- (c) **Charter Review Board** means an established panel of residents who are domicile in the City of Pembroke Pines and who exercise the right to review and make recommendations as necessary to the City Commission with regards to procedures as outlined in the Charter.
- (d) **Chief of Fire Department or Fire Chief** means the officer in command of the City Fire Department.
- (e) **Chief of Police** means the officer in command of the City Police Department.
- (f) **City Clerk** means the City Clerk of the City of Pembroke Pines, Florida.
- (g) **City Commission or Commission** means the City Commission or Acting City Commission of the City of Pembroke Pines, Florida.
- (h) **City Manager** means the person or entity selected to serve either by the Commission, or as necessary, by the City Manager, in his or her absence to perform the duties as outlined in the Charter for the position of City Manager.
- (i) **Domicile** means the place at which a person is physically present and that the person regards as home; or the permanent home to which a person intends to return and remain even if they may reside elsewhere. Incidents of a domicile shall include, but not be limited to, the place where a person is registered to vote.
- (j) **Finance Director** means the Director of Finance of the City of Pembroke Pines, Florida.
- (k) **Four-fifths (4/5ths) vote of Commission**, wherever indicated, the necessity of a four-fifths (4/5ths) vote of Commission means that four (4) members of the Commission must vote in the affirmative.
- (l) **Highway** is a public way embracing a right-of- way, street, easement, boulevard, road, avenue, lane, alley, parkway, court, terrace and place and may embrace sidewalks if the Commission so prescribes.
- (m) **Local improvement** is an improvement defined by this Charter and made under the provisions thereof.
- (n) **Main sanitary sewer** is a conduit on, above, or under the surface of the ground into which the sewage from a sanitary sewer or system of sanitary sewers flows or is pumped to be conducted to a place of disposal.
- (o) **Masculine gender** extends to and includes the feminine and neuter gender and vice versa.
- (p) **Municipal general election** means the City Election held on the second Tuesday of March in every even numbered year.
- (q) **Municipality** means the municipality of the City of Pembroke Pines as established by this Charter, unless otherwise indicated.

(r) **Ordinance** means an official, legislative action of the City Commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

(s) **Person** includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(t) **Property owner** means the owner or holder of any right, title or interest in or to real property, either legal or equitable, within the City limits.

(u) **Reside** means to dwell permanently and continuously for 180 days in the City of Pembroke Pines unless otherwise specified; manifesting a genuineness of intent establishing an on-going physical presence at one location together with indicia that his or her presence is something more than merely temporary or transitory.

(v) **Resolution** means an expression of the City 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.

(w) **Sanitary sewer** is an underground conduit or system of conduits for the passage of sewage and may embrace pumping stations and outlets where deemed necessary, manholes, lampholes, flush tanks and other necessary appurtenances.

(x) **Sanitary sewer connection** is a conduit constructed for the purpose of conducting sewage from buildings or other structures to a sanitary sewer or main sanitary sewer and shall embrace that part of the sanitary sewer connection lying within the street, highway, alley, avenue, easement, right-of-way, park, parkway, court, terrace, place, road or way upon or within which the sanitary sewer or main sanitary sewer is constructed.

(y) **Sewer** includes both sanitary and storm sewers unless a contrary intention is shown.

(z) **Shall** denotes an imperative or mandatory obligation.

(aa) **Sidewalk** is a path for pedestrians along a highway.

(bb) **Singular** includes the plural and vice versa.

(cc) **Storm sewer** is a conduit or system of conduits either open or closed above or below ground for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary, and may also embrace the building or culverts over, under, or enclosing of streams where necessary or advisable to carry off storm water and also the building of manholes, catch basins and other structures necessary to the proper operation of the sewer. (Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate 3-10-92; Amendment adopted by electorate 9-1-98; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

ARTICLE II

CORPORATE LIMITS

SECTION 2.01 DESCRIPTION OF CORPORATE LIMITS.

The boundaries and corporate limits of the City of Pembroke Pines, Florida, as now existing are continued and may be amended from time to time as provided by law.

(Adopted by electorate, 3-13-84)

ARTICLE III LEGISLATURE

SECTION 3.01 CITY COMMISSION; POWERS, COMPENSATION AND QUALIFICATIONS.

There shall be a City Commission with all legislative powers of the City vested therein, consisting of five (5) members, one of whom shall be the Mayor. The Mayor shall meet the same residence requirements as Commissioners, except that he/she shall be elected at-large. All qualifications and elections for the Office of City Commission or Mayor shall be conducted on a nonpartisan basis.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate 9-1-98; Amendment adopted by electorate, 11-7-06)

SECTION 3.02 COMMISSION MEMBERS.

(a) *Composition:* There shall be a City Commission composed of five (5) members: one Mayor and four (4) commission members. Each commission member shall be elected from one of the four (4) districts within the city.

(b) *Regular elections:* The regular election of the City Commission members shall be held on the second (2nd) Tuesday of March in each even numbered year, in the manner provided in this Charter and shall be for four (4) year terms. Regular elections for the Mayor and Commission members representing District 2 and District 3 shall be held in 1996 and every four years thereafter. Regular elections for Commission members representing District 1 and District 4 shall be held in 1998 and every four (4) years thereafter.

(c) *Residency requirements:* Each commission member and candidates for City Commission, must be domiciled for at least one year at the time of qualification as a candidate within the district from which he or she is seeking election and shall be elected from the district in which he or she is domiciled by a vote of only the registered electors residing within that district. If, as the result of the most recent City redistricting, a candidate is not domiciled for one year within the district that he or she is seeking to represent, then the candidate may seek election in the district in which he or she resides at the time of qualification. The candidate receiving the greatest number of votes in a district shall be elected. The Mayor shall be domiciled anywhere within the City and be elected at-large. In the event no one qualifies for election for any designated district, a vacancy shall be declared and filled in accordance with Section [3.11](#) of the Charter.

(d) *Composition of districts:* The City of Pembroke Pines shall be divided into four (4) election districts. The geographic boundaries of the four (4) election districts shall be composed of roughly equal populations, and shall be compact, proportional and logically related to the natural boundaries of the neighborhoods within the City. The principles of nondiscrimination and one person/one vote shall be strictly adhered to. The boundaries of the districts within the limits of the City as now existing are continued and may be amended as provided in Section [3.02](#)(e) of the Charter.

(e) *Redistricting:* Every four (4) years, or sooner if it is determined by the Commission that districts shall have become unbalanced due to population shifts, the City Commission shall

contract with an accredited four (4) year college or university located within the State of Florida for the purpose of identifying and designating the four (4) election districts within the City of Pembroke Pines. The City Commission shall adopt the redistricting plan as designated, provided that the plan incorporates the principles of nondiscrimination and fairness set forth above. In the event an elected commission member no longer resides in the district from which he or she is elected as a direct result of the revisions to district boundaries in accordance with this section, that Commission member shall complete his or her term. Nothing contained within this section shall be construed to alter residence requirements for any candidate including incumbents, during subsequent regular elections.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate, 3-11-86; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.03 NONPARTISAN ELECTIONS.

All qualifications and elections for the Office of City Commission or Mayor shall be conducted on a nonpartisan basis.

(Adopted by electorate, 11-7-06)

SECTION 3.04 QUALIFICATIONS, FILING FEES AND OATHS.

(a) A candidate for any elective position in the City government shall designate the office for which he/she has qualified and pay to the City Clerk a filing fee in an amount equal to three (3) percent of the annual salary of the office.

(b) A candidate for the office of Mayor shall file with the City Clerk a written notice of candidacy which shall designate that the candidate is a qualified elector of the City and a resident of the City for at least 180 days immediately and continuously prior to qualifying for elective office.

(c) Candidates for City Commission districts shall file with the City Clerk a written notice of candidacy, which shall designate in which election district of the City that candidate resides. A candidate for one (1) of the four (4) Commission seats in the City shall be a qualified elector of the City and a resident of the City residing within their designated election district for at least one hundred eighty (180) days immediately and continuously prior to qualifying for elective office.

(d) The City, where not inconsistent with this Charter, shall adopt that form and manner of conducting election as shall be provided by the laws of the State of Florida.

(Adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.05 MAYOR.

The election for Mayor shall be held on the second (2nd) Tuesday of March in even numbered years and beginning March, 1984, the Mayor's term shall be for a four (4) year term. The Mayor shall preside at meetings of the Commission, shall be recognized by the Governor for the purposes of military law, for serving of process, execution of contract, deeds, and other documents, and is the City official designated to represent the City in all agreements with other governmental entities, but shall have no administrative duties except as required to carry out

responsibility herein. The Mayor shall be a member of the City Commission, shall vote and have the right to debate on all issues coming before the Commission. He shall have the duties, powers, privileges and obligations possessed and imposed on a City Commission member.

(a) In the event of the death, resignation, or removal of the Mayor, the Vice Mayor shall vacate the office of Commission member and shall serve as interim Mayor until a successor is determined in accordance with the provisions of Section [3.11](#) of the City's Charter.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-8-88; Amendment adopted by electorate, 3-10-92; Amendment adopted by electorate, 11-7-06)

SECTION 3.06 VICE MAYOR.

The City Commission, at the first regularly scheduled meeting in April of each year, shall elect, by majority vote, the Vice Mayor. The Vice Mayor shall have the privileges, powers and duties of the Mayor in the Mayor's absence or disability.

A vacancy on the Commission created by the death, resignation, removal or the elevation of the Vice Mayor to Mayor shall be filled in accordance with the provisions of Section [3.11](#) of the City's Charter.

(Amendment adopted by electorate, 3-11-86; Amendment adopted by electorate, 3-10-92; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-7-06)

SECTION 3.07 PROCEDURE.

(a) *Organizational.* At the first regular Commission meeting following the certification of the election results pursuant to the Florida election Code, as may be amended from time to time, the Commission shall meet in the City Hall to hold an organizational meeting, at which time and place all newly elected officials shall take an oath of office and assume the duties of their office.

(b) *Regular meetings.* The Commission shall meet regularly at least twice in every month at such times and places as the Commission may prescribe by ordinance. The Commission may, by majority vote, declare some meetings during a fiscal year to be unessential to conduct the public business of the City.

(c) *Special meetings.* Except for Emergency Meetings, Special Meetings may be held on the call of the Mayor or any request of a majority of the members and, whenever practicable, upon no less than forty- eight (48) hours' notice to each member and the public.

(d) *Rules.* The Commission shall determine its own rules and order of business.

(e) *Voting.* Voting, on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the journal. A majority of the Commission shall constitute a quorum. No action of the Commission except as otherwise provided in the preceding sentence shall be valid or binding unless adopted by the affirmative vote of three (3) members of the Commission.

(f) *Journal.* The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered on the journal of the proceedings of the Commission.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-5-02; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.08 COMPENSATION AND EXPENSES.

The Commission may determine the annual salary of the Commission members by ordinance, but no ordinance increasing such salary shall become effective until the date of a commencement of the terms of the Commission members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Any increase in compensation to Commission members or the Mayor shall be subject to a limitation whereby such compensation shall not be increased by more than twenty-five (25) percent in one calendar year. Nothing in this paragraph shall limit the right of any Commission member or the Mayor to be reimbursed for expenses actually incurred by him, with Commission approval, while performing duties on behalf of the City.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 3.09 PROHIBITIONS.

(a) *Appointment and removals.* Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Commission may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(b) *Interference with administration.* Except for the purpose of inquiries and investigations, the Commission or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the 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 question and personal observation, all aspects of City government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the Commission. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the ordinary municipal operations of the City, and that recommendations for change or improvement in City government operations be made through the City Manager.

(c) *Holding other office.* No former elected City official shall hold any compensated appointed City office or employment until one (1) year after the expiration of the term for which he was elected.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 3.10 OATH REQUIRED.

Every officer of the City, whether elected or appointed under the provisions of this Charter, or under any ordinance of the City, shall, before assuming the duties of his office, take and subscribe, before some judicial officer, duly qualified elected official or notary of this State, the following oath:

“I do solemnly swear (or affirm) that I will support, protect, and defend the constitution and government of the United States and of the State of Florida and the Charter and ordinances of the City of Pembroke Pines; that I am duly qualified to hold office under the constitution of the

State; and that I will well and faithfully perform the duties of (*title of office*) on which I am now about to enter. So help me God.”

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.11 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

a. *Vacancies.* The office of a Commission member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the Commission.

b. *Forfeiture of office.* A Commissioner shall forfeit his office if said person, (a) lacks any qualifications for the office prescribed by this Charter or other applicable law including § 100.361, Florida Statutes, (1989) as may be amended from time to time; or (b) is convicted of a felony while in office, or (c) fails to attend four consecutive regular meetings of the Commission, unless such absences are each excused by motion setting forth the reason for the absence duly entered upon the minutes or (d) having been elected or appointed from an election district fails to reside within the election district from which he was elected or appointed for any reason other than redistricting.

c. *Forfeiture hearing.* A member charged with conduct constituting grounds for forfeiture of his 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 City at least one week in advance of the hearing.

d. *Filling of vacancies.* Unless otherwise provided by law, if a vacancy occurs on the City Commission, the remaining members of the City Commission may, by majority vote, appoint a qualified individual to fill the vacancy on an interim basis. The City Commission shall adopt a resolution setting forth the process of appointing an interim member of the City Commission pursuant to this section.

(1) *Appointment.* If there are less than one hundred eighty (180) days before the next municipal election, then the interim Commission member appointed to fill the vacancy shall serve until the next municipal election. If there are more than one hundred eighty days before the next municipal election, then the City Commission shall conduct a special election to fill the vacancy. The special election shall take place as soon as practicable, but no more than one hundred eighty (180) days from the date that the vacancy occurred. The individual elected to fill the vacancy at either the next municipal election or a special election called for that purpose shall only serve the unexpired term of the City Commission member whose position became vacant.

(3) In the event of a vacancy in the position of Mayor, the Vice Mayor shall forthwith commence to serve as acting Mayor until the Mayor’s position is filled pursuant to this section. When the Vice Mayor becomes acting Mayor, the remaining members of the City Commission shall appoint a qualified individual from the Vice Mayor's district to serve as interim Commissioner. Once the vacancy in the position of Mayor is filled, the Vice Mayor shall return to his or her district position and the individual appointed to serve as interim Commissioner shall

be removed from office. The Vice Mayor-designate shall serve as Vice Mayor when the Vice Mayor becomes acting Mayor.

(4) In the event of the death, resignation, or removal of the Vice Mayor, the Commission shall, by majority vote, elect one (1) of the Commissioners to serve as Vice Mayor.

e. *Extraordinary vacancies.* In the event that a majority of the members of the Council are removed by death, disability, law or forfeiture of office, the governor shall make interim Commission appointments and the Commission shall call a special election as provided in d. above and such election shall be held in the same manner as the election held pursuant to the previous City Charter.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 3-13-90; Amendment adopted by electorate, 3-10-92; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.12 ORDINANCES AND RESOLUTIONS.

(1) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace 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.* The procedure for the adoption of ordinances shall be as set forth in Section 166.041, F.S., as may be amended from time to time.

(3) *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 City Commission shall be by ordinance which:

- (a) Establish, alter, or abolish any city 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) Authorize the borrowing of money not inconsistent with the limitations in the constitution and general law of the state.
- (f) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the City.
- (g) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VII, Section 7.09(3), with respect to the repeal of ordinances reconsidered under the referendum power.

(Adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 3.13 EMERGENCY ORDINANCES.

To meet a public emergency affecting life, health, property, or the public peace, the City Commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, 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 provision 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 in accordance with the procedure set forth in Section 166.041, F.S., as may be amended from time to time.

(3) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(Adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

ARTICLE IV ADMINISTRATION

SECTION 4.01 CITY MANAGER.

(1) There shall be a City Manager or entity (the “City Manager”) who shall be the Chief Administrative Officer of the City. The City Manager shall be responsible to the Commission for the administration of all City affairs placed in his charge by or under this Charter.

(2) *Qualifications.* The City Manager shall have a baccalaureate degree and three (3) years experience as a City Manager or Assistant City Manager.

(Adopted by electorate, 11-7-06)

SECTION 4.02 CITY MANAGER – APPOINTMENT; REMOVAL; COMPENSATION.

(a) *Appointment.* The Commission shall appoint a City Manager. Said appointment shall be by a four-fifths (4/5ths) vote of Commission members.

(b) *Removal.* The Commission may remove the City Manager by a four-fifths (4/5ths) vote of all Commission members. Upon demand by the Manager, a public hearing may be held prior to a final vote on the removal of the City Manager. At least ten (10) days prior to such public hearing the Commission shall present the City Manager with a written statement of the reasons for such dismissal. The decision of the Commission at any such public hearing shall be final and conclusive and no appeal shall lie therefrom.

(1) At any such hearing the discharged City Manager shall have the right to be represented by his/her counsel and shall have the right to subpoena and introduce such witnesses in his/her behalf as he/she may require.

(2) In the event the City Manager should be reinstated by the City Commission at any such public hearing, the Commission shall pay the City Manager the necessary costs and expenses reasonably incurred in offering his/her defense to the charges preferred.

(c) Compensation and benefits of the City Manager shall be fixed by the City Commission.

(d) The City Manager shall furnish a surety bond to be approved by the Commission, and in such amount as the Commission may fix. Said bond to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the City.

(Adopted by electorate, 11-7-06)

SECTION 4.03 ACTING CITY MANAGER.

By letter filed with the Commission, the Manager shall designate a qualified City Administrative Officer to exercise his powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Commission may remove the designated acting City Manager by an affirmative vote of at least four (4) members of the City Commission and appoint another officer of the City, by a four-fifths (4/5ths) vote, to serve until the Manager returns or his/her disability ceases.

(Adopted by electorate, 11-7-06)

SECTION 4.04 POWERS AND DUTIES OF CITY MANAGER.

The powers and duties of the City Manager shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) To advise and assist all departments that may be created by the Commission.
- (c) To attend all meetings of the Commission with the right to take part in the discussion but having no vote.
- (d) To recommend to the Commission for adoption such measures as he/she may deem necessary or expedient.
- (e) Direct and supervise the administration of all departments of the municipal government and be responsible for the maintenance of sound personnel policies and administrative practices and submit quarterly reports pertaining to this subsection to the City Commission in writing.
- (f) Approve or disapprove purchases for each department, division or office and where any bill or voucher differs from the original purchase order in any manner then the payment of such voucher or purchase order shall not be made unless previously approved by the City Manager.
- (g) Establish working, personnel, and vacation schedules and appropriate records and reports.
- (h) Approve or prescribe in written form the internal organization of each department and timely provide a copy of this information to each Commissioner.
- (i) Assign and transfer administrative functions, powers and duties among and within departments in writing and timely provide a copy of this information to each Commissioner.
- (j) Delegate to department heads such duties as the City Manager may deem necessary for efficient administration.
- (k) The City Manager shall have the authority to appoint and discharge all Department Heads, Personnel, and Employees of the City, other than those who, by the terms and provisions of this Charter, are appointed by the City Commission, or who are appointed pursuant to any ordinance, or resolution adopted by the City Commission governing appointment and discharge of City personnel and employees and timely provide a copy of this information to each Commissioner.
- (l) To perform such other duties as may be required by ordinance or resolution of the Commission.

(Adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 4.05 CITY CLERK; DEPUTY CITY CLERK.

(a) The City Manager shall hire a City Clerk. The City Clerk shall give notice of Commission, City Board and special meetings to its members and the public and shall keep the journal of its proceedings which shall be a public record, and shall perform other duties as the Commission or city Manager may prescribe from time to time. The City Clerk shall report to the City Manager.

(b) The City Clerk shall monitor the attendance at all regular Commission, City Board and special meetings and report any failure to meet the minimum attendance standard as prescribed in Section [8.05](#)

(c) The City Manager shall appoint one or more Deputy City Clerks in the absence of the City Clerk. During this absence, the Deputy City Clerk shall have all the powers vested in the City Clerk and who shall perform all of the duties of the City Clerk.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 3-10-92; Amendment adopted by electorate, 11-7-06)

SECTION 4.06 DEPARTMENT OF FINANCE.

The Department of Finance shall be responsible for administration of the financial affairs of the City.

(a) The Department shall:

- (1) Collect and disburse City Funds.
- (2) Maintain a general accounting system for City government and units thereof.
- (3) Compile fiscal estimates and reports.
- (4) Assist the City Manager in preparation of budgets.
- (5) Assist the City Manager in establishing controls for budget administration.
- (6) Develop and apply legal and policy provisions applicable to financial accounting.

(b) Director of Finance. There shall be a Director of Finance who shall be appointed and/or removed by an affirmative vote of four (4) or more Commission members and who, under the supervision of the City Manager, shall be charged with the administration of the Department of Finance.

(1) Qualifications/requirements. The Director of Finance shall have a four-year college degree with a major in accounting and finance and two (2) years experience in municipal accounting, taxation, budgeting and financial control.

(2) Shall furnish a surety bond for the faithful and honest performance of his official duties in such amount as the City Commission may determine. The cost of such shall be paid by the City.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 4.07 CITY ATTORNEY.

(a) There shall be a City Attorney of the City, appointed or removed, by an affirmative vote of at least four-fifths (4/5) of the full Commission, who shall serve as chief legal advisor to the Commission, the City Manager and all City departments, office and agencies and who shall

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

(b) Qualifications: The City Attorney shall have been admitted to practice in the State of Florida for four (4) years, with not less than two (2) of those years in the practice of law for municipal or county government.

(c) Duties: The City Attorney or his or her designee shall:

(1) Be notified of and shall attend all regular and special meetings of the City Commission.

(2) Act as the legal advisor to and counselor for the municipality, and all its officers in matters relating to their official duties.

(3) Prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his or her approval of the form and correctness thereof; and no contract with the municipality shall take effect until his or her approval is so endorsed thereon.

(4) Prosecute and defend, on behalf of the City, all complaints, suits, and controversies in which the City is a party unless otherwise instructed by the City Commission.

(5) When so requested, furnish the Commission, Mayor or City Manager, his or her opinion on any question of law involving their respective powers and duties.

(6) Perform such other professional duties as may be required by him/her by resolution of the Commission or as prescribed for the City Attorneys in general or special laws of the State, including any rules and regulations of the Florida Bar, which are not inconsistent with this Charter. The City Attorney is obliged to periodically and in a timely manner inform the Commission of the status of any pending litigation.

(7) The Commission shall determine the terms and conditions, and compensation of the City Attorney's employment in a written contract.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 9-1-98; Amendment adopted by electorate, 11-5-02; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 4.08 PERSONNEL SYSTEM.

This system of City personnel administration shall govern the appointment, promotion, transfer, layoff, dismissal, suspension, removal and discipline of all City employees and certain City officers and shall be based on merit principles and scientific methods in order to foster effective career service in City employment and to employ those persons best qualified for City services which they are to perform.

(a) All appointments and promotions of City officials and employees except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and to this end, the Commission shall, by ordinance, establish personnel procedures and rules.

(b) The standards or ethical conduct for the City of Pembroke Pines shall be the standards of conduct for public officers and employees of agencies which is set forth in Part III of Chapter 112, Florida Statutes, as may be amended from time to time.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 4.09 FIRE DEPARTMENT.

The Fire/Rescue Department shall be responsible for promoting the public safety of all residents of the City through fire prevention, fire suppression, rescue and emergency medical services. The department shall:

- (a) Comply with applicable Federal, State and Local fire/rescue standards, policies and regulations.
- (b) Maintain all required licenses and certifications through training and continuing education.
- (c) Enforce all applicable Federal, State and Local laws in providing for fire safety of all residents.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 4.10 POLICE DEPARTMENT.

The Police Department shall be responsible for promoting the public safety of all residents of the City through police protection. The department shall:

- (a) Comply with applicable National, State and Local police safety standards and procedures.
- (b) Maintain all required licenses and certifications.
- (c) Enforce all applicable Federal, State and Local laws in providing for the protection of all residents.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 4.11 PUBLIC SERVICES DEPARTMENT.

The Public Services Department shall establish standards, planning schedules and operating procedures for extending, maintaining, repairing and operating water production, distribution and sewage collection facilities.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 4.12 PROCUREMENT.

(a) Pursuant to the requirements of this Charter and ordinances, the City Manager shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department, or agency of the City government. Said purchases shall be made pursuant to the following procedures:

- (1) No goods, supplies, materials or services for City purposes or use shall be purchased when the amount to be paid therefore by the City shall exceed that amount the City Commission sets by ordinance for which the City shall require sealed bids, unless notice thereof shall be advertised as provided ordinance. The provision of this section shall not apply where purchases are made from any agency, department or bureau of the United States Government, State of Florida, or any of its political divisions or municipalities. The City Commission may contract with other government agencies for joint, cooperative or pooled purchasing of supplies, goods,

materials or services for its present or future needs, and bidding shall not be required for purchases made by this method.

(i) If the City Manager shall determine that based upon specific conditions and circumstances that an emergency exists in regards to the purchases of any commodity, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the City, then the City Manager shall file with the City Commission a statement under oath certifying the conditions and circumstances.

(ii) Purchases made from any agency, department or bureau of the United States Government, State of Florida, or any of its political subdivisions or municipalities are excepted from bid requirements.

(iii) Any contract with other government agencies for joint, cooperative, or pooled purchasing of commodities.

(iv) Commodities, services, and supplies available only from a single source may be excepted from the bid requirements upon the filing by the City Manager of a certification of conditions and circumstances with the City Commission, if, subsequent thereto, the City Commission authorizes the exceptions in writing.

(2) No contract shall be made by the City for the purchase, lease, or renting of materials and/or equipment for use in any public work or improvement, when the amount to be paid therefore by the City shall exceed that amount for sealed bids prescribed by Florida Statute 180.24, as may be amended from time to time, unless notice or advertisement for bids upon the same shall be published in accordance with the provisions of this Charter.

(3) Requirements of advertising/notice.

(i) The notice required by Paragraph 1 of this Section may refer to general terms, to the extent and nature of the improvement and may identify the same by the short designation indicated in the resolution authorizing such local improvement, and by reference to the plans and specifications on file in the office of the City Clerk. If said resolution shall have given two (2) or more alternative descriptions of the improvement as to its material, nature, character and size, and if the Commission shall not have theretofore determined upon a definite description, the notice may call for bids upon each of such descriptions.

(ii) Said notice shall state the conditions of payments.

(iii) Bids may be requested for the work as a whole or for any part thereof separately, and bids may be asked for any one or more improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of costs as to each improvement.

(iv) The City Commission may by ordinance provide that a bid must be accompanied by a bid deposit. The process for submitting a bid deposit may be specified by ordinance.

(4) When it becomes necessary in the opinion of the Director of Public Services or City Manager to make alterations or modifications in any executory contract for any public work or improvement, such alterations or specifications shall be made only as authorized by the Commission and approved by the City Attorney, upon the written recommendations of the City

Manager. No such alteration shall be valid unless the price to be paid for the work or material or both under the altered or modified contract shall have been agreed upon in writing and signed by the Commission or the City Manager, as provide by ordinance.

(5) The City Commission may, by ordinance, specify the criteria to be used for the City to award contracts for public work or improvement and purchases received under sections 2 and 3. The City Commission may for good cause reject any bid even though it may be the lowest.

(6) In the event all bids received are rejected, the Commission shall direct the City Manager to re-advertise or may determine, in the case of public work or improvement, to do the work by City forces without contract. All advertisements shall contain a reservation of the rights contained in this section.

(7) The Commission shall reject any bid received from any individual, firm, corporation, or business enterprise in which any city elected official is currently employed full time in or by said enterprise.

(8) Contracts for public works or improvements or purchases shall be attested by the City Clerk, and signed by the Mayor or City Manager after approval by the City Attorney, and the City Commission, where required.

(Adopted by electorate, 11-7-06)

SECTION 4.13 COMMISSION AUDITOR.

The City Commission shall appoint or retain, by an affirmative vote of at least four-fifths (4/5) of the full Commission, a charter officer of the City who shall have the title of Commission Auditor. The Commission Auditor shall serve at the pleasure of the Commission. The Commission Auditor shall submit an Annual Audit Plan at the beginning of each fiscal year which shall be adopted by a majority vote of the City Commission and which may be amended from time to time by a majority vote of the City Commission. The Commission Auditor shall, from time to time, perform independent and objective audits or reviews of financial, compliance and operational activities of the city and the city's contractors, licensees and franchisees. Audits or reviews performed by the Commission Auditor shall analyze and evaluate financial management systems and operational controls and procedures of the city to develop recommended policies and procedures. The Commission Auditor shall also respond to questions by the City Commission or the City Manager and perform such other duties as may be imposed or required by ordinance, resolution or direction of a majority of the City Commission. In furtherance of their duties and responsibilities under this section, the Commission Auditor shall have unrestricted access to the City's records and staff. Nothing contained in this section shall adversely impact the position of the City Manager, as set forth in Article IV of the City Charter.

(Adopted by electorate 11-2-10; Amendment adopted by electorate, 11-6-12)

SECTION 4.14 ANNUAL WRITTEN REVIEW OF CHARTER OFFICERS.

Within ninety (90) days of the effective date of this section, the City Commission shall adopt an ordinance providing for the annual written performance review of all Charter officers who are hired by and report to the City Commission.

(Adopted by electorate, 11-6-12)

ARTICLE V BUDGET

SECTION 5.01 ESTIMATES OF REVENUES AND EXPENDITURES; INFORMATION TO BE INCLUDED.

(a) Not later than sixty (60) days before the end of each fiscal year, the City Manager shall prepare and submit to the Commission a budget estimate of the expenditures and revenues of all City departments, divisions and officers for the ensuing fiscal year.

(b) The information and estimate so given and constituting the recommendation of the City Manager as to the amounts necessary to be appropriated for the ensuing fiscal year shall be supported with information giving the reason therefore in such detail as may be necessary to afford the Commission a comprehensive understanding of the needs and requirements of the various divisions of the City government for the ensuing period.

(c) Copies of the budget estimate of the City Manager shall be on file in the office of the City Clerk and open for inspection by the public.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 5.02 PREPARATION OF PROPOSED BUDGET.

Upon receipt of the annual budget estimates of the City Manager, the Commission shall prepare an appropriation ordinance using the City Manager's estimate as a basis. The budget shall be specific as to the nature of each category of appropriations therein. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 5.03 PUBLIC HEARING ON BUDGET.

(a) At the meeting of the Commission at which the budget estimate is submitted by the City Manager, the Commission shall determine the place and time of the public hearing on the budget and shall cause to be published a notice thereof.

(b) At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Commission shall hold a public hearing on the budget as incorporated in the proposed appropriation ordinance. At such hearing all interested persons shall be given an opportunity to be heard, for or against the estimates of any item thereof.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 5.04 ADOPTION OF BUDGET.

(a) Each annual budget adopted by the Commission shall be a balanced budget.

(b) The budget shall be adopted in accordance with Ch. 200, F.S., as may be amended from time to time.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 5.05 RESERVED.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 5.06 WHEN CONTRACTS AND EXPENDITURES PROHIBITED.

No officer, department, or agency shall, during the budget year expend or contract to expend any money or voluntarily incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditures pursuant to this Charter. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 5.07 APPROPRIATIONS TO LAPSE AT END OF YEAR.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. All lapsed appropriations shall be used by the City Manager in appropriating money for the budget of the next fiscal year.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 5.08 CAPITAL IMPROVEMENT PROGRAM.

The City shall adopt a five (5) year capital improvement program in the annual budget.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 5.09 INDEPENDENT AUDIT.

The City Commission shall provide for an independent annual audit of all City accounts and may provide for 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 City government or any of its officers.

(Adopted by electorate, 11-7-06)

ARTICLE VI INITIATIVE AND REFERENDUM

SECTION 6.01 INITIATIVE AND REFERENDUM.

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

(b) *Referendum.* The qualified voters of the City shall have power to require reconsideration by the Commission of any adopted ordinances 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 ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of the City officers or employees.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 6.02 COMMENCEMENT OF PROCEEDINGS.

Any ten (10) qualified voters may commence initiative or referendum proceedings by filing with the City Clerk or other official designated by the Commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to 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.

Promptly after the affidavit of the petitioners' committee is filed, the Clerk or other official designated by the Commission may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 6.03 PETITIONS.

(a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least ten (10%) percent of the total number of qualified voters registered to vote at the last regular city election.

(b) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one 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.

(c) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signature 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.

(d) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the Commission of the ordinance sought to be reconsidered.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 6.04 PROCEDURE FOR FILING.

(a) Certificate of Clerk; Amendment. Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the City Clerk or other official designated by the Commission 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 registered mail. Grounds for insufficiency are only those specified in subsection 6.03. 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 Clerk or other official designated by the Commission 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 subsection (b) and (c) of Section [6.03](#), and within five (5)

days after it is filed with the Clerk or other official designated by the Commission 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 registered 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 (b) of this section within the time required, the clerk or other official designated by the Commission shall promptly present his certificate to the Commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *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.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 6.05 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE.

When a referendum petition is filed with the City Clerk or other official designated by the Commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition, or;
- (b) The petitioners' committee withdraws the petition, or;
- (c) The Commission repeals the ordinance, or;
- (d) After a vote of the City on the ordinance has been certified.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 6.06 ACTION ON PETITIONS.

(a) *Action by Commission.* When an initiative or referendum petition has been finally determined sufficient, the Commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III 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 sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the City.

(b) *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 sixty (60) days from the date that the petition was determined sufficient. If no regular City election is to be held within the period described in this subsection, the Commission shall provide for a special election, except that the Commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of Petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the City by filing with the City Clerk or other official designated by the Commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated. (Amendment adopted by electorate, 11-7-06)

SECTION 6.07 RESULTS OF ELECTION.

(a) *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.

(b) *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. (Amendment adopted by electorate, 11-7-06)

ARTICLE VII CHARTER REVIEW BOARD

SECTION 7.01 CREATION OF BOARD; MEMBERSHIP.

There is hereby created and established in the City of Pembroke Pines, Florida, an impartial and independent advisory board to be known as the Pembroke Pines Charter Review Board. The Charter Review Board shall consist of five (5) members appointed by the City Commission beginning in May, 2010, and every 5 years thereafter. The City Commission shall have the authority, if it deems necessary, to appoint the members to the Charter Review Board at other times by a majority vote of the entire City Commission. The Mayor and each City Commissioner shall each appoint one individual to serve as a member of the Charter Review Board in May, 2010 and every five years thereafter.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate, 3-10-92; Amendments adopted by electorate, 11-7-06)

SECTION 7.02 QUALIFICATIONS AND TERM FOR THE CHARTER REVIEW BOARD.

Each member of the Board shall be a qualified elector of the City of Pembroke Pines and shall have resided within the City of Pembroke Pines, Florida, for a period of not less than one hundred eighty (180) days prior to his appointment and shall serve for a term of one (1) year from the date of the first meeting of the Board. Any vacancy occurring on the Board shall be filled:

(a) *By the City Commission.* The person appointed shall be a qualified elector, shall have resided in the City of Pembroke Pines not less than one hundred eighty (180) days prior to his appointment and shall serve only the unexpired term of the Charter Review Board member whose position became vacant.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-8-88; Amendment adopted by electorate, 3-13-90; Amendment adopted by electorate, 3-10-92; Amendments adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 7.03 EXPENSE FUND.

The City Commission shall provide sufficient funds in the annual budget and each successive annual budget for reasonable and necessary expenses to be incurred by the Board in the performance of its duties. The City Commission shall provide additional funds in the annual budget and each successive annual budget for reasonable and necessary expenses to be incurred in the event the Board is required to submit a revised Charter of Charter Amendments. The City Manager shall provide such administrative staff and clerical personnel as may be necessary to assist the Board in the proper performance of its duties and functions.

(Adopted by electorate, 3-13-84; Amendments adopted by electorate, 11-7-06)

SECTION 7.04 ORGANIZATION.

The members shall within thirty (30) days after their appointment meet and elect a chairman and such other officers as may be deemed necessary, who shall serve at the pleasure of the Board. All meetings of the Board shall be open to the public. No action shall be taken by the Board to recommend an amendment to the City Charter except by a majority vote of the entire membership. The rules of procedures adopted by the Board shall be filed with the City Clerk.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 3-10-92; Amendments adopted by electorate, 11-7-06)

SECTION 7.05 FORFEITURE OF MEMBERSHIP OFFICE.

A Charter Review Board Member shall forfeit the office if said person, (1) lacks any qualification for the office prescribed by this Charter or other applicable law or, (2) is convicted of a felony while in office, or (3) fails to attend four consecutive regular meetings of the Charter Review Board, unless such absences are each excused by motion setting forth the reason for the absence duly entered upon the minutes.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 3-11-86; Amendment adopted by electorate, 3-10-92; Amendments adopted by electorate, 11-7-06)

SECTION 7.06 DUTIES AND FUNCTIONS.

(a) The Pembroke Pines Charter Review Board is hereby authorized to review and to study the Charter of government for the City of Pembroke Pines, and to recommend changes to the City Charter to the City Commission.

(b) The recommendations of the Charter Review Board to alter, change, amend or revise the Charter of the City, shall be submitted to the City Commission for review.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 3-10-92; Amendments adopted by electorate, 11-7-06)

ARTICLE VIII GENERAL LIMITATIONS

SECTION 8.01 PRINTING, RECORDING AND INDEXING OF ORDINANCES AND RESOLUTIONS.

Provisions shall be made for the printing, preservation, recording and indexing of all ordinances and resolutions by the City Clerk, which shall at all reasonable times be open for inspection by the public.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 8.02 AUTHORITY TO CODIFY ORDINANCES.

The City shall have authority to codify its ordinances into a “Code of Ordinances for the City of Pembroke Pines” and by a single ordinance to adopt such code as a complete revision of all existing and applicable ordinances on the date of such adoption; to adopt a decimal system similar to that used in Florida Statutes, and to amend such code, once adopted, by reference to any section or sections. The City Attorney shall have power and authority to codify any duly adopted ordinance of the City and assign proper section numbers and headings to various parts of such ordinances, and thereafter such sections shall be cited in referring to such ordinances.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 8.03 SALE OF CITY PROPERTY.

No right, title or interest of the City or any part thereof in and to the waterfront, wharf, docks, streets, avenues, parks, bridges and other public places, and its gas, water, electric and other works, shall be sold unless by authority of an ordinance passed by a recorded affirmative vote of four-fifths (4/5ths) of all members of the Commission, and with the provision that no such property which may be valued by three independent appraisers in excess of fifteen (15%) percent of the City’s annual operating budget in the year of the sale, shall be sold in whole or in part or shall be leased for term in excess of five (5) years without a referendum election authorizing such sale, and under such other restrictions as may be imposed by law.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendment adopted by electorate, 11-7-06)

SECTION 8.04 CHIEF OF POLICE OR HIS HER DESIGNEE SHALL ATTEND ALL COMMISSION MEETINGS AND EXECUTE THEIR COMMANDS.

The Chief of Police or one of his deputies shall attend all meeting of the City Commission and act as a sergeant at arms.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

SECTION 8.05 CONFLICTING CHARTER AMENDMENTS.

In the event that a Charter Amendment proposed by the Charter Review Board is on the ballot at the same election in which a Charter Amendment is proposed pursuant to Florida Statutes Section 166.031 and the results of the elections on those Charter Amendments creates a conflict between the two, then in that event they shall go into effect in respect to such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 8.06 APPROPRIATIONS TO LIBRARIES AND CHARITABLE INSTITUTIONS.

The Commission shall make no appropriation of public funds towards the maintenance and support of any private library or charitable institution.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

📖 SECTION 8.07 NO CONTRACT EXECUTED UNTIL BOND ORDINANCE EFFECTIVE.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect, and any contract executed before such day shall be unenforceable in any Court of Law.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

📖 SECTION 8.08 ACQUISITION OF PROPERTY FOR MUNICIPAL PURPOSES.

(a) The City Commission shall not utilize eminent domain powers to acquire privately owned residential real property for economic development purposes or to acquire privately owned residential real property for transfer to a private entity for economic development purposes.

(b) The City Commission may acquire property within or outside the corporate limits of the City for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, provided such amount of expenditure for real property shall not exceed twenty-five (25%) percent of the current annual fiscal budget of the City. The City Commission, may, through proper procedure, propose, undertake and finance capital improvement projects to fulfill the necessary needs of the City, provided that the amount of total expenditures including the cost of all financing for all such projects shall not exceed twenty-five (25%) percent of the current annual budget of the City in any one fiscal year. In the event that the proposed purchase(s) of property or total capital expenditure(s) do exceed the limit of twenty-five (25%) percent of the current annual budget of the City in any one fiscal year and the City has not received federal, state or county funds specifically for the purchase of such property(s) or for financing of such capital improvement project(s), then a referendum will be held of the qualified electors of the City of Pembroke Pines, Florida, and it shall require a majority of those voting in such election to authorize such projects. This referendum requirement may be waived, however, if the City Commission by a four-fifths (4/5ths) vote of its members finds and declares that an emergency exists, and that there is a threat to the health, welfare and safety of the citizens of the City.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-6-84; Amendments adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

**ARTICLE IX
TRANSITION SCHEDULE**

📖 SECTION 9.01 RESERVED.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06; Amendment adopted by electorate, 11-6-12)

📖 SECTION 9.02 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.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 9.03 RIGHTS OF OFFICERS AND EMPLOYEES.

Elected officers shall continue to hold their office and discharge the duties thereof until their successors are elected. Other City officials and employees shall continue their employment and discharge their duties subject to the Ordinances of the City, the provisions of State Law, and the provisions of this Charter.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 9.04 PENDING MATTERS.

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

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 9.05 EFFECTIVE DATE.

This Charter shall take effect immediately upon its approval by a majority of those electors voting at a referendum thereon.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

SECTION 9.06 SEVERABILITY OF CHARTER PROVISIONS.

If any section or part of a section of this Charter shall be declared to be unconstitutional, the same shall not be held to invalidate or enjoin the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section to be unconstitutional or invalid.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)