

# **CITY OF ST. PETERSBURG, FLORIDA**

## **MUNICIPAL CHARTER**

As amended through November, 2011

**CITY OF ST. PETERSBURG, FLORIDA  
CHARTER**

- Art. I Powers, §§ 1.01, 1.02**
- Art. II Corporate Boundaries, § 2.01**
- Art. III Elected and Appointed City Positions, §§ 3.01-3.08**
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**ARTICLE I. POWERS**

**Sec. 1.01. General powers.**

The City of St. Petersburg shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.

**Sec. 1.02. Park and waterfront property; use, disposition.**

(a) *Purpose.* The purpose of this section is to protect City-owned park and waterfront property. Except as provided herein, no waterfront or park property owned by the City may be sold, donated or leased without specific authorization by a majority vote in a City-wide referendum.

(b) *Definitions.* The following terms shall have the definitions listed below when used in this Section 1.02 unless a different meaning is clearly evident from the context in which they appear:

(1) *City Park and Waterfront Map.* The City Charter Park and Waterfront Map on file with the City Clerk approved by Ordinance No. 780-F is specifically adopted and incorporated herein by reference.

(2) *Park and Waterfront Property.* The City Park and Waterfront Map conclusively determines which property within the City limits, and owned by the City on September 20, 1984 is waterfront property and which is park property. Property acquired by the City after September 20, 1984 shall be considered park property if it is so designated by City Council and shall be considered waterfront property if it is contiguous to, or under the waters of Lake Maggiore, Crescent Lake, Mirror Lake, Tampa Bay, Boca Ciega Bay or the Gulf of Mexico or any other bays, bayous, arms or harbors. The property owned by the City of St. Petersburg in the City of Treasure Island, adjacent to the Gulf of Mexico shall be considered waterfront property.

(3) *Sale.* Sale shall mean the sale, donation or any other permanent disposition of an interest in real property other than a utility easement.

(4) *Lease.* Lease shall mean any non-permanent disposition, of an interest in real property, including but not limited to, leases, permits, licenses and temporary easements.

(c) *The disposition of park and waterfront property.* With respect to the disposition of waterfront or park property the following shall govern:

(1) *Precedence.* Where a specific lease term limitation of greater length than provided elsewhere within this Charter has been denoted in Section 1.02(c)(4) or on the City Park and Waterfront Map, for a particular parcel, that term limitation of greater length shall prevail over any other more restrictive lease term limitation provided within this Charter for property within that parcel.

(2) *Sale or Lease.* A lease of three (3) years or less of residentially zoned waterfront or park property, a lease of five (5) years or less of commercially zoned waterfront or park property, a lease not exceeding the lease terms permitted for the waterfront or park properties listed in Section 1.02(c) (4) or a lease not exceeding the lease terms permitted by the City Park and Waterfront Map requires approval by the affirmative vote of at least six (6) members of City Council. With the exception of those encumbrances permitted by Section 1.02(c) (5) of this Charter, a lease of waterfront or park property of greater than these respective time periods or a sale requires approval by the referendum procedure contained in Section 1.02(d). Approval authority for leases not requiring a referendum and having a term of one (1) year or less may be delegated by City Council to the Mayor or the Mayor's designee by the affirmative vote of at least five members of Council.

(3) *Exception for Utility Easements.* Notwithstanding any other provision of this Article to the contrary, utility easements may be granted upon specific approval by ordinance where the easement will have no significant effect on the public's use of the property.

(4) *Properties with Longer Term Lease Limitation.*

A. *Properties with Twenty-five (25) Year Lease Limitation.* As provided for in Section 1.02(c)(2) the following properties may be leased for a period not exceeding twenty-five (25) years upon the approval of a Resolution of City Council receiving an affirmative vote from at least six (6) members of City Council:

1. Albert Whitted Airport

*Lot 2, Block 1, Albert Whitted Airport Second Replat and Addition as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida.*

B. Properties with Ten (10) Year Lease Limitation. As provided for in Section 1.02(c)(2), the following properties may be leased for a period not exceeding ten (10) years upon the approval of a Resolution of City Council receiving an affirmative vote from at least six (6) members of City Council:

1. Ships Store Area in Demens Landing Park

*Commence at the Southeast corner of Lot 20, Block 24, "Revised Map of the City of St. Petersburg", as recorded in Plat Book 1, Page 49, Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part; thence N90°00'00" E, along the south boundary of Water Lot 5, said "Revised Map of the City of St. Petersburg" and the extended North right-of-way boundary of Central Avenue, a distance of 2003.04 feet to the Point of Beginning; Thence the following Nine (9) Courses:*

- 1) N64°25'27" W, a distance of 84.83 feet;*
  - 2) N25°34'09" E, a distance of 197.70 feet;*
  - 3) S74°25'05" E, a distance of 38.07 feet;*
  - 4) S05°17'14" W, a distance of 41.65 feet;*
  - 5) S62°05'36" E, a distance of 55.54 feet;*
  - 6) S25°27'33" W, a distance of 91.56 feet;*
  - 7) S64°18'56" E, a distance of 19.41 feet;*
  - 8) S25°38'57" W, a distance of 71.38 feet;*
  - 9) N64°25'27" W, a distance of 42.07 feet;*
- To the Point of Beginning.  
Containing 0.4755 acres, more or less.*

(5) Exception for acceptance of grants. Notwithstanding any other provision of this Charter, the following properties may be encumbered with assurances as to future uses in order to receive grants from governmental agencies upon the approval of City Council by an Ordinance receiving a public hearing and receiving an affirmative vote from at least six members of City Council. Each such encumbrance must be approved by a single ordinance dealing with only that encumbrance:

A. Perpetual encumbrances or restrictions for property or portions of property classified as Park or Waterfront property where such restrictions would restrict the property to recreation uses provided such restrictions could be removed by replacing the grant facility and transferring the encumbrance to a new comparable park purchased at City expense or at the option of the Granting Agency repaying the

grant money. The City could also accept similar grants having restrictions that are less than perpetual using the same ordinance adoption procedure.

- B. Encumbrances or restrictions of up to twenty years for that property or portions of that property generally known as Albert Whitted Airport which would restrict the use of that property, or portions of that property, to airport uses each time such a restriction is executed. The Albert Whitted property is generally described as:

All of Block 1, Albert Whitted Airport Second Replat and Addition as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida.

- (6) Albert Whitted Airport as described below shall continue to be used for airport purposes:

For the purpose of this subsection (6), the Albert Whitted Airport is defined as the Albert Whitted property described on the City Park and Waterfront Map and incorporated into the City Charter, except for the property used as of January 1, 2003 for the Albert Whitted Water Reclamation Facility, the Port of St. Petersburg, and the Coast Guard Station.

This provision does not prevent the continuation of existing non-airport use areas for non airport uses, or the occasional alternative use of other airport areas for non airport uses such as but not limited to the Grand Prix.

(d) *Referendum procedure.* Where a referendum procedure is called for in this section, it shall be conducted in the following manner. An ordinance shall be prepared approving the sale or lease of the property subject to a vote of the electors. Except for property outside the City limits, the City shall, thirty-five (35) days prior to the first reading of the ordinance, mail or deliver notice to all owners and residents of property located within two hundred (200) yards from the perimeter of the parcel in which the real estate to be sold or leased is located. Parcel, as used herein, shall be defined as the individually listed parcels of real estate numbered 1 through 101 and "a" through "g" on the City Park and Waterfront Map. Properties acquired after September 20, 1984 shall have their parcel boundaries delineated by City Council by ordinance. The definition of owners and residents shall be established by ordinance of City Council. Following final City Council approval of the referendum ordinance, the question of the sale or lease shall be submitted to the voters and it shall become effective only if it is approved by a majority of the vote at a City-wide referendum.

(e) *Substantial change of use of park property.* The City may substantially change the use of any City-owned park property only after approval by adoption by City Council of a non-emergency ordinance receiving the affirmative vote of at least six (6) members of City Council with a full public hearing prior to adoption after prior notice to the owners and residents of property within two hundred (200) yards of the perimeter of the park parcel. Parcel, resident, and owners shall be as defined in Section 1.02(d) of this Charter. The City Council shall by ordinance define the terms "substantial change of use".

(f) *Exclusive procedure.* The procedure delineated in this Article shall be the exclusive procedure for the lease or sale of waterfront or park property and no other procedure including Charter amendment shall be used.

(g) On or before July 1, 2012, the City Council shall, adopt, by ordinance, a process to create an inclusive Master Plan for the downtown waterfront. The ordinance shall set forth procedures for the adoption of the Master Plan. These procedures shall include the outline for the process to create the Master Plan, the criteria to be addressed within the Master Plan, the manner of adoption of the Master Plan and a process to assure that adequate inclusive public input is obtained by the City Council prior to adoption of the Master Plan. On or before July 1, 2015, City Council shall prepare and approve, based on the process in the ordinance prescribed herein, the Master Plan. The inclusive Master Plan shall be reviewed and updated not less than every 7 years after the adoption date.

(Ord. No. 628-F, § 1, 2-3-83, ratified 3-22-83; Ord. No. 727-F, § 1, 3-15-84, ratified 6-5-84; Ord. No. 778-F, § 1, 9-20-84, ratified 11-6-84; Ord. No. 779-F, § 1, 9-20-84, ratified 11-6-84; Ord. No. 780-F, § 1, 9-20-84, ratified 11-6-84; Ord. No. 920-F, § 1, 9-4-86, ratified 11-4-86; Ord. No. 921-F, § 1, 8-21-86, ratified 11-4-86; Ord. No. 922-F, § 1, 8-21-86, ratified 11-4-86; Ord. No. 923-F, § 1, 8-21-86, ratified 11-4-86; Ord. No. 952-F, § 1, 1-27-87, ratified 3-24-87; Ord. No. 953-F, § 1, 2-5-87, ratified 3-24-87; Ord. No. 1089-F, § 1, 2-16-89, ratified 3-28-89; Ord. No. 62-G, § 1, 1-28-93, ratified 3-23-93; Ord. No. 370-G, § 1, 2, 3, 4, 1-21-99, ratified 3-23-99; Ord. 368-G, § 6, 1-21-99, ratified 3-23-99; Charter Review Commission, Amendment 10, ratified 3-27-01; Ord. No. 620-G, § 3, 9-18-03, ratified 11-4-03; Ord. No. 622-G, §3, 9-18-03, ratified 11-4-03; Ord. No. 617-G, §3, 9-18-03, ratified 11-4-03; Ord. No. 677-G, §3, 8-5-04, ratified 11-2-04; Ord. No. 810-G, § 2, 3, 4, 1-18-07, ratified 3-13-07; Charter Review Commission, Amendment 1, ratified 11-8-11; Charter Review Commission, Amendment 6, ratified 11-8-11)

## **ARTICLE II. CORPORATE BOUNDARIES**

### **Sec. 2.01. Corporate boundaries.**

The corporate boundaries of the City of St. Petersburg shall remain fixed and established as they exist on the date this charter takes effect, provided that the City shall have the power to change its boundaries in the manner prescribed by law.

## **ARTICLE III. ELECTED AND APPOINTED CITY POSITIONS**

### **Sec. 3.01. Mayor; City council; powers, composition.**

There shall be a City Council which shall be the governing body of the City with all legislative powers of the City vested therein consisting of eight (8) Council Members, one (1) to be elected from each of the eight (8) election districts of the City. There shall also be a Mayor who is elected at large and who shall not be a member of City Council.

(Ord. No. 450-F, § 1, 9-25-80, ratified 3-17-81; Ord. No. 1012-F, § 1, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.1, 2-25-93, ratified 3-23-93)

### **Sec. 3.02. Election and terms.**

The nonpartisan primary and general election of the Council Members and Mayor shall be held in odd-numbered years on the dates and in the manner provided in Article V of this Charter and the terms of office for Council Members shall be four (4) years and, will commence on the second day of January in the year following the election. The term for Mayor shall be four (4) years and, will commence on the second day of January in the year following the election. The base year for elections for Council members for districts 1, 3, 5 and 7 shall be 2003. The base year for elections for Council members for districts 2, 4, 6 and 8 and the Mayor shall be 2005. These base year dates are established only for the purpose of scheduling elections and do not impact the term limit requirements of Sections 3.08 and 3.09. Full terms served by the Mayor or a Council Member immediately preceding these base dates shall be counted in applying Sections 3.08 and 3.09.

(Ord. No. 449-F, § 1, 9-25-80, ratified 3-17-81; Ord. No. 1012-F, § 2, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.2, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 4, ratified 3-27-01; Ord. No. 810-G, § 5, 1-18-07, ratified 3-13-07)

### **Sec. 3.03. Chair of Council; Vice Chair.**

(a) *Chair of Council.* City Council shall elect from among its members a Chair who shall preside at all meetings of Council.

(b) *Vice-Chair.* City Council shall elect from among its members a vice-chair who shall act as Chair during the absence or disability of the Chair.

(c) *Election and Term of Chair and Vice-Chair.* On the second of January of each even numbered year, the City Council shall elect the Chair and Vice-Chair. The term of Chair and Vice-Chair shall be one year except as provided herein. In each odd numbered year the Chair and Vice-Chair shall be elected and sworn in at the first regular Council Meeting in January and the terms of the current and newly elected Chair and Vice-Chair shall be lengthened or shortened from the normal one year term to correspond to the date of the election. The Chair or Vice-Chair may be removed from their position as Chair or Vice-Chair on the grounds and in the manner described in Section 3.04 below for the removal of a member of City Council.

(Ord. No. 2015-F, § 1, 11-29-90, ratified 3-26-91; Ord. No. 81-G, § 2.3, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 1, Amendment 4, ratified 3-27-01; Ord. No. 808-G, § 2, 1-18-07, ratified 3-13-07)

**Sec. 3.04. Council Members and Mayor Vacancies; Removal from Office.**

(a) Vacancies.

(1) A. Vacancies on the Council caused by death, resignation (except for resignations as provided for in subsection B), refusal of any Council Member to serve, removal of any member of the Council, the moving of a Council Member from the electoral district from which the Council Member is elected, or for any other reason shall be filled as provided for herein by a majority of the remaining members of the Council and such vacancies shall be filled by the Council within forty-five (45) days after such vacancy occurs. The election to replace an appointed Council Member with an elected Council Member shall take place at the next primary and general municipal election for which the qualifying period has not begun at the time of the vacancy. When such elections are not in a year which would constitute the commencement of a new term, the term for that person so elected shall end at the time the term of the person who originally vacated the position would have ended.

B. Vacancies on the Council caused by certain types of resignation:

1. When the resignation is submitted prior to the beginning of the qualifying period for the municipal elections to take place in the year the resignation is submitted, and

2. The effective date of the resignation is later than the date the resignation was submitted and is later than the beginning of the qualifying period for the municipal elections to take place in the year the resignation is submitted,

then the election to fill this seat with an elected Council Member shall take place in the primary and general municipal elections to take place in the year the resignation was submitted. The person so elected shall take office on January 2<sup>nd</sup> of the year following the election. However, where a resignation would result in a district being unrepresented for more than 50 days, the majority of the remaining members of the Council may within 45 days of the actual vacancy occurring appoint a replacement who shall serve until the person elected as provided herein takes office.

C. Appointed Council Members shall be a resident of the district in which the vacancy occurs and shall have and possess all the qualifications required for elected Council Members. Appointed Council Members shall serve until replaced by an elected Council Member as provided herein. Appointments or elections to fill a vacancy shall not change the base year for, or the date of commencement of, the terms of each district established in Section 3.02.

(2) Vacancy of the Mayor caused by death, resignation, refusal of the Mayor to serve, removal, or for any other reason, shall be filled as provided for in Section 4.03 below. When the vacancy occurs within eight months of a regularly scheduled City election and prior to the beginning of the qualifying period for that election, an election for Mayor shall be held as part of that

election. The Acting Mayor shall serve until the newly elected Mayor is sworn in. The newly elected Mayor shall serve the unexpired term of the previous Mayor if the election is one in which there would not normally be a Mayoral race.

If the vacancy occurs at any other time and would require an individual to serve as Acting Mayor for a period of greater than six months, then City Council shall schedule a special primary and general election for Mayor to be completed within five months of the occurrence of the vacancy. City Council shall by ordinance provide for the dates of the elections and the length of the qualifying period which qualifying period shall in no event be less than one week. The individual elected in this manner shall take office one month after being declared elected by City Council and shall serve the remainder of the unexpired term of the previous Mayor.

(b) *Extraordinary Vacancies.* In the event that all members of the City Council are removed by death, disability or forfeiture of office, the governor shall appoint an interim City Council that shall call a special election to fill all City Council positions. Should three or more vacancies occur simultaneously on council, the remaining members shall within fifteen (15) days call a special election to fill the vacant City Council positions.

(c) *Removal of Council Members or Mayor.* The City Council shall have power and authority to remove from office any members of the City Council or the Mayor for corruption, criminal misconduct, gross malfeasance in office, or for violation of the City Code of Ethics, after due written notice is delivered to the accused and the accused has an opportunity to be heard and defend against the accusations. The aforementioned written notice, before being delivered to the accused, must be approved by at least two-thirds of the existing membership of City Council that is eligible to vote on the matter. A member of City Council or the Mayor may only be removed from office upon a vote wherein no less than two-thirds of the existing membership of City Council that is eligible to vote on the matter affirmatively vote for such action. Subsequent to the aforementioned written notice being delivered to the accused, the Council by a vote wherein no less than two-thirds of the existing membership of City Council that is eligible to vote on the matter affirmatively vote for such action shall have the authority to suspend a member or the Mayor pending the disposition of charges for removal. The accused member shall not be entitled to participate in the deliberations or decision in relation to the suspension or removal except the accused shall have the right to defend against the charges as provided in this Section 3.04(c). Eligible to vote as used in this Section 3.04(c) means any member of City Council, whether present at the meeting or not, who is not prohibited by state law from voting because of a conflict and is not prohibited from voting because of a provision of this Charter. Where a suspension of a Council Member or the Mayor occurs pursuant to this section of the Charter, the suspended official shall have the right to an immediate hearing upon demand to determine if there is sufficient evidence to establish the following two elements: (1) that probable cause exists to believe that the charges are true; and (2) that, if true, the charges would be grounds for removal. This hearing shall be held and the matter shall be decided by City Council. The rules of procedure shall be the same as those which apply to the hearing for removal. If City Council does not find by an affirmative vote of at least two-thirds of the existing membership of City Council that is eligible to vote on the matter that the evidence produced at the hearing is sufficient to establish the aforementioned two elements, the suspension shall terminate immediately and the official shall be reinstated pending a final hearing on removal.

A final hearing for removal must take place and a decision rendered within ninety days after receipt by the accused of the above mentioned written notice unless both the City Council, by majority vote of those members eligible to vote on the matter, and the accused agree to extend the time. In order for City Council to remove the accused official from office, Council must find that the preponderance of the substantial competent evidence presented at the hearing supports the charges which are the basis for the removal proceeding. If, after the final hearing, the City Council is unable to support such a finding by an affirmative vote of at least two-thirds of the existing membership of City Council that is eligible to vote on the matter, any suspension of the accused shall terminate and the accused shall be reinstated to office for any unfinished portion of the official's term. During a hearing regarding suspension or removal, the accused shall have the right to present evidence and testimony and to cross examine witnesses.

(Ord. No. 197-F, § 1, 1-6-77; Ord. No. 1012-F, §§ 3, 4, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.4, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 1, Amendment 4, ratified 3/27/01; Ord. No. 809-G, § 2, 1-11-07, ratified 3-13-07; Ord. No. 941-G, § 3, 8-6-09, ratified 11-3-09)

### **Sec. 3.05. Procedure.**

(a) *Meetings.* The Council shall meet regularly at least once every month at such times and places as the Council may prescribe. Special meetings may be held on the call of the Council Chair or the Mayor and, whenever practicable, upon no less than twelve (12) hours' notice to each member and the public. Special meetings may also be called at any properly noticed meeting of City Council, by a majority of Council Members present at such properly notice meeting, voting to hold a special meeting.

(b) *Rules and Journaling.* The Council shall by ordinance determine its own rules of procedure provided that the requirements contained therein shall always be equal to or greater than those requirements established by law. The Council shall determine its own order of business. The Council shall establish procedures for making copies of all resolutions, ordinances, and this Charter available to the public for inspection and for purchase at a reasonable price.

(c) *Voting.* Voting on ordinances and resolutions shall be by a roll call and shall be recorded in the journal. A majority of the existing membership of City Council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of Council. No action of Council except as otherwise provided in the preceding sentence shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

(d) The Council may:

By an affirmative vote of at least two thirds of the entire membership of Council override the Mayor's veto of an ordinance at any time prior to midnight on the fourteenth day after the day the Mayor exercises the veto or prior to midnight on the day of the next City Council meeting after the exercise of the Mayoral veto, whichever last occurs. If Council overrides a veto, the ordinance shall be effective immediately or as otherwise provided therein. If Council fails to override a veto, the ordinance shall fail and be of no effect. Ordinances adopted by Council shall be effective unless vetoed by the Mayor upon the expiration of the fifth business day after said adoption, or upon such later date as may be provided therein. The Mayor may notify the Council through written notice filed with the City Clerk that he will not veto the ordinance, whereupon the ordinance may become effective prior to the sixth business day after adoption of said ordinance if the ordinance so provides for such an earlier effective date.

(e) The Council may:

By an affirmative vote of at least two thirds of the existing membership of Council, override the Mayor's line item of a portion of a budget or appropriation ordinance veto at any time prior to midnight on the fourteenth day after the day the Mayor exercises the veto or prior to midnight on the day of the next City Council meeting after the exercise of the Mayoral line item veto, whichever last occurs. If the total effect of all actions taken to override the vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and contained in the adopted budget, then all actions to override the Mayor's vetoes with respect to line items of the budget shall be null and void and all items vetoed by the Mayor shall remain stricken from the budget.

If Council overrides a line item veto of a portion of a budget or appropriation ordinance, the line item shall be effective immediately or as otherwise provided in the ordinance. If Council fails to override a line item veto, the item vetoed shall fail and be of no effect. Budget or appropriation ordinances adopted by Council shall be effective except for such portions thereof as have been vetoed by the Mayor upon the expiration of the fifth business day after said adoption, or upon such later date as may be provided therein. The Mayor may notify the Council through written notice filed with the City Clerk that he will not line item veto any portion of such ordinance, whereupon the ordinance, as adopted, may become effective prior to the sixth business day after adoption of said ordinance if the ordinance so provides for such an earlier effective date.

(Ord. No. 81-G, § 2.5, 2-25-93, ratified 3-23-93; Ord. No. 366-G, § 2, 1-7-99, ratified 3-23-99; Ord. No. 367-G, § 2, 1-7-99, ratified 3-23-99; Charter Review Commission, Amendment 5, Amendment 6, ratified 3-27-01; Charter Review Commission, Amendment 6, ratified 11-8-11)

### **Sec. 3.06. City Attorney and assistants.**

There shall be a City Attorney who shall provide advice and counsel on behalf of the City. The City Attorney shall be an attorney at law in good standing and shall be the head of the Legal Department, which shall handle the legal affairs of the City. The City Attorney shall:

1. In regard to all affairs of the City, be the legal advisor to the Mayor, the City Council and committees thereof, and all of the several departments, officers and boards of the City government; and, when required, shall furnish written or oral opinions to them upon any subject in which the City is interested. Copies of any such written opinions shall be kept on file in the City Attorney's Office, and duly surrendered to any successor;
2. Commence and prosecute all actions and lawsuits brought by the City provided that no lawsuit other than prosecutions of City ordinance violations may be filed without City Council approval;
3. Represent and defend the City in all lawsuits or actions brought against the City;
4. In accordance with any resolutions, ordinances or agreements approved by City Council, and where also permitted by law and the ethical standards of the Florida Bar, represent, and defend any officer, official or employee of the City in any suit or action arising out of any act performed in the discharge of their official duties;
5. Prepare, or cause to have prepared, all contracts, bonds and other instruments in writing which legally obligate the City and endorse on each approval of the form and correctness thereof; and
6. Perform all other duties that may be imposed upon the City Attorney by this Charter or by ordinance provided such ordinance is consistent with this Charter.

The Mayor, subject to City Council approval, shall appoint the City Attorney and such Assistant City Attorneys as are deemed necessary and expedient. Authority for removal of these Assistant City Attorneys shall be with the City Attorney. The City Attorney may delegate to these Assistant City Attorneys and, where appropriate, to Special Legal Counsel, employed as provided herein, the responsibility for performing the various duties of the City Attorney imposed by this Charter. Removal of the City Attorney shall be by the Mayor with approval by City Council by a motion receiving at least five (5) affirmative votes. The Mayor, subject to City Council approval, shall also have the power to employ Special Legal Counsel whenever, in the Mayor's discretion, it is necessary or may be deemed advisable for the City to be so represented for the preservation and protection of the City's interest or whenever the City Attorney certifies to the Mayor that the ethical standards of the Florida Bar prevent any member of the Legal Department from undertaking the representation of the City in a particular matter.

The Mayor and City Council may each appoint, without the consent of the other, one Assistant City Attorney and the titles for these positions shall be respectively Special Assistant City Attorney to the Mayor and Special Assistant City Attorney to City Council. Said Special Assistant City Attorneys shall:

1. Be responsible to the appointing entity;
2. Serve only in an advisory capacity and shall perform only such duties as are of technical nature, including drafting of ordinances, legal research and providing advisory opinions;
3. Perform such other duties as requested by the City Attorney and approved by the appointing entity; and
4. Be subject to termination by the appointing entity.

The Special Assistant City Attorneys shall not file suit or bring or defend any action in court on behalf of the City, City Council or the Mayor without the written authorization of the City Attorney. No action or opinion of a Special Assistant City Attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope of powers and duties of the City Attorney.

City Council may by ordinance provide for a prior approval procedure for City officials and employees who, as a result of their duties with the City, find it necessary to secure legal representation and who expect to be reimbursed by the City for the expense of such representation. This provision of the Charter and any ordinance promulgated as permitted hereunder shall not be interpreted to give rise to an obligation of the City to pay such expenses of representation where such an obligation does not already exist by law.

(Ord. No. 1012-F, § 5, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.6, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 10, ratified 3-27-01)

### **Sec. 3.07. Standard of ethics.**

The Council shall, upon adoption of this Charter, enact by ordinance a code of ethics for all elected and appointed officers and employees of the City which shall set standards of conduct equal to or stronger than the standards of conduct established by law.

### **Sec. 3.08. Limitation of Terms of Council Members.**

No person who has, or but for resignation or removal would have, served as Council Member for two (2) full successive terms of office shall be elected to serve as a Council Member for the succeeding term.

(Ord. No. 468-F, § 1, 11-20-80, ratified 3-17-81; Ord. No. 492-F, § 1, 2-19-81, ratified 3-17-81; Ord. No. 1012-F, § 6, 1-7-88, ratified 3-8-88; Ord. No. 81-G, 2-15-93, ratified 3-23-93; Ord. No. 364-G, § 1, 1-7-99, ratified 3-23-99; Charter Review Commission, Amendment 10, ratified 3-27-01)

### **Sec. 3.09. Limitation of Terms of the Mayor.**

No person who has, or but for resignation or removal would have, served as Mayor for two (2) full successive terms of office shall be elected to serve as Mayor for the succeeding term.

(Ord. No. 365-G, § 1, 1-7-99, ratified 3-23-99; Charter Review Commission, Amendment 10, ratified 3-27-01; Ord. No. 810-G, § 6, 1-18-07, ratified 3-13-07)

### **Sec. 3.10. Clerk.**

There shall be a City Clerk who shall be appointed by the Mayor subject to confirmation by City Council, and whose duties and responsibilities are as provided for by this Charter. Although an employee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor.

(Charter Review Commission, Amendment 10, ratified 3-27-01; Ord. 810-G, § 7, 1-18-07, ratified 3-13-07)

### **Sec 3.11. City Administrator.**

There shall be a City Administrator, who shall be appointed by the Mayor subject to confirmation by City Council, and whose duties and responsibilities are as provided for by this Charter.

(Charter Review Commission, Amendment 10, ratified 3-27-01)

### **Sec 3.12. Committees.**

City Council shall have the right to establish such committees of Council Members as it deems appropriate from time to time. The Chair of City Council, upon becoming Chair, shall designate the members of each such committee, and the members of each committee shall designate its chair.

(Charter Review Commission, Amendment 10, ratified 3-27-01; Ord. No. 810-G, § 8, 1-18-07, ratified 3-13-07)

### **Sec. 3.13. Employees.**

Employees of the City shall be designated as being in either a classified or exempt position. Employees in a classified position shall be governed by applicable provisions of the City's Personnel Rules and Regulations established pursuant to Section 4.04(b) (1) of this Charter. Management and other exempt employees of the City, as those terms are defined in the City's Personnel Rules and Regulations established pursuant to Section 4.04(b) (1) of this Charter, are employees at will and may be terminated with or without cause at any time unless the employee has a written individual employment contract with the Mayor which specifically provides to the contrary. However, no such individual employee contract entered into between a Mayor and an employee shall be binding upon the City beyond the term of the Mayor who entered into the contract with respect to any provision that would limit the right of the successor Mayor to terminate the employee with or without cause or with respect to any provision that would impose a penalty for such a termination of the employee.

If City Council hires a Special Assistant City Attorney to City Council as provided for in section 3.06 of this Charter, the attorney so hired shall be an employee at will and may be terminated with or without cause at any time unless said attorney has a written contract with the City Council which specifically provides to the contrary. However, with respect to any provision of such a contract that would limit the right of the City Council to terminate said attorney with or without cause or with respect to any provision that would impose a penalty for such a termination of the attorney, no such contract provision shall be binding upon the City beyond the end of the term of the Council Member having the shortest remaining time in their term among the members of City Council who were serving on City Council at the time the contract was approved.

Penalty as used herein shall mean the payment to a management or other exempt employee by the City of any money or other form of compensation greater than that which the employee would be entitled to under the City's written termination policies, as promulgated by the Mayor, pertaining to management and other exempt employees. During the one year period preceding the end of the Mayor's then current term, the Mayor may not change or amend such termination policies to enhance the termination compensation to which management or other exempt employees are entitled. This paragraph defining penalty shall apply to the City Attorney, Assistant City Attorneys and Special Assistant City Attorneys as if such attorneys were classified as management employees, regardless of whether or not they are so classified.

If during the three month period subsequent to the beginning of a Mayor's term, the Mayor intends to change or amend termination policies for management or other exempt employee to reduce the termination compensation to which such employees are entitled, the Mayor shall, at least twenty-two days prior to such changes becoming effective, give written notice to all management and other exempt employees of such intent. Each management or other exempt employee shall within twenty-one days of such notice deliver to the Mayor, in a written memorandum of election, a selection by the employee of one of the following two options: (1) the employee may elect to accept the new termination policies; or (2) the employee may elect to voluntarily terminate employment with such termination of employment considered to be at the request of the Mayor. If option number two is selected, the employee's employment with the City shall terminate seven days from the date of delivery to the Mayor of the notice of election or such later date as may be agreed to in writing by the employee and the Mayor provided such later date does not violate any other provision of this Charter. In all such cases where the employee chooses option number two, the employee will receive termination compensation in accordance with the termination policy in effect on the date the employee's memorandum of election was delivered to the Mayor. This paragraph concerning selection of options shall also apply to the City Attorney, Assistant City Attorneys and Special Assistant City Attorneys except that the notice of election shall be delivered to the person or entity having the power of termination and any extension of the date of termination must be agreed to by such person or entity and the attorney. These attorneys, regardless of whether or not they are classified as management employees, shall be treated as if they were management employees for purposes of termination compensation.

(Charter Review Commission, Amendment 10, ratified 3-27-01)

### **3.14 Budget Amendments.**

(a) Amendments during the Fiscal Year. Once a budget is approved for a fiscal year it may be amended by a resolution. An amendment, involving a transfer of money between separate City funds shall require a public hearing before approval of the resolution. The notice of such public hearing shall be by inclusion on a City Council agenda which, except for emergencies, shall be included on a City Council agenda posted on the City's website at least three days prior to the meeting at which the vote on the amendment will be taken. What is considered to be a separate City fund shall be determined in accordance with subsection (c) below.

(b) Approval of Year-End Budget. Following the end of each fiscal year, a final budget shall be prepared with all amendments that have taken place and any additional year-end amendments necessary to conform the budget to the actual expenditures and revenues that occurred during the preceding fiscal year. This year-end budget shall be approved by ordinance adoption which includes a public hearing.

(c) Form of Budget. With regard to the definition of separate funds, the form of the budget shall conform to the requirements of State Law unless State Law does not prohibit the City from defining its separate funds by ordinance, in which case, City Council may approve an ordinance defining what a separate fund is.

(Charter Review Commission, Amendment 4, ratified 11-8-11)

## **ARTICLE IV. ADMINISTRATIVE**

### **Sec. 4.01. Mayor.**

There shall be a Mayor who shall be the chief administrative official of the City. The Mayor shall be responsible for the administration of all City affairs placed in the Mayor's charge by or under this Charter.

(Ord. No. 1012-F, § 7, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.7, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 10, ratified 3-27-01; Ord. No. 810-G, § 9, 1-18-07, ratified 3-13-07; Charter Review Commission, Amendment 6, ratified 11-8-11)

### **Sec. 4.02. Compensation.**

*Compensation.* The compensation of the Mayor shall be fixed by the Council.

(Ord. No. 450-F, § 2, 9-25-80, ratified 3-17-81; Ord. No. 1012-F, § 8, 9, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.7, 2-25-93, ratified 3-23-93; Ord. No. 810-G, § 10, 1-18-07, ratified 3-13-07)

### **Sec. 4.03. Acting Mayor.**

The City Administrator shall exercise the powers and perform the duties of the Mayor during any temporary absence or disability or if the Mayor is removed from or otherwise vacates the office. During a temporary absence, not due to a disability, the Mayor shall provide to the City Administrator, with a copy to the City Clerk, a memo delineating the extent to which the City Administrator may act on the Mayors behalf.

(Ord. No. 1012-F, § 10, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.7, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 1, ratified 3/27/01; Charter Review Commission, Amendment 6, ratified 11-8-11))

### **Sec. 4.04. Powers and duties of the Mayor and City Administrator.**

(a) Except for the Civil Service Board and the City Council committees which are appointed as provided for in Sections 4.04(b) and 3.12 of this Charter respectively, the Mayor shall, with confirmation of City Council, appoint all City Boards and Commissions. The Mayor shall, with confirmation of the Council, appoint the City Attorney, City Clerk and a City Administrator who shall be in charge of the daily operation of the City. The City Administrator shall have had relevant, management, executive, or administrative experience in municipal government.

(b) The Mayor shall:

(1) Appoint, and when the Mayor deems necessary for the good of the City, suspend, demote or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter. The Mayor may authorize any administrative officer or employee who is subject to the Mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's or employee's department, office or agency. The Mayor shall establish written Personnel Rules and Regulations to the end that appointments and promotions of employees within specified classifications shall be made solely on the basis of merit and fitness demonstrated by examinations or other evidence of competence and to the end that upon their suspension for a period in excess of fifteen (15) calendar days, demotion or removal, employees within specified classifications shall have a right of appeal to a Civil Service Board appointed by City Council.

(2) Create and establish and discontinue any department, division or board in the administrative affairs of the City; to determine, combine and distribute the function and duties of all departments, divisions and boards in the administrative affairs of the City; to consolidate and combine any departments, divisions and boards as the Mayor may deem necessary and/or expedient. The Mayor shall be responsible for the continuity and preparation of all books, records, papers and property under the control of the administrative officers and employees of the City. The directors of departments and heads of divisions or boards in the administrative affairs of the City shall manage and control such departments, divisions and boards, and are subject to the supervision and control of the Mayor.

(3) Attend, or cause a representative of the Mayor to attend, all Council meetings and the Mayor or the Mayor's representative shall have the right to take part in discussion but may not vote.

(4) See that all laws, provisions of this Charter and Ordinances of the Council, subject to enforcement by the Mayor or by officers subject to the Mayor's direction and supervision, are faithfully executed provided however no ordinance may infringe upon the administrative powers of the Mayor granted by this Charter.

(5) Prepare and submit a proposed balanced annual budget and capital program to the Council in a form provided by ordinance.

(6) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(7) Make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the Mayor's direction and supervision.

(8) Keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.

(9) Sign contracts on behalf of the City pursuant to the provisions of appropriations ordinances. The Mayor shall administer the approved budget in such a manner as not to exceed Council approved appropriations. No liability shall be enforceable against the City upon any contract not supported by the previous appropriations, nor shall the City be liable for any service, material or supplies furnished to the City or to any department, office or division thereof, the financial requirements of which are to be made use of the proceeds of taxes or any other funds controlled by the Council, unless the Council shall previously have made an appropriation therefor. All contracts for public works or improvements shall be awarded in the manner provided by ordinance which must provide opportunity for competition.

(10) Perform such other duties as are specified in this Charter or may be required by the Council provided such duties and Council's direction to perform such duties are consistent with this Charter.

(11) The Mayor shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and upon the authorization of Council, shall act as the City official designated to represent the City in agreements with other governmental entities or certifications to other governmental entities, execute contracts, deeds and other documents. The Mayor may delegate the signature authority contained herein to members of the City Administration by filing a written memo with the City Clerk indicating the person to whom the authority is delegated and the limits of such authority.

(c) The Mayor may veto any ordinance passed by Council, except an emergency ordinance as defined in Florida Statutes, those ordinances passed as a result of quasi-judicial proceedings when such proceedings are mandated by law and ordinances proposing Charter amendments, which the Council is required by law or by this Charter to place on the ballot. The Mayor must exercise the veto prior to 5:00 p.m. on the fifth business day after the day Council adopts the ordinance. On the day the Mayor vetoes an ordinance, the Mayor shall deliver or caused to be delivered specific written objections to Council at the Council's office.

(d) The Mayor may:

Veto any "line item" in a budget or appropriation ordinance. The Mayor must exercise his veto prior to 5:00 p.m. on the fifth business day after the Council adopts the ordinance. On the day the Mayor vetoes a "line item", the Mayor shall deliver or cause to be delivered specific written objections to Council at the Council's office. If the total effect of all vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and contained in the adopted budget, then all vetoes of the Mayor with respect to line items of the budget shall be null and void and all items vetoed by the Mayor shall remain in the budget.

(Ord. No. 1012-F, §§ 11--15, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.7, 2-25-93, ratified 3-23-93; Ord. No. 366-G, § 1, 1-7-99, ratified 3-23-99; Ord. No. 367-G, § 1, 1-7-99, ratified 3-23-99; Charter Review Commission, Amendment 5, Amendment 6, Amendment 10, ratified 3-27-01; Ord. 810-G, § 11-12, 1-18-07, ratified 3-13-07; Charter Review Commission, Amendment 5, ratified 11-8-11; Charter Review Commission, Amendment 6, ratified 11-8-11)

**Sec. 4.05. Administrative affairs; Council participation.**

(a) Neither the Council nor any of its committees or any of its members, individually or collectively, shall direct or request the appointment of anyone to, or removal from, office by the Mayor or any of the Mayor's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee or members of boards in the administrative service of the City. All inquiry dealing with any portion of the administrative service of the City with the exception of (b) herein shall be with the Mayor and neither the Council nor any member thereof shall, give any orders to any subordinate or officer of the City, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the Council shall be grounds for removal from office under Section 3.04(c).

(b) *Permitted contact with City staff.*

(1) The finances of the City shall, under the direction of the Council, be examined and audited by a certified public accountant at least once a year. The financial audit shall be a certified audit with no exceptions, and all reports and recommendations of the auditor shall be directed to the Council. City Council, at any time, shall be permitted to conduct a management evaluation, by a professional consultant, of the administrative activities of the City, or any portion thereof, under the direction of City Council. At least once every two years the City Council shall discuss and make a decision as to whether or not any such an audit is needed. The management evaluation and all reports and recommendations shall be directed to the Council.

(2) The Council or any member thereof may request information of the Mayor or the Mayors' subordinates in a form that presently exists and could be obtained by a public record request under Florida law, subject to such reasonable regulations of use as City Council may prescribe by ordinance or resolution from time to time.

(Ord. No. 1012-F, § 16, 1-7-88, ratified 3-8-88; Ord. No. 81-G, § 2.7, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 3, ratified 3/27/01; Charter Review Commission, Amendment 3, ratified 11-8-11)

**ARTICLE V. NOMINATIONS AND ELECTIONS**

**Sec. 5.01. Electors.**

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

### **Sec. 5.02. Nonpartisan elections.**

All nominations and elections for the office of Council Member or Mayor shall be conducted on a nonpartisan basis without regard for, or designation of, political party affiliation of any nominee on any nomination petition or ballot.

(Ord. No. 1012-F, § 17, 1-7-88, ratified 3-8-88)

### **Sec. 5.03. Form of ballots.**

The Council by ordinance shall prescribe the form of ballot including the method of listing candidates for City Council elections and any other City election. A charter amendment voted on by the City shall be presented for voting in a form prescribed by state law or in the absence of any such law in a form prescribed by ordinance.

(Charter Review Commission, Amendment 10, ratified 3-27-01)

### **Sec. 5.04. Nominations.**

(a) *Nomination applications.* Anyone seeking to be a candidate for nomination in the primary election shall qualify by filing an application with the City Clerk. The time period for filing an application shall be established by City Council by ordinance to accommodate applicable requirements of the Pinellas County Supervisor of Elections and applicable law. The application will include the candidate's name, the desired office and the candidate's district or declare if the candidacy is for Mayor. All applications shall be accompanied by an affidavit that the candidate is a qualified elector of the City of St. Petersburg, Florida, and that, as of the date of the primary election, a candidate for Council Member shall have been a resident of the declared district for at least the past twelve (12) months, or that, as of the date of the primary election, a candidate for Mayor shall have been a resident of the City for at least the past twelve months. The affidavit will also state that the applicant has not become and is not a candidate, a nominee, or representative of any political party or any committee or convention representing or acting for any political party. Said application shall be accompanied by a qualifying fee in the amount of one hundred fifty dollars (\$150.00) for a candidate for district Council Member and in the amount of two hundred fifty dollars (\$250.00) for a candidate for Mayor. In lieu of the qualifying fee, the application may be accompanied by a petition which shall indicate prominently the district from which the applicant is a candidate or if the applicant is a candidate for Mayor; said petition shall be signed by not less than five hundred (500) qualified electors if it be for Council Member and by not less than one thousand (1,000) qualified electors if it be for Mayor. In the case of a candidate for Council Member, the petition shall be signed by the electors of the district in which the candidate resides.

(b) *Filing and examination of nominating petitions; amended petitions.* When a petition of nomination is presented to the City Clerk for filing, it shall forthwith be examined to ascertain whether it conforms to the provisions of this section. If it does not conform, the Clerk shall, promptly in writing, on said petition state the reason why it cannot be filed, and shall forthwith return the

petition to the candidate named therein. The petition may then be amended and again, but not later than three days after said petition is returned, presented to the City Clerk as in the first instance, who shall promptly examine the amended petition as hereinbefore provided.

(c) *Write-in candidate.* Except to the extent that the same may be restated within this subsection, subsection (a) of this section shall not apply to write-in candidates. To qualify for a write-in candidate for nomination in the primary election, the candidate shall file with the City Clerk an application to be a write-in candidate for nomination to the desired office. The application shall declare the district of the candidate, or declare the intent to be a candidate for Mayor. All applications shall be accompanied by an affidavit that the candidate is a qualified elector of the City of St. Petersburg, Florida, and that, as of the date of the primary election, a candidate for Mayor shall have been a resident of the City for at least the past twelve (12) months, or that as of the date of the primary election, a candidate for Council Member shall have been a resident of the declared district for at least the past twelve months. The affidavit will also state that the applicant has not become and is not a candidate, a nominee, or representative of any political party or any committee or convention representing or acting for any political party. City council shall establish by ordinance the dates during which anyone seeking to qualify as a write-in candidate must file the application and affidavit with the City Clerk. The write-in candidate's name shall not be printed on the ballot. Only write-in votes cast for a candidate who has qualified as a write-in candidate per this subsection shall be counted and canvassed as valid. Write-in candidates may, but need not be listed in the list of candidates required to be published in a newspaper pursuant to Section 5.05(a) of this Charter. City Council may by ordinance provide that write-in candidates be included or provide that write-in candidates not be included in this list of candidates required to be published pursuant to Section 5.05(a) of this Charter.

(Ord. No. 758-F, § 1, 7-19-84, ratified 11-6-84; Ord. No. 759-F, § 1, 7-19-84, ratified 11-6-84; Ord. No. 1012-F, §§ 18--20, 1-7-88, ratified 3-8-88; Ord. No. 1018-F, §§ 1(1), 2(1), 1-7-88, ratified 3-8-88; Ord. No. 81-G, §§ 2.8, 2.9, 2-25-93, ratified 3-23-93; Ord. No. 614-G, §3, 9-18-03, ratified 11-4-03)

### **Sec. 5.05. Elections.**

(a) *Primary elections.* On the Tuesday which is ten weeks prior to each general municipal election, there shall be held a nonpartisan primary election for the nomination of candidates for Council Members and Mayor, if applicable, which primary shall be called by the Council by proper resolution, notice of which shall be published for five consecutive days in a daily newspaper published in the City, which shall contain a list of such candidates, the offices to be filled and the time when and the place where such election shall be held, and the last publication shall appear at least ten (10) days prior to the date of holding said primary. The two candidates from each district receiving the highest number of votes cast by the electors of said district shall be declared the primary nominees, and shall be entitled to have their names printed on the ballot to be used in the general municipal election. If a candidate for Mayor receives more than fifty percent (50%) of the votes cast in the primary, then that candidate shall be considered duly elected and shall not be required to be placed on the general election ballot. If no candidate for Mayor receives more than fifty percent (50%) of the vote in the primary election then the two candidates for Mayor receiving

the highest number of votes cast by the electors at large shall be declared the primary nominees, and shall be entitled to have their names printed on the ballot to be used in the general municipal election. Only the names entitled to be on the ballot pursuant to this Subsection 5.05(a) and no others shall be certified by the City Clerk as candidates duly nominated for office. A tie between two (2) or more candidates for the same nomination shall be decided by lot under the direction of the City Clerk. If there are only two (2) candidates for nomination for an office in a primary election, no primary election shall be held for that office and both candidates shall be certified by the City Clerk as candidates duly nominated for that office. In situations where there is only one candidate for nomination to an office, neither the primary election nor the general election will be held for that office and the candidate shall be declared elected to that office.

(b) *General elections.* On the first Tuesday following the first Monday in November of each odd-numbered year, a general municipal election shall be held. The City Clerk, on or before the tenth day before the general municipal election, shall cause a notice to be published calling such election for three (3) consecutive days in a daily newspaper published in the City, which shall contain a list of such candidates, the office to be filled, and the time when and the place where such election will be held. In the general municipal election the electors of the City at large shall, from among the candidates on the ballot, vote for one candidate from each district and, if applicable, for one candidate for Mayor; the candidate from each district receiving the highest number of votes shall be declared elected as Council Member from said district, and the candidate for Mayor receiving the highest number of votes shall be declared elected as Mayor. A tie between two (2) or more candidates for the same office shall be decided by lot under the direction of the City Clerk.

(c) *Special elections.* Special municipal elections may be called by the Council at any time for such purposes as are authorized by this Charter or by law. Notice of all special elections shall be published in a daily newspaper published in the City once a week for the four (4) weeks immediately preceding the election.

(d) *Canvassing board.* The City shall use the Pinellas County Canvassing Board to canvass all of its election returns unless the Pinellas County Canvassing Board initiates charges which are deemed by a resolution of the City Council, receiving at least six affirmative votes, to be excessive or unless the Pinellas County Canvassing Board refuses to canvass the City election returns. In either case the City Council shall then establish a canvassing board by resolution.

(e) *Terms of Council Members.* All Council Members shall be elected for a term of four (4) years. The Mayor shall be elected for a term of four (4) years.

(f) Whenever any State or Federal law or requirement conflicts with any provision of this Charter relating to the process or procedures for the conduct of elections, including but not limited to qualifying candidates, election campaigns, canvassing returns, or any other aspect of the election process, this Charter may be amended by ordinance, instead of referendum, to comply with the State or Federal law or requirement. When a Charter requirement concerning election dates or qualifying dates for elections is in conflict with a requirement of the Pinellas County Supervisor of Elections, which requirement is based on the Supervisor's inability to support and conduct an election as described in this Charter, this Charter may be amended by ordinance instead of referendum, to comply with Supervisor's requirement.

(Ord. No. 329-F, § 1, 1-18-79, ratified 3-20-79; Ord. No. 448-F, § 1, 9-25-80, ratified 3-17-81; Ord. No. 449-F, § 2, 9-25-80, ratified 3-17-81; Ord. No. 756-F, § 1, 7-19-84, ratified 11-6-84; Ord. No. 757-F, § 1, 7-19-84, ratified 11-6-84; Ord. No. 1012-F, § 23, 1-7-88, ratified 3-8-88; Ord. No. 81-G, §§ 2.10--2.12, 2-25-93, ratified 3-23-93; Ord. No. 175-G, § 1, 9-15-94, ratified 11-8-94; Charter Review Commission, Amendment 4, Amendment 7, ratified 3-27-01; Ord. No. 803-G, § 3, 1-11-07, ratified 3-13-07; Ord. No. 804-G, § 3, 1-11-07, ratified 3-13-07; Emergency Ord. 835-G, § 7, 6-7-07; Ord. 838-G, § 7, 6-21-07, adopted per Sec. 5.05(f) of the City Charter; Ord. 888-G, § 3, 8-21-08, adopted per Sec. 5.05(f) of the City Charter; Ord. 929-G, § 3, 6-4-09, ratified 9-1-09; Ord. 942-G, § 3, 8-6-09, ratified 11-3-09; Ord. No. 995-G § 2, 12-16-10, adopted per Sec. 5.05(f) of the City Charter)

### **Sec. 5.06. Council districts; adjustment of districts.**

(a) *Number of districts.* There shall be eight (8) City Council districts.

(b) *Redistricting.* A redistricting report prepared under the supervision of the Mayor shall be submitted to City Council within one year of receipt by the City of the results of the census conducted by the Federal Government every ten years. Nothing herein shall prevent the City Council, by majority vote, from requesting a redistricting report at more frequent intervals if it is determined to be necessary. City Council upon receiving a redistricting report shall follow the procedure indicated in subsection (d) hereof.

(c) *District standards.*

(1) Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets, railroad lines or other natural boundaries where possible. The boundaries shall also follow voting precinct lines whenever possible.

(2) The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state. The report shall include a map and description of the districts recommended.

(d) *Method for redistricting.*

(1) Immediately upon receiving the redistricting report City Council shall form a Citizens Redistricting Commission to recommend to City Council whether or how to redistrict the City.

(2) The Commission shall be composed of nine (9) members, with each City Council Member and the Mayor to appoint one (1) Member. Council Member appointments must be residents of the District they represent. No members of the Commission shall be elected officials, be

a declared candidate for City Elective Office in an upcoming election, have served on a former St. Petersburg Redistricting Commission or be a former City elected official. Each member of the Commission shall be a City resident. Vacancies shall be filled promptly in the same manner as the original appointments.

(3) The Commission shall meet immediately after appointment and elect a Chair and Vice Chair from among its membership. Further meetings of the Commission shall be held upon the call of Chair or as determined by the Commission. All meetings shall be open to the public. A majority of the members of the Commission shall constitute a quorum. The Commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(4) The Commission shall complete its review of the redistricting report and submit a Commission Report to the City Council of St. Petersburg within (60) days of its first meeting. The Commission Report shall set forth, in the form of an ordinance, the Commission's recommendation as to whether or how to redistrict the City consistent with the District and supervisor of elections standards. The Commission shall hold at least one public hearing on their proposed Commission ordinance. Failure of the Commission to make such a Commission Report within the sixty (60) days shall allow the City Council, by a majority vote, to redistrict the City by ordinance.

(5) If the Commission Report is received within the sixty (60) days, City Council shall have sixty (60) days to either accept the Commission Report and redistrict the City in accordance with the recommendation of the Commission or to reject the Commission Report by a unanimous vote of all Council members and redistrict the City in accordance with a City Council ordinance. Failure of City Council to do either of the foregoing will result in the City being redistricted in accordance with the proposed ordinance submitted by the Commission and the City Code shall be amended in accordance with the proposed Commission ordinance without the need for City Council to pass the proposed Commission ordinance.

(6) If there is insufficient time to complete the foregoing procedure at least thirty days (30) before the beginning of the qualifying period for any election, City Council will receive the redistricting report and within thirty (30) days after the general election, form the Commission to consider redistricting the City as set forth in this section.

(7) On or before May, 2012, City Council shall pass an ordinance which provides for the change in district boundaries as contained in the City Code to allow the code to be changed without the passage of the Commission's proposed ordinance as provided for in subsection (5) above.

(Charter Review Commission, Amendment 2, ratified 11-8-11)

## **Section 5.07**

In the event that two or more charter amendments are placed on the same ballot at the same election with conflicting provisions, and more than one such amendment is approved by the voters, the amendment receiving the largest number of affirmative votes shall prevail in any area of conflict to the extent of such conflict. City Council shall make the determination as to the extent of the conflict and the appropriate language resolving any such conflict through adoption of an ordinance which shall determine the final language to be incorporated into the City Charter and filed as the amended Charter with the appropriate state agency. In making the determination, the City Council shall be required to provide language that gives effect to the greatest extent possible to the intent of all the amendments that were approved. Notwithstanding the foregoing, where there is a case of direct conflict in the language of the amendments and City Council makes such a finding by ordinance, the language of the amendment receiving the greatest number of affirmative votes shall prevail. In the case of a tie in the number of affirmative votes neither amendment will take effect. Notwithstanding the foregoing, if the conflicting amendments were placed on the ballot through City Council initiative and not through the petition initiative process and the ordinances placing the conflicting amendments on the ballot provide for a method of dealing with the simultaneous approval by the voters of conflicting amendments then that process contained in the ordinances shall prevail over this Charter provision.

(Ord. No. 450-F, § 3, 9-25-80, ratified 3-17-81; Ord. No. 1012-F, § 24, 1-7-88, ratified 3-8-88; Ord. No. 1013-F, § 1(1), 1-7-88, ratified 3-8-88; Charter Review Commission, Amendment 8, ratified 3-27-01; Ord. No. 615-G, § 3, 9-18-03, ratified 11-4-03; Charter Review Commission Amendment 2, ratified 11-8-11)

## **ARTICLE VI. TRANSITION SCHEDULE**

### **Sec. 6.01. Continuation of former charter provisions.**

All provisions of Chapter 15,505, Special Laws of Florida, 1931, (the former charter) as amended, which are not embraced herein and which are not inconsistent with this charter shall become ordinances of the City subject to modification or repeal in the same manner as other ordinances of the City provided that all extra territorial powers of the City conferred by special act or otherwise are preserved and can be repealed or modified only by referendum.

Editor's note--As a part of the recodification the former City charter was reviewed and those portions deemed viable were included in the new Code. Those portions not included are repealed. The Laws of Florida portion of the Code Comparative Table gives the location in the Code of those portions of the former City charter that were included in the recodification.

**Sec. 6.02. 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.

**Sec. 6.03. Rights of officers and employees.**

Nothing in this charter except as otherwise specifically provided shall impair the rights or privileges of persons who are City officers or employees at the time of adoption. Elected officers shall continue to hold their offices for the terms prescribed by the charter in effect on the date of their election, and they shall discharge their duties until their successors are elected.

**Sec. 6.04. Pending matters.**

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

**Sec. 6.05. Schedule.**

(a) *Time of taking effect.* This Charter as amended by any approved Amendments shall take effect on and after the latter of the date that this charter as amended by the approved Amendment is filed with the Florida Department of State or the effective date provided for in the Amendment.

(b) *Transition ordinances.* The Council shall adopt such ordinances and resolutions as are required to effect the transition. Ordinances adopted within sixty (60) days of the first Council meeting under this Charter and any approved Amendments for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures prescribed by law.

(c) *Organizational meeting.* On the first Thursday following the date upon which this Charter and any approved Amendments takes effect, the Council shall meet and shall organize in accordance with the provisions of Article III of this Charter and any approved Amendments.

(Ord. No. 81-G, § 2.7, 2-25-93, ratified 3-23-93; Charter Review Commission, Amendment 10, ratified 3-27-01)

**Sec. 6.06. Park and Waterfront Sections preserved.**

(a) *Savings clause.* Even though the original authorizing provisions approved by Ordinance Nos. 628-F, 778-F, 779-F, 920-F, 921-F, 922-F, 923-F, 952-F and 1089-F have been deleted from this Charter, the agreements entered into pursuant to those provisions shall not be affected by such deletions and those agreements, if valid and in full force and effect at the time of the deletion shall remain as such.

(b) *Sale permitted.* Notwithstanding any other provision of Section 1.02 of the Charter, all or any portion of the following City owned property can be sold provided said sale is approved by a resolution of City Council.

A parcel of land in Section 24, Township 31 South, Range 16 East, Pinellas County, Florida being further described as follows:

The East 165 feet of the West 195 feet of the South 271.7 feet of the North 301.7 feet of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 31 South, Range 16 East, according to map or plat thereof on file and of record in the Office of the Clerk of the Circuit Court, in and for Pinellas County, Florida.

(Ord. No. 62-G, § 2, 1-28-93, ratified 3-23-93)

**Sec. 6.07. Transition Ordinances regarding Charter amendments in Ordinance No. 81-G.**

The City Council shall have the power through Ordinance to clarify any ambiguities or supply any interpretations needed with respect to the Charter as a result of the passage of the Charter amendments contained in Ordinance No. 81-G provided that such interpretations and/or clarifications are consistent with the intent for there to be a Mayor/Council form of government with the Mayor being the Chief Administrative Officer.

(Ord. No. 81-G, § 2.13, 2-25-93, ratified 3-23-93)

**ARTICLE VII. INITIATIVE, REFERENDUM, RECALL**

**Sec. 7.01. Initiative.**

In accordance with the procedures of this Article VII, the qualified voters of the City have the power to propose ordinances to the Council and, if the Council 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 not extend to the budget or any ordinance relating to appropriation of money, levy of taxes or salaries of City officials or employees.

(Ord. No. 1085-F, § 1, 2-9-89, ratified 3-28-89; Charter Review Commission, Amendment 10, 3-27-01; Ord. No. 810-G, § 13, 1-18-07, ratified 3-13-07)

### **Sec. 7.02. Referendum.**

In accordance with the procedures of this Article VII, the qualified voters of the City have the power to require reconsideration by the Council of any adopted ordinance and, if the Council 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 any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of City officials or employees.

(Ord. No. 1086-F, § 1, 2-9-89, ratified 3-28-89; Charter Review Commission, Amendment 10, 3-27-01)

### **Sec. 7.03. Recall.**

The qualified voters of the City shall have the power to remove from office any elected officers of the City in accordance with the recall as provided in the state statutes.

### **Sec. 7.04. Commencement of proceedings.**

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioner's committee and be responsible for circulating 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. Promptly after the affidavit of the petitioner's committee is filed, the City Clerk may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

### **Sec. 7.05. 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 per cent (10%) of the total number of qualified voters registered to vote at the last general 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 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.

(Ord. No. 1012-F, § 25, 1-7-88, ratified 3-8-88)

**Sec. 7.06. Procedure for filing.**

(a) *Certificate of clerk; amendment.* Within twenty days after a petition for initiative is filed and within five days after a petition for referendum 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 registered mail. Grounds for insufficiency are only those specified in section 7.05. 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 days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 7.05, and within five 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 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 council review under subsection (b) of this section within the time required, the City Clerk shall promptly present the certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council 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 Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(Ord. No. 1012-F, § 26, 1-7-88, ratified 3-8-88; Charter Review Commission, Amendment 10, ratified 3-27-01)

**Sec. 7.07. Referendum petitions; suspension of effect of ordinance.**

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

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The Council repeals the ordinance, or

- (4) After a vote of the electors of the City on the ordinance has been certified.

**Sec. 7.08. Action on petitions.**

(a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the Council 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 council 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.

(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 ninety (90) 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 council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council 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.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth 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 petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**Sec. 7.09. 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 City Council. 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.

(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.

## **ARTICLE VIII. CHARTER REVIEW COMMISSION**

### **Sec. 8.01 Charter Review Commission.**

(a) During the month of January, 2011 and every ten (10) years thereafter, there shall be established a Charter Review Commission composed of nine (9) members, with each City Council Member and the Mayor to appoint one (1). No members of the Commission shall be elected officials. Each member of the Commission shall be a City resident. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(b) The Charter Review Commission shall meet prior to the third week in January, 2011, and every ten (10) years thereafter, for the purposes of organization. The Charter Review Commission shall elect a Chairman and Vice Chairman from among its membership. Further meetings of the Commission shall be held upon the call of Chairman or any three members of the Commission. All meetings shall be open to the public. A majority of the members of the Charter Review Commission shall constitute a quorum.

The Commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the Charter Review Commission shall be verified by a majority vote of the Commission and forwarded to the Mayor for payment from the General Fund of the City. The City may accept funds, grants, gifts and services for the Charter Review Commission from the state, the county, the government of the United States or other sources, public and private.

(d) The Charter Review Commission shall review, on behalf of the citizens of St. Petersburg, the operation of City government in order to recommend amendments to this Charter, if any.

(e) The Charter Review Commission shall complete its review and submit a report to the citizens of St. Petersburg by July 31, 2011, and every ten (10) years thereafter. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question which is to be voted on by the electorate. Any such amendments may be included on the ballot as a single question, individual questions or any combination of either. If one or more proposed Charter amendments are submitted by the Charter Review Commission, the City Council shall call a special election to be held in conjunction with the general election in November of the year 2011 and every ten (10) years thereafter, for the purpose of voting on the proposals submitted by the Charter Review Commission. Notice of said election, together with the exact language of the proposed amendments as submitted in the report of the Charter Review Commission, shall be published by the City Council. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

(Ord. No. 363-G, § 1, 1-7-99, ratified 3-23-99; Charter Review Commission, Amendment 9, ratified 3-27-01; Charter Review Commission, Amendment 6, ratified 11-8-11)