

Charter Review Committee Meeting - Thurs, March 17, 2022 - 3:30 P.M.

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NOTICE

**CHARTER REVIEW COMMITTEE MEETING - THURS, MARCH 17, 2022 - 3:30 P.M.
AT THE GARDEN CLUB, 307 OHIO AVE, LYNN HAVEN**

THE PUBLIC IS INVITED TO ATTEND

AGENDA

Item #1. Call to Order.

Rules for Public Participation:

All individual presentations during the Audience Participation portion of the agenda for items not on the agenda and all agenda items will be limited to two (2) minutes per presentation. Also, we will use the one:two rule – that is, one person can speak again after two others have had a chance to speak.

Item #2. Approval of minutes for the January 20th meeting.

Item #3. Discuss Red-lined version of amended Charter.

Item #4. Public Commentary

Item #5. Adjourn

**THURSDAY, JANUARY 20, 2022
CHARTER REVIEW COMMITTEE MEETING – 3:30 P.M.**

Present: George Hines, Chair
Gerri Parker, Deputy Chair
Linda Mishler
Jim Frishkorn
Vickie Gainer, City Manager
Kevin Obos, City Attorney

Apologies: Joanne Cox

Item #1. Call to Order. The Chairman called the meeting to order at 3:32 P.M.

Item #2. Approval of minutes for the November 18th meeting.

The Chair asked if there were any queries regarding the previous minutes.

There were none.

Motion by Ms. Mishler:
Second to the motion

To approve the previous minutes.
Mr. Frishkorn

On Vote:

Mishler	aye
Frishkorn	aye
Parker	aye
Hines	aye

Motion passed: 4-0

Chair reminded everyone of the public's need to wait to be recognized before speaking.

Item #3. Charter Review Article II (Sec 14A) and Article III (Sec 29 - Sec 30) and Article IV (Sec 31 - Sec 32)

Article II Sec. 14A (tabled from previous meeting)

Attorney was asked about what he discovered about background checks in regard to Sec 14 in general. The Attorney advised he had done an extensive search of other cities in the County, and it appears there is no background check done for candidates. He feels this may be because if someone is not part of the County, they cannot register to vote so that takes care of it by default because if you cannot register to vote you cannot register as a candidate.

Mark said background checks can be put in the process but if we did who will be screening them, because it won't be him.

Chair asked if it is his recommendation not to put background checks in the charter for candidates. Kevin said not necessary because they're already disqualified if they have a felony.

The Chair said that being the case a new Sec. 14A will not be added to the Charter.

Article III Sec. 29-30

Sec 29: Same Qualifications.

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Motion by Mr. Frishkorn: Section 29 to stand as is.
Second to the motion Ms. Parker

On Vote:

Frishkorn	aye	
Parker	aye	
Mishler	aye	
Hines	aye	Motion passed: 4-0

Sec 30: City Treasurer and Collector.

Capitalization and comma after collector and Mayor in the first line.

Mr. Frishkorn sought clarity about the second line about whether both those positions would need to sign the checks or just the City Manager? The City Manager confirmed it would be the Mayor and the City Manager who would sign. Ms. Parker asked if there is a City Treasurer. City Manager said no, in the past the Mayor has been that designated person as the Treasurer. Ms. Mishler said that in the previous attempted update this whole section was deleted, so do they just want to delete this entire section or to try to rewrite it, or is it covered somewhere else in the charter?

Everyone confirmed it is not covered elsewhere.

Attorney said they previously added this language to Sec 18 in previously proposed charter and remove this section entirely. Ms. Mishler then asked if we added this in Section 18 this time when we reviewed section 18?

Attorney suggested removing this section and adding to sec 18 after the sentence ending in "... and for all ceremonial purposes", and shall countersign all checks and vouchers prepared by the City Manager."

Motion by Ms. Parker: To add to sec 18, after the sentence ending in "... and for all ceremonial purposes", **and shall countersign all checks and vouchers prepared by the City Manager.**
Second to the motion Ms. Mishler

On Vote:

Parker	aye	
Mishler	aye	
Frishkorn	aye	
Hines	aye	Motion passed: 4-0

Motion by Ms. Mishler: to remove Sec 30 all together
Second to the motion Ms. Parker

On Vote:

Mishler	aye	
Parker	aye	
Frishkorn	aye	
Hines	aye	Motion passed: 4-0

Article IV Sec. 31-32

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Sec 31: Qualification and Elections of City Commission Candidates.

Capitalize title words. Change pronouns to gender neutral.

Discussion ensued about the Florida Statute about municipalities having Charter or Ordinance addressing what should happen if a candidate running for office withdraws or is removed from office. Everyone agreed it should be added at the end of this section.

Discussion ensued about the question of a candidate winning by majority rather than by the highest number of votes.

Motion by Ms. Parker: To change it from a majority vote to the candidate with the highest votes.

There being no second to the motion, the motion dies on the floor.

Motion by Ms. Mishler To approve with changes.
Second to motion Mr. Frishkorn

On Vote:

Mishler	aye	
Frishkorn	aye	
Parker	nay	
Hines	aye	Motion passed: 3-1

Ms. Mishler suggested adding the below words to the end of Section 31:

If any candidate for office withdraws or is removed from the ballot following the end of the qualifying period, which leaves fewer than two candidates for office, the remaining candidate shall be deemed elected unopposed.

Motion by Mr. Frishkorn add the sentence "If any candidate for office withdraws or is removed from the ballot following the end of the qualifying period, which leaves fewer than two candidates for office, the remaining candidate shall be deemed elected unopposed" to the end of this section.

Second to motion Ms. Mishler

On Vote:

Frishkorn	aye	
Mishler	aye	
Parker	aye	
Hines	aye	Motion passed: 4-0

Sec 32: Canvass of returns.

Capitalize returns and clerk and inspectors, and results (not result).

3rd line - after "... by the Canvassing Board", change "... at a meeting to be held at 12 noon on the day following the election ..." to "at the next regular scheduled commission meeting or a special meeting, whichever one occurs first."

Motion by Mr. Frishkorn To approve with changes.
Second to motion Ms. Parker

On Vote:

Frishkorn	aye	
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Parker	aye	
Mishler	aye	
Hines	aye	Motion passed: 4-0

Final remarks

Secretary to send the redline version to Kevin for review.

The Committee will receive a final revised, red-lined copy and review at another meeting before presenting it to the commission.

Mishler - as a committee need to decide how the ballot they present to the Commission will look.

Chair would like to schedule this meeting for Thursday, March 17th to review the fully revised Charter 3.30pm.

Secretary to email the red-lined version to each committee member by March 3rd to review.

Item #4. Public Commentary.

There was none.

The Chair asked if there was anything else for the good of the order:

There was not.

Item #5. Adjourn.

There being no further business the meeting adjourned at 4.20 P.M.

APPROVED THIS _____ DAY OF _____ 2022.

Mr. Hines, Chairman

ATTEST:

Vickie Gainer, City Manager

prepared by Cicelia J Holliday

PART I
CHARTER*

Article I. In General

- Sec. 1. Existing municipality abolished.
- Sec. 2. Title to property reserved to new municipality.
- Sec. 3. Contracts remain binding.
- Sec. 4. New municipality created.
- Sec. 5. Boundaries.
- Sec. 6. Powers vested in Commission; designating manner of exercise; abandoned property; payment of ad valorem taxes.
- Sec. 6A. [Reserved.]
- Sec. 7. Same-Generally.
- Sec. 8. Same-Police power; general penalty.
- Sec. 9. General laws to apply.
- Sec. 9A. Charter Review.

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Deleted: [Reserved.]

Article II. City Commission

- Sec. 10. Form of government.
- Sec. 11. Creation; election of members; term limits.
- Sec. 11A. Mayor Commissioner and Commissioner Compensation.
- Sec. 12. Qualifications of members; prohibited interest in City contracts; prohibiting former members from employment.
- Sec. 13. [Reserved.]
- Sec. 14. Judge of own elections; felony convictions.
- Sec. 15. Vacancies.
- Sec. 15A. Penalty for unexcused absences.
- Sec. 16. General law governing City Councils extended to Commissioners.
- Sec. 17. Mayor-Constructed.

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***Editor's note**--This compilation consists of the Charter, Laws of Fla. (1951), ch. 27685, and all subsequent acts relating to the City of Lynn Haven including Laws of Fla. (1933), ch. 16536, and Laws of Fla. (1937), ch. 18668, which were apparently not superseded by Laws of Fla. (1951), ch. 18668. A comparative table will be found immediately following the Charter which shows the disposition of these acts. The provisions of these acts have been arranged by subject matter and numbered consecutively from one through 129 for purposes of indexing and ease of reference. The origin of all sections is given in a historical citation enclosed in parentheses following each section. Where a section or act has been amended, superseded or repealed by a later act, the amended section will list the amendatory acts in chronological order. Only the latest amendment, however, will be set out herein. The editors have supplied catchlines where necessary, inserted material in brackets where necessary to correct obvious errors or for clarification, and have omitted all titles and enacting, repealing, severability and effective date clauses. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Subsequently, Ord. No. 711, § 1, adopted Feb. 27, 2001, amended, renumbered and repealed various sections of the Charter. The user's attention is directed to the Charter Comparative Table for a detailed analysis of inclusion of said Ord. No. 711.

LYNN HAVEN CODE

Sec. 18. Same-Functions and duties.
Sec. 19. Advisory Boards.

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Article III. Officers and Employees

Sec. 20. Incumbents holding office.
Sec. 21. Officers and Departments enumerated.
Sec. 22. Compensation.
Sec. 23. Civil service system.
Sec. 24. City Manager-Appointment; qualifications; substitute.
Sec. 25. Same-Removal.
Sec. 26. Same-Functions and Responsibilities.
Sec. 27. City attorney-Appointment; duties.
Sec. 28. [Reserved].
Sec. 29. Same-Qualifications.
Sec. 30. [Reserved].

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Article IV. Elections

Sec. 31. Qualifications and election of City Commission Candidates.
Sec. 32. Canvass of returns.

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CHARTER

ARTICLE I. IN GENERAL

Sec. 1. Existing municipality abolished.

The present municipal government existing under the name of the City of Lynn Haven, Florida be and the same is, hereby abolished.
(Laws of Fla. (1951), ch. 27685, § 1)

Sec. 2. Title to property reserved to new municipality.

The title, rights, and ownership of property, collected and uncollected taxes, dues, claims, judgments, moneys, decrees and choses in action, held or owned by the City of Lynn Haven, under its present or any former charter, shall pass to, and be vested in the municipal corporation organized by and under this act to succeed the municipality abolished.
(Laws of Fla. (1951), ch. 27685, § 2)

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Sec. 3. Contracts remain binding.

No debt, obligation, or contract of the City of Lynn Haven, Florida, including bonds and debentures issued, shall be impaired or avoided by this act, but such debts, obligations, contracts, bonds and debentures shall pass to and be binding upon the new municipality which is organized and created.
(Laws of Fla. (1951), ch. 27685, § 3)

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Sec. 4. New municipality created.

The inhabitants of the City of Lynn Haven, Florida, as its limits are hereafter established, or as such limits may be hereafter established, shall be and continue to be a body politic and corporate to be known and designated as the "City of Lynn Haven," and as such shall have perpetual succession, may have and use a common seal which it may change at pleasure, may contract and be contracted with, may sue and be sued, and may plead and be impleaded in all of the courts of this State.
(Laws of Fla. (1951), ch. 27685, § 5)

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Sec. 5. Boundaries.

The corporate limits of the City of Lynn Haven in Bay County, Florida, be, and the same are hereby fixed, defined and established so as to include the following lands and territory in said County of Bay in the State of Florida, to-wit:

[The boundary description of the city is not printed herein, but is on file in the City Manager's office.]

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The territorial limits may be changed; enlarged or contracted in the manner provided by the general law. The jurisdiction of the City of Lynn Haven shall extend over all

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persons and property, franchises and privileges located or coming within said limits, and over and upon any property the city may own or possess for municipal purposes outside of said limits.

(Laws of Fla. (1951), ch. 27685, § 6)

State law reference--Extension of municipal territorial limits, F.S. ch. 171.

Sec. 6. Powers vested in Commission; designating manner of exercise; abandoned property; payment of ad valorem taxes.

All powers of the City except as otherwise provided by this Charter or by the Constitution of the State, are vested in the City Commission, and except as otherwise provided by this Charter or by the Constitution of the State, the City Commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised.

(Laws of Fla. (1951), ch. 27685, § 10; Laws of Fla. ch. 61-2434, § 1)

Editor's note--This section has been editorially amended to delete the reference to municipal courts as municipal courts were abolished pursuant to art. V, § 4(d) of the Florida Constitution. The provision regarding abandoned property on public streets, etc., has been deleted as superseded by F.S. § 705.101 et seq. The statement regarding payment of ad valorem taxes has been editorially deleted as superseded by F.S. ch. 192 et seq. The provision regarding vacating streets, plats, etc., has been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973 and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). This section is section 58-26 in the Code of Ordinances.

Sec. 6A. [Reserved.]

Editor's note--Ord. No. 711, § 1, adopted Feb. 27, 2001, repealed § 6A which pertained to corporate limits enlarged. See the Charter Comparative Table.

Sec. 7. Same-Generally.

The City of Lynn Haven hereby created, established and organized, shall have full power and authority to acquire, take, hold and control property real, personal and mixed, both within and without its corporate limits for the use, benefit, welfare and best interest of said municipality, by purchase, lease, grant, gift, devise, condemnation or otherwise, and to sell, lease or otherwise dispose of such property for the benefits of said municipality to the same extent that a natural person might or could do; to issue and sell bonds, debentures and certificates of indebtedness or other obligations, upon its property both within and without its corporate limits, or in the earnings thereof, or both, for any lawful municipal purpose.

(Laws of Fla. (1951), ch. 27685, § 7; Ord. No. 711, § 1, 2-27-01/4-25-01)

Editor's note--Parts of this section regarding enumerated powers which have not been amended by referendum after July 1, 1973 and which are not extraterritorial powers have been editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and R.S. ch. 166 and the provisions regarding planning have been superseded by F.S. § 163.3161 et seq.

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Sec. 8. Same-Police power; general penalty.

The City Commission shall have power to pass all such ordinances and laws, not inconsistent with the Constitution and laws of the United States and of this State, as may be expedient and necessary for the preservation of the public safety, peace and order.
(Laws of Fla. (1951), ch. 27685, § 106)

Editor's note--Parts of this section which have not been amended by referendum after July 1, 1973 and which are not extraterritorial powers have been editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

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Sec. 9. General laws to apply.

All general laws of the State applicable to municipal corporations, now or which are to be enacted, and which are not in conflict with the provisions of this Charter or with the ordinances and resolutions enacted by the City Commission, shall be applicable to this City; provided, however, that nothing contained in this Charter shall be construed as limiting the power of the City Commission to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this Charter.
(Laws of Fla. (1951), ch. 27685, § 107)

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State law reference--Municipal home rule powers, F.S. ch. 166.

Sec. 9A. Charter Review.

This Charter shall be reviewed by a Committee appointed by resolution of the City Commission every five years.

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Editor's note--Ord. No. 711, § 1, adopted Feb. 27, 2001 repealed § 9A, which pertained to procedure for amending charter. See the Charter Comparative Table.

ARTICLE II. CITY COMMISSION*

Sec. 10. Form of government.

The form of government of the City of Lynn Haven provided for under this act [Laws of Fla. (1951), ch. 27685] shall be known as the "Commission-Manager Plan." The City Commission shall constitute the governing body with powers to pass ordinances, adopt resolutions and appoint a chief administrative officer to be known as the "City Manager."

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(Laws of Fla. (1951), ch. 27685, § 8; Ord. No. 711, § 1, 2-27-01/4-25-01)

State law reference--Municipal home rule powers, F.S. ch. 166.

Sec. 11. Creation; election of members; term limits.

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A City Commission is hereby created to consist of a Mayor-Commissioner and four Commissioners who shall be qualified as hereafter prescribed and whose term of office shall begin immediately following the canvass of and certification of election returns as provided herein. Elections shall be held on the Tuesday immediately following the third Monday in April

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with any necessary run-off election to be held the Tuesday immediately following the third Monday in May. The City shall hold elections for the Mayor-Commissioner and ~~C~~ommissioners every year ending in an odd number after the election of 2009. The Mayor-Commissioner and ~~C~~ommissioner seats one and two shall be elected every four years starting with the election of 2011. Commissioner seats three and four shall be elected every four years starting with the election of 2009. The Mayor-Commissioner and the ~~C~~ommissioners shall be elected at large in the City. The incumbent shall hold office until a successor is elected and qualified as herein provided. ~~v. No Mayor-Commissioner or Commissioner shall serve more than eight (8) years in office, not inclusive of any partial terms.~~

*Code reference--City commission, § 2-26 et seq.

State law references--Code of ethics, F.S. § 112.311 et seq.; open records law, F.S. ch. 119; open meetings law, F.S. § 286.011 et seq. (Laws of Fla. (1951), ch. 27685, § 9; Laws of Fla. ch. 69-1271, § 1; Ord. No. 711, § 1, 2-27-01/4-25-01; Ord. No. 754, § 1, 10-14-03/9-9-03); Ord. No. 868, § 1, 1-23-07/4-17-07)

Sec. 11A. Mayor-Commissioner and Commissioner Compensation.

~~Compensation for the Mayor-Commissioner shall be \$1,500.00 per month and each Commissioner shall be \$1,250.00 per month, with a cost of living adjustment each fiscal year consistent with any such adjustment given to the employees of the City, so long as said adjustment is approved in the annual budget.~~

Sec. 12. Qualifications of members; prohibited interest in City contracts; prohibiting former members from employment.

Members of the Commission shall be qualified electors and residents of ~~the~~ City. Officers and employees of the City shall not be interested in the profits or emoluments of any contract, work or service for the City, and any such contract in which any member is, or may become interested, shall be declared void by the Commission. Members of the Commission shall not become employed by the City for a period of not less than two years after leaving office. (Laws of Fla. (1951), ch. 27685, § 11; Ord. No. 711, § 1, 2-27-01/4-25-01)

Sec. 13. [Reserved.]

Editor's note--Ord. No. 711, § 1, adopted Feb. 27, 201, repealed § 13, which pertained to candidates prohibited from making certain promises. See the Charter Comparative Table.

Sec. 14. Judge of own elections; felony convictions.

The Commission shall be the judge of the election and qualification of its own members subject to review by the courts. The Commission shall serve as the Canvassing Board. Any member of the Commission who shall be convicted of felony while in office shall ~~immediately~~forfeit ~~their~~ office. (Laws of Fla. (1951), ch. 27685, § 13; Ord. No. 711, § 1, 2-27-01/4-25-01)

Sec. 15. Vacancies.

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Any vacancy in the Commission ~~may~~ be filled until the next regular municipal election by vote of the remaining members of the Commission; provided that if such vacancy is not filled within ~~thirty (30)~~ days after it shall have occurred, appointment to fill such vacancy shall be made by the Governor of the State of Florida and provided further, that vacancies resulting from a recall election shall be filled in the manner hereafter prescribed.
(Laws of Fla. (1951), ch. 27685, § 14)

State law reference--Filling of vacancies by the ~~G~~overnor, F.S. § 112.51(3).

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Sec. 15A. Penalty for unexcused absences.

Absence from three consecutive regular meetings of the City Commission shall operate to vacate the seat of a member, unless such absence is excused by the City Commission.

Sec. 16. General law governing City Councils extended to Commissioners.

Any right or authority given or permitted by the Constitution and laws of the State of Florida to City Councils not inconsistent with the provisions of this Act shall be given, permitted and extended to the City Commissioners of the City of Lynn Haven.
(Laws of Fla. (1951); ch. 27685, § 108; Ord. No. 711, § 1, 2-27-01/4-25-0i)

State law reference--Municipal home rule powers, F.S. ch. 166.

Note--Formerly § 20.

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Sec. 17. Mayor-Constued.

Whenever the term Mayor is used in this Charter, it is understood to refer to the Mayor-Commissioner.

(Laws of Fla. (1951), ch. 27685, § 15; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 21.

Sec. 18. Same-Functions and duties.

The Mayor shall preside at all meetings of the Commission and perform such other duties consistent with ~~their~~ office as may be imposed upon ~~them~~ by the Commission and ~~they~~ shall have a voice and a vote in the proceedings of the Commission, but no veto power. ~~They~~ shall use the title of Mayor in any case in which the execution of legal instruments in writing, or other necessity arising from the general laws of the State, so requires. ~~They~~ shall be recognized as the official head of the City by the Courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes, ~~and shall countersign all checks and vouchers prepared by the City Manager. They may take command~~ of the police and fire departments and govern the city by proclamation during the times of grave public danger or emergency, and ~~they shall themselves~~ be the judge of what constitutes such danger or emergency. The powers and duties of the Mayor shall be such as are conferred upon ~~them~~ by this Charter and by the City Commission in pursuance of the provisions of this Charter, and no others. In the absence or disability of the Mayor the other members of the City Commission shall select ~~a Mayor Pro Tem to serve in the Mayor's absence. No Commissioner~~

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may serve as Mayor Pro Tem more than once during a four year term.
(Laws of Fla. (1951), ch. 27685, § 16; Ord. No. 711, § 1, 2-27-01/4-25-01)
Note--Formerly § 22.

ARTICLE III. OFFICERS AND EMPLOYEES*

Sec. 19. Advisory Boards.

The City Commission may at any time appoint an Advisory Board (or Boards), composed of men and women who are residents of the City of Lynn Haven and who are not disenfranchised by law. These people shall act in an advisory capacity to the City Commission or City Manager with respect to the management of City property or the exercise of any public function. An individual shall only serve on one standing Board at a time. Service by an individual on a standing Board, except the Planning Commission, is limited to six (6) consecutive years. An individual on the Planning Commission shall not serve more than eight (8) consecutive years.
(Laws of Fla. (1951), ch. 27685, § 51; Ord. No. 711, § 1, 2-27-01/4-25-01)

Editor's note--The reference to freeholder in this section has been deleted as it is of questionable validity pursuant to a decision in Turner v. Fouche, 396 U.S. 346 (1969).
Note--Formerly § 25.

Sec. 20. Incumbents holding office.

All officers ~~elect~~ or appointed and holding office in the City shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this act [Laws of Fla. (1951), ch. 27685]; provided, that if no such successors are clearly provided for in this act [Laws of Fla. (1951), ch. 27685], then such officers shall hold office and discharge their duties only during the pleasure of the City Commission herein created; and all existing ordinances of the City, not in conflict with the provisions of this act [Laws of Fla. (1951), ch. 27685], shall continue in effect and unimpaired until repealed, amended or modified by the City which is hereby organized and created.
(Laws of Fla. (1951), ch. 27685, § 4; Ord. No. 711, § 1, 2-27-01/4-25-01)

Editor's note--Laws of Fla. (1951), ch. 27685, became effective on June 11, 1951.
Note--Formerly §.26.

Sec. 21. Officers and Departments enumerated.

Officers and Departments of the City of Lynn Haven, shall consist of a City Attorney, Police Chief, Fire Chief, City Manager, Public Works Director, Finance Director and those Departments as established by ordinance. The heads of each and every Department shall be appointed by the City Manager with the advice and consent of a majority of the Commission, or, upon their failure to do so, the Mayor-Commissioner may make such appointments if it is deemed necessary or expedient by the majority of the City Commission, and in either event, such appointment shall be made with the advice and consent of the majority of the City Commission. In the event of the vacancy of a Department Head, nothing herein shall be

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construed to prevent the City Manager from acting as head of any Department, or appointing a Deputy Department Head, with commensurate compensation, upon their being accepted by the majority of the City Commission.

(Laws of Fla. (1951), ch. 27685, § 27; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 27.

Code reference--Officers and employees, § 2-106 et seq.

Sec. 22. Compensation.

The Commission shall fix by ordinance, the compensation of all City employees and members of Boards. The compensation so fixed, shall be uniform for like services in each grade of the City service as the same shall be graded or classified by the City Manager, or the City Commission.

(Laws of Fla. (1951), ch. 27685, § 94; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 28.

***Code reference**--Officers and employees, § 2-106 et seq.

Sec. 23. Civil service system.

The City Commission of Lynn Haven, Florida may, at its discretion, institute a civil service system for hiring and discharging its employees.

(Laws of Fla. (1951), ch. 27685, § 104; Ord. No. 711, § 1, 2-2 001/4--25-01)

Note--Formerly § 31.

Sec. 24. City Manager-Appointment; qualifications; substitute.

The City Commission shall appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission, and shall hold office at the pleasure of the City Commission. They shall be chosen solely on the basis of their executive and administrative qualifications, without regard to their political belief, and they need not be a resident of the City or State at the time of their appointment, but during their tenure of office they shall reside in the City. In the absence of a Deputy City Manager, during the absence or disability of the City Manager, the City Commission may designate a properly qualified person, by resolution, to temporarily execute the functions of the office.

(Laws of Fla. (1951), ch. 27685, § 23; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 32.

Sec. 25. Same-Removal.

The City Manager shall only be removed by the City Commission.

(Laws of Fla. (1951), ch. 27685, § 25; Ord. No. 711, § 1, 2-27-01/4--25-01)

Note--Formerly § 34.

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Deleted: During the absence or disability of the City Manager, the City Commission may designate some properly qualified person

Sec. 26. Same-~~Functions~~ and ~~Responsibilities~~.

The City Manager shall be responsible to the City Commission for the proper administration of all affairs of the City and to that end, ~~their responsibilities~~ are and shall ~~include~~:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as hereafter specifically provided, to appoint and remove all subordinate officers and employees and of the City; all appointments to be made upon merit and fitness alone.
- (c) To exercise control and direct supervision over all ~~Departments~~ and divisions of the ~~City~~ under this Charter, or which may ~~be~~ created by the City Commission, including public utilities owned by said City.
- (d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the City Attorney whose duty it is ~~to take such legal steps as may be necessary to enforce the same~~.
- (e) To attend all meetings of the City Commission, and of its Committees, with right to take part in the discussion, but without having a vote.
- (f) To recommend to the Commission for adoption such measures as ~~they may deem~~ necessary or expedient in the interest of the City.
- (g) To keep the City Commission fully advised monthly as to the financial condition and needs of the City and to submit for its consideration an annual budget.
- (h) To enforce and administer any zoning regulations established by said City Commission, but said City Commission shall hear and review any order, requirement, decision or determination made by ~~them~~ in the enforcement of the zoning regulations.
- (i) To perform such other duties as may be prescribed under this Charter or as may be required of ~~them~~ by ordinance or resolution of the City Commission.
- (j) ~~They~~ shall be purchasing agent for the City, by whom all purchases of supplies shall be made and ~~they~~ shall approve all vouchers for the payment of same. In the capacity of Purchasing Agent ~~they~~ shall also conduct all sales of personal

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property which the Commission may authorize to be sold as having become unnecessary or unfit for the City's use.
(Laws of Fla. (1951), ch. 27685, § 26; Ord. No. 711, § 1, 2-27-01/4-25-01)
Note--Formerly § 35.

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Sec. 27. City Attorney-Appointment; duties.

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The City Commission shall appoint a City Attorney who shall act as the legal advisor to, and attorney and counselor for, the City and all of its officers in matters relating to their official duties. They shall approve all contracts, bonds, and other instruments in writing in which the City is concerned, and no contract with the City shall take effect until their approval is so endorsed thereon. They shall prosecute and defend, for and in behalf of the City, all complaints, suits and controversies in which the City is a party, unless otherwise directed by the City Commission. They shall furnish the City Commission and/or the City Manager their opinion on any question of law relating to their respective powers and duties. They shall perform such other professional duties as may be required of them by ordinance or resolution of the City Commission, or as are prescribed, for City Attorneys under the General Laws of the State which are not inconsistent with this Charter and with any ordinance or resolution which may be passed by the City Commission.

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(Laws of Fla. (1951), ch. 27685, § 28; Ord. No. 711; § 1, 2-27-01/4-25-01)
Note--Formerly § 36.

Sec. 28. Reserved.

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(Laws of Fla. (1951), ch. 27685, § 29; Ord. No. 711, § 1, 2-27-01/4-25-01)
Note--Formerly § 37.

Deleted: Same-Additional duties.

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In addition to the duties specifically imposed under the preceding section [section 27 of this compilation] he

Sec. 29. Same-Qualifications.

The City Attorney shall be a lawyer who has been properly admitted to the Bar of the State of Florida and is at present in good standing therewith.
(Laws of Fla. (1951), ch. 27685, § 30; Ord. No. 711, § 1, 2-27-01/4-25-01)
Note--Formerly § 38.

Deleted: shall perform such other professional duties as may be required of him by ordinance or resolution of the City Commission, or as are prescribed, for City Attorneys under the General Laws of the State which are [not] inconsistent with this Charter and with any ordinance or resolution which may be passed by the City Commission....

Sec. 30. Reserved.

Deleted: City treasurer and collector.

(Laws of Fla. (1951), ch. 27685, § 48; Ord. No. 711, § 1, 2-27-01/4-25-01)
Note--Formerly § 39.

Deleted: There shall be a City Treasurer and Collector who shall be a member of the City Commission and who shall countersign all checks and vouchers prepared by the City Manager....

ARTICLE IV. ELECTIONS

Sec. 31. Qualifications and Election of City Commission Candidates.

The offices of the City Commission, other than Mayor, shall be numbered one through four, inclusive. A candidate for City Commission must declare the seat for which ~~they are running~~ in order to qualify for election. At all elections, the candidate qualifying for that seat or the Mayor seat receiving a majority of votes cast for that seat or the Mayor seat shall be deemed elected. If two or more persons qualify for a seat and none receives a majority of the votes cast for that seat, the two candidates receiving the highest number of votes shall face each other in a runoff election to be held on the Tuesday immediately following the third Monday in May after the general election. The person receiving the highest number of votes at said runoff election shall be elected. The canvass of returns for said runoff election shall be the same as is provided for a general election. If a runoff election is necessary, the incumbent shall remain in office until the runoff election is canvassed and certified. The term of office of a person elected at a general election and a runoff election shall begin immediately upon the canvassing and certification of the runoff election. ~~If any candidate for office withdraws or is removed from the ballot following the end of the qualifying period, which leaves fewer than two candidates for office, the remaining candidate shall be deemed elected unopposed.~~
(Ord. No. 711, § 1, 2-27-01/4-25-01; Ord. No. 754, § 2, 10-14-03/9-9-03)

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Sec. 32. Canvass of Returns.

The result of the voting when ascertained, shall be certified to the Canvassing Board by a return in duplicate, signed by the City Manager and a majority of the Inspectors of the election. Such returns shall be made to the City Commission by the Canvassing Board ~~at the next regular scheduled City Commission meeting, or a special meeting, whichever one occurs first.~~ At such meeting the City Commission shall convey the return and include the results of the election.
(Laws of Fla. (1951), ch. 27685, § 100; Ord. No. 711, § 1, 2-27-01/4-25-01)

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Editor's note--The reference to the hours the polls are open has been editorially deleted as superseded by state law in F.S. § 100.011.

Note--Formerly § 55;