

## Subpart A - CHARTER<sup>[\[1\]](#)</sup>

Footnotes:

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**Editor's note**— Printed herein is the Charter of the City of Venice, Florida, as adopted by Ord. No. 684-77 on May 5, 1977, and by referendum on June 21, 1977, and effective on June 27, 1977. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, citations to state statutes and expression of numbers in text has been used. Additions made for clarity are indicated by brackets.

## ARTICLE I. - POWERS<sup>[\[2\]](#)</sup>

Footnotes:

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**State Law reference**— General municipal powers, F.S. § 166.021.

Sec. 1.01. - Continuance of municipality, perpetual succession, common seal.

The municipality known and designated as the City of Venice, established, organized and constituted in the County of Sarasota, Florida, by Laws of Fla., ch. 11776(1925), as amended, shall continue to be a body politic and corporate under the name of the City of Venice, and as such shall have perpetual succession and use an official seal.

Sec. 1.02. - Powers.

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

Sec. 1.03. - Extraterritorial powers, taxation, liens.

All extraterritorial powers and jurisdiction, powers of taxation and powers to impose and enforce liens that the city now has are preserved and shall remain in full force and effect.

**Editor's note**— Provisions of the former Charter and special acts relating to extraterritorial powers are set out in Subpart B following this Charter.

Sec. 1.04. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, special and general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this Charter and, pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to the Charter.

## ARTICLE II. - CORPORATE BOUNDARIES

Sec. 2.01. - Corporate boundaries.

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

Sec. 2.02. - Municipal annexation or contraction.

Annexation or contraction of municipal boundaries shall be by nonemergency ordinance enacted in accordance with the provisions of general law. Any change in municipal boundaries through annexation or contraction shall revise the corporate boundaries as described in section 2.01.

**State Law reference**— Municipal annexation or contraction, F.S. ch. 171.

ARTICLE III. - LEGISLATIVE<sup>[3]</sup>

Footnotes:

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**State Law reference**— Municipal home rule powers, F.S. ch. 166.

Sec. 3.01. - 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, composed of six councilmembers and a mayor, hereafter referred to as the city council; all to be elected at large. They shall assume their offices upon certification of their election.

Sec. 3.02. - Mayor and vice-mayor.

- (a) *Duties of mayor.* The mayor shall preside at meetings of the city council and shall have a vote on all matters. The mayor shall have no veto power. 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; for execution of contracts, deeds and other documents; as signer of checks for payment of obligations, and as the city official designated to represent the city in all agreements with other governmental entities. The mayor shall make all appointments of principal officers mentioned in this Charter and all operating and advisory boards, with the advice and consent of the city council, as provided in this Charter. The mayor shall have only those administrative duties required to carry out the above responsibilities.
- (b) *Vice-mayor.* A vice-mayor shall be elected by and from the members of the city council at the first regular council meeting following the city election. The vice-mayor shall act as mayor during the absence or disability of the mayor.

(Ord. No. 99-3, § 2, 1-26-99)

Sec. 3.03. - Qualifications.

Any resident of the city who has been a registered voter in the city for 12 consecutive months prior to the first day of qualifying shall be eligible to hold the office of mayor or city councilmember. A resident, for the purpose of qualifying for office, shall be a person whose principal place of physical residence is in the city on a continuing basis. The city council shall be the judge of the election and qualifications of its members.

(Ord. No. 99-3, § 2, 1-26-99)

Sec. 3.04. - Elections, terms of office and term limits.

- (a) The elected term of office for the mayor shall always be three years and no person shall serve as mayor for more than three consecutive elected terms.
- (b) The elected term of office for city councilmembers shall be three years. The terms shall be staggered so that two city councilmembers shall be elected each year. Under certain circumstances as specified in Section 3.07, a city councilmember may be elected to serve the remaining portion of an unexpired term. No person shall serve as a city councilmember for more than three consecutive elected terms.
- (c) No person shall serve as mayor and as a city councilmember in any combination for more than six consecutive elected terms.
- (d) Appointed or elected partial terms of office to fill vacancies pursuant to section 3.07 shall not be counted for the purpose of computing term limits under section 3.04.

(Ord. No. 99-3, § 2, 1-26-99; Ord. No. 2006-36, § 2, 8-22-06; Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 3.05. - Compensation and expenses.

An ordinance by the city council increasing or decreasing the compensation of the mayor and other city councilmembers shall be submitted to referendum at the next regularly scheduled election, and shall become effective immediately if approved. In addition, an ordinance increasing or decreasing the compensation of the mayor and other city councilmembers may be approved by the registered voters of the city via an initiative proceeding under Article IX, and shall become effective immediately if approved.

(Ord. No. 1232-86, exhibit A, § 1, 10-14-86; Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 3.06. - Prohibitions.

- (a) *Appointment and removals.* A city councilmember shall not in any manner dictate the appointment or removal of any city administrative officer or employee whom the Charter officers or any of their subordinates are empowered to appoint, but any city councilmember may express his or her views and fully and freely discuss with the appropriate Charter officer anything pertaining to appointment and removal of any officer or employee.
- (b) *Interference with administration.* Except for the purpose of inquiries and investigations, the city council shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately. Councilmembers shall, however, closely scrutinize, by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist members in the formulation of sound policies to be considered by the city council. It is the express intent of this charter, however, that recommendations for improvement in city government operations by city councilmembers be made to and through the charter officers, so that they may coordinate efforts of their departments to achieve the greatest possible savings through the most efficient and sound means available.
- (c) *Holding other office.* No former elected city official shall hold any compensated appointive city office or employment until one year after the expiration of the term for which the official was elected.
- (d) *Relinquishing city property.* The city shall not relinquish any right that it has in real property, a road right-of-way or easement of public streets without a public notice and a public hearing.

(Ord. No. 1232-86, exhibit A, § 2, 10-14-86; Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 3.07. - Vacancies, forfeiture of office, standard of conduct, filling of vacancies, emergency succession, procedure of forfeiture.

- (a) *Vacancies.* The office of the mayor or a city councilmember shall become vacant upon death, resignation, forfeiture of office or removal from office in any manner authorized by law. Such forfeiture to be declared by the remaining members of the city council or upon the assumption of duties of another office pursuant to subsection 3.07(d)(1).
- (b) *Forfeiture of office.* A councilmember shall forfeit that office if the councilmember:
  - (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law,
  - (2) violates any express prohibition of this Charter,
  - (3) is convicted of a crime involving moral turpitude, or
  - (4) fails to attend three consecutive regular meetings of the city council without being excused by the city council.
- (c) *Standard of conduct.* The public officials and employees of the City of Venice are governed by the Florida Code of Ethics (F.S. § 112.311 et seq., as amended) and by those additional standards of conduct that are or may be adopted by the City of Venice. Violation of any provisions of such codes of ethics or standards of conduct shall constitute grounds for forfeiture of office as well as be subject to any civil and/or criminal penalties provided by law.
- (d) *Filling of vacancies.*
  - (1) In the event of a vacancy in the office of mayor, the vice-mayor shall assume the duties of mayor until the next regular city council meeting at which time the city council shall appoint a mayor from amongst its members. The appointed mayor shall serve until the next municipal election when a mayor shall be elected to serve a three-year term of office; the acting mayor shall then resume his or her seat on the city council for his or her remaining unexpired term. The vacancy created by the appointment of the mayor shall be filled by appointment by the city council for the duration of that vacancy.
  - (2) Vacancies in the office of city council shall be filled by the city council with any qualified resident so appointed to serve until a successor is elected at the next regular municipal election or special election earlier called for that purpose. A person elected in such election will serve the remaining unexpired term of the city councilmember whose vacant office is being filled.
  - (3) If a vacancy is not filled by the city council within 30 days after the vacancy occurs, a special election shall be held within 60 days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term of office.
- (e) *Emergency succession.* The city council shall adopt by ordinance, a plan for emergency succession.
- (f) *Procedure of forfeiture.* A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the city council under this section shall be subject to judicial review.

(Ord. No. 1232-86, exhibit A, § 3, 10-14-86; Ord. No. 99-3, § 2, 1-26-99; Ord. No. 2006-36, § 2, 8-22-06; Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 3.08. - Procedure.

- (a) *Meetings.* The city council shall meet regularly at such times and places as necessary to effectuate the city's business and that will encourage and permit attendance by the greatest number of city residents. Special meetings may be held on the call of the mayor or of a majority of the councilmembers. All meetings shall be public except as exempted by state law.
- (b) *Rules and journal.* The city council shall determine and adopt its own rules and order of business by ordinance. However, in the absence of a rule, Robert's Rules of Order (latest edition) shall govern. The city council shall keep written minutes of all regular and special meetings which shall be a public record and which shall be open for inspection by the public.
- (c) *Voting.* Voting on ordinances and resolutions shall be recorded in the minutes of all meetings. A total of four persons, with or without the mayor, shall constitute a quorum. A smaller number may convene from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed in the rules of the city council. Four affirmative votes shall be required to approve a contract, to pass a resolution or for the final adoption of an ordinance.

(Ord. No. 1232-86, exhibit A, §§ 6, 7, 10-14-86; Ord. No. 2013-36, exh. A, 11-26-13)

**Editor's note**— Formerly codified as § 3.09, renumbered by Ord. No. 2013-36, adopted Nov. 26, 2013.

**State Law reference**— General procedure for passage of ordinances or resolutions, F.S. § 166.041; authority to specify additional requirements, F.S. § 166.041(6); Public Records Act, F.S. ch. 119; open meetings law, F.S. § 286.011.

Sec. 3.09. - City clerk.

- (a) *Appointment and qualifications.* The mayor shall appoint a city clerk, with the advice and consent of the city council, who shall serve at the pleasure of and for such compensation as determined by the city council. The city clerk shall be appointed solely on the basis of professional qualifications.
- (b) *Duties.* The city clerk shall be head of the department of records and custodian of all official records of the city and shall be responsible to the city council for the proper administration of all affairs concerning the records of the city placed under the city clerk's authority and shall:
  - (1) Perform such duties as may be prescribed by law, by the City Charter, by ordinances of the city and by direction of the city council.
- (c) *Appointment of deputy city clerks.* The city clerk may appoint such deputy city clerks as may be necessary to efficiently carry out the city clerk's duties. The appointment of any such deputy city clerk shall be presented to council in the form of a written resolution subject to a majority vote of council. Such appointment must be of record before the signature of any such deputy city clerk shall be effective.
- (d) *Direction and supervision.* The city clerk shall direct, supervise and administer all the employees of the clerk's department provided by charter, ordinance, resolution, rules and regulations of the city, or by general law.

(Ord. No. 1232-86, exhibit A, §§ 4, 5, 10-14-86; Ord. No. 99-3, § 2, 1-26-99; Ord. No. 2013-36, exh. A, 11-26-13)

**Editor's note**— Formerly codified as § 3.08, renumbered by Ord. No. 2013-36, adopted Nov. 26, 2013.

Sec. 3.10. - City attorney.

- (a) *Appointment and qualifications.* The mayor shall appoint the city attorney, with the advice and consent of the city council, who shall serve at the pleasure of and for such compensation as determined by the city council. The city attorney shall be a member of the Florida Bar.
- (b) *Duties.* The city attorney shall serve as the chief legal adviser to the city council, all boards and commissions, the city manager, the city clerk and all departments, offices and agencies. He shall supervise and/or represent the city in all legal matters except as otherwise directed by city council. He shall also perform any other duties as directed by the city council or prescribed by state law, by this Charter or by ordinance.

(Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 3.11. - Reserved.

**Editor's note**— Ord. No. 2006-36, § 2, adopted Aug. 22, 2006, repealed section 3.11 in its entirety. Former section 3.11 pertained to the finance director, and derived from Ord. No. 1232-86, exhibit A, § 8, adopted Oct. 14, 1986.

#### ARTICLE IV. - CITY MANAGER<sup>41</sup>

Footnotes:

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**Editor's note**— Formerly entitled "Administrative", renamed by Ord. No. 2013-36, adopted Nov. 26, 2013.

Sec. 4.01. - City manager.

There shall be a city manager who shall be the chief administrative officer of the city and who shall be responsible to the city council for the administration of all city affairs placed in charge of the city manager by or under this charter.

Sec. 4.02. - Appointment, qualifications, compensation, removal.

- (a) *Appointment, qualifications, compensation.* The mayor shall appoint the city manager with the advice and consent of at least five members of the city council. The city manager shall be appointed for an indefinite period. The city council shall fix the compensation of the city manager. The city manager shall be appointed solely on the basis of executive and administrative qualities, training and experience. The city manager shall reside inside the city limits while in office.
- (b) *Removal.* The city council may remove the city manager at any time, by a majority vote of all members of city council.
- (c) In the event of a vacancy in the office of city manager, the city council shall exercise due diligence to find and appoint a successor city manager as soon as is reasonable.

(Ord. No. 99-3, § 2, 1-26-99; Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 4.03. - Acting city manager.

By letter filed with the city council, the city manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of the city manager during the city manager's temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the city manager's disability shall cease.

Sec. 4.04. - Powers and duties of the city manager.

The city manager shall have the following powers and duties:

- (a) *Appointment, suspension and removal.* Appoint and when deemed necessary for the good of the city, suspend or remove city employees and appointive administrative officers under the city manager's jurisdiction as provided for by City Charter, ordinance, resolution, personnel rules of the city, or by general law. The city manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency. Provided, however, the city manager shall, with advice and consent of the city council, appoint the finance director, police chief and fire chief or those officers whose duties generally embrace those of the office of finance director, police chief and fire chief in the event of consolidation of said offices. However, the city manager may suspend or remove the finance director, police chief and fire chief or those officers whose duties generally embrace those offices upon any staff reorganization.
- (b) *Direction and supervision.* Direct and supervise the administration of all departments, offices and agencies of the city, except the offices and departments of the city clerk and the city attorney or as otherwise provided by Charter, ordinance, resolution, rules and regulations of the city, or by general law.
- (c) *Attendance at meetings.* Attend city council meetings and shall have the right to take part in discussion but shall not vote.
- (d) *Execution of orders.* See that all ordinances, provisions of the Charter and acts of the city council subject to the enforcement by the city manager or by the officers subject to the city manager's direction and supervision, are faithfully executed.
- (e) *Preparation of proposed budget and capital program.* Prepare and submit the proposed annual budget and capital program to the city council.
- (f) *Financial report.* Submit to the city council and make available to the public, on a timely basis, a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (g) *Miscellaneous reports.* Make such other reports as the city council may require concerning the operations of the city departments, offices and agencies subject to the city manager's direction and supervision.
- (h) *Recommendations to city council.* Keep the city council fully advised as to the financial condition and future needs of the city. Recommendations to the city council concerning the affairs of the city shall be made by the city manager on a timely basis.
- (i) *Miscellaneous duties.* Perform such other duties as are specified in the Charter or as may be required by the city council.

(Ord. No. 1232-86, exhibit A, § 9, 10-14-86; Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 4.05. - Personnel procedures.

All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The city council shall establish by ordinance, personnel procedures and rules.

## ARTICLE V. - FINANCIAL PROCEDURES<sup>[5]</sup>

Footnotes:

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**State Law reference**— Municipal finance and taxation generally, F.S. § 166.201 et seq.; financial matters relating to political subdivisions generally, F.S. ch. 218; local financial management and reporting, F.S. § 218.20 et seq.

Sec. 5.01. - Fiscal year.

The fiscal year of the city shall begin on October 1 and end on September 30 or as prescribed by general law.

**State Law reference**— A fiscal year beginning October 1 and ending September 30 is mandated by F.S. §§ 166.241(1) and 218.33(1).

Sec. 5.02. - Submission of proposed budget and budget message.

At least two months prior to the beginning of the fiscal year, the city manager shall submit to the city council a proposed balanced budget and additional recommendations of needs of the city for the ensuing fiscal year and an accompanying message. Without prior city council approval, the city manager's proposed general fund component of the budget shall not be increased by greater than three percent of the approved general fund component of the budget for the prior year, or the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics, whichever is greater. Nothing herein shall prohibit the city council from adopting a budget in excess of this limitation, so long as the approved budget is otherwise in accordance with law.

(Ord. No. 1232-86, exhibit A, § 10, 10-14-86; Ord. No. 2013-36, exh. A, 11-26-13)

**State Law reference**— Expenditures not to exceed revenues, F.S. § 166.241.

Sec. 5.03. - Budget message.

The city manager's message shall explain the proposed budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the proposed budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the city manager deems necessary and proper.

Sec. 5.04. - Budget.

The proposed budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the city manager deems desirable or as the city council may require. In organizing the proposed budget, the city manager shall utilize the most feasible combination of expenditure classification by fund, organizational unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed

expenditures, including debt service, for the ensuing fiscal year and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (a) *Operating expenditures.* Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies, in terms of their respective work programs, and the method of financing such expenditures.
- (b) *Capital expenditures.* Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.
- (c) *Subsidiary expenditures.* Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary proposed budgets for each such utility giving detailed income and expenditure information shall be included in the proposed budget.

**State Law reference—** Requirements for budget, F.S. § 200.065.

Sec. 5.05. - Capital program.

- (a) *Submission to the city council.* At least three months prior to the beginning of the fiscal year, the city manager shall, after consulting with the Local Planning Agency, prepare and submit to the city council a proposed five-year capital program which shall be in accordance with the city comprehensive plan.
- (b) *Content.* The program shall include:
  - (1) A clear summary of its contents.
  - (2) A list of all capital improvements which are proposed to be undertaken during the next ensuing five fiscal years, with appropriate supporting information as to the necessity for such improvements.
  - (3) Cost estimates, method of financing and recommended time schedules for each such improvement.
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (c) *Capital program.* The capital program shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(Ord. No. 1232-86, exhibit A, § 11, 10-14-86)

Sec. 5.06. - City council action.

The city council shall adopt a balanced budget. The city council shall publish in one or more newspapers of general circulation in the city the places and times where hearings on the budget and capital program will be held. After such public hearings the city council may adopt the budget with or without amendment, provided that the total authorized expenditures shall not be greater than the total anticipated funds for any fiscal year. If the budget is not adopted by the city council before the first day of any fiscal year, the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis until such time as the city council adopts a budget for the ensuing fiscal year. The budget shall be adopted in the form of an ordinance and shall constitute appropriation of the amounts specified therein as expenditures of the funds indicated.

(Ord. No. 1232-86, exhibit A, § 12, 10-14-86; Ord. No. 99-3, § 2, 1-26-99)

**State Law reference**— Mandatory procedure for adoption of budget, F.S. § 200.065.

Sec. 5.07. - Finance department.

- (a) *Establishment.* There shall be a finance department within the city administration which shall be headed by the finance director.
- (b) *Responsibilities.* The finance department shall have the responsibility to account for all city funds and status of bond issues and other city indebtedness, for day to day receipts and disbursements of city funds, for encumbering the budget appropriations, and for all internal auditing procedures of all city departments. The finance department shall make reports and audits of other departments as required by the city manager or the city council.

(Ord. No. 99-3, § 2, 1-26-99)

**State Law reference**— Financial matters, F.S. ch. 218.

Sec. 5.08. - Depositaries and investments.

Depositaries of city funds for demand deposit and time deposit accounts shall be selected by the city council. The policy for investment of all other city funds shall be established by the city council.

**State Law reference**— Similar provisions, investment of local government surplus funds, F.S. § 218.401.

Sec. 5.09. - Surety bonding.

The city council shall determine what city positions shall be bonded and the amount of such bond.

**State Law reference**— Annual audits required, F.S. §§ 218.32, 218.39.

Sec. 5.10. - Audits.

- (a) *Financial audits.* The city council shall provide for an independent financial annual audit of all city accounts and provide for such more frequent audits as it deems necessary. Each audit shall be as extensive and serve such special purpose as the city council may deem necessary from time to time. Such audits shall be made by an independent certified public accountant or a firm of such accountants who have no direct interest in the fiscal affairs of the city government or any of its officers. The city council may, without requiring competitive bid, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made at least 90 days prior to the end of such fiscal year. If the State of Florida makes such an audit, the city council may accept such audit as satisfying the requirement of this section.
- (b) *Managerial audits.* The city council shall provide for an independent managerial audit of such city departments as it may deem necessary from time to time. Such audits shall be made by a competent individual or firm who has no direct interest in the managerial affairs of the city or any of its officers. The city council may, without requiring competitive bids, designate such individual or firm.

(Ord. No. 95-40, exhibit A, § 1, 10-24-95)

Sec. 5.11. - Disclosure of financial records.

- (a) *Budget*. Copies of the budget as adopted by ordinance shall be a public record.
- (b) *Capital program*. Copies of the capital program as adopted by ordinance shall be a public record.
- (c) *Audits*. Copies of financial audits shall be public record.

(Ord. No. 99-3, § 2, 1-26-99)

**State Law reference**— Public Records Act, F.S. ch. 119.

#### ARTICLE VI. - GENERAL OBLIGATION AND REVENUE BONDS<sup>[6]</sup>

Footnotes:

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**State Law reference**— Municipal borrowing generally, F.S. § 166.101 et seq.

Sec. 6.01. - Power to issue.

The city council shall have the power to authorize the issuance of bonds, certificates or [of] indebtedness or any form of tax anticipation certificates as provided by law. The city council shall provide for an independent financial advisor prior to any bond issuance. The independent financial advisor shall be prohibited from acting either directly or indirectly as a vendor or purchaser of the bonds.

(Ord. No. 1232-86, exhibit A, § 13, 10-14-86)

**State Law reference**— Issuance of bonds, F.S. § 166.121.

Sec. 6.02. - Approval of general obligation bonds.

General obligation bonds shall be issued only upon approval of a majority of the votes cast in the referendum required by state law.

(Ord. No. 1232-86, exhibit A, § 14, 10-14-86)

**State Constitution reference**— Referendum required on general obligation bonds, Fla. Const., art. VII, § 12(a).

**State Law reference**— Referendum required on general obligation bonds, F.S. § 100.201; bond referendum procedure, F.S. § 100.211 et seq.

Sec. 6.03. - Revenue bonds.

Revenue bonds shall be issued for self-liquidating programs, or as otherwise provided by law, only by resolution approval by a majority vote plus one of the members of the city council. After enactment of the resolution authorizing the issuance of such revenue bonds, the city council shall adopt a resolution or resolutions disposing of the remaining matters incidental to the issue.

(Ord. No. 99-3, § 2, 1-26-99)

Sec. 6.04. - Refunding of bonds.

Bonds may be refunded as provided by law to obtain a lower net average interest cost rate or to accomplish any other valid governmental purpose.

#### ARTICLE VII. - NOMINATIONS AND ELECTIONS

Sec. 7.01. - Reserved.

**Editor's note**— Ord. No. 99-3, § 2, adopted January 26, 1999, amended the Charter by repealing former § 7.01. Former § 7.01 pertained to electors, and carried no history note.

Sec. 7.02. - Nonpartisan election.

All nominations and elections for the office of mayor or city councilmember shall be conducted on a nonpartisan basis without regard for, or designation of, political party affiliation of any nominee or candidate on any ballot.

(Ord. No. 99-3, § 2, 1-26-99; Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 7.03. - Qualifications.

Candidates for the office of mayor or city councilmember shall qualify for the particular seat he or she seeks with the designated city official at such time and in such manner as may be prescribed by ordinance or general law.

(Ord. No. 99-3, § 2, 1-26-99)

Sec. 7.04. - Form of ballots.

The city council by ordinance shall prescribe the form of the ballot including the method for listing candidates for mayor or city council elections and any other city election. A Charter amendment, ordinance or resolution derived from initiative or referendum, as provided for in Articles VIII and IX, respectively, to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) (resolution) be adopted?" Immediately below such question shall appear, in the following order, the word "yes" and also the word "no" with a sufficient space provided to indicate the voter's choice.

**Editor's note**— It should be noted that Ord. No. 96-32, §§ 1, 2, adopted July 9, 1996, provided as follows:

"Section 1. The form of the ballot for elections will be determined by the Sarasota County Supervisor of Elections.

"Section 2. To the extent of any conflict between the provisions of this Ordinance, and any other Ordinance, Resolution, or Agreement of the City of Venice, Florida, the provisions of this Ordinance shall prevail."

Sec. 7.05. - Elections.

- (a) *Regulation of elections.* Except as otherwise provided by the Charter, the provisions of the election laws of the State of Florida shall apply to elections held pursuant hereto. All elections provided for by the Charter shall be conducted by the election authorities established by law. The city council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter regarding the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of challenge.
- (b) *Multiple candidates.* At the regular municipal election, the person receiving the highest number of votes cast for the office of mayor or a particular council seat shall be elected to office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.

(Ord. No. 1232-86, exhibit A, § 16, 10-14-86; Ord. No. 1285-87, exhibit A, 8-25-87; Ord. No. 96-42, § 2, exhibit A, 8-27-96)

**State Law reference**— Florida Election Code, F.S. chs. 97—106.

Sec. 7.06. - Special elections.

Special municipal elections may be called by the city 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 newspaper of general circulation in the city once a week for the four weeks immediately preceding the election.

Sec. 7.07. - General municipal elections.

The general municipal election of the city shall be held on the Tuesday next succeeding the first Monday in November in each year.

(Ord. No. 95-40, exhibit A, § 2, 10-24-95)

ARTICLE VIII. - CHARTER AMENDMENTS<sup>7</sup>

Footnotes:

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**State Law reference**— Charter amendments generally, F.S. § 166.031.

Sec. 8.01. - Charter amendments.

Amendments to this Charter may be framed and proposed by either:

- (a) Ordinance adopted by the city council setting forth the full text of the proposed amendments.
- (b) Written petition or petitions to the city council initiated by the electors setting forth the full text of the proposed amendment and signed in person by registered voters of the city in accordance

with requirements of general law. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed, and all required signatures must be affixed within a period of 90 days prior to the date such petition is submitted to the city council.

(Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 8.02. - Referendum.

Upon adoption of an ordinance by the city council as provided in subsection 8.01(a) of this article or upon delivery to the city council of a written petition as provided in subsection 8.01(b) of this article, the city council shall, not less than 30 nor more than 60 days thereafter, certify the petition for amendment and cause a referendum to be held on the question of adoption thereafter, certify the petition for amendment and cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and article VII, section 7.04 of this Charter.

Sec. 8.03. - Adoption of amendment.

Any proposed amendment to the Charter adopted by a majority of the registered voters of the city voting in such referendum shall become effective when filed with the office of the Department of State of the State of Florida.

(Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 8.04. - Supplemental method of amendment.

The foregoing method of proposing amendments and mechanics of holding referendums thereon shall be supplemental to the provisions of all other laws relating to amendment of municipal charters.

ARTICLE IX. - INITIATIVE AND CITIZEN REFERENDUM<sup>[8]</sup>

Footnotes:

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**Editor's note**— Ord. No. 2013-36, exh. A, adopted Nov. 26, 2013, amended art. IX in its entirety to read as herein set out. Former art. IX, §§ 9.01—9.07 was entitled "Initiative and Referendum", and derived from Ord. No. 1232-86, exh. A, §§ 17, 18, adopted Oct. 14, 1986; and Ord. No. 99-3, § 2, adopted Jan. 26, 1999.

Sec. 9.01. - General authority for initiative and citizen referendum.

- (a) *Initiative*. The registered voters of the city shall have power to propose ordinances or resolutions to the city council and, if the city council fails to adopt an ordinance or resolution so proposed without any change in substance, to adopt or reject it at a city election, but such power shall not extend to the budget or capital program or any ordinance or resolution relating to appropriation of money, levy of taxes, compensation of city officers or employees, except for the compensation for the city councilmembers, or any other matter prohibited by general law.
- (b) *Citizen Referendum*. The registered voters of the city shall have power to require reconsideration by the city council of any adopted ordinance or resolution, and, if the city council fails to repeal an ordinance or resolution so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any emergency ordinance or resolution, or ordinance

or resolution relating to appropriation of money, levy of taxes, compensation of city officers or employees or any other matter prohibited by general law.

(Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 9.02. - Commencement of proceedings; petitioners' committee; affidavit.

- (a) *Time for filing citizen referendum.* Citizen referendum affidavits and initiating petitions must be filed within 30 days after adoption by the city council of the ordinance or resolution sought to be reconsidered.
- (b) Any five registered voters may commence initiative or citizen referendum proceedings by filing with the city clerk an affidavit and initiating petition stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or resolution, citing the ordinance or resolution sought to be reconsidered. Within ten business days after the affidavit of the petitioners' committee is filed, the city clerk shall, upon determining that the petition complies with requirements of section 9.02, issue the appropriate petition blanks to the petitioners' committee. If the city clerk determines that the petition does not comply with the requirements of section 9.02, the city clerk shall complete a certificate specifying the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Thereafter, the petitioners' committee shall be entitled to submit a corrected petition or seek judicial review.

(Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 9.03. - Petitions.

- (a) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least ten percent of the total number of registered voters of the city.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or resolution proposed or the ordinance or resolution sought to be reconsidered as the case may be.
- (c) *Affidavit of circulator.* All papers of a petition shall have attached to them when filed an affidavit executed by the person circulating them stating that he or she personally circulated the papers, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she 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 or resolution proposed or the ordinance or resolution sought to be reconsidered as the case may be.
- (d) *Time for filing final petition signatures.* All signatures on final petitions must be signed within six months of submission to the city clerk.

(Ord. No. 2013-36, exh. A, 11-26-13)

Sec. 9.04. - Procedure after filing.

- (a) *Certificate of city clerk; amendment.* The final petition with the required number of signatures and affidavits shall be assembled as one instrument for filing with the city clerk. Within 20 days after the final petition is filed purporting to have the required number of signatures, the city clerk shall

complete a certificate as to its compliance with provisions of sections 9.03 and 9.04, 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.

A final 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 five working days after receiving the copy of the city clerk's certificate specifying insufficiency. In such case, the petitioners' committee may amend the final petition with a supplementary petition with additional signatures and affidavits within 30 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 9.03 and within five working days after it is filed, the city clerk shall complete a certificate as to the sufficiency of the final 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 final petition. If a final petition or amended petition is certified sufficient, or if a final petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request city council review under subsection (b) of this section within the time required, the city clerk shall promptly present his or her certificate to the city council and the certificate shall then be a final determination as to the sufficiency of the final petition as amended.

- (b) *City Council review.* If a petition has been certified insufficient by the city clerk and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the petitioners' committee may, within five working days after receiving the copy of such certificate, file a request that it be reviewed by the city council. The city council shall review the certificate at the next regularly scheduled meeting no earlier than ten days following the filing of such request and approve or disapprove it, and the city council's determination shall then be a final determination as to the sufficiency of the final petition as amended.
- (c) *Court review; new petition.* A final determination as to the sufficiency of a final petition or a final petition as amended shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Ord. No. 2013-36, exh. A, 11-26-13)

#### Sec. 9.05. - Citizen referendum petitions; suspension of effect of ordinance or resolution.

When a final citizen referendum petition, purporting to include the required number of signatures, is filed with the city clerk, the ordinance or resolution 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 city council repeals the ordinance or resolution; or
- (4) After a vote of the registered voters on the ordinance or resolution has been certified.

(Ord. No. 2013-36, exh. A, 11-26-13)

#### Sec. 9.06. - Action on petitions.

- (a) *Action by city council.* When an initiative or citizen referendum petition has been finally determined sufficient, the city council shall promptly consider and vote on the proposed initiative ordinance or resolution or vote on the reconsideration of the citizen referendum ordinance or resolution sought to be repealed. If the city council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal the citizen referendum ordinance or resolution sought to be repealed, within 30 days after the date the final petition was finally determined

sufficient, it shall submit the proposed initiative ordinance or resolution or the citizen referendum ordinance or resolution sought to be repealed, to the voters of the city.

- (b) *Submission to voters of proposed initiative or citizen referendum ordinances or resolutions.* The vote of the voters of the city on a proposed initiative ordinance or resolution or a citizen referendum ordinance or resolution shall be held not less than 30 days and not later than one year from the date of the final city council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the city council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the city council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed initiative ordinance or resolution or citizen referendum ordinance or resolution shall be made available at the polls.
- (c) *Withdrawal of petitions.* An initiative petition or citizen referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least two-thirds 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.

(Ord. No. 2013-36, exh. A, 11-26-13)

#### Sec. 9.07. - Results of election.

- (a) *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance or resolution 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 or resolutions of the same kind adopted by the city council. If conflicting ordinances or resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Citizen referendum.* If a majority of the registered voters voting on a citizen referendum ordinance or resolution vote in favor of its repeal, it shall be considered repealed upon certification of the election results.

(Ord. No. 2013-36, exh. A, 11-26-13)

#### ARTICLE X. - RECALL

##### Sec. 10.01. - Recall.

The mayor or any member of the city council may be removed from office by the electors of the city under the provisions of Florida state law.

(Ord. No. 2013-36, exh. A, 11-26-13)

**State Law reference**— Recall of municipal officers, F.S. § 100.361.

#### ARTICLE XI. - GENERAL PROVISIONS

##### Sec. 11.01. - Penalties.

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

**State Law reference**— Uniform fines and penalties, F.S. §§ 775.082, 775.083.

Sec. 11.02. - Oath of office.

Every elected or appointed officer of the city shall, before entering upon the duties of office, take and subscribe an oath in the form required for state and county officers under the laws of the State of Florida. Such oath shall be filed in the office of the city clerk.

**State Constitution reference**— Oath required of state and county officers, Fla. Const., art. II, § 5.

**State Law reference**— Oath required, F.S. § 876.05.

Sec. 11.03. - Severability clause.

If any article or any part thereof, or any section or part thereof of this Charter as it now exists or as it may be amended is held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not invalidate or impair the validity, force or effect of any other article or part thereof, or any other section or part thereof, unless it clearly appears that such other article or part thereof, or section or part thereof, is wholly or necessarily dependent for its operation upon the article or part thereof, or section or part thereof, held to be invalid or unconstitutional. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons or circumstances shall not be affected thereby.

(Ord. No. 2013-36, exh. A, 11-26-13)

## ARTICLE XII. - TRANSITIONAL PROVISIONS

Sec. 12.01. - Continuation of former charter provisions.

All provisions of Laws of Fla., ch. 11776(1925), as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city.

Sec. 12.02. - Ordinances and resolutions preserved.

All ordinances or resolutions of the city 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. 12.03. - Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. The present mayor and city councilmembers shall continue to hold their offices and discharge their duties under the new Charter until their successors are elected; in addition, their current terms shall be exempt from the limits prescribed in Article III, section 3.04.

Sec. 12.04. - Reserved.

**Editor's note**— Res. No. 2013-18, § 2, adopted July 23, 2013, deleted § 12.04, entitled "Transitional terms", which derived from Ord. No. 684-77 on May 5, 1977, and by referendum on June 21, 1977, and effective on June 27, 1977.

Sec. 12.05. - Obligation of contracts preserved.

No debt or contract of the municipality, including bonds heretofore issued, shall be impaired or voided by the adoption of this Charter.

Sec. 12.06. - 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. 12.07. - Reserved.

**Editor's note**— Res. No. 2013-18, § 3, adopted July 23, 2013, deleted § 12.07, entitled "Schedule", which derived from Ord. No. 684-77 on May 5, 1977, and by referendum on June 21, 1977, and effective on June 27, 1977.

Sec. 12.08. - Deletion of obsolete schedule items.

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