



To: Walter J. Foeman

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the "From:" line.

RE: Charter Revisions Consistent with City Referendum Results

Date: November 30, 2016

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Please see the attached Charter, revised consistent with the results of the November 8, 2016 referendum, where Coral Gables residents voted on five (5) amendments to the City Charter. Four of the five Charter amendments were passed by the voters. The Charter has been revised to reflect those changes approved by the voters.

Please verify these changes, maintain the official copy of the Charter, and inform the Municipal Code Corporation of the revision to the Charter.

# **CHARTER OF THE CITY OF CORAL GABLES**

## **FOREWORD**

George Merrick founded the City of Coral Gables in 1921. The City was incorporated by Special Act of the Florida Legislature, Chapter 10418 of the Laws of Florida, on April 29, 1925, which approved the original Charter for the City of Coral Gables. In 1925, the Legislature amended the original Charter by three separate acts (Chapters 10419, 11439, and 11440, Laws of Florida). In 1927, the Legislature amended the Charter through the adoption of three additional Special Acts (Chapters 12631, 12632, and 12633, Laws of Florida). The original Charter, as well as the six above amendments, were repealed on May 8, 1929 when, by Special Act (Chapter 13972, Laws of Florida), the Florida Legislature granted limited home rule powers to the City of Coral Gables. The 1929 Special Act created a new City Charter, which empowered the City to govern itself on certain limited matters through a City Commission and Mayor as opposed to being wholly reliant upon Special Acts of the Florida Legislature for governance. Thereafter, the City Charter was amended by referendums as well as by Special Acts of the Florida Legislature (*See Appendix C: Charter Amendments*).

On January 1, 1954, with the approval of the City Attorney, the City Clerk for the City of Coral Gables, E.B. Poorman, issued an unofficial compilation of the Charter (the “Compiled Charter” or “CC”). This document was a compilation of the Charter approved May 8, 1929 (Chapter 13972, Laws of Florida) with all amendments thereto, and all the acts granting special powers or immunities to the City up to July 1, 1953. While the Compiled Charter was “unofficial,” its text was prepared from reliable historical sources, copies of the legislative acts that were certified by the Secretary of State, legislative acts located in City files, or from laws contained within the official bound volumes of laws of each legislative session. Accordingly, the Charter was amended in reliance upon and with reference to the provisions in the Compiled Charter.

In 1973, the Florida Legislature passed the Municipal Home Rule Powers Act (the “Act”), Florida Statutes Section 166.011 *et seq.*, which codified the broad powers granted to municipalities in Article VIII, Section 2(b) of the Florida Constitution. The Act granted to municipalities “governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and [to] exercise any power for municipal purposes, except when expressly prohibited by law.” Through the Act, the City was granted full home rule power and it no longer relies on the Florida Legislature to adopt special acts to resolve its day-to-day governance needs.

On May 21, 1957, Dade County (today “Miami-Dade County”) was also granted broad home rule powers through the Dade County Home Rule Amendment to the Florida Constitution, Article VIII, Section 11 of the Florida Constitution. Consequently, while the City has broad home rule powers, it is constrained or pre-empted in certain areas by the Dade County Home Rule Amendment and the Dade County Home Rule Charter that was adopted pursuant to such Amendment. Likewise, the City is constrained or pre-empted in certain areas that are expressly or implicitly reserved to the Florida Legislature. As a result, over the years some of the City’s Charter provisions have been repealed, reserved, or converted to ordinances by acts of both the

Florida Legislature and/or Miami-Dade County. While past versions of the City's Charter retained references to those repealed, reserved, and/or converted provisions, this version of the Charter does not contain placeholders for, or references to, those provisions, for the purpose of making it more reader-friendly. Additionally, this Charter has been re-numbered; thus, its new numbered references differ from those in its past versions.

In addition, of note is Section 6.02 of the Dade County Home Rule Charter, which expressly states that:

[E]ach municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

This broad grant of authority to municipalities within the County Charter allows the City of Coral Gables to enforce City Charter provisions and City ordinances consistent with the broad grant of authority in Section 6.02. Likewise, the Dade County Home Rule Amendment protects municipalities in Dade County, such as the City of Coral Gables, from having their authority limited by any local, special, or general law of local application.

Finally, this version of the Charter is gender neutral.

## ARTICLE I. - CITY COMMISSION AND MAYOR

### **Sec. 1. Creation, composition, election, terms, vacancies, qualifications.**

The City shall be governed by a commission consisting of five members elected from the City, at large, in groups or seats numbered One through Five. One of the said Commissioners shall be the Mayor and shall be elected by the people from the group numbered One, and all persons desiring to qualify as a candidate for Mayor shall file in Group One. The Mayor shall have the powers set in the Charter of the City of Coral Gables, Dade County, Florida (today Miami-Dade County). All persons desiring to qualify for Commissioner shall file in Groups Two through Five. Commissioners in Groups Two and Three shall be elected at the general election to be held the second Tuesday in April, 1985, and at general election every four years thereafter. Commissioners in Groups Four and Five shall be those Commissioners whose terms presently expire in 1987, and Commissioners who elect to run in Groups Four and Five shall be elected the second Tuesday in April, 1987 and general election each four years thereafter. The Mayor shall be elected at each general election beginning the second Tuesday in April 2011, and shall hold office for a term of two years. The Mayor and Commissioners shall take office at noon on the third day after their election. The Mayor and all other members of the Commission shall be subject to recall, as provided by the Charter.

The candidate receiving the greatest number of votes in each group shall be considered elected after the canvas of the vote and the declaration of the elections' result as hereinafter provided.

Any Commissioner whose term of office does not expire at noon on the third day after the election, desiring to run for the office of Mayor shall present an irrevocable resignation of his office of Commissioner to the City Commission not less than 60 days prior to the date of election, and said resignation shall become effective at noon on the third day after the election. Upon receipt of resignation, the Commission shall make public announcement by resolution accepting the resignation and instructing the Clerk to accept qualified candidates to run for election for the unexpired term of the resigning Commissioner for the purpose of running for Mayor.

Within 30 days after a vacancy occurs on the Commission, the remaining Commissioners shall elect a Commissioner to fill the vacancy until the next general biennial election. At that time, if the term of office vacated extends beyond such election, a Commissioner shall be elected to fill the balance of the unoccupied term, except as provided for recall. Members of the Commission shall not hold any other elected office except that of Notary Public, or member of the Florida State Militia. A member of the Commission ceasing to possess any of the qualifications specified in the Charter, or if convicted of a felony while in office, shall immediately and automatically forfeit his or her office.

(Compiled Charter §§ 8 and 10; as amended by: Laws of Fla. ch. 21161 (1941), Laws of Fla. ch. 22240 (1943); Ord. No. 2453<sup>1</sup>, § 2, February 8, 1983 (referendum April 12, 1983); Res. No. 24160, § 2, April 13, 1983 (accepting and approving results of April 12, 1983 referendum authorized by Ord. No. 2453); Ord. No. 2503, § 2, June 12, 1984; Ord. No. 2507<sup>2</sup>, § 2, July 24, 1984 (referendum November 6, 1984); Res. No. 24947, November 20, 1984 (accepting results of referendum held on November 6, 1984 as authorized by Ord. No. 2507); Ord. No. 2004-32<sup>3</sup>, § 3, August 24, 2004 (referendum held April 12, 2005); Res. No. 2005-63, April 12, 2005 (approving results of April 12, 2005 referendum authorized by Ord. No. 2004-32); Ord. No. 2005-06, § 3, 1-25-2005 (referendum April 12, 2005); Res. No. 2005-63, § 2, April 12, 2005 (approving results of April 12, 2005 referendum authorized by Ord. No. 2005-06.); Ord. No. 2009-05<sup>4</sup>, § 3, January 13, 2009; Res. No. 2009-87, § 3, January 13, 2009 (approving results of April 14, 2009 referendum authorized by Ord. No. 2009-05)).<sup>5</sup>

### **Sec. 1.1 Run-Off Election**

The candidate receiving a majority of the votes in each group shall be considered elected. In any election for Groups One through Five, if a majority of the vote is not received by any one candidate of a group, a run-off between the two candidates receiving the most votes in the respective

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<sup>1</sup> By virtue of the referendum that approved Ord. No. 2453, Charter Sections 11(f) (entitled, “Election to Office”; “candidate for Mayor”) and 15 (entitled, Mayor, Term, Vacancy) were repealed. Furthermore, Section 9 of the Charter, entitled Creation, Composition, Election, Terms, Vacancies, Qualifications, was amended. Notably, as part of Section 9’s Amendment, the term of office for the City’s mayor was limited to two years.

<sup>2</sup> Section 5 of Ordinance No. 2507 expressly repealed Ordinance No. 2503.

<sup>3</sup> Ord. No. 2004-32 was amended by Res. No. 2004-180 and Res. No. 2004-181. Res. No. 2004-180 changed the date of the referendum election outlined in Ord. No. 2004-32 from November 2, 2004 to April 12, 2005. Thus, the referendum date for Ord. No. 2004-32 was made to coincide with the referendum date for Ord. No. 2005-06. Likewise, both Ord. No. 2004-32 and Ord. No. 2005-06 proposed to amend Section 9 of the Charter and, in doing so, increase the term of office for the mayor to four years. Meanwhile, Res. No. 2004-181 provided that the Charter amendment issue outlined in Ord. No. 2004-32, the four-year term of office for the City mayor, be placed on the ballot as the first issue following the Municipal Candidates Section.

<sup>4</sup> Ord. No. 2009-05 decreased the term of office for the City mayor to a term of two years. As such, the term of office for the City mayor is currently limited to a term of two years.

<sup>5</sup> It should be noted that while the ordinances and resolutions outlined in this legislative history make reference to amending Section 9 of the Charter, it appears that these references may have been made in error or in relation to a version of the Charter other than that of the Compiled Charter. It would appear that the amendments set forth in this history would be more amenable to modifying the terms contained within Sections 8 and 10 of the Compiled Charter as opposed to those contained in Section 9 of the Compiled Charter.

group shall be held two weeks after the general election, on a Tuesday. The candidate receiving the most votes in the run-off shall be considered elected. The Mayor and Commissioners shall take office at noon on the third Friday after the general election. No run-off election shall be required when a candidate receives a majority of the vote or if a candidate is unopposed in the run-off election. Run-off and all other dates related thereto may be adjusted by Ordinance. This provision shall take precedence over any conflicting provision in this Charter.

(Res. No. 2016-262, November 15, 2016 (accepting results of the November 8, 2016 referendum authorized by Res. No. 2016-161, June 14, 2016)).

## **Sec. 2 Term Limitations.**

No person shall be elected to serve as Mayor for more than eight consecutive years. Likewise, no person shall be elected to serve as City Commissioner for more than twelve consecutive years.

The time served by an individual chosen, appointed or elected to fulfill an unexpired term resulting from a vacancy on the City Commission shall not be counted in applying these term limits.

(Ord. No. 2009-12 (as amended), § 3, January 27, 2009 (referendum April 14, 2009); Res. No. 2009-86, April 17, 2009 (approving results of April 14, 2009 referendum authorized by Ord. No. 2009-12))

## **Sec. 3. Election to Office; Commission as Judge of Qualifications, Requirements, Ballots, Canvassing, and Qualifying Periods.**

The members of the Commission shall be residents of the City and shall have the qualifications of electors therein. The Commission shall be the judge of the election and qualifications of its own members in accordance with the parameters outlined in this Charter.

- (a) **Age and Residency Requirements.** To be a candidate for Mayor or Commissioner, an individual must: be a U.S. Citizen and have resided in the City of Coral Gables for at least one year prior to the election for which he or she seeks office.
- (b) **Ballots, Canvassing.** It is the duty of the City Commission to have ballots prepared in advance of an election and to complete all prerequisites required of the Commission under this Charter or any other governing provision of Florida law. After an election, the Commission shall canvass the election returns and declare its results as soon as may be practicable.
- (d) **Candidates, Fee; Rebate of Excess Fees.** Any person who meets the qualifications for a candidate, as outlined in this Charter, may offer himself or herself as a candidate for City Commissioner by submitting a written declaration to the City Clerk and paying a

\$200.00 filing fee, which shall be used to off-set the costs of the election. The name of any person so qualified shall be placed on the official ballot. Within 30 days after the election, the City Clerk shall advise the Commission as to the costs of the election and the amount of candidate filing fees collected. If the amount of candidate filing fees collected is greater than the election's cost, the City Commission shall order that such excess be returned to the candidates in a pro rata manner.

- (e) **Qualifying Period.** To be qualified to run for Mayor or Commissioner, candidates must file their written declaration of intent with the City Clerk, and pay the required candidate filing fee, between noon of the 50th day and noon of the 46th day prior to the election. This period shall constitute a four-day qualifying period.

(Compiled Charter §§ 8 and 10; as added, repealed, re-enacted, and/or amended by: Laws of Fla. ch. 16373 (1933); Laws of Fla. ch. 21161 (1941); Laws of Fla. ch. 22240 (1943); Laws of Fla. ch. 23217 (1945); Laws of Fla. ch. 24444 (1947); Ord. No. 2453, § 2, February 8, 1983 (referendum April 12, 1983); Res. No. 24160, § 2, April 13, 1983 (accepting and approving results of April 12, 1983 referendum authorized by Ord. No. 2453); Ord. No. 3216, § 1, January 14, 1997; Ord. No. 3302, § 1, December 16, 1997)

#### **Sec. 4. Rules of Procedure; Expulsion, Quorum.**

The Commission may determine its own rules of procedure, censure its own members for misconduct, and may compel the attendance of members. A majority of all the members of the Commission will constitute a quorum to do business, but a smaller number may adjourn from time to time. On a unanimous vote of the other sitting members of the Commission, the Commission may remove a member on any of the grounds provided by general law for the Governor's suspension or removal of a municipal officer. But no member will be removed unless he or she is notified in writing fifteen days before any action is taken on the charge against the member and the member is given an opportunity to be heard in his or her own defense. If the Governor suspends a member before the Commission votes to expel the member, the Commission may not act further to remove the member unless and until the member is restored to office. After any restoration of the member to office, however, the Commission in its discretion may then proceed to remove the member upon notice and hearing as provided herein. The Commission's authority to remove a member hereunder is intended to supplement and not to supersede general law, as amended, regarding the suspension or removal of a municipal officer, including any provisions of general law for the member's entitlement to full back pay and such other emoluments or allowances to which the member would have been entitled for the full period of time of any suspension by the Governor.

(Compiled Charter § 11; Res. No. 2016-263, November 15, 2016 (accepting results of the November 8, 2016 referendum authorized by Res. No. 2016-160, June 14, 2016) ).

#### **Sec. 4.1 – Incapacity**

Upon a good faith belief that a member of the City Commission is temporarily incapacitated and unable to perform the duties of office, with reasonable accommodations, a vote of four members

of the Commission may suspend the incapacitated Commissioner. The City Commission may appoint a replacement during the time of suspension.

(Res. No. 2016-260, November 15, 2016 (accepting results of the November 8, 2016 referendum authorized by Res. No. 2016-158, June 14, 2016)).

### **Sec. 5. Ordinances, Form, Procedure; Publication.**

The Commission shall act only by ordinance or written resolution. All ordinances and resolutions, with the exception of ordinances making appropriations, shall be confined to a single subject, which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of the appropriation. No ordinance shall be passed until it has been read at a City Commission meeting on two separate days unless the requirement of reading on two separate days has been dispensed with by a four-fifths vote of the members of the Commission. Ordinances shall be read by title only; complete copies of proposed ordinances shall be furnished to each Commissioner and shall be made available to all interested persons prior to their final adoption. Provisions shall be made for posting copies of such proposed ordinances on the City's website or in some other similar electronic format accessible to the public. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered into the journal of the Commission's proceedings. On final passage, every ordinance and resolution shall require the affirmative vote of a majority of the Commission. In the event of a tie vote, the proposed ordinance or resolution shall be carried over to the next regular or special meeting of the Commission. In the event that the proposed ordinance or resolution does not receive a majority vote at the subsequent meeting, it shall be deemed to have failed. No member of the Commission shall be permitted to vote on matters involving the consideration of his or her own official conduct or where his or her financial interests are involved.

(Compiled Charter § 13; amended by Ord. No. 2133, § 2(F), January 21, 1975 (referendum April 8, 1975); Res. No. 20497, April 9, 1975 (accepting and approving results of April 8, 1975 referendum authorized by Ord. No. 2133, § 2F); Ord. No. 3291, § 1 (December 16, 1997)).

**Editor's note** — Under Florida law, the term “ordinance” is defined as an “official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law,” § 166.041(1)(a), Florida Statutes; while the term “resolution means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.” Fla. Stat. § 166.041(1)(b)(2012).

### **Sec. 6. Duties of Mayor.**

The Mayor shall preside at the meetings of the Commission and perform other duties consistent with his or her office and the Charter as may be imposed by the Commission. He or she shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for military purposes. In time of public danger or emergency, he or she may, with the consent of the Commissioners, take command of the police to maintain order and enforce the laws. The Vice Mayor shall be



appointed by the Mayor, and, in the event of the Mayor's absence or disability, the Vice Mayor shall undertake these duties. In the event that the Vice Mayor is unable to undertake the Mayor's duties, the Mayor shall appoint a Commissioner to undertake the Mayor's duties.

(Res. No. 2016-261, November 15, 2016 (accepting results of the November 8, 2016 referendum authorized by Res. No. 2016-159, June 14, 2016)).

### **Sec. 7. Compensation, Commissioners and Mayor.**

The Commission may, by ordinance, provide for the compensation of its members, including the Mayor, and for the allowance of travel and office expenses.

(Compiled Charter § 16).

### **Sec. 8. Appointment of City Officers; Record of Proceedings.**

The Commission shall keep a complete record of all of its proceedings. A copy of a record of a Commission proceeding, certified by the City Clerk, shall be competent evidence in all courts in the State of Florida. The Commission shall appoint the following officers: City Manager, City Clerk, and City Attorney. These officers shall not be members of the Commission and shall serve at the will of the Commission.

(Compiled Charter § 17; amended by Ord. No. 3292, § 1, December 16, 1997).

**Editor's note**— The reference to “judge” and “associate judge” of the municipal court have been editorially deleted as municipal courts have been abolished. Moreover, the provisions formerly contained in this Section relating to municipal judges and municipal courts were pre-empted by Art. I, Sec. 5 of the Florida Constitution.

### **Sec. 9. Authority to Provide Pension Plan.**

The Commission of the City of Coral Gables may, by ordinance, provide for a pension plan for the officers and employees of the City. Said ordinance may be amended by the City Commission.

(Compiled Charter § 17½; as amended by: Laws of Fla. ch. 23218 (1945); Laws of Fla. ch. 24448 (1947)).

**Editor's note**— In accordance with Section 8½ of the Charter, the City Commission passed Ordinance No. 483 (December 27, 1945) (entitled “An Ordinance to Create, Maintain, and Administer a Retirement and Benefit System for the Benefit of Regular Employees and their Beneficiaries”), which set forth a proposed pension plan ordinance and called for a referendum on that proposed ordinance. Then, through a referendum, held by special election on January 8, 1946, the qualified electors of the City ratified and approved the proposed ordinance. The City Commission accepted and approved the referendum results and, thereby, adopted the pension plan ordinance through Resolution No. 2582 (January 9, 1946). Through the adoption of the

Home Rule Powers Act on July 1, 1973, the Florida Legislature extended to “municipalities the broad exercise of home rule powers granted by the constitution.” Fla. Stat. § 166.021(4)(2012). Moreover, pursuant to Section 166.021(4) of the Home Rule Powers Act, the Florida Legislature established that, with limited exceptions, any provisions contained within a city charter (adopted prior to July 1, 1973) that placed limitations upon a municipality’s home rule powers were nullified and repealed. Fla. Stat. § 166.021(4)(2012). Consequently, all provisions contained in this Charter that placed limitations upon the City of Coral Gables’ home rule powers were nullified and repealed by Section 166.021(4) of the Home Rule Powers Act. As such, those nullified and repealed provisions have been editorially deleted from the City Charter. Additionally, the referendum provisions previously contained in this Section were editorially deleted to ensure compliance with Article I, Section 6 of the Florida Constitution. *See City Attorney’s Office Opinion No. 2016-004*, dated January 6, 2016. *See also City of Miami Beach v. Bd. of Trs. of the City Pension Fund for Firefighters*, 91 So. 3d 327 (Fla. 3d DCA 2012); *General Employees Retirement Comm. v. City of North Miami Beach*, 151 So. 3d 1271 (Fla. 3d DCA 2014).

## **Sec. 10. Initiative and Referendum.**

With the exception of an appropriation ordinance or an ordinance making the annual tax levy, the electors shall have the power to approve or reject at the polls any ordinance passed by the Commission or submitted by the Commission for a vote of the electors. This power shall be known as referendum.

**(A) Effective Dates for Ordinances.** No ordinance shall go into effect until thirty days after its passage, unless: (1) the text of the ordinance declares it to be an emergency measure for urgent public need, and for the preservation of peace, health, safety or property; and (2) the ordinance is passed by a vote of at least four-fifths of the members of the Commission. No ordinance granting or amending any public utility measure, or amending or repealing any measure adopted by the electors through a referendum, shall be regarded as an emergency ordinance.

**(B) Referendum Petitions.** Within thirty days after the Commission passes an ordinance that is subject to referendum, a petition signed by at least ten percent of the total number of registered voters in the City may be filed with the City Clerk requesting that such ordinance, or any specified part thereof, be repealed or submitted to a vote of the electors. A referendum petition shall clearly specify the ordinance or part thereof for which repeal or a vote of the electors is sought; however, the petition is not required to contain the text of the ordinance. For purposes of determining whether at least ten percent of the City’s registered voters have signed a referendum petition, the total number of registered voters in the City shall be evidenced by Miami-Dade County’s official voter registration records for the City’s regular election that immediately preceded the filing of the referendum petition.

**(i) Commission Action in Relation to Referendum Petitions.** If the City Clerk finds a referendum petition or an amended referendum petition to be sufficient: (1) the City Clerk shall certify that fact to the Commission at its next regular meeting; and (2) until the electors approve the ordinance, as provided herein, the ordinance or the part thereof specified in

the referendum petition shall not go into effect and further action under the ordinance shall be suspended if the ordinance has already gone into effect. Moreover, upon receipt of the Clerk's certification of a referendum petition, the Commission shall formally reconsider the ordinance or part thereof at issue in the referendum petition. As part of its reconsideration, the Commission shall vote on the question of: "shall the ordinance or the part thereof set forth in the referendum petition be repealed?" If the ordinance or part thereof at issue in the referendum petition is not repealed after the Commission's reconsideration of said ordinance or part thereof, the referendum petition shall be submitted to the electors at a municipal election held at least thirty days after the Commission's reconsideration vote. The Commission, by a vote of at least four-fifths of its members, may submit the ordinance or part thereof at issue in the referendum petition to the electors at a special election to be held at least thirty days after the Commission's reconsideration vote. If when submitted to the electors any ordinance or part thereof is not approved by a majority of those voting thereon, it shall be deemed repealed.

**(ii) Form of Referendum Ballot.** Ordinances or parts thereof submitted to a vote of the electors in accordance with the referendum provisions of this Charter shall be submitted by ballot title, which shall only be prepared by the City Attorney. The ballot title may be distinct from the regular title of the ordinance at issue. The ballot title, moreover, shall be a clear and concise statement without argument or prejudicial language, which describes the substance of the ordinance or part thereof at issue. The ballot used in voting upon any ordinance or part thereof shall have below the ballot title the following proposition, one above the other in the order indicated "For the Ordinance" and "Against the Ordinance." Furthermore, any number of ordinances or parts thereof may be voted on in the same election and may be submitted on the same ballot. The form of the ballot shall also comply with all applicable requisites of the Miami-Dade County Elections Department and the applicable provisions of Florida law.

**(iii) Preliminary Steps — Referendums for Expenditures, Bond issues, Appropriations, and Franchises.** If a referendum petition filed in relation to an ordinance passed by the Commission involves the expenditure of money, a bond issue, the granting of a franchise, or a public improvement, all preliminary steps to such actual expenditure, actual issuance or sale of bonds or actual execution of the contract for such franchise or improvement may be taken prior to the referendum election.

**(iv) Emergency Ordinances Subject to Referendum.** Any emergency ordinance or other ordinance which, according to the provisions of Section 10(A) of this Charter, have gone into effect prior to the filing of a referendum petition thereon shall be subject to referendum as in the case of other ordinances and further action thereunder shall be suspended from the date of the Clerk's certification to the Commission that a sufficient referendum petition has been filed. If, when submitted to a vote of the electors any such ordinance is not approved by a majority of those voting, said ordinance shall be considered repealed and all rights and privileges conferred by it shall be null and void. Nonetheless, any such repealed ordinance shall be deemed to have sufficient authority for any payments made or expenses incurred in accordance therewith prior to the date of the Clerk's certification to the Commission that a sufficient referendum petition has been filed as to the ordinance.

(v) **Publication.** At least fifteen days prior to an election in which an ordinance is to be submitted to the voters for approval or repeal, the City Clerk shall publish the full text of every such ordinance in a newspaper of general circulation in the City of Coral Gables.

(vi) **Conflicting ordinances.** If two or more ordinances adopted or approved at the same election conflict with respect to any of their provisions, the provisions of said ordinances that do not conflict shall go into effect. With regard to the provisions that do conflict, the provisions contained in the ordinance that receives the highest affirmative vote shall prevail.

(vii) **Signatures and Affidavits for Referendum and Recall Petitions.** The signatures for referendum or recall petitions are not required to be appended to one paper; however, for each separate petition paper there shall be attached an affidavit of the petition circulator, as provided by this Section. Each person who signs such petition paper shall sign his name in ink or indelible pencil and shall indicate after their name his or her place of residence by street and number or other description sufficient to identify the place of residence. All such papers pertaining to one ordinance shall have written or printed thereon the names and addresses of at least five City of Coral Gables' electors who shall be officially regarded as filing the petition. The names and addresses of these five electors shall be provided on each paper accompanying any petition paper. These five electors, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. All referendum petition papers shall be filed in the office of the City Clerk as one instrument. The affidavit required to be attached to each referendum and recall petition shall substantially comport with the following:

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

**BEFORE ME,** the undersigned authority, personally appeared \_\_\_\_\_, who, after being first by me duly sworn, deposes and states that he/she and he/she only, personally circulated the foregoing paper, and that all signatures appended thereto were made in his/her presence and are the genuine signatures of the persons whose names they purport to be.

**WITNESS** my hand and official seal at the State and County aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires:\_\_\_\_\_

The foregoing affidavit shall be strictly construed and any affiant swearing falsely as regards any particular matter contained therein shall be guilty of perjury and attempted election fraud.

**(viii) Referendum and Recall Petition Papers.** All petition papers concerning a referendum or recall petition shall be assembled and filed with the City Clerk as one instrument. Within ten days after a petition is filed, the City Clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of electors. The City Clerk shall declare any petition paper entirely invalid when not attested by the circulator thereof as required by Section 10(B)(i) of this Charter or upon which the affidavit of the circulation can be shown to be false in any regard. Upon completing his examination of the petition, the City Clerk shall attach thereto a certificate showing the result of the examination. If the City Clerk should certify that the petition is insufficient, he shall set forth in his certificate the particular manner(s) in which the petition is defective and shall at once notify the petitioners' committee of his findings.

**(ix) Amendment of Referendum and Recall Petitions.** A referendum or recall petition may be amended within ten days of the City Clerk certifying that the petition is insufficient, by filing an amended petition containing additional papers signed and filed in conformance with the requirements applicable to the original petition, as set forth in this Section. The City Clerk shall examine the amended petition within five days after filed. If the City Clerk determines that the amended petition is again insufficient, he or she shall file the amended petition in his office, notify the petitioners' committee of his or her findings, and take no further action on such insufficient petition. The City Clerk's finding that a petition is insufficient shall not prejudice the filing of a new petition for the same purpose.

**(C) Power to Institute Ordinances, Initiatives.** The people shall have the power to propose ordinances, including the ones that grant franchises or privileges, and to have them being adopted by the voters. This power shall be known as the Initiative. The person(s) proposing the exercise of this power shall submit the proposal to the City Commission which shall, without delay, approve as to form a petition for circulation in one or several copies as the proposer(s) may desire.

**(i) Preparation of Initiative Petition; Affidavit of Genuineness of Signatures.** Signatures for Initiative petitions are not required to all be on one paper; however, for each separate initiative petition paper there shall be attached an affidavit of the Initiative petition paper circulator attesting that each signature appended to the paper is the genuine signature of the person whose name it purports to be. The affidavit shall be in the form as set forth above in subsection (vii)(B) of this Section. Each person who signs such Initiative petition paper shall indicate after their name his place of residence by street and number or other description sufficient to identify the place. All papers pertaining to any one ordinance shall include either written or printed thereon the names and addresses of at least five City of Coral Gables' registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for purposes of this Section. All Initiative petition papers shall be filed in the office of the City Clerk as one instrument.

**(ii) Circulating and Filing of Initiative Petition.** Within thirty days of the Commission's approval of the form of the Initiative petition, the person(s) circulating the petition shall obtain the signatures of at least twenty percent of the City's registered voters as evidenced

by the official voter registration records for the regular election that immediately preceded the filing of the Initiative petition. The petition shall then be filed with the City Clerk. Within ten days after the petition is filed with him or her, the City Clerk shall determine whether the signatures therein are sufficient. Upon completing his or her examination of the petition, the City Clerk shall attach thereto a certificate showing the result of the examination. If the City Clerk finds that the petition is insufficient, he or she shall set forth in his or her certificate the manner(s) in which such petition is defective and shall at once notify the petitioners' committee of his or her findings. An insufficient petition may be amended within thirty days of the City Clerk certifying that the petition is insufficient, by filing an amended petition containing additional papers signed and filed in conformance with the requirements applicable to the original petition, as set forth in this Section. The City Clerk shall examine an amended petition within ten days after it is filed. If the City Clerk determines that the amended petition is again insufficient, he or she shall file the amended petition in his or her office, notify the petitioners' committee of his or her findings, and take no further action on such insufficient petition. The City Clerk's finding that a petition is insufficient shall not prejudice the filing of a new petition for the same purpose.

**(iii) Submission of Initiative Petition to Commission.** If the City Clerk finds the Initiative petition to be sufficient, he or she shall so certify and submit the proposed ordinance to the Commission at its next regular meeting. Upon receiving the proposed ordinance, the Commission shall at once proceed to consider it and take final action thereon within thirty days from the date it is filed with the Commission.

**(iv) Election on Initiated Ordinances.** If the Commission shall fail to pass the proposed ordinance or shall pass it in a form different from that set forth in the Initiative petition, then the Commission shall submit the proposed ordinance to a vote of the electors at the next regular election scheduled at least sixty days after the Commission's final action on the proposed ordinance. If, however, no regular election is scheduled within six months from the date of the Commission's final action on the proposed ordinance, the Commission shall submit the proposed ordinance to a vote of the electors through a special election to be held not less than sixty days and not more than one hundred and twenty days from the date of the Commission's final action on the proposed ordinance. The proposed ordinance submitted to a vote of the electors shall be in its original form as set forth in the underlying Initiative petition.

**(v) Form of Initiative Ballots.** The ballots used when voting on any such proposed ordinance shall state the substance of the proposed ordinance, and, below it, shall appear the two propositions: "for the ordinance" and "against the ordinance." The form of the ballot shall also comply with any and all applicable requisites of the Miami-Dade County Elections Department and the applicable Florida law. If the majority of the electors voting on any such proposed ordinance vote in favor thereof, it shall thereupon become an ordinance of the City. When an ordinance proposed by Initiative petition is passed by the Commission but not in the same form as the proposed ordinance set forth in such Initiative petition submitted to a vote of the electors, the following shall apply: 1) the ordinance that the Commission passed shall not take effect until after the vote on the proposed ordinance set forth in the Initiative petition; and 2) if a majority of the electors approve the proposed ordinance set forth in the Initiative petition,

then it shall thereupon become an ordinance of the City and the ordinance passed by the Commission shall be deemed repealed.

(vi) **Number of Ordinances to be Initiated.** Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this Charter.

(Compiled Charter § 18; amended by Ord. No. 1972, § 2(I), July 11, 1972 (referendum November 11, 1972); Res. No. 18110, November 13, 1972 (accepting and approving results of November 7, 1972 referendum authorized by Ord. No. 1972, §2(I)); Ord. No. 3294, § 1, December 16, 1997).

## **ARTICLE II. - CITY MANAGER**

### **Sec. 11. Appointment, Term, Removal, Absence or Disability.**

The City Manager shall be the Chief Executive Officer of the City. The Manager shall be chosen by the Commission solely on the basis of his or her executive and administrative qualifications, and need not to be a resident of the City or of the State when appointed. No member of the City Commission may be chosen to serve as City Manager during his or her term as Commissioner. The Manager shall be appointed for an indefinite term, but may be removed at the pleasure of the Commission. It is the intention of this Charter to vest in the Commission all authority and fix all responsibility for the suspension or removal of the Manager. As such, the action of the Commission in suspending or removing the Manager shall be final. The Commission may designate a qualified person to perform the duties of the Manager, in case of the Manager's absence or disability.

(Compiled Charter § 20).

### **Sec. 12. Responsibility, Duties, Authority, Appointments; Generally.**

The City Manager shall be responsible to the Commission for the proper administration of all affairs of the City placed in his or her charge. To that end, he or she shall have the power to appoint and remove all officers and employees in the administrative service of the City. But the Manager may authorize the head of a department, or an officer responsible to him or her, to appoint and remove subordinates in such department or office. Appointments made under the authority of the City Manager shall be based upon the work which the appointee is to perform in relation to the appointee's: executive skills and ability, administrative skills and capabilities, training, education and experience.

(Compiled Charter § 21).

### **Sec. 13. Authority Over Officers and Employees; Removal, Suspension, Reduction.**

Officers and employees appointed by the City Manager or under his or her authorization may be removed, suspended, laid off, or reduced in grade by the City Manager, or by the officer who he or she appointed, at any time, and for any cause that will promote the efficiency of service. Such action, if by a department head, shall be subject to the approval of the City Manager. Any such affected officers or employees, except common laborers, officers and employees in the service of the City for less than six continuous months, and police officers or firemen in the service of the City for less than twelve continuous months, may, within five days after such action, file with the City Manager a written request for a written statement of the reasons therefor. Such written statement shall be furnished to him or her by the City Manager within five days after such request; a sworn reply to such statement of reasons may be filed with the City Manager by such officer or employee within five days thereafter, accompanied by a demand for a hearing thereon. The failure of any such officer or employee to request the written statement of reasons, or to reply thereto within the period provided therefor, shall constitute a full waiver of any further rights. In the event of such request and reply thereto are given, the matter shall be referred to the special trial board hereinafter authorized. The trial board shall thereupon investigate and determine the propriety of such action and, once investigated, shall render a decision or verdict, which shall be final. The trial board may, in its discretion, conduct hearings, summon witnesses and hear evidence. In its decision, the trial board may determine whether such officer or employee is entitled to a compensation, allowance or adjustment. The board's decision shall likewise be final.

For the purpose of effectuating this section, the Commission shall, by ordinance, provide for the establishment of a special trial board to be composed of five citizens of the City of Coral Gables, none of whom shall be officers or employees of the City: two shall be appointed or elected by the City employees; two shall be appointed or elected by the City Commission; and the fifth shall be selected by the four members so chosen as provided for and prescribed in said ordinance. In the event that the four members shall fail to agree on the fifth member, such member shall be appointed by the County Judge of Miami-Dade County, Florida.

(Compiled Charter § 22; Laws of Fla. ch. 23221 (1945); Laws of Fla. ch. 25738 (1949); Laws of Fla. ch. 27481 (1951); amended by Ord. No. 2133, § 2(E), January 21, 1975 (referendum April 8, 1975); Res. No. 20497, April 9, 1975 (accepting and approving results of the April 8, 1975 referendum authorized by Ord. No. 2133, § 2E)).

### **Sec. 14. Lines of Authority Between Manager and Commission.**

The Commission, by resolution duly adopted, may direct or require appointments, suspensions, or discharges of city officers or employees by the City Manager. But none of the commissioners may otherwise individually direct or request the appointment of any person to or his or her removal from the service of the city by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Commission members shall deal with that portion of the administrative service for which the Manager is responsible solely through the Manager. Neither the Commission, except in open session, nor any member thereof shall give



orders to any subordinate of the Manager. Any violation of the provisions of this section by a member of the Commission shall work a forfeiture of the office of such member.

(Compiled Charter § 23).

**Sec. 15. Specific powers and duties.**

The powers and duties of the City Manager shall be as follows:

- (1) to ensure that the City's laws and ordinances are enforced;
- (2) to appoint and remove, except as herein provided, all City officers and employees;
- (3) to exercise control over all departments that may be created by the Commission;
- (4) to recommend to the Commission the adoption of such measures as he or she may deem necessary or expedient;
- (5) to keep the Commission fully advised as to the financial condition of the City; and
- (6) to perform other duties as may be required of him or her by resolutions or ordinances of the Commission.

(Compiled Charter § 24).

**Sec. 16. Participation in Commission Meetings.**

The City Manager and other officers of the City designated by vote of the Commission shall be entitled to seats during Commission meetings and to take part in the discussion of all matters coming before the Commission, but shall have no vote therein.

(Compiled Charter § 25).

**Sec. 17. Authority of Commission over departments.**

The administrative departments now operating in the City of Coral Gables shall remain the City's established departments; however, except as otherwise provided in this Charter, the Commission may, by ordinance adopted by a vote of at least three Commissioners, create any department, combine two or more departments into one, discontinue any department, and determine, combine, and distribute the functions and duties of departments and subdivisions thereof.

(Compiled Charter § 26; ch. 21161 Laws of Fla. (1941)).

## ARTICLE III — FINANCE

### **Sec. 18. Budget Estimate of Expenditures and Revenues of All City Departments, Divisions, and Offices.**

Not later than three months before the end of each fiscal year, the City Manager shall prepare and submit to the Commission a budget estimate of the expenditures and revenues of all City departments, divisions, and offices for the ensuing fiscal year. The estimate shall be compiled from detailed information obtained from the several departments, divisions, and offices on the uniformly formatted templates furnished by the City Manager. The classification of the estimates shall be as uniform as possible for the main functional divisions and offices, and in parallel columns the following information shall be provided:

- (a) a detailed estimate of the expense of conducting the business of each department, division or office;
- (b) expenditures for corresponding items for the last two fiscal years;
- (c) expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations, as well as an estimate of the expenditures necessary to complete the current fiscal year;
- (d) the value of supplies and materials on hand, as of the date of the preparation of the estimate, that are not included in the central storeroom in a ready to be issued status;
- (e) increases or decreases to appropriation requests shall be compared with corresponding appropriations for the current year, and the reasons for the requested increases or decreases shall be set forth;
- (f) the City's total expected income from taxes for the period covered by the estimate;
- (g) an itemization of anticipated revenues from other sources;
- (h) the total amount of the outstanding City debt with a schedule of maturities for bonds and any other financial liabilities and/or indebtedness;
- (i) the amount required to pay the interest on City debt, sinking funds, and maturing bonds;  
and
- (j) such other information as the Commission may require.

Copies of such budget estimate shall be furnished to all newspapers of general circulation in the City and each public library in the City. The budget estimate shall also be posted on the City's website or in some other similar electronic format accessible to the public.

(Compiled Charter § 31; amended by: Ord. No. 1460, § (2)(F), February 9, 1965 (referendum April 13, 1965); April 14, 1965, (Res. No. 11292, April 14, 1965 (accepting and approving results of April 13, 1965 referendum authorized by Ord. No. 1460, § (2)(F)); Ord. No. 1625, § 3, September 20, 1967 (referendum November 21, 1967)); Res. No. 13394, November 22, 1967 (accepting and approving results of November 21, 1967 referendum authorized by Ord. No. 1625, § 3(B), September 20, 1967)).

### **Sec. 19. Appropriation Balances, Transfers Between Items.**

Upon request of the City Manager, the Commission may transfer any part of an unencumbered appropriation balance to a purpose or item for which the current year's appropriation has proved insufficient. Additionally, the Commission may authorize a transfer to be made between items appropriated to the same office, department, or division.

(Compiled Charter § 34).

### **Sec. 20. Unappropriated Accruing Revenue, Unexpended Balances.**

The Commission may, from time to time, appropriate for such uses as it determines any unappropriated accruing revenue of the City as well as the balance remaining for an appropriation after the purpose of the said appropriation has been accomplished or abandoned.

(Compiled Charter § 35).

### **Sec. 21. Appropriations Necessary for Withdrawals, Notice to City Manager; Revision of Unencumbered Balance.**

No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Commission. Whenever the Commission makes an appropriation, the Clerk shall forthwith give notice of the same to the City Manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriation. Nonetheless, appropriations may be made in furtherance of improvements or other items or works of the City which may not be completed within the current year.

(Compiled Charter § 36).

### **Sec. 22. Accounting Procedure, Financial Reports.**

The Commission shall cause to be kept an accurate account showing the financial transactions of all City departments and offices. The City's accounts and accounting procedures shall record: all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody, and disposition of property and money. The City Manager shall make reports of the City's financial transactions and financial condition as may be required by ordinance or resolution. Moreover, financial reports shall be prepared for each quarter and fiscal year and for such other periods as the City Manager may require.

(Compiled Charter § 39).

**State Law reference**— Mandatory uniform finance and accounting procedures, Fla. Stat. ch. 218.

## **ARTICLE VI — TAXATION**

### **Sec. 23. Disposition of Revenues.**

All taxes, special assessments, license fees, and other monies accruing to the City shall be collected by the Finance Director. All money received by a City officer or employee shall be promptly given to the City Treasury and shall be deposited into the City's designated banking institutions. All interest on money so deposited shall accrue to the benefit of the city. The Commission shall provide by ordinance for the prompt and regular payment and deposit of all city monies as required by this Section.

(Compiled Charter § 49; amended by Ord. No. 1460, § (2)(K), February 9, 1965 (referendum April 13, 1965)).

**Editor's note**— Portions of this Section previously referenced Section 50 of the Charter, which was repealed because its provisions pertained exclusively to the powers or jurisdiction of the City, and those provisions, moreover, pre-dated the Florida Legislature's enactment of the Municipal Home Rule Powers Act, Title XII, Chapter 166 of the Florida Statutes. As a result, section 50 was converted into an ordinance, by operation of law, pursuant to Florida Statutes § 166.021(5) (2011). Furthermore, section 50's provisions were also likely pre-empted by Title XIX, Chapter 280 of the Florida Statutes.

### **Sec. 24. Public Works or Improvements—Direct Labor, Contracts, Bidding.**

The Commission may authorize any public work project or improvement by either contract or direct labor; however, prior to the Commission authorizing direct labor to perform any public work or improvement, the City Manager shall submit detailed plans and estimates thereof to the Commission and there shall be a separate accounting as to each public work project or improvement so performed. All contracts for the performance of public work projects or improvements valued at more than \$25,000.00 shall be awarded to the lowest and most responsive bidder, after public advertising and receipt of bids as may be prescribed by ordinance. The Commission, however, shall have the power to reject all bids and re-advertise the project for new bids. All advertisements as to contracts shall contain a reservation of the foregoing rights. Contracts for public work projects or improvements shall be signed by the City Manager and City Clerk after approval of the Commission.

(Compiled Charter § 54; amended by: Ord. No. 1625, § 3(F), September 20, 1967; Ord. No. 2453, § 2(B), February 8, 1983 (referendum April 12, 1983) Res. No. 24160, § 2(B), April 13, 1983 (accepting and approving results of April 12, 1983 referendum authorized by Ord. No. 2453, § 2(B)); Ord. No. 3295, § 1, December 16, 1997; Ord. No. 2005-07, § 3, January 25, 2005

(referendum April 12, 2005)); Res. No. 2005-64 (accepting and approving results of April 12, 2005 referendum authorized by Ord. No. 2005-07, § 3)).

## **ARTICLE V. — ADMINISTRATION**

### **Sec. 25. Bonding of Officers, Clerks, and Other City Employees, Authority of Commission to Determine and Regulate.**

With the exception of officers whose bonds are specifically provided for by this Charter, the Commission shall determine, by resolution, whether a City officer, a clerk, or any other City employee shall post a bond, including the amount of penalty thereof, prior to entering upon their respective duties. All officers required either by this Charter or by the Commission to give a bond shall, before entering upon their respective duties, provide such bond from a surety to be approved by the Commission; the said bond shall be conditioned for the faithful performance of the duties of their respective offices. Moreover, unless otherwise specifically provided by this Charter, the bond shall be payable to the City in an amount as the Commission may prescribe by resolution. Furthermore, the Commission shall only accept a solvent surety company authorized to do business in the State of Florida, as a surety for any official bond provided for in this Section. The premium on any such bond shall be paid by the City and, unless otherwise specially provided in this Charter, all such bonds shall be filed with and preserved by the City Clerk.

(Compiled Charter § 87).

### **Sec. 26. Advisory Boards, Authority of Commission to Appoint.**

The Commission may appoint boards or commissions, composed of such number of City residents as the Commission may deem expedient, consistent with exceptions authorized by law, to act in an advisory capacity in conjunction with any one or more City departments. The members of all such boards and commissions shall serve without compensation and may be removed at any time by a majority vote of the Commission.

(Compiled Charter § 88; Ord. No. 2133, § 2(B), January 21, 1975 (referendum April 8, 1975)); Res. No. 20497, April 9, 1975 (accepting and approving results of April 8, 1975 referendum authorized by Ord. No. 2133, § 2B))

### **Sec. 27. Compensation of Officers and Department Heads; others.**

The Commission shall establish, by ordinance, the compensation of all City officers and heads of departments. Subject to the approval of the Commission, the City Manager shall determine the number of and salaries or compensation for all officers and employees within his or her purview.

(Compiled Charter § 89; Ord. No. 3299, § 1, December 16, 1997)

### **Sec. 28. Saving Clause.**

If any section or provision of this Charter is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not be held to invalidate or impair the validity, force, or effect of any other section or provision of this Charter, unless such section or provision is wholly or necessarily dependent upon the section or provision that was found to be invalid or unconstitutional.

(Compiled Charter § 108).

### **Sec. 29. Names of Municipal Corporations Not to Contain the Term "Coral Gables."**

No municipal corporation shall be formed in the State of Florida using in any manner as part of its name the term "Coral Gables".

(Compiled Charter § 109).

### **Sec. 30. Repealing Clause.**

The following Acts and/or Chapters of the Florida Statutes are hereby repealed: Chapter 10418, Laws of Florida, the same being an Act to establish the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers, approved April 29, 1925; Chapter 10419, being an Act to amend certain sections of an Act of the 1925 Legislature entitled "An Act Establishing the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers," the same being approved the 5th day of June, A.D. 1925; Chapter 11440, Laws of Florida, being an Act to amend an Act entitled: "An Act to establish the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers," passed at the 1925 Regular Session of the Legislature and thereafter amended at the same Session, the same being approved on November 30, 1925; Chapter 11439, Laws of Florida, being entitled "An Act to amend an Act entitled `An Act to establish the City of Coral Gables, Florida, to provide for its government and to prescribe its jurisdiction and powers'," passed at the 1925 Regular Session of the Legislature and thereafter amended at the same Session, and approved November 30, 1925; Chapter 12631, Laws of Florida, being entitled "An Act to extend the corporate limits of Coral Gables, Dade County, Florida, and to convey to said City of Coral Gables jurisdiction over the territory embraced in said extension," same being approved May 31, 1927; Chapter 12632, Laws of Florida, being an Act to amend certain sections of an Act of the 1925 Legislature, entitled: "An Act establishing the City of Coral Gables, Florida, to provide for its government, and to prescribed its jurisdiction and powers," approved May 21, 1927; and Chapter 12633, Laws of Florida, being an Act to amend certain sections of Chapter 10418 of the Acts of the Legislature of the State of Florida, Session of 1925, entitled "An Act establishing the City of Coral Gables and to provide for its government and to prescribe its jurisdiction and powers," and to amend certain sections of an Act amendatory of said Chapter 10418, being Chapter 10419 of the Acts of the Legislature of the State of Florida, Session of 1925, entitled "An Act to amend certain sections of an Act of 1925 Legislature, entitled `An Act establishing the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers," the same having been approved June 6, 1927.

(Compiled Charter § 110).

## **ARTICLE VI. — GENERAL PROVISIONS**

### **Sec. 31. Boundaries—Metes and Bounds.**

The document prepared by Juan Martinez (Professional Land Surveyor), entitled *Metes and Bounds Description of the City of Coral Gables*, dated January 16, 2004, is hereby adopted and incorporated by reference as the metes and bounds description for the City of Coral Gables, Florida.

(Compiled Charter § 5; amended by: Laws of Fla. ch. 27484 (1951); Ord. No. 3289, § 1, December 16, 1997; Ord. No. 3548, § 1, December 11, 2001; Ord. No. 2004-19, §§ 2-4, May 11, 2004).

### **Sec. 32. Same—Illegally Included Land, Liability for Taxes, Excluded Property.**

If it shall be determined by competent authority that an excessive and unwarranted amount of unoccupied and unimproved land is illegally included within the boundaries of the City as established herein, the outlined boundaries shall be deemed invalid only as to such unoccupied and unimproved lands so determined by competent authority to be improperly included within the City's boundaries, and the boundaries outlined herein shall be deemed valid as to all other lands.

Should it be determined through judicial proceedings or otherwise that any property or land have been illegally included within the boundaries of the City, the governing authority of the City of Coral Gables shall be duly empowered to levy, assess, and collect taxes for debt service against such property or land as the said property or land may be liable for due to any unpaid indebtedness the City contracted prior to the institution of any proceedings seeking to have the property or land excluded from the boundaries of the City of Coral Gables.

In all respects, except as amended herein, the existing Charter of the City of Coral Gables, Florida, and all existing laws amending said Charter are hereby confirmed.

Nothing herein shall be deemed to impair in any respect the City's liability for taxation of the lands within the present established boundaries of the City, as established by this Charter and any amendments hereto, or for the payment of existing indebtedness of the City.

(Compiled Charter § 5A; Laws of Fla. ch. 16371, §§ 1–4 (1933); Laws of Fla. ch. 16372, §§ 1–4 (1933)).

**Editor's note**—The above-referenced 1933 Acts were identical. Moreover, while Section 1 of such Acts amended the Charter, Sections 2 through 4 of the Acts were not specific amendments to the Charter.

**Sec. 33. General Powers.**

The City shall have all available governmental, corporate and proprietary powers that a city may have or exercise under the Florida Constitution and the laws of the State of Florida, as fully and completely as though they were specifically enumerated in this Charter.

Editor’s note– The enabling legislation supporting Section 31’s “General Powers” provisions are as follows: Compiled Charter § 7; Laws of Fla. ch. 15134 (1931); Laws of Fla. ch. 21161 (1941); Laws of Fla. ch. 23219 (1945); Ord. No. 2133, § 2(A), 1-21-1975 (referendum 4-8-1975); Res. No. 20497, 4-9-1975 (accepting and approving results of 4-8-1975 referendum authorized by Ord. No. 2133, § 2A)); and Ord. No. 3290, § 1, 12-16-1997.

**Sec. 34. Additional Powers.**

In addition to the broad home rule powers established in section 33 of this Charter, as well as Section 6.02 of the Miami-Dade County Home Rule Charter, and those provided for in the Municipal Home Rule Powers Act, Fla. Stat. § 166.011 *et seq.*(1973), the City shall also have the specific powers and authority specified in Sections 34a-34g of this Charter.

**Sec. 34a. Special assessments.**

To impose special or local assessments for local improvements.

(Compiled Charter § 7c).

**Sec. 34b. Abatement of nuisances.**

To compel the abatement and removal of all nuisances within the City or upon property owned by the City, at the expense of the person or persons causing the same or of the owner or occupant of the grounds or premises whereon the nuisance may be located. To require all lands, lots, and other premises within the City to be kept clean, sanitary, and free from weeds, or to make them so at the expense of the owners or occupants thereof. The City may, moreover, impose a special assessment lien against the owner’s property and/or the occupant’s property for the expenses it incurs in making lands, lots, and other premises clean, sanitary, and free from weeds when, after reasonable notice, the owners or occupants fail to do so. The resulting special assessment liens shall be of equal rank and dignity as tax liens.

(Compiled Charter § 7r).

**Section 34c. Police Powers.**

To exercise full police powers, and to establish and maintain a police department.

(Compiled Charter § 7z).



**Section 34d. General Welfare.**

To do all things lawful and reasonably necessary to promote and maintain the general welfare, comfort, education, peace, health, and commerce of the City and its inhabitants.

(Compiled Charter § 7aa).

**Section 34e. Zoning.**

In the interest of the public health, safety, order, convenience, comfort, prosperity, or general welfare, to adopt a plan or plans for the districting or zoning of the City for purposes of regulating: the location of trades, industries, apartment houses, dwellings, and other uses of property; the height of buildings and other structures; the area and dimensions of lots or yards in connection with buildings or structures; the alignments of buildings or other structures near street frontages; and the type, appearance, exterior decoration, and coloring of any building or structure located in the City to preserve harmonious and artistic architectural construction within the City.

(Compiled Charter § 7ii).

**Section 34f. Signage.**

In the interest of the public health, safety, order, convenience, comfort, prosperity, or general welfare, to regulate the size, construction, location, and type of advertising signs exposed to view from the public streets, and to prohibit the use of signs dangerous to public safety or inimical to the general welfare.

(Compiled Charter § 7nn).

**Section 34g. Investigative Power.**

In the interest of the public health, safety, order, convenience, comfort, prosperity, or general welfare, to investigate any matter affecting the public welfare of the City and its residents and, in conducting such investigations to summon witnesses, administer oaths, interrogate witnesses relative to such matters, and, by ordinance, provide a penalty for failure of a witness to appear and testify in compliance with a summons.

(Compiled Charter § 7oo).

## **APPENDIX A: HISTORICAL PROVISIONS**

The Sections set forth in Appendix A derive from the 1929 Special Act by which the Florida Legislature repealed the City's original 1925 Charter (Chapter 10418, Laws of Florida) and its amendments. *See* Laws of Florida, Chapter 13972, 1929 Special Acts, Volume 2, Part 1, as amended. Accordingly, the provisions in this Section reflect the repeal of the original 1925 Charter and the resulting abolition of the initial municipal government that the 1925 Charter created. Likewise, these provisions reflect the adoption of the "new" 1929 City Charter, (including the amendments thereto) and, thereby, the creation of the "new" municipal corporation, which remains in effect to date. These provisions were located in Sections 1, 2, 3, 4, and 6 of the City's prior Charters; however, they have been relocated to this Appendix A for purposes of clarification and to provide historical context. Additionally, provisions from Chapter 24450 of the Florida Statutes, a Special Act enacted in 1947, are also contained within this Appendix. Through this Special Act, which pre-dated the Home Rule Powers Act, the Florida Legislature granted the City of Coral Gables the authority to purchase and operate a hotel or health resort, in conjunction with a golf course and country club at the property known as the Biltmore Hotel. The City exercised this authority in 1973 after a bond referendum approved the acquisition of the totality of the Biltmore Properties and Casa Loma Hotel from the Federal Government.

### **Sec. A1. Abolition of Existing Government.**

That the present municipal government existing under the name of the City of Coral Gables, in Dade County, Florida, be and the same is hereby abolished.

(Compiled Charter § 1).

### **Sec. A2. Title to Property Reserved.**

That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments and decrees, and choses in action held or owned by the City of Coral Gables, shall pass to and be vested in the municipal corporation to be called the City of Coral Gables, established and organized in Dade County, Florida, organized under this Act to succeed the municipality hereby abolished.

(Compiled Charter § 2).

### **Sec. A3. Obligations Unimpaired.**

That no obligation or contracts of the said City of Coral Gables, including bonds heretofore issued, shall be impaired or avoided by this Act, but such debts and obligations shall pass to and be binding upon the new municipality which is hereby organized and created.

(Compiled Charter § 3).

#### **Sec. A4. Officers Hold Office Until Successors Qualify.**

That all officers heretofore elected or appointed, and holding office under the said municipality, except as to any office hereby abolished, shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and/or appointed and confirmed under the provisions of this Act; and all existing ordinances of said municipality, not in conflict with the provisions of this Act, shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

(Compiled Charter § 4).

#### **Sec. A5. Perpetual Succession.**

The City shall have perpetual succession, may use a common seal, may contract and be contracted with, may sue and be sued, and plead and be impleaded.

(Compiled Charter § 6).

#### **Sec. A6. Authority to Acquire Hotel or Health Resort.**

The City of Coral Gables, Florida, is hereby granted authority to purchase and/or operate either a hotel or a health resort, separately or in conjunction with a golf course and/or country club; specifically, the said city is authorized, for purposes hereinbefore stated, to purchase from War Assets Administration, or any other agency having the control and disposition thereof, the property commonly known as Pratt General Hospital, and formerly known as the Biltmore Hotel, Country Club and Golf Course, and the Casa Loma Hotel, together with the furniture, furnishings, apparel, equipment and all real or personal property held, owned or used in connection therewith.

(Laws of Fla. ch. 24450, § 1 (1947)).

(Compiled Charter, *Special Acts Granting Powers to the City of Coral Gables in Addition and Supplemental to the Charter of the City*, p. 76; Ord. No. 1900, §§ 1-5, February 1, 1971 (bond referendum April 13, 2971); Res. No. 16725, April 14, 2971 (accepting and approving results of April 13, 1971 bond referendum authorized by Ord. No. 1900, §§1-5)).

**Editor's note** – Through the adoption of the Home Rule Powers Act on July 1, 1973, the Florida Legislature extended to “municipalities the broad exercise of home rule powers granted by the constitution.” Fla. Stat. § 166.021(4)(2011). Moreover, pursuant to Section 166.021(4) of the Home Rule Powers Act, the Florida Legislature established that, with limited exceptions, any provisions contained within a city charter (adopted prior to July 1, 1973) that placed limitations upon a municipality’s home rule powers were nullified and repealed. Fla. Stat. § 166.021(4)(2011). Consequently, all provisions contained in this Charter that placed limitations upon the City of Coral Gables’ home rule powers were nullified and repealed by Section 166.021(4) of the Home Rule Powers Act. As such, those nullified and repealed provisions have been editorially deleted from the City Charter. *See* City Attorney Opinion 2016-002 (2016), as to

Sections 201 and 202 of the Related Laws portion of the City Charter related to the Biltmore Hotel.

**Sec. A7. Same—Methods of Finance.**

In connection with the authority granted in Section A6 [Section 201 of the Compiled Charter] hereof the said City of Coral Gables, Florida, is hereby authorized, subject to the specific authorization and its approval by the City Commission, to finance the planning design, and the acquisition of such property by any one or any combination of the following methods:

(a) General obligation of the city within legal debt limitations: By a mortgage with no obligation of the municipality as to its general faith and credit, but with the mortgagee looking solely to the mortgaged property; or by revenue bonds payable solely out of revenue derived from the operation of such properties.

(b) General Fund appropriation to the extent deemed necessary or advisable.

(c) Federal and State grants and local aids to the extent available for such operations.

(d) Gift, devise, bequest or grant, provided, however, that the said city shall neither enter into or give any general obligation or furnish any obligation which is a liability or a pledge of its general faith and credit, nor shall it give or pay any appropriation from its general funds as provided for in [sub]section (b) herein unless and until such action shall have been approved by a majority of the qualified electors of said city voting in either a general or special election called for that purpose.

(Laws of Fla. ch. 24450, § 2 (1947)).

(Compiled Charter, *Special Acts Granting Powers to the City of Coral Gables in Addition and Supplemental to the Charter of the City*, p. 76; Ord. No. 1900, §§ 1-5, February 1, 1971 (bond referendum April 13, 1971); Res. No. 16725, April 14, 1971 (accepting and approving results of April 13, 1971 bond referendum authorized by Ord. No. 1900, §§1-5)).

**APPENDIX B: TABLE OF UPDATED CHARTER PROVISIONS AND THE CORRESPONDING COMPILED CHARTER PROVISIONS**

<b>CURRENT CHARTER ARTICLE &amp; SECTION</b>	<b>CORRESPONDING COMPILED CHARTER SECTION</b>
Art. I, Sec. 1	Sect. 8
Art. I, Sec. 2	Sect. 9
Art. I, Sec. 3	Sect. 10
Art. I, Sec. 4	Sec. 11
Art. I, Sec. 5	Sec. 13
Art. I, Sec. 6	Sec. 15
Art. I, Sec. 7	Sec. 16
Art. I, Sec. 8	Sec. 17
Art I, Sec. 9	Sec. 17 ½
Art. II, Sec. 10	Sec. 18
Art. II, Sec. 11	Sec. 20
Art. II, Sec. 12	Sec. 21
Art. II, Sec. 13	Sec. 22
Art. II, Sec. 14	Sec. 23
Art. II, Sec. 15	Sec. 24
Art. II, Sec. 16	Sec. 25
Art. III, Sec. 17	Sec. 26
Art. III, Sec. 18	Sec. 31
Art. III, Sec. 19	Sec. 34
Art. III, Sec. 20	Sec. 35
Art. III, Sec. 21	Sec. 36
Art. IV, Sec. 22	Sec. 39
Art. IV, Sec. 23	Sec. 49
Art. V, Sec. 24	Sec. 54
Art. V, Sec. 25	Sec. 87
Art. V. Sec. 26	Sec. 88
Art. V, Sec. 27	Sec. 89
Art. V, Sec. 28	Sec. 108
Art. V, Sec. 29	Sec. 110
Art. VI, Sec. 30	Sec. 111
Art. VI, Sec. 31	Sec. 5

Art. VI, Sec. 32	Sec. 5a
Art. VI, Sec. 33	Sec. 7
Art. VI, Sec. 34a	Sec. 7r
Art. VI, Sec. 34b	Sec. 7z
Art. VI, Sec. 34c	Sec. 7aa
Art. VI, Sec. 34d	Sec. 7ii
Art. VI, Sec. 34e	Sec. 7nn
Art. VI, Sec. 34f	Sec. 7oo
Art. VI, Sec. 34g	Sec. 7pp

**APPENDIX C: TABLE OF CHARTER AMENDMENTS AND THE CORRESPONDING ORDINANCES SUPPORTING THE AMENDMENTS**

<b>AMENDED CHARTER SECTION</b>	<b>CORRESPONDING AMENDING ORDINANCE</b>
Art. I, Sec. 1	Ord. No. 2453, § 2, February 8, 1983 (referendum 4-12-1983); Res. No. 24160, § 2, April 13, 1983 (accepting and approving results of April 12, 1983 referendum authorized by Ord. No. 2453); Ord. No. 2503, § 2, June 12, 1984; Ord. No. 2507, § 2, July 24, 1984 (referendum November 6, 1984); Res. No. 24947, November 20, 1984 (accepting and approving results of referendum held on November 6, 1984 as authorized by Ord. No. 2507); Ord. No. 2004-32, § 3, August 24, 2004 (referendum held April 12, 2005); Res. No. 2005-63, April 12, 2005 (accepting and approving results of April 12, 2005 referendum authorized by Ord. No. 2004-32); Ord. No. 2005-06, § 3, January 25, 2005 (referendum April 12, 2005); Res. No. 2005-63, § 2, April 12, 2005 (accepting and approving results of April 12, 2005 referendum authorized by Ord. No. 2005-06.); Ord. No. 2009-05, § 3, January 13, 2009; Res. No. 2009-87, § 3, January 13, 2009 (accepting and approving results of April 14, 2009 referendum authorized by Ord. No. 2009-05).
Art. I, Sec. 2	Ord. No. 2009-12 (As Amended), § 3, January 27, 2009 (referendum April 14, 2009); Res. No. 2009-86, April 17, 2009 (accepting and approving results of April 14, 2009 referendum authorized by Ord. No. 2009-12).
Art. I, Sec. 3	Ord. No. 2453, § 2, 2-8-1983 (referendum April 12, 1983); Res. No. 24160, § 2, April 13, 1983 (accepting and approving results of April 12, 1983 referendum authorized by Ord. No. 2453); Ord. No. 3216, § 1, January 14, 1997; Ord. No. 3302, § 1 (December 16, 1997).

Art. I, Sec. 5	Ord. No. 2133, § 2(F), 1-21-1975 (referendum April 8, 1975); Res. No. 20497, April 9, 1975 (accepting and approving results of April 8, 1975 referendum authorized by Ord. No. 2133, § 2F); Ord. No. 3291, § 1 (December 16, 1997).
Art. I, Sec. 8	Ord. No. 3292, § 1 (December 16, 1997).
Art I, Sec. 9	Ord. No. 1972, § 2(I), July 11, 1972 (referendum November 7, 1972); Res. No. 18110, November 13, 1972 (accepting and approving results of November 7, 1972 referendum authorized by Ord. No. 1972, §2(I)); Ord. No. 3294, § 1, (December 16, 1997).
Art. II, Sec. 12	Ord. No. 2133, § 2(E), January 21, 1975 (referendum April 8, 1975); Res. No. 20497, April 9, 1975 (accepting and approving results of April 8, 1975 referendum authorized by Ord. No. 2133, § 2E).
Art. III, Sec. 17	Ord. No. 1460, § (2)(F), February 9, 1965 (referendum April 13, 1965); April 14, 1965, (Res. No. 11292, April 14, 1965 (accepting and approving results of April 13, 1965 referendum authorized by Ord. No. 1460, § (2)(F)); Ord. No. 1625, § 3, September 20, 1967 (referendum November 21, 1967)); Res. No. 13394, November 22, 1967 (accepting and approving results of November 21, 1967 referendum authorized by Ord. No. 1625, § 3(B) (September 20, 1967)).
Art. IV, Sec. 22	Amended by Ord. No. 1460, § (2)(K), February 9, 1965 (referendum April 13, 1965); Res. No. 11292 (accepting and approving results of April 13, 1965 referendum authorized by Ord. No. 1460 (April 14, 1965).



Art. IV, Sec. 23	Ord. No. 1625, § 3(F), 9-20-1967; Ord. No. 2453, § 2(B), February 8, 1983 (referendum April 12, 1983) Res. No. 24160, § 2(B), April 13, 1983 (accepting and approving results of April 12, 1983 referendum authorized by Ord. No. 2453, § 2(B));; Ord. No. 3295, § 1, December 16, 1997; Ord. No. 2005-07, § 3, January 25, 2005 (referendum April 12, 2005)); Res. No. 2005-63 (accepting and approving results of April 12, 2005 referendum authorized by Ord. No. 2005-07, § 3).
Art. V, Sec. 25	Ord. No. 2133, § 2(B), January 21, 1975 (referendum April 8, 1975)); Res. No. 20497, April 9, 1975 (accepting and approving results of April 8, 1975 referendum authorized by Ord. No. 2133, § 2B).
Art. V. Sec. 26	Ord. No. 3299, § 1 (December 16, 1997).
Art. VI, Sec. 30	Ord. No. 3289, § 1, December 16, 1997; Ord. No. 3548, § 1, December 11, 2001; Ord. No. 2004-19, §§ 2-4, May 11, 2004).
Art. VI, Sec. 31	Ord. No. 2133, § 2(A), January 21, 1975 (referendum April 8, 1975); Res. No. 20497, April 9, 1975 (accepting and approving results of April 8, 1975 referendum authorized by Ord. No. 2133, § 2A)); Ord. No. 3290, § 1, December 16, 1997).

**APPENDIX E: DIAGRAM OF THE CITY OF CORAL GABLES'**

