

**GARY MASTEN
CHAIR
JOY ALLEN
VICE-CHAIR**



Crossroads of Flagler County

**DAISY HENRY
DARIAL WILLIAMS
DAVID WILHITE
JOE KOWALSKY
MICHELLE HEIDER
BONITA ROBINSON
(ALTERNATE)**

BUNNELL CHARTER REVIEW ADVISORY COMMITTEE

Wednesday, July 13, 2022

3:00 PM

Versie Lee Mitchell Community Center
405 E. Drain Street
Bunnell, FL 32110

- A. Call Meeting to Order and Pledge Allegiance to the Flag**
- B. Roll Call**
- C. Approval of Minutes**
 - C.1. June 22, 2022 Charter Review Advisory Committee Minutes**
- D. Charter Discussion**
 - D.1. Review and Discussion of the Bunnell City Charter**
- E. Announcement of Next Meeting**
- F. Call for Adjournment**

This agenda is subject to change without notice. Please see posted copy at City Hall, and our website www.BunnellCity.us.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the City Clerk at (386) 437-7500 at least 48 hours prior to the meeting date.

THE CITY OF BUNNELL IS AN EQUAL OPPORTUNITY SERVICE PROVIDER.

Posted by City Clerk's office on July 1, 2022



City of Bunnell, Florida

Agenda Item No. C.1.

ATTACHMENTS:

Description

Proposed Minutes

Type

Minutes



Crossroads of Flagler County

**BUNNELL CHARTER REVIEW
ADVISORY COMMITTEE MINUTES**

Wednesday, June 22, 2022

Workshop

6:00 PM

1769 E. Moody Street
Chambers Meeting Room
Bunnell, FL 32110

A. Call Meeting to Order and Pledge Allegiance to the Flag

City Attorney Wade Vose called the meeting to order at 6:00 PM. The Pledge to the Flag was performed.

B. Roll Call

Roll Call (Present): Daisy Henry; Darial Williams; David Wilhite; Gary Masten; Joe Kowalsky; Joy Allen; Michelle Heider; Bonita Robinson (Alternate); City Attorney Wade Vose; City Clerk Kristen Bates

City Attorney Vose provided a brief overview/training to all Committee members on the Sunshine Law and Public Records law. The members of the Committee were invited to ask questions at any point of the overview. Examples of possible violations of the Sunshine law were provided. Facebook posting in the context of the Sunshine Law and e-mails, correspondence and notes were discussed in the context of Public Records. What to do if members receive items that could be public records was discussed.

Gary Masten asked about how the Committee's suggestions are processed. City Attorney Vose explained the Committee makes suggestions/recommendations to the City Commission; the City Commission reviews the suggestions/recommendations and takes legislative action (an ordinance) to place approved items to be considered by the electors of Bunnell on the 2023 Municipal Elections ballot.

Gary Masten asked if fines for inadvertent violations of the Sunshine Law were the personal responsibility of the Committee member. It was confirmed members would be personally responsible for fines resulting from their conduct while serving on the Committee.

City Attorney Vose discussed the need to have a Chair and Vice Chair. This would be done by having nominations and then a vote from the Committee Members.

Each member of the Committee introduced themselves and provided a brief background on themselves.

City Attorney Vose opened the floor for nominations for the Chair. There was a nomination for Gary Masten to serve as the Chair.

Motion: Gary Masten to serve as the Committee Chair.

Motion by: David Wilhite
Seconded by: Joy Allen
Vote: Motion carried unanimously

City Attorney Vose opened the floor for nominations for the Vice Chair. There were motions for the following to serve as the Vice Chair: Daisy Henry; Joy Allen; Darial Williams. Both Daisy Henry and Darial Williams declined their nomination.

Motion: Joy Allen to serve as the Committee Vice Chair.
Vote: Motion carried unanimously

C. Charter Discussion & Input from the Public

C.1. Discussion of changes or considerations for the Bunnell City Charter

There were no members of the Public in the audience. Therefore, there was no input from the Public.

City Attorney Vose explained the scope of duties for the Charter Review Committee and explained the purpose of the City Charter. The process of how the Charter was explained. He provided some guidance and recommendations on what type of changes should be made; members should focus on concepts of the Charter and not get “bogged” down with specifics or changing words for the sake of changing words.

Chair Gary Masten asked how the information is presented to the Commission.

Answer: A report and/or ordinance with the recommended changes is presented on a Commission agenda. This is prepared by the City Attorney and City Clerk Office.

Member Joe Kowalsky asked if there were other Charters that also provide governance to the City.

Answer: The difference between Charter County and Non-Charter County was provided. An explanation about Home Rule authority was provided; City's are not allowed to pass legislation that is inconsistent with State law, that is less restrictive than State law or on a subject that has been pre-empted by the State.

Chair Gary Masten asked for examples of something that would violate State statute. An example was provided and explained.

Attorney Vose asked the members of the Committee if there were any areas of the Charter they already had identified for possible changes.

Member David Wilhite stated he is confused by the language and example in the Elections and Terms section and thinks it could use some clarity/cleaning-up. There was discussion about some language, as in this case, that the information is not meant for the average citizen, but for attorneys and staff; however, it can be looked at to see if there is a way to address the concern.

Member Daisy Henry stated there needed to be a way to have more representation of all the citizens in Bunnell and that she thinks they need to look at the powers granted to the Mayor and City Manager. There was discussion on the Commission-Manager form of government and Strong Mayor versus Weak Mayor forms of government.

Alternate Member Bonita Robinson asked if something needed to be added to the Charter what process was used.

Answer: Adding to the Charter is amending the Charter. The exact some process would be used.

D. Discussion of Meeting Schedule and Announcement of Next Meeting

The next meeting was discussed. City Clerk Bates explained about the meeting spaces available. The following days were proposed for possible meeting dates: July 13, 2022; July 27, 2022; and August 10, 2022.

The next meeting of the Charter Review Advisory Committee will be July 13, 2022 at 3:00 PM and will be held at the Versie Lee Mitchell Community Center.

The question was asked if a member could not attend, were they able to still provide input.

Answer: If a member was not able to attend, they could provide their comments and notes on an item/idea and should send them to the City Clerk to bring to the meeting.

E. Call for Adjournment

Motion: Adjourn

Motion by: Joy Allen

Seconded by: Joe Kowalsky

Vote: Motion carried unanimously

Gary Masten, Chair

Kristen Bates, CMC, City Clerk

Date

Date

****The City adopts summary minutes. Audio files in official City records are retained according to the Florida Department of State GS1-SL records retention schedule****



City of Bunnell, Florida

Agenda Item No. D.1.

Document Date: 6/23/2022
Department: City Clerk
Subject: Review and Discussion of the Bunnell City Charter
Agenda Section: Charter Discussion

ATTACHMENTS:

Description	Type
Current City Charter	Exhibit

Summary/Highlights:

The City Charter details the fundamental structure of how the Bunnell City Government shall work/operate.

From the City Charter:

ARTICLE VI. - CHARTER REVIEW

Section 6.01 - Establishment of Charter Review Committee.

The City Charter shall be reviewed by a Charter Review Committee. Charter reviews shall be accomplished at least every five (5) years. The City Commission shall establish the membership, timeline and procedures for the Charter Review Committee.

Background:

The members of the Charter Review Advisory Committee were appointed by the City Commission on May 9, 2022.

On June 22, 2022, the Charter Review Advisory Committee held the required workshop prior to starting their regular meetings. At that meeting, they scheduled this meeting to begin the work of a review and discussing possible amendments to the City Charter.

Staff Recommendation:

None. This is a Committee given the duty and responsibility to review the Charter and make recommendation to the City Commission for possible amendments for placement on the 2023 Municipal ballot.

City Attorney Review:

Finance Department Review/Recommendation:

PART I - CHARTER

ARTICLE I. - CREATION AND POWERS

Sec. 1.01. - Creation and powers.

The City of Bunnell as heretofore created by Laws of Florida, ch. 28955 (1953), as amended by special law or otherwise, shall have all governmental, corporate and proprietary powers to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise prohibited by law.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Corporate limits.

The Corporate limits of the City of Bunnell shall consist of the boundaries of the City as established by prior Charter, or as enlarged or contracted pursuant to law, including but not limited to, procedures to be followed in the annexation or contraction of property as set forth in F.S. ch. 171, as it now exists or as it may be renumbered or amended.

All ordinances of annexation of the City heretofore adopted prior to the effective date of this Charter [March 5, 2002] are hereby incorporated herein and the lands described in such ordinances, together with the boundaries of the City as described in the prior Charter, as amended, are hereby declared to be the corporate limits of the City.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

ARTICLE III. - LEGISLATIVE

Sec. 3.01. - City Commission; powers and composition.

A. There shall be a City Commission with all long-term and short-term planning responsibilities, contractual powers, and legislative powers of the City vested therein consisting of four (4) at large members and the Mayor, who shall all be electors of the City.

B. The city shall have an elected Mayor, who shall be an elector of the City. This position will retain all of the enumerated responsibilities and duties as stated in paragraph A. of this section.

C. The City Commission may appoint such boards, pursuant to Florida Statutes, commissions, and advisory committees as may be necessary. Any boards, commissions or committees appointed pursuant to this section shall be established by resolution of a majority vote of the City Commission. Considerations by the City Commission may include but are not limited to setting forth the purpose of the boards, commissions or committees, the number of regular and/or alternate members, qualifications of members, terms of office, and procedure for appointment.

D. The City Commission shall be empowered to encumber City funds and enter into contractual agreements for purposes of securing professional services for the City Commission. Examples of the types of professional services shall include but are not limited to planning, fiscal, legal, and consultation. Specifically, the City Attorney/legal service for the City shall be selected by the City Commission and secured by contract with the City Commission; City fiscal auditing services shall be selected by the City Commission and secured by contract with the City Commission; professional planning services shall be selected by the City Commission and secured by contract with the City Commission; and other similar professional services or consulting services shall be selected by the City Commission and secured by contract with the City Commission. All contractual agreements entered into by the City of Bunnell shall be approved by a majority vote of the City Commission. The City Commission shall not approve any contract whose terms violate any Ordinance of the City of Bunnell. When such majority approval of the City Commission is recorded, the Mayor or designee shall promptly sign the contractual agreement(s) on behalf of the City Commission.

E. Members of the City Commission may place items on the next agenda only with ample prior public notice, unless the matter is such an extreme emergency that if not heard, it will cause irreparable harm to the city or its citizens, property owners, or interests. In such an emergency circumstance, the new agenda item shall be placed as the first item of business on the agenda.

F. Duties of City Commissioners. Members of the City Commission have the duty to attend all City Commission meetings, to abide by all laws, procedures, and actions of the council, to act with the best interest of the citizens on all votes and actions, to review and familiarize themselves with all items on the agenda and backup, and to represent the City in a professional and positive manner both at meetings and in public.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14; Election 3-5-2019)

Sec. 3.02. - Nonpartisan election.

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

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec. 3.03. - Qualification.

Candidates for the office of City Commissioner and the office of Mayor shall qualify for such office by filing a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by ordinance. Each candidate for the office of City Commissioner or Mayor shall have been, at the time of qualifying as a candidate for such office, a bona fide resident and elector of the City for a period of no less than one (1) year prior to qualifying, and shall be a registered elector of the City.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec. 3.04. - Election and terms.

A. Beginning in March of 2010, in March of every third year, two (2) Commissioners and the Mayor shall be elected and in March of the following year, two (2) Commissioners shall be elected and in March of the following year, two (2) Commissioners shall be elected for terms of three (3) years. Example: In March of 2010, two (2) Commissioners and the Mayor shall be elected. Those two Commission seats and the one (1) Mayor seat would come up for election again in March 2013; and then again in March of 2016, and would continue to come to election every third year thereafter. The following year, in March of 2011, the two (2) Commissioner seats would come up for election. Those two (2) seats would come up for election in March of 2014; and then again in March of 2017, and would continue in this fashion, thus always remaining in the election the year

following the election of the first two (2) Commission seats and one (1) Mayor seat.

B. Offices will be filled by candidates receiving the highest number of votes. Commissioners and Mayor shall be seated at the first regular meeting in April following the election date. The Commission shall set the election date by ordinance.

C. In the event not more than one (1) person qualifies for each designated seat of the Commission or Mayor to be filled, such candidates shall be declared elected without the necessity of being voted upon in the election and shall assume office at the first regular meeting in April following the election date pursuant to [section] 3.07.

D. City Commissioners and the Mayor are subject to the requirements of Florida's Resign-to-Run law, F.S. § 99.012, as amended from time to time.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec. 3.05. - Compensation and expenses.

The Commission shall determine the annual salary of Commission members and the Mayor by resolution. Except as provided herein, any increase in such annual salaries may not exceed the average percentage salary increase that was awarded to City employees for the current budget year. The aforementioned percentage shall be calculated by summing the salaries of all employee positions that existed in both the previous and current budget year (excluding the salaries of the Mayor, Commission members, and City Manager), and dividing the sum for the current budget year by the sum for the previous budget year. Any increase to the annual salary of the Commission members and the Mayor exceeding the foregoing limitation may only be approved by a majority of the electors of the City voting in a referendum, called for that purpose and specifying the amount of the increase, to be held during a regular municipal election. No resolution increasing the annual salary of the Commission members and the Mayor shall become effective until after the first regular election after the adoption of the resolution.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14; Election of 3-5-2019)

Sec. 3.06. - Mayor.

A. The Mayor shall preside at meetings of the Commission and shall vote on all issues.

B. Powers of the Mayor: Except as otherwise provided in this Charter, the Mayor may at any time, but at least on a quarterly basis review all City affairs. The Mayor shall call to the attention of the City Manager all violations of duty, any

misfeasance, nonfeasance or improper conduct on part of any city official that may come to his/her attention and report back to the City Commission if no corrections have been made. When the Mayor determines that it is in the best interest of the city, he/she may exercise his/her authority to suspend the City Manager and/or that portion of the City's daily business brought into question by his/her review. An emergency meeting of the City Commission shall be called by the Mayor to address the issues and suspension of the City Manager and state the reasons for that action, within seventy-two (72) hours of said suspension. The City Commission shall take action to reinstate or otherwise determine the status of the suspended City Manager or his/her replacement.

C. The Mayor shall communicate on at least a quarterly basis, at a regular meeting of the City Commission such information, recommendations and comments touching the welfare of the public, as he/she may deem proper.

D. The Mayor shall communicate to the public annually at an advertised meeting of the City Commission, scheduled as the second meeting in April. The Mayor shall present a "State of the City" address concerning such information, recommendations and comments touching the welfare of the public he/she may deem proper.

E. The Mayor shall be recognized as head of City Government for all ceremonial purposes, by Governor for purposes of military law, for the service of process, execution of contracts, deeds, and other documents, and as the City Official designated to represent the will of the City Commission in all agreements, with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except to carry out the responsibilities as articulated in section 3.06. The Commission Vice Mayor shall act as temporary Mayor during the absence or disability of the Mayor as defined in [section] 3.07.

F. The Commission shall elect from among its members a Vice Mayor who shall preside at City Commission meetings in the absence of the Mayor. Election of the Vice Mayor shall be performed annually at the first regular Commission meeting in April.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14; Election 3-5-2019)

Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

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

B. Forfeiture of Office.

(1) A Commission member or Mayor shall forfeit that office if that

member:

- a. Lacks, at any time during that term of office, any qualification for the office prescribed by this charter or by law;
- b. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;
- c. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;
- d. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
- e. Is absent from three consecutive regular Commission meetings or from one-third of the regular Commission meetings during any 12-month period without being excused by the Commission.

If any of these events should occur, then upon request of any Commission member or the Mayor, a hearing shall be conducted at the next regularly scheduled Commission meeting, and the Commission member or Mayor in question may be declared to have forfeited office by majority vote of the entire City Commission, excluding the Commission member or Mayor in question.

(2) The City Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commission member's or Mayor's office, including whether good cause for absence has been or may be established. The City Commission shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths, and require the production of evidence.

- C. Suspension from office. The Mayor or any other Commission member shall be suspended from office by the Commission acting as a body (excluding the Commission member or Mayor in question) upon return of an indictment or issuance of an information charging the Commission member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

- (1) During the period of suspension, the Mayor or the Commission member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.

(2) If the Mayor or the Commission member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Commission, and the Commission member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.

D. Filling of Vacancies. A vacancy of the Commission shall be filled by the Commission. The Commission shall appoint the successor(s) to fill the vacancies until a special election can be held simultaneous to the next regular election. A vacancy of the position of Mayor shall be filled by the Vice Mayor until the next regular election.

E. Extraordinary Vacancies.

(1) Notwithstanding any quorum requirements established herein, if at any time the members of the Commission are reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the shortest unexpired term to obtain a quorum for the purpose of filling vacancies under section 3.07.C.

(2) In the event that all members of the Commission and Mayor are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim Commission that shall call a special election.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14; Election of 3-5-2019)

Sec. 3.08. - Procedure.

A. Meetings. The Commission shall meet regularly at least twice in every month at such times, and places as the Commission may prescribe by rule. Special Meetings may be held on the call of the Mayor or any Commission member and with no less than seventy-two (72) hours' notice to each member and the public. Emergency Meetings may be called, with an attempt made to notify the public, by any commissioner or the Mayor, but must be of such importance that the community's health, safety, welfare, lives or the City's finances are in immediate peril. Special or Emergency Meetings shall be restricted to the subject(s) for which the meeting was called.

B. Rules and Journal. Within thirty (30) days following any regular election, the Commission shall determine its own written rules and order of business and shall keep a record of its proceedings.

C. Quorum. A majority of the commission shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission except as otherwise provided in the

proceeding sentence and in section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec. 3.09. - Prohibitions.

A. Running For/Holding Other Offices. No member of the City Commission or the Mayor, during the term for which he/she has been elected or appointed and for one (1) year thereafter, shall be eligible to hold any office, position or employment in the city other than on the City Commission or as Mayor.

B. Interfering with Administration. Except for the purpose of inquiry and information, neither individual City Commissioners nor the Mayor shall give orders to any officer or City employee, either publicly or privately, except as provided in section 3.06.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

ARTICLE IV. - ADMINISTRATIVE

Sec. 4.01. - City Manager.

There shall be a City Manager who shall be the Chief Administrative Officer of the City. He/she shall be responsible to the City Commission for the administration of all City affairs placed in his/her charge by the Commission or under this Charter. He/she shall serve at the will, pleasure and direction of the City Commission.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec. 4.02. - Qualifications, appointment, termination, compensation.

A. The City Manager shall be selected on the basis of experience, education, expertise and management ability as they pertain to running municipal government.

B. Appointment. The City Commission shall appoint a City Manager for an indefinite term by a majority vote of the entire City Commission. The appointment shall be secured with a contract for employment, which must contain the City Manager's Job Description developed by the City Commission and adopted by a majority vote of the entire City Commission. The City Manager's Job Description shall be a binding portion of the contract for employment. A provision of every City Manager's employment contract shall state that any portion of the City Manager's Job Description may be changed at any time by a majority vote of the entire City Commission.

C. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months after such appointment he or she shall establish and maintain residency within Flagler County.

D. Termination. The City Commission may terminate the City Manager by a majority vote of the entire City Commission.

E. Compensations. The compensation of the City Manager shall be fixed by a majority vote of the entire City Commission and shall not be reduced during that tenure.

F. Votes to Appoint or Terminate City Manager. A vote to appoint or terminate the City Manager shall occur only at a meeting of the City Commission at which all Commission Members are in attendance, unless the proposed action was noticed by inclusion in the published meeting agenda for the meeting at which the action is proposed to be taken.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14; Election 3-5-2019)

Editor's note— An ordinance passed by referendum March 4, 2014, changed the title of § 4.02 from "Appointment, termination, compensation" to read as herein set out.

Sec. 4.03. - Acting/Interim City Manager.

The City Manager shall designate a qualified city department supervisor to serve as Acting City Manager in his or her temporary absence. The Acting City Manager shall exercise the powers and duties of the City Manager. If the City Manager is incapacitated or permanently unable to perform his or her duties, the highest tenured City Department Head will act as City Manager until such time as the City Commission is able to meet for the purpose of appointing an Acting/ Interim City Manager.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Editor's note— An ordinance passed by referendum March 4, 2014, changed the title of § 4.03 from "Order of succession" to read as herein set out.

Sec. 4.04. - Scope of the City Manager's duties.

A. The City Manager will submit to the City Commission a complete report on the finances and administrative activities of the City at the end of the fiscal year in conjunction with the auditor's report. The City Manager's report will include a detailed operating statement of functions related to expenditures for each department and other "budgetary entities" within the City's fiscal structure. The City Manager shall address audit discrepancies, to include which City Officials, in addition to the City Manager, are accountable/responsible for each noted discrepancy, and report progress to the City Commission, initially within thirty (30) days after the audit report and thereafter at least monthly as required by the City Commission until each audit item is resolved to the satisfaction of the City Commission.

B. Appoint, and when it is deemed necessary for the good of the City, suspend or remove any City employee or appointed administrative officer provided for by or under the Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter and to authorize any administrative officer to exercise these powers with respect to subordinates in that officer's department, office or agency. Appointment and termination of Department Heads are subject to review and approval of the City Commission.

C. The City Commission as it is developing the City Manager's Employment Contract, Job Description or Change of Job Description, shall address but is not limited to the following provisions:

1. Human Resource Matters;
2. Procurements;
3. Budgetary Responsibility;

4. Economic and Grant Development.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

ARTICLE V. - TRANSITION SCHEDULE

Sec. 5.01. - Continuation of former Charter provision.

All provisions of Laws of Florida, ch. 28955, (the former Charter) as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter shall become ordinance of the city subject to modification or repeal in the same manner as other ordinances of the city.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Editor's note— In conjunction with the preparation of the Code of Ordinances, the former Charter was reviewed and provisions deemed viable codified. Therefore, the former Charter will be repealed by adoption of the City Code.

Sec. 5.02. - Ordinance preserved.

All Ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec. 5.03. - 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. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are seated.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec 5.04. - Pending matters.

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

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

Sec. 5.05. - Deletion of the obsolete schedule items.

The City Commission shall have power, by resolution, to delete from this article V, and any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14)

ARTICLE VI. - CHARTER REVIEW

Sec. 6.01. - Establishment of Charter Review Committee and procedures.

The City Charter shall be reviewed by a Charter Review Committee. Charter reviews shall be accomplished at least every five (5) years. The City Commission shall establish the membership, timeline and procedures for the Charter Review Committee, provided that, without limitation, non-resident owners of businesses within the City may be members of the Charter Review Committee.

(Ord. No. 2006-35, § 1, Exh. A, 11-21-06; Ord. No. 2009-06, § 1, Exh. A, 2-3-09, Election of 3-3-09; Election of 3-4-14; Election 3-5-2019)

Sec. 6.02. - Charter amended by petition.

The City Charter may be amended by petition of the electors of the City of Bunnell, pursuant to F.S. § 166.031, as amended from time to time.

(Election of 3-4-14)

ARTICLE VII. - GENERAL PROVISIONS

Sec. 7.01. - Conflicts of interest and ethics.

Ethics. Chapter 112, Part III, Florida Statutes, as amended from time to time, shall govern conduct related to City Commission and city employee conflicts of interest and ethics. The City Commission shall appropriate sufficient funds to provide, require and attend annual training and education of city officials, appointed officials, employees, volunteer advisory board and committee members and candidates for public office regarding the ethics code.

Penalties. Penalties for ethical violations shall be as provided by general law or as established by ordinance.

(Election of 3-4-14)