

CHARTER OF THE CITY OF PENSACOLA

ARTICLE I. INCORPORATION: POWERS

Section 1. Name; grant of powers.

The inhabitants of the City of Pensacola, Florida, within the territorial limits as now established or hereafter to be established, shall continue to be a body politic and corporate under the name of the City of Pensacola, and as such shall have perpetual succession, may use a common seal, may contract and be contracted with, may sue and be sued, plead and be impleaded, in all the courts of this state in all matters whatever.

(Laws of Fla. 1931, Ch. 15425, § 1; Laws of Fla. 1949, Ch. 26136, § 1; Laws of Fla., Ch. 61-2656, § 1; Laws of Fla., Ch. 65-2092, § 1; Laws of Fla., Ch. 79-551, § 1)

Section 2. Advisory boards.

The manager may appoint a board of citizens qualified to act in advisory capacity to the head of any department, and, with the approval of the manager, the director of a department may appoint such board to act in advisory capacity to the chief of any division under his supervision. The members of any such board shall serve without compensation and it shall be their duty to consult and advise with the director or chief, as the case may be, but not to direct the conduct of the department or division. Recommendations of any such board shall be in writing and shall become a part of the records of the department. The head of the department or division for which any advisory board is appointed shall be chairman of all meetings thereof.

(Laws of Fla. 1931, Ch. 15425, § 23)

Section 5. Restrictions for holding or seeking offices.

No person elected to the council shall, during the time for which elected, be appointed to any office or position in the service of the city. Any appointive officer or employee of the city who shall become a candidate for nomination or election to any public office shall immediately forfeit his office or employment held under the city.

(Laws of Fla. 1931, Ch. 15425, § 91)

Section 7. Transfer of powers and duties of officers or offices abolished by Charter.

The powers which are conferred and the duties which are imposed upon any officer, board, commission or department of the city under the laws of the state shall, if such officer, board, commission or department is abolished by this act (Charter), be thereafter exercised and discharged by the officer, board or department upon whom are imposed corresponding functions, duties and powers under the provisions of this Charter.

(Laws of Fla. 1931, Ch. 15425, § 97; Laws of Fla., Ch. 63-1775, § 38(7))

Section 8. Elections prevented by injunction.

In the event of an injunction or other court proceeding preventing the holding of any or either of the elections herein provided for, within the period mentioned, such election or elections shall be held within the same period, dated from the termination of such litigation, as would otherwise have intervened between the date this act becomes a law and the date or dates provided.

(Laws of Fla. 1931, Ch. 15425, § 100; Laws of Fla. 1931, Ch. 15426, § 2; Laws of Fla. 1953, Ch. 29407, § 1; Laws of Fla., Ch. 65-2100, § 1; Laws of Fla., Ch. 70-884, § 1)

Section 9. Election for council members and mayor.

Election of council members and mayor shall be held in the fall of even-numbered years. All candidates who receive a majority of the votes cast in the general election shall be declared elected and shall not be required to run in the runoff election. In the event that all ten (10) council members, including the mayor, are elected by a majority of the votes cast in the general election, then, and in that event, the runoff election shall not be deemed necessary and shall be automatically canceled. The city council shall pass ordinances providing for the necessary dates, details, and procedures for the conducting of said general and runoff elections. The council members and mayor elected at the general or runoff elections shall qualify and enter upon their duties at noon on the second Monday of January following their election.

(Laws of Fla. 1931, Ch. 15425, § 100; Laws of Fla. 1931, Ch. 15426, § 2; Laws of Fla. 1953, Ch. 29407, § 1; Laws of Fla., Ch. 65-2100, § 1; Laws of Fla., Ch. 70-884, § 1; House Bill 4033, § 2; Ord. No. 12-99, § 3, 3-25-99; Ord. No. 54-00, § 3.A., 11-16-00)

Editor's note: Ord. No. 54-00, § 3, adopted Nov. 16, 2000, and approved by electors in a special municipal election on Jan. 30, 2001, states that the amendment to § 9 is effective July 1, 2001.

Section 10. Redistricting.

In the event any additional territory is annexed by the City of Pensacola by virtue of the provisions of any special act or general law of the State of Florida, such annexation shall not result in any increase in the membership and personnel of the City Council of the City of Pensacola, which shall remain as is provided for in the Charter of the City of Pensacola, Chapter 15425, Laws of Florida, Acts of 1931, and shall be ten (10) in number; provided, however, that in the event any additional territory is annexed by said city, the City Council of the City of Pensacola, within a period of six (6) months from the date of said annexation, shall redistrict the entire City of Pensacola in the manner provided by Section 2 of Chapter 26140, Laws of Florida, 1949, and provided further that the City Council of the City of Pensacola be and it is hereby authorized to redistrict the City of Pensacola at any future time whenever in the judgment of the City Council of the City of Pensacola the wards and precincts thereof are not ratably or equally proportioned, but in no event more often than once every two (2) years.

(Laws of Fla. 1949, Ch. 26140, §§ 2, 3; Laws of Fla. 1955, Ch. 31164, § 1)

Section 11. Creation and composition of council.

(1) *Establishment of city council and qualifications of members.*

(a) Except as otherwise provided in this Charter, all powers of the city shall be vested in a council of ten (10) members. Seven (7) of these members shall be elected from seven (7) single-member districts. Each candidate shall be a resident and a registered voter within the district from which the candidate seeks to be elected for a period of not less than six (6) months prior to the date the candidate qualifies to run for office or, in the case of a candidate for appointment to fill a vacancy in office, shall be a resident and a registered voter within the

district for a period of not less than six (6) months prior to the date of appointment. The remaining three (3) members of the city council, one of whom shall be elected as mayor, shall be elected at large throughout the city. Each candidate for election, or for appointment to fill a vacancy in office, for one of the three (3) at-large seats shall be a resident and a registered voter of the City of Pensacola, Florida, for the aforesaid period.

(b) The term of each member of the council shall be for two (2) years and shall begin on the second Monday of January next following the election.

(c) If a vacancy occurs in the council other than the mayor, it shall be filled for the unexpired term of such member by a majority vote of the remaining council members, and such vacancies shall be filled within ten (10) days after such vacancy occurs.

(d) Members of the council shall be qualified electors of the city and shall not hold any other elective or appointive office in the city government nor shall they hold an elective office of the state or county nor an appointive office of the state or county where such appointive office does or is likely to lead to a conflict with their duties and obligations as city council members of the City of Pensacola.

(e) A member of the council, ceasing to possess any of the qualifications specified in this section, or convicted of crime, while in office, shall immediately forfeit his or her office. Provided, however, that any city council member that has been a bona fide resident qualified voter within the district from which the member was elected for a period of five (5) years and who changes legal residence from said district to another district within the city before the end of his or her current term on the city council, shall be allowed to fill the unexpired term of office. Provided further, however, that said council member, after finishing the unexpired term, shall no longer be able to run from the same district from which the member was elected, but must run from the new district where a new legal residence has been established. The purpose of this provision is to allow a council member to continue in office when a decision has been made to change legal residence, after having been elected, for personal reasons not pertaining to the office as a city council member.

(f) Each candidate seeking to run for the office of a city council member of the City of Pensacola shall pay a qualification fee of fifty dollars (\$50.00), which fee shall be placed in the general fund of the city.

(2) *Alternative method of qualifying.* The city council shall provide by ordinance an alternative method, in lieu of payment of a qualification fee, whereby a candidate for the office of city council may by a petitioning process qualify to have his or her name placed on the ballot.

(Laws of Fla. 1931, Ch. 15425, § 4; Laws of Fla., Ch. 59-1730, § 1; Laws of Fla., Ch. 67-1895, § 1; Laws of Fla., Ch. 71-852, § 1; Ord. No. 1-74, § 1, 1-10-74; Ord. No. 3-79, § 1, 1-11-79; Ord. No. 7-75, § 1, 2-27-75; Ord. No. 16-84, § 1, 3-8-84; Laws of Fla., Ch. 89-486, § 1; Laws of Fla., Ch. 90-472, § 1; House Bill 4033, § 1; Ord. No. 12-99, § 3, 3-25-99; Ord. No. 54-00, § 3.B., 11-16-00; Laws of Fla., Ch. 15425, § 4, 6-8-01)

Editor's note: Ord. No. 54-00, § 3, adopted Nov. 16, 2000, and approved by electors in a special municipal election on Jan. 30, 2001, states that the amendment to § 11 is effective July 1, 2001.

Section 12. Meetings of council; budget.

(1) At 12:00 noon on the second Monday of January following the regular municipal election, the council shall meet in the council chamber of the city hall and the newly elected members and the mayor shall assume the duties of office. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon request of the mayor, city manager, or three (3) members of the council. Any such notice shall state the subject or subjects to be considered at the special meeting and no other subject shall be considered. All meetings of the council and of the committees thereof shall be open to the public, and the rules of the council shall provide

that the citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

(2) The council may adopt its budget and any amendments thereto by ordinance or resolution. (Laws of Fla. 1931, Ch. 15425, § 5; Laws of Fla., Ch. 71-854, § 1; Ch. 97-363, § 1, 5-30-97; Ord. No. 12-99, § 3, 3-25-99; Ord. No. 54-00, § 3.C., 11-16-00)

Editor's note: Ord. No. 54-00, § 3, adopted Nov. 16, 2000, and approved by electors in a special municipal election on Jan. 30, 2001, states that the amendment to § 12 is effective July 1, 2001.

Section 13. Mayor and deputy mayor.

The mayor shall be elected at the same time and in the same manner as the city council. The mayor shall have the same qualifications as an at-large member of the city council and shall serve in one of the three at-large city council positions. The mayor shall preside at meetings of the council and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for service of process, and by the governor for purposes of military law but shall have no administrative duties. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term. The deputy mayor shall perform such other duties specified by the council.

(Laws of Fla. 1931, Ch. 15425, § 6; Ord. No. 12-99, § 3, 3-25-99)

Editor's note: According to section 5 of Ord. No. 12-99, this section shall take effect January 1, 2001.

Section 14. Powers regarding elections, members, rules and business.

The council shall be the judge of the election and qualification of its members and of the mayor and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council, in any case, shall be subject to review by the courts. The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior, and by vote of not less than eight (8) members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charges against him and given an opportunity to be heard in his own defense.

(Laws of Fla. 1931, Ch. 15425, § 8; Ord. No. 12-99, § 3, 3-25-99)

Editor's note: According to section 5 of Ord. No. 12-99, this section shall take effect January 1, 2001.

Section 14.5. Right of various officers to participate in council discussions.

The city manager, the directors of all departments and such other officers of the city as may be designated by vote of the council shall be entitled to take part in all discussions of the council relating to their respective departments and offices.

(Laws of Fla. 1931, Ch. 15425, § 19)

Section 15. Referendum on council action.

Within sixty (60) days following the effective date of any action by the city council, the legally registered voters of the City of Pensacola may by written petition, addressed to the council, object to such action; and if during the said period such written petition signed by fifteen (15) percent of the registered voters of the city be filed with the council,

the council shall forthwith order an election, at which election the legally registered voters of the city shall vote for or against the questioned council action as set forth in the council minutes, bylaws, resolutions, or ordinances, and the council shall be bound by the results of said election; provided, that any special election called pursuant to this section shall be held within sixty (60) days after verification of the petition by the council; provided further, that the special election shall not be scheduled to coincide with council elections or within forty-five (45) days of same.

(Laws of Fla., Ch. 65-2091, § 1; Laws of Fla., Ch. 71-846, § 1) **(The City Attorney has expressed the opinion that this provision is a special act of the Legislature which may be amended by ordinance.)**

Section 16. Powers of council regarding investigations.

The council, or any committee thereof duly authorized by council so to do, may investigate the financial transactions of any office or department of the city government and the official acts of any city official, and by similar investigation may secure information upon any matter relating to the city's business. In conducting such investigations the council or any committee thereof may require the attendance of witnesses and production of books, papers and other evidence, and for that purpose may issue subpoenas, which shall be signed by the presiding officer of the council or the chairman of such committee, as the case may be, which may be served and executed by any policeman.

(Laws of Fla. 1931, Ch. 15425, § 13)

ARTICLE IV. CITY MANAGER

Section 17. Appointment.

The council shall, within thirty (30) days after taking office, appoint a city manager, who shall be administrative head of the municipal government and shall be responsible for the efficient administration of all departments, and may be the head of a department or departments as the council may by ordinance provide. He shall be chosen on the basis of his executive and administrative qualifications. He may or may not be a resident of the City of Pensacola or the State of Florida. No member of the city council shall be appointed city manager. He shall hold office at the will of the council. He shall receive such salary as may be fixed by the city council. In case of sickness or absence of the city manager, the city council may appoint another person, not a member of the city council, to act for the city manager during his absence or sickness, and the person so appointed may, during the absence or sickness of the city manager, act for him and perform all his duties, and all such acts of the person so appointed shall be as valid as though performed by the city manager. The person appointed by the city council to act as city manager during the absence or sickness of the city manager shall not be entitled to or be paid any compensation for his services as such manager by the City of Pensacola.

(Laws of Fla. 1931, Ch. 15425, § 14; Laws of Fla., Ch. 59-1727, § 1; Ord. No. 18-79, § 5, 5-10-79)

Section 18. Administration of city affairs.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end, subject to the civil service provisions of this Charter and except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the city; and, the manager

may authorize the head of a department or office responsible to him to appoint and remove, with the same limitations, subordinates in such department or office. Appointments made by or under the authority of the city manager shall be on the basis of the executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed one hundred twenty (120) days.

(Laws of Fla. 1931, Ch. 15425, § 15)

Section 19. Removal of appointed officers.

Officers and employees appointed by the city manager or under his authorization may be removed by him or by the officer by whom appointed, at any time. In case the employee is a member of the civil service by reason of section 90, the procedure for removal shall be as provided in section 90 of this Charter. All other employees who are members of the classified civil service shall be removed as provided in section 80 of this Charter, and the decisions under the provisions of such section shall be final.

(Laws of Fla. 1931, Ch. 15425, § 16)

Section 20. Interference by council; penalty for violation.

Neither the council nor any of its committees or members shall direct or request the appointment of any person to or his removal from office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with that portion of the administrative service for which the manager is responsible solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the city, either publicly or privately. Any violation of the provisions of this section by a member of the council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

(Laws of Fla. 1931, Ch. 15425, § 17)

Section 21. Duties.

It shall be the duty of the city manager to act as chief conservator of peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and laws of the state are enforced; to make recommendations to the council concerning the affairs of the city as may seem desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by ordinances or resolution of the council.

(Laws of Fla. 1931, Ch. 15425, § 18)