

CRC THREE CITY COUNCIL and MAYOR COMPARISON

***All Language taken from the respective City Charters and City Codes**

Mayor Duties, Role, Elections and Veto Power for Hialeah, Florida

ELECTED: shall serve for a term of 4 years or until a successor shall be duly qualified and take office. Non-partisan elections. No person shall be elected to serve as mayor for more than 2 consecutive terms on and after November

VETO POWER: [May] exercise a veto power over ordinances or resolutions adopted by the city council

DUTIES: The mayor shall be the chief administrative officer of the city and shall be responsible for the administration of all city affairs. The mayor shall be responsible for the administration of all departments, divisions and agencies of city government and for carrying out policies adopted by the city council. The mayor shall be recognized as head of city government for all ceremonial purposes and for purposes of military law, service of process, and the execution of duly authorized contracts, deeds or other documents. The salary of the mayor shall be set by the city council as an annual budgetary item.

- (1) To exercise the executive powers of the city and supervise all departments.
- (2) To enforce the charter and ordinances of the city and all applicable county, state or federal general laws, special laws or ordinances.
- (3) To present recommendations to the city council on the requirements of its municipal government.
- (4) To appoint, subject to civil service rules and regulations, the head of each department, with the advice and consent of the city council by an affirmative vote of at least 4 council members.
- (5) To suspend, reduce or remove a department head for just cause in accordance with civil service rules and regulations. The removal of a department head by the mayor shall only become effective when ratified by an affirmative vote of at least 4 council members.
- (6) To prepare and submit the mayor's recommended annual budget to the city council. The mayor's annual budget or individual line items contained therein may be increased or decreased only by an affirmative vote of at least 5 council members.
- (7) To exercise a veto power over ordinances or resolutions adopted by the city council. A veto may be overridden only by an affirmative vote of at least 5 council members.
- (8) To attend all meetings of the city council with authority to participate in discussions, but without power to vote.
- (9) To inquire into the conduct of any municipal office, department, agency or officer and investigate municipal affairs.

City Council Duties and Elections for Hialeah, Florida

ELECTIONS: All elections for the offices of mayor and councilmember shall be conducted on a nonpartisan basis. In the general election held in November 1999 and in the general election held in November every four years thereafter, 4 council

members shall be elected, from the city at large in groups numbered I through IV, who shall each be elected to serve for a term of 4 years or until a successor shall be duly qualified and take office. In the general election held in November 2001 and in the general election in November every 4 years thereafter, 3 council members shall be elected, from the city at large in groups numbered V through VII, who shall each be elected to serve for a term of 4 years or until a successor shall be duly qualified and take office.

OVERRIDE VETO: A veto may be overridden only by an affirmative vote of at least 5 council members.

DUTIES: The City Council shall have the following powers and duties:

- (1) To legislate for the city by adopting ordinances and resolutions in the best interests of all the citizens of the city. The city council shall carry out its duties mindful of and with due regard for the laws of God and country.
- (2) To adopt the annual budget and all other appropriations necessary for efficient city government; to establish financial controls; and to fix the salaries of all elected officials as provided elsewhere in this charter.
- (3) To determine, consistent with this charter, the organization of the city government and the power and duties assigned to the various departments.
- (4) To approve the appointment of department heads by the mayor subject to civil service rules and regulations.
- (5) To ratify the removal of a department head by the mayor, for just cause, in accordance with civil service rules and regulations, by an affirmative vote of at least 4 council members.
- (6) To inquire into the conduct of any municipal office, department, agency or officer and to investigate municipal affairs, and for that purpose, may subpoena witnesses, administer oaths and compel the production of books, papers or other evidence.
- (7) To increase or decrease the mayor's budget or any line item within the mayor's budget by an affirmative vote of at least 5 council members.
- (8) To override the mayor's veto of an ordinance or a resolution by an affirmative vote of at least 5 council members

(c) **PRESIDENT AND VICE PRESIDENT:** The city council shall elect one of its members as president and another as vice president in the first meeting of November. The city council may remove the council president or vice president by an affirmative vote of at least 4 council members. The president shall preside at the meetings of the city council and in his or her absence; the vice president shall preside. The president shall perform the duties consistent with the office and as otherwise imposed by the city council.

CITY ORGANIZATION: Upon recommendation of the mayor, the city council shall determine the organization of the city government and prescribe the duties and responsibilities assigned to the various departments, offices and divisions not inconsistent with the provisions of the Charter. An organizational chart of the city administration, under the supervision of the mayor, shall be made available for public inspection at the office of the city clerk and the human resources department.

Mayor Duties, Role, Elections and Veto Power for St. Petersburg, Florida

ELECTED: There shall also be a Mayor who is elected at large and who shall not be a member of the City Council. The nonpartisan primary and general election of the Council Members and Mayor shall be held in odd-numbered years on the dates and in the manner provided in Article V of this Charter and the terms of office for Council Members shall be four (4) years and will commence on the second day of January in the year following the election. The term for Mayor shall be four (4) years and, will commence on the second day of January in the year following the election. No person who has, or but for resignation or removal would have, served as Mayor for two (2) full successive terms of office shall be elected to serve as Mayor for the succeeding term.

VETO POWER: (c) The Mayor may: Veto any ordinance passed by Council, except for an emergency ordinance as defined in Florida Statutes, except those ordinances passed as a result of quasi-judicial proceedings when such proceedings are mandated by law and except for ordinances proposing Charter amendments, which the Council is required by law or by this Charter to place on the ballot. The Mayor must exercise his veto prior to 5:00 p.m. on the fifth business day after the day Council adopts the ordinance. On the day the Mayor vetoes an ordinance, the Mayor shall deliver or caused to be delivered specific written objections to Council at the Council's office.

(d) The Mayor may: Veto any "line item" in a budget or appropriation ordinance. The Mayor must exercise his veto prior to 5:00 p.m. on the fifth business day after the Council adopts the ordinance. On the day the Mayor vetoes a "line item", the Mayor shall deliver or cause to be delivered specific written objections to Council at the Council's office. If the total effect of all vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and contained in the adopted budget, then all vetoes of the Mayor with respect to line items of the budget shall be null and void and all items vetoed by the Mayor shall remain in the budget.

DUTIES: There shall be a Mayor who shall be the chief administrative official of the City. The Mayor shall be responsible for the administration of all City affairs placed in the Mayor's charge by or under this Charter. In addition, the Mayor shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and upon the authorization of Council, shall act as the City official designated to represent the City in agreements with other governmental entities or certifications to other governmental entities, execute contracts, deeds and other documents.

Except for the Civil Service Board and the City Council committees which are appointed as provided for in Sections 4.04(b) and 3.12 of this Charter respectively, the Mayor shall, with confirmation of City Council, appoint all City Boards and Commissions. The Mayor shall, with confirmation of the Council, appoint the City Attorney, City Clerk and a City Administrator who shall be in charge of the daily

operation of the City. The City Administrator shall have had relevant, management, executive, or administrative experience in municipal government.

(1) Appoint, and when the Mayor deems necessary for the good of the City, suspend, demote or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter. The Mayor may authorize any administrative officer or employee who is subject to the Mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's or employee's department, office or agency. The Mayor shall establish written Personnel Rules and Regulations to the end that appointments and promotions of employees within specified classifications shall be made solely on the basis of merit and fitness demonstrated by examinations or other evidence of competence and to the end that upon their suspension for a period in excess of fifteen (15) calendar days, demotion or removal, employees within specified classifications shall have a right of appeal to a Civil Service Board appointed by City Council.

(2) Create and establish and discontinue any department, division or board in the administrative affairs of the City; to determine, combine and distribute the function and duties of all departments, divisions and boards in the administrative affairs of the City; to consolidate and combine any departments, divisions and boards as the Mayor may deem necessary and/or expedient. The Mayor shall be responsible for the continuity and preparation of all books, records, papers and property under the control of the administrative officers and employees of the City. The directors of departments and heads of divisions or boards in the administrative affairs of the City shall manage and control such departments, divisions and boards, and are subject to the supervision and control of the Mayor.

(3) Attend, or cause a representative of the Mayor to attend, all Council meetings and the Mayor or the Mayor's representative shall have the right to take part in discussion but may not vote.

(4) See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the Mayor or by officers subject to the Mayor's direction and supervision, are faithfully executed.

(5) Prepare and submit the annual budget and capital program to the Council in a form provided by ordinance.

(6) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(7) Make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the Mayor's direction and supervision.

(8) Keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.

9) Sign contracts on behalf of the City pursuant to the provisions of appropriations ordinances. The Mayor shall administer the approved budget in such a manner as not to exceed Council approved appropriations. No liability shall be enforceable against the City upon any contract not supported by the previous appropriations, nor shall the City be liable for any service, material or supplies furnished to the City or to any department, office or division thereof, the financial requirements of which are to be made use of the proceeds of taxes or any other funds controlled by the Council, unless the Council shall previously have made an appropriation therefor. All contracts for public works or improvements shall be awarded in the manner provided by ordinance which must provide opportunity for competition.

(10) Perform such other duties as are specified in this Charter or may be required by the Council provided such duties and Council's direction to perform such duties are consistent with this Charter.

City Council Duties and Elections for St Petersburg, Florida

ELECTIONS: The nonpartisan primary and general election of the Council Members and Mayor shall be held in odd-numbered years on the dates and in the manner provided in Article V of this Charter and the terms of office for Council Members shall be four (4) years and will commence on the second day of January in the year following the election. The term for Mayor shall be four (4) years and, will commence on the second day of January in the year following the election.

The base year for elections for Council members for districts 1, 3, 5 and 7 shall be 2003. The base year for elections for Council members for districts 2, 4, 6 and 8 and the Mayor shall be 2005. These base year dates are established only for the purpose of scheduling elections and do not impact the term limit requirements of Sections 3.08 and 3.09. Full terms served by the Mayor or a Council Member immediately preceding these base dates shall be counted in applying Sections 3.08 and 3.09.

OVERRIDE VETO: (d) *The Council may:* By an affirmative vote of at least two thirds of the of the entire membership of Council override the Mayor's veto of an ordinance at any time prior to midnight on the fourteenth day after the day the Mayor exercises the veto or prior to midnight on the day of the next City Council meeting after the exercise of the Mayoral veto, whichever last occurs. If Council overrides a veto, the ordinance shall be effective immediately or as otherwise provided therein. If Council fails to override a veto, the ordinance shall fail and be of no effect. Ordinances adopted by Council shall be effective unless vetoed by the Mayor upon the expiration of the fifth business day after said adoption, or upon such later date as may be provided therein. The Mayor may notify the Council through written notice filed with the City Clerk that he will not veto the ordinance, whereupon the ordinance may become effective prior to the sixth business day after adoption of said ordinance if the ordinance so provides for such an earlier effective date.

(e) *The Council may:* By an affirmative vote of at least two thirds of the existing membership of Council, override the Mayor's line item of a portion of a budget or appropriation ordinance veto at any time prior to midnight on the fourteenth day after the day the Mayor exercises the veto or prior to midnight on the day of the next City Council meeting after the exercise of the Mayoral line item veto, whichever last occurs. If the total effect of all actions taken to override the vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and contained in the adopted budget, then all actions to override the Mayor's vetoes with respect to line items of the budget shall be null and void and all items vetoed by the Mayor shall remain stricken from the budget.

If Council overrides a line item veto of a portion of a budget or appropriation ordinance, the line item shall be effective immediately or as otherwise provided in the ordinance. If Council fails to override a line item veto, the item vetoed shall fail and be of no effect. Budget or appropriation ordinances adopted by Council shall be

effective except for such portions thereof as have been vetoed by the Mayor upon the expiration of the fifth business day after said adoption, or upon such later date as may be provided therein. The Mayor may notify the Council through written notice filed with the City Clerk that he will not line item veto any portion of such ordinance, whereupon the ordinance, as adopted, may become effective prior to the sixth business day after adoption of said ordinance if the ordinance so provides for such an earlier effective date.

DUTIES: There shall be a City Council which shall be the governing body of the City with all legislative powers of the City vested therein consisting of eight (8) Council Members, one (1) to be elected from each of the eight (8) election districts of the City. There shall also be a Mayor who is elected at large and who shall not be a member of City Council.

(a) *Chair of Council.* City Council shall elect from among its members a Chair who shall preside at all meetings of Council.

(b) *Vice-Chair.* City Council shall elect from among its members a vice-chair who shall act as Chair during the absence or disability of the Chair.

(c) *Election and Term of Chair and Vice-Chair.* On the second of January of each even numbered year, the City Council shall elect the Chair and Vice-Chair. The term of Chair and Vice-Chair shall be one year except as provided herein. In each odd numbered year the Chair and Vice-Chair shall be elected and sworn in at the first regular Council Meeting in January and the terms of the current and newly elected Chair and Vice Chair shall be lengthened or shortened from the normal one year term to correspond to the date of the election. The Chair or Vice-Chair may be removed from their position as Chair or Vice-Chair on the grounds and in the manner described in Section 3.04 below for the removal of a member of City Council.

(a) Neither the Council nor any of its committees or any of its members, individually or collectively, shall direct or request the appointment of anyone to, or removal from, office by the Mayor or any of the Mayor's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee or members of boards in the administrative service of the City. All inquiry dealing with any portion of the administrative service of the City with the exception of (b) herein shall be with the Mayor and neither the Council nor any member thereof shall, give any orders to any subordinate or officer of the City, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the Council shall be grounds for removal from office under Section 3.04(c).

(b) *Permitted contact with City staff.*

(1) The finances of the City shall, under the direction of the Council, be examined and audited by a certified public accountant at least once a year. The financial audit shall be a certified audit with no exceptions, and all reports and recommendations of the auditor shall be directed to the Council. A management evaluation of the administrative activities of the City shall be conducted under the direction of City Council at least once every two years by a professional consultant. The management evaluation and all reports and recommendations shall be directed to the Council.

(2) The Council or any member thereof may request information of the Mayor or the Mayors' subordinates in a form that presently exists and could be obtained by a public record request under Florida law, subject to such reasonable regulations of use as City Council may prescribe by ordinance or resolution from time to time.

EMPLOYEES: Employees of the City shall be designated as being in either a classified or exempt position. Employees in a classified position shall be governed by applicable provisions of the City's Personnel Rules and Regulations established pursuant to Section 4.04(b)(1) of this Charter. Management and other exempt employees of the City, as those terms are defined in the City's Personnel Rules and Regulations established pursuant to Section 4.04(b)(1) of this Charter, are employees at will and may be terminated with or without cause at any time unless the employee has a written individual employment contract with the Mayor which specifically provides to the contrary. However, no such individual employee contract entered into between a Mayor and an employee shall be binding upon the City beyond the term of the Mayor who entered into the contract with respect to any provision that would limit the right of the successor Mayor to terminate the employee with or without cause or with respect to any provision that would impose a penalty for such a termination of the employee.

If City Council hires a Special Assistant City Attorney to City Council as provided for in section 3.06 of this Charter, the attorney so hired shall be an employee at will and may be terminated with or without cause at any time unless said attorney has a written contract with the City Council which specifically provides to the contrary. However, with respect to any provision of such a contract that would limit the right of the City Council to terminate said attorney with or without cause or with respect to any provision that would impose a penalty for such a termination of the attorney, no such contract provision shall be binding upon the City beyond the end of the term of the Council Member having the shortest remaining time in their term among the members of City Council who were serving on City Council at the time the contract was approved.

Penalty as used herein shall mean the payment to a management or other exempt employee by the City of any money or other form of compensation greater than that which the employee would be entitled to under the City's written termination policies, as promulgated by the Mayor, pertaining to management and other exempt employees. During the one year period preceding the end of the Mayor's then current term, the Mayor may not change or amend such termination policies to enhance the termination compensation to which management or other exempt employees are entitled. This paragraph defining penalty shall apply to the City Attorney, Assistant City Attorneys and Special Assistant City Attorneys as if such attorneys were classified as management employees, regardless of whether or not they are so classified.

If during the three month period subsequent to the beginning of a Mayor's term, the Mayor intends to change or amend termination policies for management or other exempt employee to reduce the termination compensation to which such employees are entitled, the Mayor shall, at least twenty-two days prior to such changes becoming effective, give written notice to all management and other exempt employees of such intent. Each management or other exempt employee shall within twenty-one days of such notice deliver to the Mayor, in a written memorandum of election, a selection by the employee of one of the following two options: (1) the employee may elect to accept the new termination policies; or (2) the employee may elect to voluntarily terminate employment with such termination of employment considered to be at the request of the Mayor. If option number two is selected, the employee's employment with the City shall terminate seven days from the date of delivery to the Mayor of the notice of election or such later date as may be agreed to in writing by the employee and the Mayor provided

such later date does not violate any other provision of this Charter. In all such cases where the employee chooses option number two, the employee will receive termination compensation in accordance with the termination policy in effect on the date the employee's memorandum of election was delivered to the Mayor. This paragraph concerning selection of options shall also apply to the City Attorney, Assistant City Attorneys and Special Assistant City Attorneys except that the notice of election shall be delivered to the person or entity having the power of termination and any extension of the date of termination must be agreed to by such person or entity and the attorney. These attorneys, regardless of whether or not they are classified as management employees, shall be treated as if they were management employees for purposes of termination compensation.

(Charter Review Commission, Amendment 10, ratified 3-27-01)

COUNCIL LEADERS: a) *Chair of Council.* City Council shall elect from among its members a Chair who shall preside at all meetings of Council.

(b) *Vice-Chair.* City Council shall elect from among its members a vice-chair who shall act as Chair during the absence or disability of the Chair.

(c) *Election and Term of Chair and Vice-Chair.* On the second of January of each even numbered year, the City Council shall elect the Chair and Vice-Chair. The term of Chair and Vice-Chair shall be one year except as provided herein. In each odd numbered year the Chair and Vice-Chair shall be elected and sworn in at the first regular Council Meeting in January and the terms of the current and newly elected Chair and Vice Chair shall be lengthened or shortened from the normal one year term to correspond to the date of the election. The Chair or Vice-Chair may be removed from their position as Chair or Vice-Chair on the grounds and in the manner described in Section 3.04 below for the removal of a member of City Council.

Mayor Duties, Role, Elections and Veto Power for Orlando, Florida

ELECTED: Mayor-Commissioner representing the City at-large. City elections shall be nonpartisan. Shall be elected for a term of four (4) years. In the general election held in November 2001 and in the general election held in November every four years thereafter, a mayor shall be elected who shall serve for a term of 4 years or until a successor shall be duly qualified and take office. The terms of Office of the Mayor and Commissioners shall be for such period as may be fixed by law.

VETO POWER: Immediately after passage of an ordinance by the City Council, such ordinance shall be submitted to the Mayor for his approval or disapproval and this shall be done within twenty-four (24) hours after passage of the ordinance. If the Mayor disapproves the ordinance, he shall return the ordinance with the reasons for his disapproval stated in writing at the next regular meeting of the City Council

The Mayor-Commissioner shall be the executive officer of the City of Orlando and possess all the powers and duties incident thereto and shall be charged with the enforcement of all the ordinances and laws thereof and the carrying out and exercising of the powers and duties heretofore possessed by the City of Orlando, or, heretofore belonging to it;

The Mayor-Commissioner shall make appointments of the Chief Administrative Officer, Deputy Chief Administrative Officer, Assistant Chief Administrative Officer, and all heads of offices and departments set forth in Section 2.35 of the Code of the City of Orlando subject, however, to a confirmation by the City Council; the Mayor-Commissioner shall appoint the members of his/her personal staff; the Mayor-Commissioner shall have direct charge of every department of the City government and shall be responsible for the proper functioning of each department; the Mayor-Commissioner shall be required to devote all of his/her time to the work and business of the City of Orlando and shall have his/her office in the City Hall and keep regular office hours in the same. Should the City Council decline to confirm any appointment made by the Mayor-Commissioner it shall be his/her duty to send in a new appointment to the Council within ten (10) days of* such rejection, and shall not again submit to the Council the name of any person rejected, except on request of a** majority of the Council. The Mayor-Commissioner shall have the right to remove any officer as provided in Section 2.05 of the Code of the City of Orlando, provided, however, that nothing in this section shall in any manner abridge the rights, powers, duties and privileges of the*** Orlando Utilities Commission. In case of the temporary disability or absence of the Mayor, the City Council may designate one of its members to act as Mayor Pro Tem; provided, however, that the City Council may also designate another one of its members to act in the capacity of Mayor Pro Tem should both the Mayor and first-designated Mayor Pro Tem be absent or temporarily disabled

City Council Duties and Elections for Orlando, Florida

ELECTIONS: There shall be a City Council of the City of Orlando, Florida, consisting of a Mayor-Commissioner representing the City at-large and six (6) City Commissioners each representing the district in which they reside. The members of the City Council shall be elected for a term of four (4) years in the manner herein provided, unless the term is altered due to an election date change authorized by ordinance. The Mayor-Commissioner shall be elected by the majority of the votes cast by the qualified electors of the City at large. Each of the six (6) other City Commissioners shall be elected by the majority of the votes cast by the qualified electors of the respective districts which they represent on the City Council.

City elections shall be nonpartisan and shall be held at the time designated by ordinance. Such municipal elections so held shall be general municipal elections and no other municipal primary or general election shall be necessary, any local or general law to the contrary notwithstanding.

OVERRIDE VETO: If the Mayor disapproves the ordinance, he shall return the ordinance with the reasons for his disapproval stated in writing at the next regular meeting of the City Council, whereupon the City Council, by a five-sevenths vote of the entire membership thereof, may pass the ordinance, the Mayor's disapproval to the contrary notwithstanding.

DUTIES: The legislative powers and duties heretofore possessed by the City of Orlando or heretofore belonging to it with the powers to establish such subordinate officers as they may see fit and to assign to them appropriate duties is hereby vested in the six (6) City Commissioners and the Mayor-Commissioner hereinbefore provided for, which shall constitute the City Council of the City of Orlando. The Council shall have the power to change or abolish all offices heretofore existing in said City and to establish such offices with such salaries as may seem desirable, provided, however, that this shall not authorize the changing or abolishing of the offices or the powers of Mayor-Commissioner and the City Commissioners as constituted in this Charter or to abolish the Orlando Utilities Commission, or to in anywise affect same as now constituted unless specifically provided for herein.