

CHARTER OF THE CITY OF CORAL GABLES



FOREWORD

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 The original Charter as well as the six above-described amendments were repealed on May 8, 1929 when, by Special Act (Laws of Florida Chapter 13972), the Florida Legislature granted limited home rule powers to the City of Coral Gables.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

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 unofficial Compiled Charter was a compilation of the Charter approved May 8, 1929 (Laws of Florida Chapter 13972) with all amendments thereto and all the special 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 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. Thus, it was composed from reliable historical sources. As such, this updated Charter was amended in reliance upon and with reference to the provisions contained within the Compiled Charter.

In 1973, the Florida Legislature passed the Municipal Home Rule Powers 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. Consequently, the Municipal Home Rule Powers 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.” Accordingly, through the Municipal Home Rule Powers Act, the City was granted full home rule power, and is no longer reliant upon the Florida Legislature to adopt special acts to resolve the City’s day-to-day governance needs.

It should be noted, however, that on May 21, 1957, Miami-Dade County was also granted broad home rule powers through the Miami-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 in most areas, it is constrained or pre-empted in certain areas by the Miami-Dade County Home Rule Amendment and the Miami-Dade County Home Rule Charter

that was adopted pursuant to the 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 operation of law due to acts of 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, in an effort to make the Charter more reader-friendly, this version of the Charter does not contain placeholders for or references to those provisions. Additionally, this Charter has been re-numbered and the numbered references to the Compiled Charter differ from those in past versions of the Charter as those versions contained erroneous references.

Also, of note is Section 6.02 of the Miami-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 continue to enforce City Charter provisions and City ordinances that are consistent with the broad grant of authority in Section 6.02.

Finally, it should be noted that this version of the Charter is gender neutral. As such, wherever used herein, a pronoun in the masculine gender shall be considered as including the feminine gender and vice versa.

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 to be 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. 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 each general election each 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 each 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 upon and after the canvas of the vote and the declaration of the result of the elections 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 City 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 said 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 Commissioner resigning 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 which 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 herein for recall. Members of the Commission shall not hold any other public office except that of Notary Public or member of the 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 office.

(Compiled Charter §§ 8 and 10; As Amended by: Laws of Fla. ch. 21161 (1941), Laws of Fla. ch. 22240 (1943); Ord. No. 2453¹, § 2, 2-8-1983 (referendum 4-12-1983); Res. No. 24160, § 2,

¹ 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,

4-13-1983 (accepting and approving results of 4-12-1983 referendum authorized by Ord. No. 2453); Ord. No. 2503, § 2, 6-12-1984; Ord. No. 2507², § 2, 7-24-1984 (referendum 11-6-1984); Res. No. 24947, 11-20-1984 (accepting results of referendum held on 11-6-1984 as authorized by Ord. No. 2507); Ord. No. 2004-32³, § 3, 8-24-2004 (referendum held 4-12-2005); Res. No. 2005-63, 4/12/2005 (approving results of 4/12/2005 referendum authorized by Ord. No. 2004-32); Ord. No. 2005-06, § 3, 1-25-2005 (referendum 4-12-2005); Res. No. 2005-63, § 2, 4-12-2005 (approving results of 4-12-2005 referendum authorized by Ord. No. 2005-06.); Ord. No. 2009-05⁴, § 3, 1-13-2009; Res. No. 2009-87, § 3, 1-13-2009 (approving results of 4-14-2009 referendum authorized by Ord. No. 2009-05))⁵

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, 1-27-2009 (referendum 4-14-2009); Res. No. 2009-86, 4-17-2009 (approving results of 4-14-2009 referendum authorized by Ord. No. 2009-12))

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.

² Section 5 of Ordinance No. 2507 expressly repealed Ordinance No. 2503.

³ 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 11-2-2004 to 4-12-2005. 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.

⁴ 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.

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

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 qualification 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 otherwise complete all prerequisites required of the Commission under this Charter or any other governing provision of Florida law. After an election is completed, the Commission shall canvass the election returns and declare the results of such elections as soon as may be practicable for the Commission to do so.
- (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 aggregate amount of candidate filing fees collected. If the aggregate candidate filing fees collected is greater than the costs of the election, then the City Commission shall order that the excess candidate filing fees 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, 2-8-1983 (referendum 4-12-1983); Res. No. 24160, § 2, 4-13-1983 (accepting and approving results of 4-12-1983 referendum authorized by Ord. No. 2453); Ord. No. 3216, § 1, 1-14-1997; Ord. No. 3302, § 1, 12-16-1997)

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

The Commission may determine its own rules of procedure. May punish its own members for misconduct and may compel the attendance of members, and on a four-fifths vote may expel a member for misconduct in office or for neglect of duty. But no member shall be expelled unless notified in writing seven days before any action is taken of the charge against him and given an

opportunity to be heard in his own defense. A majority of all members of the Commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

(Compiled Charter § 11)

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

The Commission shall act only by ordinance or written resolution. Furthermore, 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; however, 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. Furthermore, 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 upon the journal of the proceedings of the Commission. On final passage, every ordinance and resolution shall require the affirmative vote of a majority of the entire 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), 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, § 2F); Ord. No. 3291, § 1 (12-16-1997))

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," Fla. Stat. § 166.041(1)(a), 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).

Sec. 6. Duties of Mayor.

The Mayor shall preside at the meetings of the Commission and perform such other duties consistent with his office and this Charter as may be imposed by the Commission. He 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 may with the consent of the Commissioners take command of the police

and maintain order and enforce the laws. During his absence or disability his duties shall be performed by another member appointed by the Commission.

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, 12-16-1997)

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 2237 Fla. (1947))

Editor's note— In accordance with Section 8½ of the Charter, the City Commission passed Ordinance No. 483 (12-27-1945) (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 pension plan ordinance. The City Commission accepted and approved the referendum results and, thereby, adopted the pension plan ordinance through Resolution No. 2582 (1-9-1946). 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). 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). 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 to 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 the ordinance to be an emergency measure on the ground of urgent public need 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 any 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 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 any and 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 is filed in relation to an ordinance passed by the Commission involving the expenditure of money, a bond issue, the granting of a franchise, or a public improvement, all steps preliminary 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, in accordance with the provisions of Section 12(a) of this Charter, shall 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 thereon, said ordinance shall be considered repealed and all rights and privileges conferred by it shall be null and void. Nonetheless, any such ordinance so repealed shall be deemed 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 in relation to the ordinance.

(v) Publication. At least fifteen days prior to any election in which any 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 in respect to any of their provisions, the provisions of said ordinances that do not conflict shall go into effect and, 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 any such petition paper shall sign his or her 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 any 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. Moreover, these five electors, who as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Furthermore, 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 convicted of swearing falsely as regards to any particular matter contained therein shall be guilty of perjury and attempted election fraud.

(viii) **Referendum and Recall Petition Papers.** All petition papers comprising 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 which is not attested

by the circulator thereof as required by Section 12(i) of this Charter or upon which the affidavit of the circulation can be shown to be false in any regard. Upon completing his or her examination of the petition, the City Clerk shall attach thereto a certificate showing the result of the examination. If he or she should certify that the petition is insufficient, the City Clerk shall set forth in his/her certificate the particular manner(s) in which it is defective and shall at once notify the committee of the petitioners of his or her findings.

(ix) Amendment of Referendum and Recall Petitions. A referendum or recall petition may be amended within ten days of the City Clerk issuing his or her certification 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 five days after it is filed. If the City Clerk determines that the amended petition is also insufficient, he/she shall file the amended petition in his/her office, notify the committee of petitioners of his/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 at their option to propose ordinances, including ordinances granting franchises or privileges, and to adopt the same at the polls. 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 substantially in the form as set forth above in subsection (i) of this Section. Each person who signs any such initiative petition paper 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 any one ordinance shall have 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. Furthermore, 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 the City Clerk, he or she 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, the City Clerk shall set forth in his or her certificate the

particular manner(s) in which it is defective and shall at once notify the committee of the petitioners of his or her findings. An insufficient petition may be amended within thirty days of the City Clerk issuing his or her certification 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 also insufficient, he or she shall file the amended petition in his or her office, notify the committee of petitioners 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 shall 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 to occur at least sixty days after the Commission's final action on the proposed ordinance. If, however, no regular election is scheduled to occur within six months from the date of the Commission's final action on the proposed ordinance, then 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 nor 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 upon 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 provisions of 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 the initiative petition, which is to be submitted to a vote of the electors, then 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), 7-11-1972 (referendum 11-7-1972); Res. No. 18110, 11-13-1972 (accepting and approving results of 11-7-1972 referendum authorized by Ord. No. 1972, §2(I)); Ord. No. 3294, § 1, 12-16-1997)

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 executive and administrative qualifications, and need not when appointed be a resident of the City or of the State. 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 all authority and fix all responsibility for such suspension or removal of the Manager in the Commission; 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 and 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 authorization may be removed, suspended, laid off, or reduced in grade by the City Manager, or by the officer by whom appointed, at any time for any cause which 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 officers or employees, except common laborers and officers and employees in the service of the city for less than six months, or police officers or firemen in the service of the city for less than 12 months, continuously, may within five days after such action file with the City Manager a written request for a written statement of the reasons for such action, which written statement shall be furnished to him 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 such 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 the matter shall then be referred to the special trial board hereinafter authorized, which trial board shall thereupon investigate and determine the propriety of such action, and, at the conclusion of its investigation 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 any compensation, allowance or adjustment, which 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 of whom shall be appointed or elected by the city employees; two of whom shall be appointed or elected by the City Commission and the fifth of whom 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 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), 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, § 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 direct or request the appointment of any person to or his removal from, the service of the city by the City Manager or any of his subordinates. Except for the purpose of inquiry, the Commission and its members shall otherwise deal with that portion of the administrative service for which the Manager is responsible solely through the Manager, and 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 such 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 such other officers of the City as may be 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 in operation in the City of Coral Gables shall remain established departments of the City; 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 department, discontinue any department, and determine, combine, and distribute the functions and duties of departments and subdivisions thereof.

(Compiled Charter § 26; Laws of Fla. ch. 21161 (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 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 due 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), 2-9-1965 (referendum 4-13-1965); 4-14-1965, (Res. No. 11292, 4-14-1965 (accepting and approving results of 4-13-1965 referendum authorized by Ord. No. 1460, § (2)(F)); Ord. No. 1625, § 3, 9-20-1967 (referendum 11-21-1967)); Res. No. 13394, 11-22-1967 (accepting and approving results of 11-21-1967 referendum authorized by Ord. No. 1625, § 3(B), 9-20-1967))

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 appropriation for the current year 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 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 procedure 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), 2-9-1965 (referendum 4-13-1965))

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). 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), 9-20-1967; Ord. No. 2453, § 2(B), 2-8-1983 (referendum 4-12-1983) Res. No. 24160, § 2(B), 4-13-1983 (accepting and approving results of 4-12-1983 referendum authorized by Ord. No. 2453, § 2(B)); Ord. No. 3295, § 1, 12-16-1997; Ord. No. 2005-07, § 3, 1-25-2005 (referendum 4-12-2005)); Res. No. 2005-64 (accepting and approving results of 4-12-2005 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, 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 by this Charter to give bond, and all officers, clerks and employees of whom bond is required by the Commission, shall, before entering upon their respective duties, provide a bond from a surety to be approved by the Commission, and said

bond shall be conditioned for the faithful performance of the duties of their respective offices. Moreover, the bond, unless otherwise specifically provided by this Charter, 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. Additionally, 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, 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), 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, § 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, 12-16-1997)

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 herein 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, 12-16-1997; Ord. No. 3548, § 1, 12-11-2001; Ord. No. 2004-19, §§ 2-4, 5-11-2004)

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, then the boundaries outlined herein 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 has been illegally included within the boundaries of the City, as established herein, the governing authority of the City of Coral Gables shall be duly empowered to levy, assess, and collect taxes for debt service against any 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, if any, for taxation of the lands lying 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 and/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. In addition to the broad home rule powers established in section 31 of this Charter as well as those provided for by the Municipal Home Rule Powers Act, Fla. Stat. § 166.011 *et seq.*, the City shall also have the specific powers and authority specified in Sections 31a-31h of 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. Special assessments.

To impose special or local assessments for local improvements.

(Compiled Charter § 7c)

Sec. 35. 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 where, 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 36. Police Powers.

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

(Compiled Charter § 7z)

Section 37. 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 38. 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 39. 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 40. 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 (Laws of Florida, Chapter 10418) 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, 2-1-1971 (bond referendum 4-13-1971); Res. No. 16725, 4-14-1971 (accepting and approving results of 4-13-1971 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). 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). 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, 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, 2-1-1971 (bond referendum 4-13-1971); Res. No. 16725, 4-14-1971 (accepting and approving results of 4-13-1971 bond referendum authorized by Ord. No. 1900, §§1-5))

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

CURRENT CHARTER (ARTICLE & SECTION)	CORRESPONDING COMPILED CHARTER (SECTION(S))
Art. I, Sec. 1	Sects. 8, 10
Art. I, Sec. 2	***Provision not in the Compiled Charter***
Art. I, Sec. 3	Sects. 8, 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. 8.1	***Provision not in the Compiled Charter***
Art. I, Sec. 8 ^{1/2}	Sec. 17 ^{1/2}
Art I, Sec. 9	Sec. 18
Art. II, Sec. 10	Sec. 20
Art. II, Sec. 11	Sec. 21
Art. II, Sec. 12	Sec. 22
Art. II, Sec. 13	Sec. 23
Art. II, Sec. 14	Sec. 24
Art. II, Sec. 15	Sec. 25
Art. II, Sec. 16	Sec. 26
Art. III, Sec. 17	Sec. 31
Art. III, Sec. 18	Sec. 34
Art. III, Sec. 19	Sec. 35
Art. III, Sec. 20	Sec. 36
Art. III, Sec. 21	Sec. 39
Art. III, Sec. 21.1	***Provision not in the Compiled Charter***
Art. IV, Sec. 22	Sec. 49
Art. IV, Sec. 23	Sec. 54
Art. V, Sec. 24	Sec. 87
Art. V, Sec. 25	Sec. 88
Art. V. Sec. 26	Sec. 89
Art. V, Sec. 27	Sec. 108
Art. V, Sec. 28	Sec. 110

Art. V, Sec. 29	Sec. 111
Art. VI, Sec. 30	Sec. 5
Art. VI, Sec. 30A	Sec. 5A
Art. VI, Sec. 31	Sec. 7
Art. VI, Sec. 31a	Sec. 7a
Art. VI, Sec. 31b	Sec. 7r
Art. VI, Sec. 31c	Sec. 7r
Art. VI, Sec. 31d	Sec. 7z
Art. VI, Sec. 31e	Sec. 7aa
Art. VI, Sec. 31f	Sec. 7ii
Art. VI, Sec. 31g	Sec. 7nn
Art. VI, Sec. 31h	Sec. 7oo

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

AMENDED CHARTER SECTION	CORRESPONDING AMENDING ORDINANCE
Art. I, Sec. 1	Ord. No. 2453, § 2, 2-8-1983 (referendum 4-12-1983); Res. No. 24160, § 2, 4-13-1983 (accepting and approving results of 4-12-1983 referendum authorized by Ord. No. 2453); Ord. No. 2503, § 2, 6-12-1984; Ord. No. 2507, § 2, 7-24-1984 (referendum 11-6-1984); Res. No. 24947, 11-20-1984 (accepting and approving results of referendum held on 11-6-1984 as authorized by Ord. No. 2507); Ord. No. 2004-32, § 3, 8-24-2004 (referendum held 4-12-2005); Res. No. 2005-63, 4/12/2005 (accepting and approving results of 4/12/2005 referendum authorized by Ord. No. 2004-32); Ord. No. 2005-06, § 3, 1-25-2005 (referendum 4-12-2005); Res. No. 2005-63, § 2, 4-12-2005 (accepting and approving results of 4-12-2005 referendum authorized by Ord. No. 2005-06,); Ord. No. 2009-05, § 3, 1-13-2009; Res. No. 2009-87, § 3, 1-13-2009 (accepting and approving results of 4-14-2009 referendum authorized by Ord. No. 2009-05)
Art. I, Sec. 2	Ord. No. 2009-12 (As Amended), § 3, 1-27-2009 (referendum 4-14-2009); Res. No. 2009-86, 4-17-2009 (accepting and approving results of 4-14-2009 referendum authorized by Ord. No. 2009-12)
Art. I, Sec. 3	Ord. No. 2453, § 2, 2-8-1983 (referendum 4-12-1983); Res. No. 24160, § 2, 4-13-1983 (accepting and approving results of 4-12-1983 referendum authorized by Ord. No. 2453); Ord. No. 3216, § 1, 1-14-1997; Ord. No. 3302, § 1 (12-16-1997)

Art. I, Sec. 5	Ord. No. 2133, § 2(F), 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, § 2F); Ord. No. 3291, § 1 (12-16-1997)
Art. I, Sec. 8	Ord. No. 3292, § 1 (12-16-1997)
Art I, Sec. 9	Ord. No. 1972, § 2(I), 7-11-1972 (referendum 11-7-1972); Res. No. 18110, 11-13-1972 (accepting and approving results of 11-7-1972 referendum authorized by Ord. No. 1972, §2(I)); Ord. No. 3294, § 1, (12-16-1997)
Art. II, Sec. 12	Ord. No. 2133, § 2(E), 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, § 2E)
Art. III, Sec. 17	Ord. No. 1460, § (2)(F), 2-9-1965 (referendum 4-13-1965); 4-14-1965, (Res. No. 11292, 4-14-1965 (accepting and approving results of 4-13-1965 referendum authorized by Ord. No. 1460, § (2)(F)); Ord. No. 1625, § 3, 9-20-1967 (referendum 11-21-1967)); Res. No. 13394, 11-22-1967 (accepting and approving results of 11-21-1967 referendum authorized by Ord. No. 1625, § 3(B) (9-20-1967))
Art. IV, Sec. 22	Amended by Ord. No. 1460, § (2)(K), 2-9-1965 (referendum 4-13-1965); Res. No. 11292 (accepting and approving results of 4-13-1965 referendum authorized by Ord. No. 1460 (4-14-1965)

Art. IV, Sec. 23	Ord. No. 1625, § 3(F), 9-20-1967; Ord. No. 2453, § 2(B), 2-8-1983 (referendum 4-12-1983) Res. No. 24160, § 2(B), 4-13-1983 (accepting and approving results of 4-12-1983 referendum authorized by Ord. No. 2453, § 2(B));; Ord. No. 3295, § 1, 12-16-1997; Ord. No. 2005-07, § 3, 1-25-2005 (referendum 4-12-2005)); Res. No. 2005-63 (accepting and approving results of 4-12-2005 referendum authorized by Ord. No. 2005-07, § 3)
Art. V, Sec. 25	Ord. No. 2133, § 2(B), 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, § 2B)
Art. V, Sec. 26	Ord. No. 3299, § 1 (12-16-1997)
Art. VI, Sec. 30	Ord. No. 3289, § 1, 12-16-1997; Ord. No. 3548, § 1, 12-11-2001; Ord. No. 2004-19, §§ 2-4, 5-11-2004)
Art. VI, Sec. 31	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)); Ord. No. 3290, § 1, 12-16-1997)

APPENDIX D: 2016 UPDATED CHARTER PROVISIONS SHOWN IN RELATION TO THE CORRESPONDING CHARTER PROVISIONS PRIOR TO THE 2016 UPDATE, & THE CORRESPONDING PROVISIONS IN THE COMPILED CHARTER

UPDATED 2016 CHARTER (ARTICLE & SECTION)	CORRESPONDING CHARTER PROVISIONS IN 2015 CHARTER i.e. VERSION OF CHARTER PRIOR TO THIS 2016 UPDATE (ARTICLE & SECTION)	CORRESPONDING COMPILED CHARTER (SECTION(S))
Art. I, Sec. 1	Art. II, Sec. 8	Sects. 8, 10
Art. I, Sec. 2	***Provision not in any prior versions of the Charter***	***Provision not in the Compiled Charter ***
Art. I, Sec. 3	Art. II, Sec. 9	***Provision not in the Compiled Charter ***
Art. I, Sec. 4	Art. II, Sec. 10	Sects. 8, 10
Art. I, Sec. 5	Art. II, Sec. 11	Sec. 11
Art. I, Sec. 6	***Provision not in any prior versions of the Charter***	***Provision not in any prior versions of the Charter***
Art. I, Sec. 7	Art. II, Sec. 13	Sec. 13
Art. I, Sec. 8	Art. II, Sec. 15	Sec. 15
Art. I, Sec. 9	Art. II, Sec. 16	Sec. 16
Art. I, Sec. 10	Art. II, Sec. 17	Sec. 17
Art. I, Sec. 11	Art. II, Sec. 17 ^{1/2}	Sec. 17 ^{1/2}
Art I, Sec. 12	Art. II, Sec. 18	Sec. 18
Art. II, Sec. 13	Art. III, Sec. 20	Sec. 20
Art. II, Sec. 14	Art. III, Sec. 21	Sec. 21
Art. II, Sec. 15	Art. III, Sec. 22	Sec. 22
Art. II, Sec. 16	Art. III, Sec. 23	Sec. 23
Art. II, Sec. 17	Art. III, Sec. 24	Sec. 24
Art. II, Sec. 18	Art. III, Sec. 25	Sec. 25
Art. II, Sec. 19	Art. III, Sec. 26	Sec. 26
Art. III, Sec. 20	Art. V, Sec. 31	Sec. 31
Art. III, Sec. 21	Art. V, Sec. 34	Sec. 34
Art. III, Sec. 22	Art. V, Sec. 35	Sec. 35
Art. III, Sec. 23	Art. V, Sec. 36	Sec. 36

Art. III, Sec. 24	Art. V, Sec. 39	Sec. 39
Art. III, Sec. 25	***Provision not in any prior versions of the Charter***	***Provision not in the Compiled Charter***
Art. IV, Sec. 26	Art. VI, Sec. 49	Sec. 49
Art. IV, Sec. 27	Art. VI, Sec. 54	Sec. 54
Art. V, Sec. 28	Art. X, Sec. 87	Sec. 87
Art. V, Sec. 29	Art. X, Sec. 88	Sec. 88
Art. V, Sec. 30	Art. X, Sec. 89	Sec. 89
Art. V, Sec. 31	Art. X, Sec. 108	Sec. 108
Art. V, Sec. 32	Art. X, Sec. 110	Sec. 110
Art. V, Sec. 33	Art. X, Sec. 111	Sec. 111
Art. VI, Sec. 34	Art. I, Sec. 5	Sec. 5
Art. VI, Sec. 35	Art. I, Sec. 5A	Sec. 5A
Art. VI, Sec. 36	Art. I, Sec. 7	Sec. 7
Art. VI, Sec. 37	***Provision not in this Version***	Sec. 7a
Art. VI, Sec. 31b	***Provision not in this Version***	Sec. 7r
Art. VI, Sec. 31c	***Provision not in this Version***	Sec. 7r
Art. VI, Sec. 31d	***Provision not in this Version***	Sec. 7z
Art. VI, Sec. 31e	***Provision not in this Version***	Sec. 7aa
Art. VI, Sec. 31f	***Provision not in this Version***	Sec. 7ii
Art. VI, Sec. 31g	***Provision not in this Version***	Sec. 7nn
Art. VI, Sec. 31h	***Provision not in this Version***	Sec. 7oo

APPENDIX E: DIAGRAM OF THE CITY OF CORAL GABLES'

