

Coral Gables Charter Sections 11- 34

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

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

(Compiled Charter, § 20)

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

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

(Compiled Charter, § 21)

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

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

For the purpose of effectuating this section, the Commission shall, by ordinance, provide for the establishment of a special trial board to be composed of five citizens of the City of Coral Gables, none of whom shall be officers or employees of the City: two shall be appointed or elected by the City employees; two shall be appointed or elected by the City Commission; and the fifth shall be selected by the four members so chosen as

provided for and prescribed in said ordinance. In the event that the four members shall fail to agree on the fifth member, such member shall be appointed by the County Judge of Miami-Dade County, Florida.

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

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

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

(Compiled Charter, § 23)

Sec. 15. Specific powers and duties.

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

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

(Compiled Charter, § 24)

Sec. 16. Participation in Commission Meetings.

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

(Compiled Charter, § 25)

Sec. 17. Authority of Commission over departments.

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

discontinue any department, and determine, combine, and distribute the functions and duties of departments and subdivisions thereof.

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

ARTICLE III. FINANCE

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

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

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

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

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

Sec. 19. Appropriation Balances, Transfers Between Items.

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

(Compiled Charter, § 34)

Sec. 20. Unappropriated Accruing Revenue, Unexpended Balances.

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

(Compiled Charter, § 35)

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

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

(Compiled Charter, § 36)

Sec. 22. Accounting Procedure, Financial Reports.

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

(Compiled Charter, § 39)

State law reference(s)—Mandatory uniform finance and accounting procedures, Fla. Stat. ch. 218.

ARTICLE VI[IV]. TAXATION

Sec. 23. Disposition of Revenues.

All taxes, special assessments, license fees, and other moneys 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 moneys as required by this Section.

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

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

Sec. 24. Public Works or Improvements-Direct Labor, Contracts, Bidding.

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

(Compiled Charter, § 54; amended by: Ord. No. 1625, § 3(F), September 20, 1967; Ord. No. 2453, § 2(B), February 8, 1983 (referendum April 12, 1983); Res. No. 24160, § 2(B), April 13, 1983 (accepting and approving results of April 12, 1983, referendum authorized by Ord. No. 2453, § 2(B)); Ord. No. 3295, § 1, December 16, 1997; Ord. No. 2005-07, § 3, January 25, 2005 (referendum April 12, 2005); Res. No. 2005-64 (accepting and approving results of April 12, 2005, referendum authorized by Ord. No. 2005-07, § 3))

ARTICLE V. ADMINISTRATION

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

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

(Compiled Charter, § 87)

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

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

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

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

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

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

Sec. 28. Saving Clause.

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

(Compiled Charter, § 108)

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

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

(Compiled Charter, § 109)

Sec. 30. Repealing Clause.

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

the 1925 Legislature, entitled: "An Act establishing the City of Coral Gables, Florida, to provide for its government, and to prescribe its jurisdiction and powers," approved May 21, 1927; and Chapter 12633, Laws of Florida, being an Act to amend certain sections of Chapter 10418 of the Acts of the Legislature of the State of Florida, Session of 1925, entitled "An Act establishing the City of Coral Gables and to provide for its government and to prescribe its jurisdiction and powers," and to amend certain sections of an Act amendatory of said Chapter 10418, being Chapter 10419 of the Acts of the Legislature of the State of Florida, Session of 1925, entitled "An Act to amend certain sections of an Act of 1925 Legislature, entitled "An Act establishing the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers," the same having been approved June 6, 1927.

(Compiled Charter, § 110)

ARTICLE VI. GENERAL PROVISIONS

Sec. 31. Boundaries—Metes and Bounds.

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

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

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

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

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

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

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

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

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

Sec. 33. General Powers.

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

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

Sec. 34. Additional Powers.

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

Sec. 34a. Special assessments.

To impose special or local assessments for local improvements.

(Compiled Charter, § 7c)

Sec. 34b. Abatement of nuisances.

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

(Compiled Charter, § 7r)

Sec. 34c. Police Powers.

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

(Compiled Charter, § 7z)

Sec. 34d. General Welfare.

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

(Compiled Charter, § 7aa)

Sec. 34e. Zoning.

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

(Compiled Charter, § 7ii)

Sec. 34f. Signage.

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

(Compiled Charter, § 7nn)

Sec. 34g. Investigative Power.

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

(Compiled Charter, § 7oo)