

## PART I CHARTER

### PREAMBLE

We the people of the City of Largo, under the constitution and laws of the state of Florida, in order to secure the benefits of local self-government and to provide for an honest and accountable commission-manager form of government, do hereby adopt this charter and confer upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

### ARTICLE I. POWERS OF THE CITY

#### Sec. 1.01. Powers of the city.

The City of Largo shall have all powers possible for a city to have under the constitution and laws of the State of Florida as fully and completely as though they were enumerated in detail under this charter.

#### Sec. 1.02. Construction.

The powers of the City of Largo under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in this charter shall not be construed as limiting in any way the general powers stated in this article.

### ARTICLE II. CITY COMMISSION

#### Sec. 2.01. City commission.

There shall be established a city commission to be composed of seven (7) members, including the mayor, all of whom shall be elected at large by the registered voters of the City of Largo for terms of four (4) years.

#### Sec. 2.02. Eligibility.

(a) Except as specifically restricted by this charter, any registered voter having continuously resided in the city for one (1) year immediately prior to the date when he or she would take office if elected shall be eligible to be a member of the city commission. Any registered voter whose residence was annexed into the city during the year immediately prior to the date when he or she would take office if elected and who has resided continuously at that residence for one (1) year immediately prior to the date when he or she would take office if elected shall be eligible to be a member of the city commission.

(b) A member of the city commission must maintain his or her residency within the city throughout his or her term.

### **Sec. 2.03. Mayor.**

The mayor shall be elected at large for a term of four (4) years. The mayor shall be a voting member of the city commission and preside at meetings of the city commission, appoint the members of commission committees and perform other duties specified by the commission. The mayor or his or her designee shall represent the city commission in intergovernmental relationships. The mayor shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. However, the mayor shall have no administrative duties. As the representative of the city commission the mayor shall exercise general supervision over the city manager and all other persons working for the city but not under the control of the city manager and may examine into the condition of their offices and the books, records and papers therein, and the manner of conducting their official business.

### **Sec.2.04. Vice-mayor.**

A vice-mayor shall be appointed by the mayor from among the current city commission and shall be approved by the city commission. The vice-mayor shall exercise the powers and perform the duties of mayor during the mayor's temporary absence or disability. The vice-mayor shall be appointed at the city commission meeting when the oath of office is administered to newly elected members of the city commission, provided however, in any year when there are no newly elected members, the vice-mayor shall be appointed at the first regular city commission meeting in November. The vice-mayor shall serve a one (1) year term, or until a replacement is appointed, whichever occurs later. Within thirty (30) days of a vacancy in the office of vice-mayor, a vice-mayor shall be appointed and shall serve for the remainder of the term.

### **Sec. 2.05. Salaries and expenses.**

The mayor shall be paid a yearly salary of \$20,180.39 and the city commissioners shall be paid a yearly salary of \$13,453.60. The salaries of the mayor and city commissioners shall increase each year at the same percentage as the salaries of the management employees of the City. Provided, however no increase in the mayor's and commissioners' salaries shall exceed three percent (3%) in any one (1) year. The city commission may adopt a resolution providing for no increase to the mayor's and commissioners' salaries or adopting an increase that is less than that given to the management employees of the City, in any given year.

The mayor and the other members of the city commission shall further be eligible to participate in any health, hospital, life or other insurance programs available to the general employees of the City of Largo.

### **Sec. 2.06. General powers and duties.**

(a) All powers of the City of Largo shall be vested in the city commission except as otherwise provided by law or the provisions of this charter, and the city commission shall provide for the exercise thereof and for all duties and obligations imposed upon the city by law. The city commission shall have the power, by ordinance, to levy and collect all taxes. As used in this charter, the term "tax" shall include special assessments, and the city commission shall have the power to levy and collect special assessments of every class and kind and to have same imposed as a lien upon the affected property. There shall, however, be no increase in millage except as provided under the constitution and laws of the State of Florida at the time such increase is proposed.

(b) The mayor or a city commissioner shall report to the city commission all violations or neglect of duty or any misfeasance, malfeasance or nonfeasance in office, or improper conduct on the part of any

elected or appointed official that may come to his or her knowledge.

(c) The city commission shall make provisions to secure the general health, safety and welfare of the City of Largo and its citizens.

(d) The foregoing enumeration of certain powers and duties does not in any way exclude any and all powers of the city as granted by the constitution and laws of the State of Florida.

#### **Sec. 2.07. Prohibitions.**

(a) *Appointments and removals.* Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any city officer or employee whom the city manager or any of his or her subordinates is empowered to appoint, but the city commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment or removal of such officer or employee.

(b) *Interference with administration.* The city commission and its members shall deal with the city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city commission nor its members shall give orders to any such officer or employee, either publicly or privately. Provided, however, the members of the city commission may conduct inquiries of city officers or employees with the approval of the city commission, and may conduct investigations as provided in Section 2.10.

#### **Sec. 2.08. Vacancies, forfeitures of office, filling of vacancies.**

(a) *Vacancies.* The office of a member of the city commission shall become vacant upon the death, resignation or removal from office of such member in any manner authorized by law.

(b) *Forfeitures of office.* A member of the city commission shall be removed from office and forfeit same if said member:

(1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;

(2) Violates any express prohibition of this charter;

(3) Is convicted of a felony or other crime involving moral turpitude; or

(4) Fails to attend three (3) consecutive regular meetings of the city commission without being excused by the city commission.

(c) *Filling of vacancies.* By a majority vote of its remaining members, the city commission shall appoint a qualified person to fill any vacancy on the city commission and such person shall serve until his or her successor is elected as provided for herein. If the vacancy is in the mayor's position, the city commission may appoint one of its remaining members as mayor. Such vacancy shall be subsequently filled by the voters for the remainder of the unexpired term, if any, at the next regular city election which is held more than ninety (90) days following the occurrence of the vacancy. If at any time the membership of the city commission is reduced to less than four (4), the remaining members may by a majority action appoint additional members to raise the membership to that level.

(d) *Judge of qualifications.* The city commission shall be the judge of the qualifications of its members, of the grounds for forfeiture of their office and, for that purpose, shall have the power to

subpoena witnesses, administer oaths and require the production of evidence. A member of the city commission charged with conduct constituting grounds for forfeiture of the office held by such member shall be entitled to a public hearing on demand, and notice of such hearing shall be published at least one (1) week in advance of the hearing. Decisions made by the city commission under this section shall be subject to review by the courts.

### **Sec. 2.09. Appointments.**

The city commission shall also be empowered to appoint special consultants, including attorneys, architects and auditors when deemed advisable or necessary.

### **Sec. 2.10. Investigations.**

Upon a vote of a majority of the city commission, the city commission may make investigations into the affairs of the city and conduct of any city department or office, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city commission shall be guilty of a misdemeanor and punishable by a fine of not more than two hundred [dollars] (\$200.00) or by imprisonment for not more than thirty (30) days or both.

### **Sec. 2.11. Procedure.**

(a) *Meetings.* The city commission shall meet at least twice in every month in the city hall commission chamber or such other designated place within the city as the city commission may prescribe by rule. Special meetings or work sessions may be held on the call of the mayor or four (4) or more members of the city commission and, whenever practicable, upon no less than twenty-four (24) hours, notice to each member. All meetings shall be open to the public, except as provided by law.

(b) *Rules.* The city commission shall determine its own rules and order of business.

(c) *Voting.* Voting, except on procedural motions, shall be by roll call and ayes and nays shall be recorded. Four (4) members of the city commission shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the city commission. No action of the city commission except as otherwise provided in the preceding sentence or by section 2.08, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the commission.

### **Sec. 2.12. Actions requiring an ordinance or a referendum.**

(a) In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, the following acts of the city commission shall be by ordinance, or by adoption of the budget where specifically permitted below:

(1) Establish or abolish any city department or office, other than the police and fire departments, by ordinance or by the adoption of the budget.

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

(3) Grant, renew or extend a franchise.

(4) Convey any real property owned by the city. "Convey" for purposes of this section shall include the sale, exchange, trade or other such disposition of real property.

(5) Lease of any real property owned by the city.

(b) In addition to other acts required by law or specific provision of this charter to be approved by referendum, the following acts of the city commission shall be approved by referendum:

(1) Convey fee simple title to any real property owned by the city, which without dividing or otherwise reducing the area of said property at or prior to such transaction exceeds one and one-half (1 1/2) acres in area.

(2) The lease of real property owned by the city by fee simple title for a term greater than five (5) years.

(3) The abolishment of either the police department or the fire department.

### **Sec. 2.13. Authentication and recording, codification, printing.**

(a) *Authentication and recording.* The mayor and the city clerk shall authenticate by his or her signature and record in full all ordinances and resolutions adopted by the city commission in a properly indexed form. The compilation of city ordinances shall be known and cited officially as the Largo City Code. Copies of the code shall be available at the city library and city hall for free public reference and made available for purchase at a reasonable price as determined by the city commission.

## **ARTICLE III. CITY MANAGER**

### **Sec. 3.01. Appointment, qualifications, compensation.**

The city commission shall, by a vote of not less than five (5) of its members, appoint a city manager and fix his compensation. At the discretion of the city commission, the city manager may be hired for either an indefinite or a fixed term. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but shall reside in the city while in office. The commission may enter into a written employment agreement with the city manager, provided that no term of the agreement shall be inconsistent with this charter.

### **Sec. 3.02. Removal.**

The city commission may remove the city manager from office in accordance with the following procedures:

(1) A preliminary resolution for removal of the city manager shall be adopted by affirmative vote of five (5) or more members of the city commission. The resolution shall state the reason or reasons for removal and may suspend the city manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the city manager within five (5) days after its passage and adoption.

(2) Within five (5) days after a copy of the resolution is delivered to the city manager, he or she may file with the city commission a written request for a public hearing. This hearing shall be held at a

meeting of the city commission not less than fifteen (15) days nor more than thirty (30) days after the request is filed. The city manager may file with the city commission a written reply not later than five (5) days before the hearing.

(3) A final resolution of removal, which may be made effective immediately, may be adopted by the city commission by a vote of not less than five (5) of its members, after five (5) days from the date the copy of the preliminary resolution was delivered to the city manager, if a public hearing has not been requested, or at any time following the public hearing if one has been held pursuant thereto. The city manager shall continue to receive a salary until the effective date of the final resolution of removal.

### **Sec. 3.03. Assistant city managers and acting city manager.**

The city manager shall appoint assistant city managers, subject to the approval of the city commission. The assistant city managers shall be appointed solely on the basis of their executive and administrative qualifications. They need not be a resident of the city or state at the time of their appointment but may reside outside the city while in office only with the approval of the city commission. The duties of assistant city managers designated by the City Manager, shall include but not be limited to the exercise of the powers and performance of the duties of the city manager during his absence or disability. By letter filed with the city clerk, the city manager shall promptly designate, subject to approval of the city commission, a qualified city administrative officer to exercise the powers and perform the duties of the city manager during the absence or disability of the city manager and assistant city managers.

(Ord. No. 79-92, § 3, 1-22-80, app. at ref. 3-4-80)

### **Sec. 3.04. Powers and duties of the city manager.**

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city commission for the administration of all city affairs placed in his or her charge by or under this charter, and shall have the following powers and duties:

(1) Appoint and, when deemed necessary for the good of the city, shall suspend or remove any city employee or appointive administrative officer provided for, by or under this charter, except where appointive authority is vested in the mayor or city commission, or otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department or office.

(2) Direct and supervise the administration of all departments and offices of the city, except as otherwise provided by this charter or by law.

(3) Attend all city commission meetings and shall have the right to participate in discussion but may not vote.

(4) See that all laws, provisions of this charter and acts of the city commission which are subject to enforcement by him or her or by officers subject to his or her direction and supervision are faithfully executed.

(5) Prepare and submit the proposed annual budget and proposed capital program to the city commission.

(6) Submit to the city commission and make available to the public a complete report of the finances

and administrative activities of the city as of the end of each fiscal year. A summary of such financial report shall be published.

(7) Make such other reports as the city commission may require concerning the operation of city departments and offices subject to the direction and supervision of the city manager.

(8) Keep the city commission fully advised as to the financial condition and future needs of the city and make such recommendations to the city commission concerning the affairs of the city as deemed desirable.

(9) Make recommendations to the commission concerning the affairs of the city and facilitate the work of the commission in developing policy.

(10) Provide staff support services for the mayor and commission members.

(11) Assist the commission to develop long term goals for the city and strategies to implement these goals.

(12) Encourage and provide staff support for regional and intergovernmental cooperation.

(13) Promote partnerships among commission, staff, and citizens in developing public policy and building a sense of community.

(14) Perform such other duties as are specified in this charter or as may be required by the city commission.

(15) Execute on behalf of the City grant applications, grant agreements approved by the commission, other agreements approved by the commission, agreements for the purchase of goods or services within the City Manager's spending authority, as provided by the City Code, agreements that do not otherwise involve the expenditure of funds and/or do not require the approval of the commission, and other agreements and documents of the City as authorized by the charter, the commission or law.

## ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

### Sec. 4.01. General provisions.

The city manager, with the approval of the city commission and in accordance with the provisions of this charter, may establish, combine or discontinue departments or offices of the city in addition to those created by this charter, in accordance with the provisions of this charter, and may prescribe the functions of all departments and offices except that no function assigned by this charter to a particular department or office may be discontinued or assigned to any other department or office unless permitted by this charter.

(Ord. No. 79-92, § 4, 1-22-80, app. at ref. 3-4-80)

### Sec. 4.02. Personnel system.

(a) *Merit Principle.* All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness.

(b) *Merit System.* Consistent with all applicable federal and state laws, the city commission shall provide for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to the effective administration of the city's employees, including but not limited to classification and pay plans, examinations, force reductions, removals, working conditions, provisional and exempt appointments, in-service training, and grievances.

(c) *Personnel advisory board.* There is hereby created the personnel advisory board, which shall be advisory to the city manager, composed of five (5) members. Two (2) members and two (2) alternates shall be appointed by the city commission, one member and one alternate shall be appointed by the city manager, and two (2) members and two (2) alternates shall be elected at large by the full-time city employees. Alternates shall serve in the absence of the member for whom he or she is an elected or appointed alternate. The members to be elected by the city employees shall be city employees who do not hold the position of department head or above. The terms of office for members of the personnel advisory board shall be for two (2) years. The personnel advisory board shall consider the appeal filed by any city employee from a disciplinary action, and make findings and recommendations to the city manager.

(d) *Appeal procedure.* All full-time city employees shall have the right to appeal any disciplinary decision of a department head to the personnel advisory board, which said appeal shall be in writing and filed in the manner prescribed by the personnel rules and regulations. No supervisor or department head shall delay, hinder or interfere with the filing of such appeal.

#### **Sec. 4.03. City clerk.**

There shall be a city clerk appointed and removed by the city manager, subject to approval of the city commission.

#### **Sec. 4.04. Legal officer.**

There shall be a legal officer appointed by the city manager, subject to approval of and removal by the city commission, who shall serve as legal advisor to the city commission, the city manager and all city departments and offices. The city commission may direct the legal officer to provide legal advice or legal representation to the city commission on specific matters identified by the city commission. The legal officer shall also represent the city in legal proceedings and shall perform any other duties prescribed by this charter or by ordinance. The legal officer shall be under the day-to-day supervision of the city manager.

### **ARTICLE V. FINANCIAL MANAGEMENT**

#### **Sec. 5.01. Budget.**

(a) *Budget.* The proposed budget prepared and submitted by the city manager shall provide a complete proposed financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city commission may require. It shall begin with a clear general summary of its contents; shall show all estimated resources, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and actual and estimated expenditures of the preceding fiscal year. It shall indicate proposed operating and proposed capital expenditures during the ensuing fiscal year by departments and funds. Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

(b) *Budget message.* The city manager's budget message shall outline the proposed financial policies of the city for the fiscal year, describe the important new or revised features of the proposed budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and include such other material as the city manager deems desirable or as requested by the city commission.

#### **Sec. 5.02. Amendments to the budget after adoption.**

(a) *Supplemental appropriations.* The city commission by ordinance may make supplemental appropriations during the fiscal year.

(b) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the city commission may make emergency appropriations by ordinance. An emergency ordinance may authorize the issuance of debt, which may be renewed.

(c) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city manager that the resources available will be insufficient to meet the amount appropriated, same shall be reported to the city commission without delay. Such report shall indicate the estimated amount of the deficit, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The city commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

(d) *Transfer of appropriations.* At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance within a department or office. The city commission may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or fund to another.

#### **Sec. 5.03. Capital Improvement program.**

(a) *Submission to city commission.* The city manager shall prepare and submit to the city commission a five (5) year proposed capital improvement program not later than April 1 of each year.

(b) *Contents.* The capital improvement program shall include: a clear general summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates; method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the projects to be constructed or acquired.

(c) *Adoption.* The city commission shall adopt the capital improvement program by resolution at a public hearing with or without amendment on or before the 1st day of June of each year.

#### **Sec. 5.04. Public records.**

Copies of the budget and the capital improvement program as proposed and adopted shall be placed in the city's library and city clerk's office for free public reference, be made available for purchase by the public at a price as established by ordinance by the city commission, and be available on the City's website.

#### **Sec. 5.05. Administration of budget.**

(a) *Payments and obligations prohibited.* No payment shall be made or obligation incurred unless the city manager or his/her designee first ensures that sufficient funds will be available to meet the obligation when it becomes due and payable. Any payment or obligation authorized in violation of this charter shall be void and any payment so made illegal; such action shall be cause for termination of any employee or official who knowingly authorized or made such payment or incurred such obligation, and such person shall also be liable to the city for any amount so paid.

(b) *Exception for bonds or obligations authorized by ordinance.* However, nothing in this section prevents the authorization of payments or contracts for capital improvements financed in whole or part by the issuance of bonds, or the making of contracts or leases that provide for payments beyond the end of the fiscal year, provided that such actions are approved by ordinance. However, contracts or leases that provide for payment beyond the end of the fiscal year, but that are subject to a fiscal non-funding clause that allows the Commission to terminate the contract or lease if funds are not appropriated, shall not require approval by ordinance.

#### **Sec. 5.06. Debt.**

The city commission shall have the power to authorize by ordinance, the issuance of debt payable from general revenues or otherwise as provided by law.

#### **Sec. 5.07 Independent financial audit.**

The city commission shall provide for an independent annual financial audit of all city finances and may provide for such more frequent financial or operational audits as it deems necessary. Such financial audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. If the State of Florida makes such an audit, the city commission may accept it as satisfying the requirements of this section.

### **ARTICLE VI. LAND USE, DEVELOPMENT AND PLANNING**

#### **Sec. 6.01. Land Use, Development, and Planning**

(a) Consistent with all applicable federal and state laws with respect to land use, development, and planning, the city commission shall:

(1) Designate a department to carry out the planning function, formulate and recommend changes to the city's comprehensive plan and such decision-making responsibilities as may be specified by ordinance;

(2) Establish a board to be the city's land use planning board which shall make recommendations to the city commission on planning matters and shall have decision-making and other responsibilities as may be specified by ordinance.

(b) The designated department, the city manager, and the mayor and commission shall seek to act in cooperation with other jurisdictions and organizations to promote integrated approaches to regional issues.

#### **Sec. 6.02. Board of adjustment.**

The city commission shall sit as a board of adjustment and shall establish standards and procedures

to hear and determine appeals from land use, development and planning decisions, decisions on variances and such other matters as may be provided by the city commission or by law.

## ARTICLE VII. NOMINATIONS AND ELECTIONS

### Sec. 7.01. City elections.

(a) *Regular election.* The regular city election shall be held on the first Tuesday after the first Monday in November of each even numbered year.

(b) *Registered voters.* All residents of the City of Largo legally registered under the constitution and laws of the State of Florida to vote in the city shall be registered voters of the city within the meaning of this charter.

(c) *Conduct of elections.* Except as otherwise provided by this charter, the provisions of the election laws of the State of Florida shall apply to elections held pursuant hereto. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of challenge, the city commission shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter.

(Ord. No. 83-45, § 1, 9-6-83)

### Sec. 7.02. Nominations.

(a) *Petitions.* Candidates for election for mayor and city commission shall be nominated by petitions signed by registered voters of the City of Largo not less in number than two hundred (200). The petitions will be available 45 days before the start of the qualifying period set by the City Commission. The form of the petitions shall be prescribed by the city commission, and shall include sufficient information to allow the Supervisor of Elections to verify the petitions, the date of signing, the name of the candidate and the office and seat number for which the candidate is being nominated. The city clerk shall record the exact time when the petitions are filed.

(b) *Qualification Period.* The city commission shall establish by ordinance a 15 day qualification period for each election.

(c) *Procedure after filing.* Within seven (7) business days after the filing of the nominating petitions with the city clerk or his/her designee, the city clerk or his/her designee shall notify the candidate in writing whether or not the petitions satisfied the requirements prescribed by this charter. For any petitions found to be insufficient, the city clerk or his/her designee shall notify the candidate of any petitions found to be insufficient. New petitions may be filed within the permitted time for filing petitions.

### Sec. 7.03. Regular elections.

(a) *Composition of city commission.* The city commission shall be composed of members occupying seats numbered one (1) through six (6) inclusive and a mayor. All members of the city commission shall be elected at large by the registered voters of the City of Largo. The election for seats 1, 2, 5 and 6 will be held at the 2014 regular election, and every four (4) years thereafter. The election for the mayor and seats 3 and 4 will be held at the 2016 regular election, and every four (4) years thereafter.

(b) *Commission ballots.* The names of all candidates as nominated for the city commission, except those who have withdrawn, died or become ineligible, shall be placed on the ballot in accordance with this section. Candidates for mayor shall be grouped at the top of the ballot. Candidates for seats on the city commission shall be grouped according to the seat number for which they are candidates. Within those groups, names shall be placed on the ballot by lot and without party designation or symbol. If two (2) or more candidates for the same seat or office have the same name or names so similar as to be likely to cause confusion, their residence addresses shall also be placed with their names on the ballot. No candidate may seek election to more than one elective city office in any given election.

(c) *Determination of election results.* Every voter shall be entitled to vote for one (1) candidate for each office or seat to be filled. The candidate receiving the greater or greatest number of the votes cast for his or her office or seat shall be declared elected. All ties in the election shall be decided by lot in the presence of the candidates concerned and under the direction of the election authorities.

(d) *Canvassing board.* The members of the city commission who are not candidates with opposition for mayor or any seat on the city commission in the election being canvassed, shall serve as the canvassing board and shall meet not later than one (1) day after a city election for the purpose of certifying the results of the election. However, the Pinellas County canvassing board may canvass a city election when approved by the City Commission.

(e) *Commencement of term of office.* Within five (5) days after the results of the election have been certified, the oath of office shall be administered to the newly elected members of the city commission, at which time their respective terms of office shall commence.

## ARTICLE VIII. INITIATIVE AND REFERENDUM

### Sec. 8.01. General authority.

(a) *Initiative.* The registered voters of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital improvement program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees or if prohibited by law.

(b) *Referendum.* The registered voters of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital improvement program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes or if prohibited by law.

### Sec. 8.02. Commencement of proceedings; petitioners' committee.

*Affidavit.* Any seven (7) registered voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and present residence address, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Upon the filing of a circulator's affidavit in proper form and content, the effective date of the ordinance sought to be reconsidered, if said ordinance is appropriate for referendum under Section 8.01(b), shall be suspended for a period of forty-five (45) days from the final date of adoption.

### **Sec. 8.03. Petitions.**

(a) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the city equal in number to at least five percent (5%) of the total number of registered voters registered to vote at the last regular city election.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed, or the ordinance sought to be reconsidered.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within forty-five (45) days after final adoption by the city commission of the ordinance sought to be reconsidered.

### **Sec. 8.04. Procedure for verification.**

(a) *Verification.* Verification of petitions filed for initiative and referendum shall follow the same procedure as city commission candidates.

(b) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

### **Sec. 8.05. Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The commission repeals the ordinance, or

(4) Thirty (30) days have elapsed after the city commission certifies the results of the referendum election.

### **Sec. 8.06. Action on petitions.**

(a) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than forty-five (45) days nor later than six (6) months from the date of the final commission vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the city commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the city commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the city by the filing with the city clerk of a request for withdrawal signed by at least three-fourths of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### **Sec. 8.07. Results of election.**

(a) *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

### **ARTICLE IX. GENERAL PROVISIONS**

#### **Sec. 9.01. Prohibitions.**

(a) *Activities prohibited.*

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or office because of race, sex, age, national origin, or political or religious opinions or affiliations.

(2) No person shall intentionally and knowingly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(b) *Penalties.* Any person who by himself or herself or with others intentionally and knowingly violates any of the provisions of paragraphs (1) through (3) inclusive shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days or both. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any city office or position and, if an

officer or employee of the city, shall immediately forfeit his or her office or position.

**Sec. 9.02. Charter amendment.**

Amendments to this charter may be framed and proposed in the manner provided by law. At least once every seven (7) years, the city commission shall appoint a committee of at least seven (7) registered voters to review and recommend changes, if any, to the charter. The members of this committee shall be appointed by the entire city commission and not as provided in Section 2.03 of this charter.

**Sec. 9.03. Requirements for publication.**

Whenever this charter requires the publication of a document, notice, or ordinance, the same shall be printed in one (1) or more newspapers of general circulation in the city.

**Sec. 9.04. Severability.**

If any provision of this charter is held invalid by a court of competent jurisdiction, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid by a court of competent jurisdiction, the application of the charter and its provisions to other persons or circumstances shall not be affected.

**Sec. 9.05. Headings and subheadings.**

The headings and subheadings as used herein are for reference purposes only and shall not be construed to limit any of the sections, paragraphs or provisions hereof.

**Sec. 9.06. Appointments.**

No person may serve as a member of any standing board or office of the City of Largo while that person is a member of another standing board or office of the city. A standing board or office for purposes of this provision shall be a board or office that is of continuing or perpetual existence and performs ongoing functions, as opposed to a committee, an ad hoc board or committee, a task force, or a board which will cease to exist on a specified date or does not perform an ongoing function. No employee of the City of Largo, including elected officials, may serve as a member of any board or office unless specifically authorized or permitted by this charter or the city commission. However, nothing herein shall preclude any person from accepting any appointment provided that he or she resigns his or her position prior to or simultaneously with acceptance of the new appointment.

**Sec. 9.07. Employee election provision.**

No employee of the City of Largo shall be permitted to continue in said employment and hold office as mayor or other member of the city commission. Any employee who seeks elected office in the City of Largo shall resign his/her office or employment effective as of a date prior to or simultaneously with the filing of his/her nominating petition as provided in section 7.02 hereof.

**Sec. 9.08 Appendix.**

The commission shall have prepared an appendix to this charter that shall provide a reference to state statutes, by topic and section, that relate to city operations and that the commission determines should be included for the convenience of those reviewing the charter. The appendix shall be updated at

least yearly. The appendix will not be a part of the charter and may be amended without referendum approval.

**Sec. 9.09. Corporate boundary. \***

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**\*Editor's note--Section 30, relative to boundaries, has been amended by chapter 72-596, Special Acts of Florida 1972, and by ordinances of annexation. The descriptions of the boundaries of the city are not included herein, but a complete description of the boundaries of the city is on file in the office of the city manager.**

The corporate limits of the city shall consist of the boundaries of the city as established by preceding Charter and Laws of Florida, Ch. 72-596, or as enlarged or contracted pursuant to law, including but not limited to, procedures to be followed in the annexation or contraction of property as set forth in F.S. Ch. 171, as it now exists or as it may be renumbered or amended, and any county ordinance governing annexation in Pinellas County.

All ordinances of annexation of the city heretofore adopted and as may be adopted prior to the effective date of this Charter are hereby incorporated herein and the lands described in such ordinances, together with the boundaries of the city as described in Laws of Florida, Ch. 72-596, are hereby declared to be the corporate limits of the city.

**Sec. 9.10. Definition of "days".**

Whenever this charter provides for some action to be taken within a certain number of days, if that number of days is ten or less, the reference to "days" shall be considered business days. Whenever this charter provides for some action to be taken within a certain number of days where the number of days exceeds ten, the reference to "days" shall be considered calendar days.

**ARTICLE X. TRANSITIONAL PROVISIONS**

**Sec. 10.01. Officers and employees.**

(a) *Rights and privileges preserved.* Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are elected officials or employees of the City of Largo at the time of its adoption.

(b) *Continuance of office or employment.* Except as specifically provided by this charter, if at the time this charter takes full effect, a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of the specific provision hereunder directing that he or she vacate the office or position.

(c) *Personnel system.* Any employee holding a city position at the time this charter takes full effect, who was serving in the same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in section 4.02 hereof.

**Sec. 10.02. Departments and offices.**

(a) *Transfer of powers.* If any city department or office is abolished by this charter, the powers and

duties given it by law shall be transferred to the city department or office designated in this charter, or, if this charter makes no provision, as designated by the city commission.

(b) *Property and records.* All property, records and equipment of any department or office existing when this charter is adopted shall be transferred to the department or office assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one (1) or more departments or offices designated by the city commission in accordance with this charter.

#### **Sec. 10.03. Pending matters.**

Any and all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the appropriate city department or office under this charter.

#### **Sec. 10.04. Ordinances and other laws.**

(a) *In general.* All ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective shall remain in full force and effect until otherwise changed in accordance with this charter.

(b) *Conflicting ordinances and other laws.* Any ordinances, parts of ordinances or other laws in conflict with this charter are hereby repealed.

#### **Sec. 10.05. City commission.**

Section 10.05. Repealed

#### **Sec. 10.06. Reserved.**

**Editor's note--Section 1 of Ord. No. 74-709, enacted May 14, 1974, abolished the municipal court which former § 10.06 pertained to. Said ordinance provided for the transferal of all pending cases to the traffic division of the County Court of Pinellas County.**

#### **Sec. 10.07. Effective date.**

This charter shall become effective when approved by the voters and filed in the manner prescribed by law.

## APPENDIX

This Appendix is intended to provide those reviewing the City Charter a convenient list of state statutes that regulate city operations and may have some bearing on charter provisions. This list is not intended to include every state statute that may be relevant to the city.

1. Chapter 50, Legal Advertisements.
2. Chapters 99-106, Election procedures, including early voting, procedure for contesting elections, registering to vote and voting, campaign finance, recall of elected officials, and participation of city employees in political campaigns.
3. Chapter 112, Part III, Code of Ethics for city officials and employees, conflicts of interest, doing business with the city and financial disclosures.
4. Chapter 119, Public records law.
5. Chapter 162, Code enforcement.
6. Chapter 163, Part II, Growth management, Land use planning.
7. Chapter 163, Part III, Community redevelopment.
8. Chapter 166, Part I, General provisions regarding municipalities, including procedures for adoption of ordinances and resolutions, charter amendments, city electors.
  - a. §166.021, Municipal Home Rule Act
9. Chapter 166, Part II, Municipal borrowing.
10. Chapter 166, Part III, Municipal finance and taxation.
11. Chapter 166, Part IV, Eminent Domain
12. Chapter 170, Special assessments.
13. Chapter 171, Annexation.
14. Chapter 173, Foreclosure of municipal tax and special assessment liens.
15. Chapter 175, Firefighter pensions.
16. Chapter 180, Public works.
17. Chapter 185. Police pensions.
18. Chapter 200, Procedures for adoption of millage rate and budget.
19. Chapter 205, Occupational license, taxes
20. Chapter 206, Motor and other fuel taxes (biodiesel exemption)

21. Chapter 215, Bonus and severance pay of municipal employees
22. Chapter 286, Sunshine Law; public's right to be heard at meetings.
23. Chapter 316, State Uniform Traffic Control-red light camera enforcement
24. Chapter 373, Waters Resources (permitting; stormwater adaptive management plans)
25. Chapter 467, Labor organizations.
26. Chapter 760, Discrimination, civil rights.
27. Chapter 768, Sovereign immunity.
28. Chapter 823, Public nuisances.
29. Chapter 839, Offenses by public officials and employees.