



MINUTES
CHARTER REVIEW ADVISORY BOARD
501 HARRISON AVENUE
EXECUTIVE CONFERENCE ROOM 236
DECEMBER 4, 2025, 12:00 P.M.

1. Chairman Brandon Burg called the meeting to order.
2. Opening Prayer was led by Jonathan H. Hayes, City Manager.
3. The Pledge of Allegiance to the Flag was recited.
4. Roll Call.
City Clerk – Treasurer Janette Smith called the roll with the following members present: Chairman Brandon Burg, Ron Danzey, JP Ferreira, and Cecile Scoon. Brandon Henderson-Jansenius did not attend.

4.a. Approval of Minutes for the October 23, 2025, Charter Review Advisory Board meeting
Ms. Scoon moved to amend the minutes for the October 23, 2025, Charter Review Advisory Board meeting to reflect that her votes should have been reflected in the minutes as having been cast with the items. On a voice vote, all were in favor as presented. None opposed.
5. Staff Reports.
5.a. Comparison Election Data History with Added City Data.
City Manager, Jonathan H. Hayes reviewed the documents that were provided with the agenda and an email from Mr. Henderson-Jansenius distributed at the meeting. (See Attachment A).

5.b. Citizen Suggestions.
City Clerk-Treasurer, Janette Smith reviewed the documents that were provided with the agenda.

Attorney Caroline Smith provided a review of documents that were emailed to the Board prior to the meeting and distributed at the meeting. (See Attachment B).

Chairman Burg introduced an email from Mayor Branch. (See Attachment C).

6. Audience Participation.

Daniel Schultz, 330 Mercedes Avenue addressed the Board.

7. Article II Discussion - City Commission and Mayor-Commission.

Chairman Burg distributed a marked-up version of Sections 10 through 43 of the City of Panama City Charter. (See Attachment D).

Ms. Scoon moved to adopt the suggested language of Section 16 with revisions to line 5 and 6 to replace “duly qualified” to “lawfully registered”. The Board requested clarification on the term “resident” and that a definition be included in the Charter. On a voice vote all were in favor. None opposed.

Mr. Danzey moved to adopt the suggested language of Section 18 without the reference to the beginning date of 2028. On a voice vote all were in favor. None opposed.

Mr. Danzey moved to revise language of Section 26 to include the condition that vacancies shall be filled by the remaining Commissioners. The motion failed for lack of a second.

Section 21 was discussed with no decision and may be revisited.

The Board requested information on how a Commissioner is removed from office.

Section 26 was discussed. Mr. Danzey moved that a vacancy would be filled by appointment of the remaining Commissioners. The motion failed for lack of a second. The Board requested more information on the ordinance that currently controls filling vacancies, and agreed that whatever the decision, it should be included in the Charter.

Mr. Danzey moved to adopt the suggested changes to Sections 27 and 28 as amended by the Chairman. On a voice vote all were in favor. None opposed.

Mr. Ferreira moved to adopt the suggested language of newly re-numbered Section 32 with revisions to remove references to the mayor preparing the agenda and deleting the third sentence with the caveat that additional language will be added to address the addition of bona fide emergency items to the agenda. On a voice vote all were in favor. None opposed.

8. Article IV Discussion – Elections.

Ideas were discussed related to elections including timing and process.

Daniel Schultz, 330 Mercedes Avenue addressed the Board.

A decision was made to table a decision on the topic to consider Mr. Henderson-Jansenius' input.

9. Article VII Discussion - City Manager – not addressed at this meeting.

10. Article VIII Discussion - City Attorney – not addressed at this meeting.

11. Preparation for next meeting.

Finalize Article IV. Elections - to include election timing and the election process.

Article VII Discussion - City Manager

Article VIII Discussion - City Attorney

Article XIII Discussion – City Clerk and Collector

Article V Discussion – City Officers, Employees and Departments Generally

12. Adjournment.

Mr. Danzey motioned to adjourn. On a voice vote all were in favor. None opposed.


The meeting was adjourned at 2:25 p.m.

Jan Smith

From: Jonathan Hayes
Sent: Thursday, December 4, 2025 9:09 AM
To: Jan Smith; Nevin Zimmerman -
Subject: FW: Charter Review REMINDER

From: Brandon Henderson <brandon.n.henderson@gmail.com>
Sent: Thursday, December 4, 2025 8:30 AM
To: Jonathan Hayes <jhayes@panamacity.gov>
Subject: Re: Charter Review REMINDER

Jonathan, Regretfully I will not be able to attend today's Charter Review Meeting either in person or online. I have a family emergency that requires my attention. Please share with the Board a poll of 91 local participants where 82% were in favor of moving the municipal elections to align with primary/general elections.



Brandon Henderson-Jansenius
November 6 at 10:29 AM · 🌐

🗳️ **Citizen Feedback Requested: Municipal Election Timing**

Panama City residents — we want your input!

Currently, our City municipal elections are held separately from primary/general elections. We'd like to hear your thoughts:

🗳️ **Should Panama City move municipal elections to November (to align with the primary/general elections)?**

OR

🗳️ **Keep them separate as they are now?**

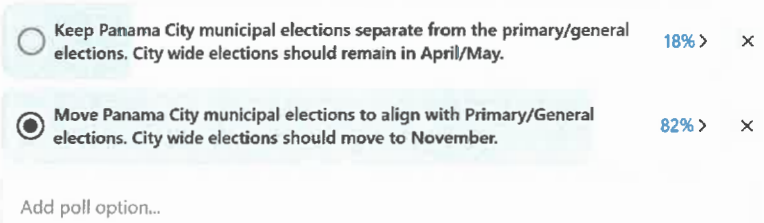
Your feedback will be shared with the Charter Review Board at our December meeting.

✅ Read the Panama City Charter here:
https://library.municode.com/.../codes/code_of_ordinances...

🗳️ **Vote in the poll and add your comments below!**

Your voice matters — help shape how our local democracy works!

Your feedback will be shared with the Panama City Charter Review Board at the meeting on December 4, 2025.



[View insights](#)

846 post reach >

You and 8 others

91 Votes 40 comments 7 shares

Like Comment Share

On Thu, Dec 4, 2025 at 7:17 AM Jonathan Hayes <jhayes@panamacity.gov> wrote:

Charter Review Board:

We meet today with lunch beginning at 11:30am.

Nevin Zimmerman - Fwd: City of Panama City Residency Requirement for City Elections

From: Nevin Zimmerman
To: City Commissioners
Date: 10/21/2024 4:43 PM
Subject: Fwd: City of Panama City Residency Requirement for City Elections
Cc: Jan Smith; Mike S. Burke; Jonathan H. Hayes; Natalie McSwane

Mayor and Commissioners: Please do not "reply all" to avoid even the appearance of a sunshine law violation. However, please feel free to contact me or Mr. Burke if you have any questions concerning this email.

I am forwarding you an email that Mike Burke has written responding to questions from Mrs. Bennett related to the time a person must reside in the Ward before becoming a candidate for City Commission. The Supervisor of Elections had asked a similar question which this email also addresses.

As stated below, "In summary, a person that intends to run for a seat in Wards 1-4, must be a resident of the City for 6 months prior to the election and must be a resident of the ward on the day he or she qualifies as a candidate for election."

As stated above, please contact us with any questions. Nevin

>>> Mike Burke 10/21/2024 11:44 AM >>>

Ms. Bennett, Nevin Zimmerman asked me to respond to your email from Wednesday, October 16, 2024. In your email you have asked several questions regarding the requirements to run for a City Commission office in Panama City. I have consolidated your questions as follows:

1. Does a work address within the appropriate ward qualify as "residency" under Chapter 10 of the Code of Ordinances ("Code")?

Answer: No. A legal residence is the place where a person has a fixed abode with the present intention of making it their permanent home. It must be the candidate's "home", i.e. the place where they eat, sleep, live. Florida Statute §97.021 (3) defines " 'Address of legal residence' means the legal residential address of the elector and includes all information necessary to differentiate one residence from another, including, but not limited to, a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier." (emphasis added.) The residency

must be maintained for the entire time that a Commissioner/Mayor-Commissioner represents the ward.

2. Must a candidate for office of a single member ward be a resident of the ward? If so, does the 6 month residency requirement require residency in the ward for 6 months or could it be anywhere within the City, so long as it is at least 6 consecutive months prior to election? (Note, the Code uses the words "ward" and "district" when referring to a "ward".)

Answer: To be qualified as a "commissioner", a registered voter of the City must live in the City for at least 6 months prior to the election and be a resident of the ward when elected. To qualify as a "candidate" for wards 1-4, the candidate must be a resident of the ward by the time they qualify for election. The latest day to qualify as a candidate is the 46th day before the primary election. The distinction turns on the definition of a "commissioner" versus a "candidate".

Code Sec. 10-12 – *Qualifications for commissioners.* requires that commissioners must be 1) qualified electors of the City (i.e., registered voters in the City); 2) a resident of the ward from which elected; and 3) have resided in the City for at least 6 months prior to election. There is no requirement that a commissioner reside in the ward 6 months prior to the election, only that he or she reside in the City for 6 months prior to the election.

However, Code Sec. 10-5. – *Qualification and election dates.* requires all candidates for municipal office to qualify with the City Clerk between the 50th and 46th day before the first primary election. And, Code Sec. 10-11. – *Manner of electing commissioners and mayor-commissioner at large.* requires that "All candidates must reside in the district [ward] from which they seek election...." Therefore, in order to qualify as a "candidate" for Wards 1-4 one must be resident of that ward on the day he or she qualifies for the primary election.

In summary, a person that intends to run for a seat in Wards 1-4, must be a resident of the City for 6 months prior to the election and must be a resident of the ward on the day he or she qualifies as a candidate for election.

Michael S. Burke, Esq.



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This is an unofficial edited “clean” version of the Panama City Charter, with the primary edits being the removal of editorial notes to allow for an easier review of the Charter. Please refer to the Certified Copy for the official version. Nevin J. Zimmerman, City Attorney July 15, 2025

CHARTER AND RELATED LAWS

Subpart A CHARTER¹

ARTICLE I. IN GENERAL

Sec. 1. Existing municipality abolished.

The existing municipal government of the City of Panama City, in the County of Bay and State of Florida, be and the same is hereby abolished.

Sec. 2. Incorporation, boundaries.

The municipality to be known and designated as the City of Panama City is hereby established, organized and constituted in the County of Bay, State of Florida, the territorial boundaries of which shall be the same as now existing and which are described as follows: [DESCRIPTION DELETED]

Sec. 3. Wards, precincts.

Said City of Panama City shall be divided, for the purposes hereinafter named, into four wards and voting precincts, to be known and designated as follows: [DESCRIPTION DELETED]

Sec. 4. Property and rights transferred.

The title, rights and ownership of all property, both real and personal, uncollected taxes, dues, claims, judgments, decrees, choses in action, and all property rights held or owned by the City of Panama City abolished by this Act shall pass to and be vested in the municipal corporation organized under this Act to succeed the municipality abolished.

Sec. 5. Prior acts validated.

All assessments and liens for sidewalks, paving or other improvements, all certificates of indebtedness, improvement certificates, collections of the same heretofore made and obtained by the City of Panama City, and all contracts, bonds and obligations of the City of Panama City are hereby legalized and declared valid and of full force, virtue and effect and binding in law or in equity in favor of or against the municipality hereby created.

Sec. 6. Ordinances continued in effect.

The ordinances of the former City of Panama City, Bay County, State of Florida shall be and become the ordinances of the City of Panama City hereby organized and established until altered, amended, modified and repealed by the city commission of the City of Panama City hereby created and established.

Sec. 7. Applicability of general law.

All general laws of the State of Florida applicable to municipal corporations, now existing or which may hereafter be enacted, and which are not in conflict with the provisions of this charter or with the ordinances and resolutions hereafter enacted by the city commission shall be applicable to this city.

Sec. 9. Severability.

If any section or part of a section of this charter is declared to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid.

Sec. 10. Acts not affected by charter.

Nothing contained in this charter shall amend, repeal, modify or otherwise affect any of the following Acts or any amendments to the following Acts: Chapter 13242, Laws of Florida, 1927; Chapters 14301 and 14628, Laws of Florida, 1929; Chapters 15420, 15421 and 15423, Laws of Florida, 1931; Chapter 16617, Laws of Florida, 1933; Chapter 17642, Laws of Florida, 1935; Chapter 21476, Laws of Florida, 1941; Chapter 22425, Laws of Florida, 1943; Chapters 23465 and 23466, Laws of Florida, 1945; Chapter 24793, Laws of Florida, 1947; and Chapter 27812, Laws of Florida, 1951. Nothing contained herein shall be construed to affect any rights heretofore existing under civil service or to remove from civil service any employee under civil service at the effective date of this charter.

Sec. 11. Acts repealed.

The following Acts and all amendments to the following Acts are hereby repealed: Chapter 11678, Laws of Florida, 1925; Chapter 15422, Laws of Florida, 1931; Chapter 17641, Laws of Florida, 1935; Chapters 22426 and 22427, Laws of Florida, 1943; Chapter 23460, Laws of Florida, 1945; Chapters 26117, 26118 and 26120, Laws of Florida, 1949; Chapter 26124, Laws of Florida, 1949; Chapter 21146, Laws of Florida, 1955; Chapter 57-1705, Laws of Florida, 1957; and Chapter 61-2642, Laws of Florida, 1961.

Sec. 12. "City" defined.

Wherever the word "City" is used in this Act it shall mean the City of Panama City, Florida, hereby created.

ARTICLE II. CITY COMMISSION AND MAYOR-COMMISSION***DIVISION 1. IN GENERAL***

Sec. 13. Form of government; appointment of city manager.

The form of government of the City of Panama City provided for in this charter, shall be known as the "commission-manager plan."

Sec. 14. Commission created.

There is hereby created a city commission to consist of five commissioners, one commissioner to be elected from each ward and one commissioner to be commissioner at large who shall be the mayor or mayor-commissioner as herein provided for. The commission shall constitute the governing body with powers as herein provided to pass ordinances, adopt resolutions, appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers herein provided.

Sec. 15. Manner of electing commissioners and mayor-commissioner.

Editor's note(s)—The provisions of section 15 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in chapter 10 of the Panama City Municipal Code. Ord. No. 2326, adpt. Oct. 14, 2008 specifically repealed such section. See Code, § 2-60. See the attached Chapter 10 Panama City Municipal Code. See Exhibit A "Elections" at the end of this document.

Editor's note(s)—Formerly, The method of electing city commissioners from at-large has been changed to election by district voting only pursuant to a final judgment approved Feb. 28, 1985, in the United States District Court for the Northern District of Florida, Civil Action No. MCA-84-2011.

Sec. 18. Term of office of commissioners.

The members of the city commission holding office on the effective date of this chapter shall continue in office until the expiration of their terms and until their successors are elected and qualified. The commissioner at large and commissioners from wards one and four shall be elected at the regular city election to be held in 1985, and commissioners from wards two and three shall be elected at the regular city election to be held in 1987. The term of office of commissioners elected from wards shall be four years and until their successors are elected and qualified. The term of office of the commissioner at large shall be two years and until his successor is elected and qualified.

Sec. 19. Commissioner not to serve as city manager.

No commissioner shall serve as city manager under this charter.

Sec. 20. To exercise powers of city.

All powers of the city except as is otherwise provided by this charter or by the constitution of the state, are hereby vested in the city commission; and except as otherwise provided by this charter or by the constitution of the state, the city commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised.

Sec. 21. Commissioners' dealings with administrative service, interference prohibited.

The commission and its members shall deal with the administrative service solely through the city manager; provided, however, that this provision shall not be construed as prohibiting the city commission from advising and consulting with the city manager and other officers and employees of the city whenever in the judgment of said commission it may be necessary, or from making suggestions to the city manager; but no member of the city

commission shall directly interfere with the conduct of any officer or employee in the discharge of his duties except at the express direction of the commission. Any violation of the provisions of this section by a member of the city commission shall constitute a misdemeanor, and upon conviction thereof before a court of competent jurisdiction any member of the commission so convicted shall be [punished as provided by law.] The offender may also be removed from office.

Sec. 22. Commission to judge its own election and qualifications.

The commission shall be the judge of the election and qualifications of its own members subject to review by the courts.

Sec. 23. Forfeit of office for conviction of felony.

Any member of the commission who shall be convicted of a felony while in office shall thereby forfeit his office.

Sec. 24. Forfeit of office for failure to possess qualifications.

Any commissioner who shall cease to possess any of the qualifications required under this charter shall forthwith forfeit his office.

Sec. 25. Seat vacated for absences.

Absence from four consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission.

Sec. 27. Legislative powers of commission.

The legislative power of the city shall be exercised by the city commissioners aforesaid, of which city commissioners the commissioner at large shall be one, and said city commissioners shall be clothed with the powers and duties provided by the general statutes of State of Florida together with all powers and duties herein specifically mentioned.

Sec. 28. Mayor to be chairman of commission.

The commissioner at large shall hold office of mayor under the provision of this charter and shall be and act as chairman of the city commission. He shall have the power to preserve peace and order at meetings and to exercise all other powers of mayor hereinafter set forth.

Sec. 29. Duties, powers of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and a vote in the proceedings of the commission, but no veto power. He may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so require, but this shall not be considered as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state. He shall be recognized as the official head of the city by courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. In time of public danger or emergency he may, with the consent of the commission, take the command of the police and maintain order and enforce the law. The powers and duties of the mayor shall be such as are conferred upon him by the city commission in pursuance of the provisions of this charter, and no others.

Sec. 30. Election, duties of mayor pro tem.

The commission shall annually elect one of its members to serve as mayor pro tempore who shall perform the duties and exercise the powers of the mayor in the mayor's absence. In the event that both the mayor and the mayor pro tempore are absent, the commission shall elect one of its members to serve as presiding officer and perform the duties of the mayor.

ARTICLE III. POWERS

Sec. 53. Power to provide for prevention, extinguishment of fires.

The commission may by ordinance provide rules, regulations and restrictions under and in accordance with which firemen and fire department equipment shall be allowed to go beyond the city limits for the protection of life or property.

Sec. 54. Power over water, waterways.

The city shall have full power and jurisdiction over, and the commission may by ordinance provide for, the protection, care and control of the waters within the city limits; to keep clean and pure any body of water from which the public water supply of the city is taken; to prohibit the dumping of filth, dirt, garbage, shells, trash, refuse or other thing in the waters of St. Andrews Bay or any lake, stream, bayou, or body of water within the city limits; to license, govern, regulate or prohibit the permanent anchorage of houseboats or other boats or vessels in the various bodies of water within the city limits; to regulate or prohibit the use of boatways or boatyards within the city limits, or to restrict their use to any portion of the city; to control, manage and designate the use of all docks, wharves or piers within the city limits; to license and control ferries landing within the city, and all bridges, wholly or in part within the city, and to erect a seawall along any portion of the waterfront within the city limits.

Editor's note(s)—Those portions of this section which relate to extraterritorial jurisdiction of the city cannot be altered except by the legislature. *See* Fla. Const. art. VIII, § 2(c). All other provisions have either been repealed as a limitation or power by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act. Such provisions are adequately covered by such act.

ARTICLE IV. ELECTIONS

Sec. 71. Qualification as a candidate for municipal office; When elections held; effect on present officers; election procedures.

- (1) The terms of the present elected officials are hereby extended until their successors have been duly elected and qualified in accordance with the terms of this charter.
- (2) [Reserved].
- (3) The two candidates for each office [at the nominating primary election to be filled who receive the highest number of votes cast for such office in the nominating primary election shall have their names printed on the general election ballot, unless a candidate receives the majority of the votes cast for such office, in which case such candidate's name need not be placed on the regular election ballot and such candidate shall be declared elected as of the date of the general election. No write-in vote opposing such elected candidate shall be considered unless such candidate is deceased at the time of the regular election. At the regular election, the candidate for each office to be filled receiving the highest number of votes cast for that office shall be declared elected. There shall be a nominating primary election at any special election to fill a vacancy in office, and all such special elections shall be subject to the provisions

hereof governing general municipal elections. In the event of a tie vote as a result of the nominating primary election the two candidates that are tied with the highest number of votes will have their names printed on the ballot for the general election. Should more than two of the candidates receive the highest number of votes in the nominating primary election the candidates shall draw lots to determine which two candidates will have their name printed on the general election ballot. As a result of the general election, if there is a tie vote between the two candidates, the candidates shall draw lots to determine the winner of the election.

- (4) [Reserved].
- (5) Newly elected Commissioners shall take office at 12:00 noon on the first Friday following the general election.
- (6) Any matter permitted by this Charter or any other law that may be submitted to the electors of the City at any special election, may be submitted and voted upon at a regular municipal election.

(Ord. No. 1943, § 1, 4-13-2004)

Editor's note(s)—As pursuant to F.S. § 100.3605, the dates for qualifying and the dates for the election of members of the governing body of a municipality can be changed by ordinance and Ord. No. 1943 promulgated such a change, provisions dealing with same have been transferred to the Code.

Sec. 74. Commission to arrange for elections, appoint clerks, designate polling places.

The city commission shall make all necessary arrangements for holding all municipal elections, and shall declare the results thereof. Inspectors and clerks of election shall be appointed by the city commission, except that if the commission shall fail to appoint them at least two days before the date of any election, the mayor may appoint them. Each of the wards of the city shall constitute a separate voting precinct, and the city commission shall, prior to each election, by motion, designate as many polling places in each of said wards as, in the discretion of the city commission, are required for the proper conduct of the election.

Sec. 75. Opening, closing of polls; canvass of returns; certificate of election.

The result of the voting at each polling place, when ascertained, shall be certified by return, in triplicate, signed by the city clerk and a majority of the inspectors of election. One copy thereof shall be delivered to the mayor, one copy shall be delivered to the city clerk, and one copy shall be retained by the clerk and inspectors of election. The mayor, the city clerk and the clerk and inspectors of election shall transmit such returns to the city commission at a meeting to be held not later than 12:00 noon of the second day following the election. At such meeting the city commission shall canvass the returns and declare the result of such election as shown by such returns. The city clerk shall, not later than 5:00 p.m. of the second day after the election, furnish a certificate of election to each person shown to have been elected.

Sec. 76. Form of ballots.

All ballots used in any general election held under authority of this charter shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballot used in all general state elections.

Sec. 77. Qualifications of candidates.

Any candidate for mayor-commissioner or commissioner in any election being held to elect said official shall be entitled to have his name printed on the ballot as such candidate upon being qualified as otherwise provided by this charter, and filing with the city clerk, during the period provided by ordinance and during the regular business

hours of the city, an affidavit asserting his candidacy and stating that he is legally qualified as a candidate, accompanied by a qualifying fee of \$100.00 or five percent of the yearly compensation of the office, whichever is greater.

Sec. 78. Application of general law; absentee voting.

All elections shall be conducted, except as otherwise specifically provided under this charter, under rules and conditions prescribed by law and subject to the general election laws of the city. Absentee voting shall be in accordance with the laws of the state and such regulations as the commission may prescribe.

ARTICLE V. CITY OFFICERS, EMPLOYEES AND DEPARTMENTS GENERALLY

Sec. 79. Officers, departments specified.

The executive and administrative powers of the city, not herein otherwise provided for, shall be vested in and exercised by the following officers and departments: A city attorney, a city manager, a city clerk and such other departments as the city commission deems appropriate.

Sec. 80. Supervision of departments; authority of city manager.

The city manager, as the administrative officer of the city, shall be the head of each department of the city, except those departments the heads of which are appointed by the city commission. The city manager shall be responsible for the successful and businesslike operation of the departments under his jurisdiction and, subject to civil service provisions and except as otherwise provided in this charter, shall appoint all officers and employees of the city. The city commission may prescribe those respects in which department heads appointed by it shall be subject to the control and direction of the city manager.

Sec. 81. Conflicts of interest of officers, employees prohibited.

Officers, city commissioners and employees of the city may hold more than one office in the government of the city, but shall not be interested in the profits or employments of any contract, work or service for the city, and such contract in which any officer, city commission or employee is or may become interested shall be declared void by the commission.

Sec. 82. Compensation of officers, employees.

The city commissioners shall fix the salary or compensation of the city attorney, city manager, and city clerk. The city manager, except as may be otherwise provided, with the approval of the city commission, shall fix the number and compensation of all other officers and employees. The salary or compensation so fixed shall be uniform for like services in each grade of the city service, as the same shall be graded or classified by the city manager. All such salaries and rates of pay with dates of employment and discharge shall be immediately reported to the city clerk.

Sec. 83. Oath of office.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city clerk. Said oath shall be in the form prescribed for state officers by the constitution of the state.

Sec. 84. Official bonds.

The city commission or city manager in fixing the salary of any officer, clerk or employee, shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof, which bond shall be procured from a regularly accredited surety company authorized to do business under the laws of the State of Florida, the premiums on such bonds to be paid by the city. All such bonds shall be filed in the office of the city clerk, and approved by the city commission.

Sec. 85. Authority to investigate departments, officers, employees.

The city commission or any committee thereof, the city manager, or any advisory board appointed by the city commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidences; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body, or by the officer making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the laws of the state to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or produce any books or papers under his control relating to the matter under investigation.

ARTICLE VII. CITY MANAGER**Sec. 100. Appointment; to be administrative officer; qualifications.**

The city commission shall appoint a city manager who shall be the administrative head of the municipal government and he shall hold office at the pleasure of the city commission. He shall be chosen solely on the basis of his executive and administrative qualifications, without regard for his political beliefs and he need not be a resident of the City of Panama City or State of Florida at the time of his appointment. The said city manager shall devote his entire time to the duties of the office of city manager and shall not directly or indirectly be engaged in any other business of a public or private character. The city manager shall not hold any other office or position or be otherwise engaged for or in behalf of the city government of the City of Panama City.

Sec. 101. Compensation.

The city commission shall fix the compensation of the city manager.

Sec. 102. Removal.

The city manager shall be removable by the city commission; but if removed at any time after having served six months, he may demand written charges and a public hearing upon the same before the commission. He shall have five days from the date of removal in which to demand written charges and a hearing. Such hearing shall begin within ten days of demand and shall be completed and the final judgment of the commission made public within ten days after the hearing begins. After such hearing, the commission shall either confirm the removal or reinstate the city manager. If reinstated, the city manager shall be paid his salary retroactive to the date of removal.

Sec. 103. Powers, duties.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city and to that end his powers are and they shall be:

- (1) To see that the laws and ordinances are enforced.
- (2) Subject to civil service provisions, to appoint and remove all subordinate officers and employees of the city; all appointments to be made upon merit and fitness alone.
- (3) To exercise control and direct supervision over all departments and divisions of the municipal government under this charter, or which may hereafter be created by the city commission, except as herein provided.
- (4) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
- (5) To attend all meetings of the city commission, and of its committees, with right to take part in the discussions but without having a vote.
- (6) To recommend to the commission for adoption such measures as he may deem necessary or expedient in the interest of the city.
- (7) To keep the city commission fully advised as to the financial condition and needs of the city and to submit for its consideration an annual budget.
- (8) To perform such other duties as may be prescribed under this charter or as may be required of him by ordinance or resolution of the city commission.
- (9) He shall be purchasing agent for the city, by whom all purchases of supplies shall be made and shall approve all vouchers for the payment of same. In the capacity of purchasing agent he shall also conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the city commission may from time to time prescribe.

ARTICLE VIII. CITY ATTORNEY

Sec. 104. Appointment, duties.

The city commission shall appoint a city attorney who shall act as the legal adviser to the attorney and counselor for the municipality and all of its officers, in matters relating to their official duties. He shall prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned and shall endorse on each his approval of the form and correctness thereof; and no contract with the municipality shall be valid until his approval is so endorsed thereon. [W]hen required to do so by resolution of the city commission he shall prosecute and defend for and in behalf of the city all complaints, suits and controversies in which the city is a party. He shall furnish the city commission, the city manager, the head of any department or any officer or board not included in any department, his opinion on any question of law relating to their respective powers and duties.

Sec. 105. Qualifications.

The city attorney shall be an attorney of at least five years experience admitted to practice in all courts of this state, and a qualified elector of the city.

Sec. 106. Duty to perform services required by commission.

In addition to the duties specifically imposed by this charter, the city attorney shall perform such other professional duties as may be required of him by ordinance or resolution of the city commission, or as are prescribed for city attorneys under the general law of the state and which are not inconsistent with this charter and with any ordinance or resolution which may be passed by the city commission.

ARTICLE XI. POLICE PROTECTION**Sec. 121. Powers of police.**

The police of the city shall have all police powers within the city limits and also upon all city owned property outside the city limits and shall have jurisdiction to serve any capias or warrant of arrest issued from a court of competent jurisdiction. While in hot pursuit of a violator of city ordinances, the city police shall have power and jurisdiction to follow and arrest such violator anywhere within Bay County and return said offender to the city.

Sec. 122. Appointment of extra patrolmen.

In case of riot or other grave emergency and during elections or similar occasions the city manager may appoint additional patrolmen and officers for temporary service. No person shall act as a special policeman, special detective or other special police officer for any purpose whatsoever, except on written authority of the city manager. Such authority shall be exercised only under the direction and control of the chief of police for a specified time.

ARTICLE XII. FIRE PROTECTION**Sec. 123. [Appointment of additional firemen during emergencies.]**

In case of riot, conflagration, or like emergency, the city manager or, in his absence, the fire chief may appoint additional firemen for temporary service.

ARTICLE XIII. CITY CLERK AND COLLECTOR**Sec. 124. Appointment, duties.**

There shall be a city clerk and collector, who shall be appointed by and serve during the pleasure of the city commission. He shall issue all warrants for payment of money by the city; shall keep an accurate account of all taxes and assessments of all moneys due to, and of all receipts and disbursements by, the municipality; and shall keep an accurate account of all city assets and liabilities and of all appropriations made by the city commission. He shall make and keep a list of the outstanding city bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear and he shall recommend such action from time to time to the city commission, through the city manager, as will insure the punctual payments of principal and interest of such bonds. He shall furnish the city manager at any time such reports, data, and information as may be necessary to fully inform the latter as to the financial affairs of the city, furnishing him such estimates of the expenses of the city government as may be necessary to form the basis of the annual budget and to determine the revenue necessary to be raised each year.

Sec. 125. Clerk and collector to perform duties imposed by commission or statutes; may be designated tax assessor and treasurer.

In addition to the duties specifically imposed by this charter, the city clerk and collector shall perform such other duties as may be required of him by ordinances or resolutions of the city commission, as well as such as may be required of city clerks and tax collectors by the general laws of the state. He may also be designated city tax assessor and treasurer by the commission, and if so designated, shall perform the duties of said officers as provided by ordinances, resolutions, this charter and the general laws of the state.

Sec. 126. Clerk and collector to countersign contracts, keep accounts.

The city clerk and collector shall countersign all contracts made in behalf of the city, and certificates of work authorized by the city commission or any other city official. No contract made in behalf of the city or to which the city is a party, shall be valid unless countersigned by the city clerk and collector; he shall keep regular books of account, in which shall be entered all indebtedness of the city and which shall at all times show the financial condition of the city, the amount of bonds, orders, certificates or other evidences of indebtedness outstanding and the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed; he shall countersign all bonds, orders, certificates or other evidences of indebtedness of the city and keep accurate account thereof, which account shall show for what purpose issued, to whom issued and the amount thereof; he shall keep account with all disbursing officers and employees of the city, showing the amounts they have received from different sources of revenue and the amount they have disbursed, as authorized under the ordinances of the city. He shall keep a list of all certificates issued for work or for any other purpose, and before the levy by the city commission of any special tax upon any property in the city, or any part thereof, he shall furnish to the city manager for the information of the city commission, a schedule of all lots or parcels of land which may be subject to the proposed tax or assessment and which it may be necessary to levy on, which schedule shall be certified by his affidavit and shall be prima facie evidence of the facts stated therein in all cases wherein the validity of such tax or assessment shall come into question. Acting upon such schedule, the city commission may, if it deems such special tax or assessment legal and just, cause the same to be levied.

Sec. 127. Expenditure of funds prohibited unless clerk and collector certifies money is available.

No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city commission or be authorized by any officer of the city, unless the city clerk and collector first certifies to the city commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract agreement or obligation. All moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment or obligations or appropriations involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes or assessments, or from sales or services, products, or by-products, or from any city undertaking, fees, charges, accounts, or bills receivable or other claims, of such obligations or appropriation, which are to be paid into the treasury prior to the maturity thereof, or arising from the sale or lease of land or other property and the money to be derived from lawfully authorized bonds sold and in process of delivery, shall for the purpose of such certificates be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

Sec. 128. Claims to be audited, certified by clerk and collector; records of accounts and contracts required.

All claims and demands against the city, before they are allowed by the city commission, shall be examined and adjusted and their correctness certified by the city clerk and collector. He shall keep a record of his accounts and doings and a record of all contracts to which the city is a party, with an index thereto, and such books shall be open to the inspection of all interested parties.

Sec. 129. Clerk and collector to prescribe accounting system, form, require reports.

The city clerk and collector shall prescribe and require, except as there may be prescribed and required by law, the use of plain and uniform systems of keeping books and accounts by all city departments, officers and employees who are charged with receipt or disbursement of any of the funds of the city, or who may be authorized to purchase materials and supplies or to employ labor for the city. He shall prescribe the forms of vouchers or other evidence of the receipt of money from the city or from the establishment of demands against the city, and he shall require a daily report from each department, office, officer or employee.

Sec. 130. Information records and reports must show.

The accounting procedure established in the office of the city clerk and collector shall be adequate to provide a record in detail of all transactions affecting the acquisition, custodianship and disposition of values including cash receipts and disbursements, and such fact shall be so presented in the reports which he is required to render periodically, and shall be supported with summaries and analytical schedules for each fiscal year upon the finances of the city and relations of each department of the city government, including distinct summaries and schedules for each public utility owned and operated.

Sec. 131. Duties of clerk and collector as clerk of commission.

The city clerk and collector, in his capacity as clerk of the city, shall attend all meetings of the city commission and shall keep a journal which shall be certified to after each meeting by his signature and by the signature of the presiding officer of the city commission. He shall be the custodian of the seal of the city and of all records and papers of a general character pertaining to the affairs of the municipality.

Sec. 132. Duty to collect money due city.

The collector shall receive and collect all moneys belonging to the city, including taxes, license moneys, fines and income from all other sources and he shall collect all special assessments as provided for under this charter and keep accurate account thereof.

ARTICLE XIV. FINANCE GENERALLY

Sec. 136. City manager to make annual estimates.

- (1) The city manager, in his annual report covering the operation of the city which it shall be his duty to make and submit to the city commission covering the fiscal year, shall set forth in the manner and form prescribed by the city commission an estimate of the expenditures and revenues of the city for the ensuing year.

ARTICLE XV. TAXATION

DIVISION 1. IN GENERAL

Sec. 148. Power to tax businesses, occupations; excise taxes.

The commission shall have power by ordinance to impose a tax upon any and all businesses, professions and occupations engaged or carried on, either wholly or in part, within the corporate limits of the city, whether the same is taxed by the state or not, and without regard to the amount of the state tax, if any, imposed upon such business, profession or occupation. In addition to the foregoing enumerated powers, the commission shall have power by ordinance to levy the following excise taxes to-wit: license taxes, amusement taxes, admission taxes and gross receipts taxes, irrespective of whether there is a similar tax imposed by the state and without regard to the amount of a state tax, if any is so imposed.

ARTICLE XVII. PUBLIC UTILITIES²

Sec. 216. Authority to acquire, operate public works and utilities.

The city commission shall have the power, without its corporate limits, to construct, condemn, purchase, acquire or lease, and to maintain, conduct, and operate within and without the corporate limits, wharves, warehouses, ship channels, breakwaters, parks, drives, boulevards, causeways and bridges, transportation systems, cemeteries, pest houses, schools, hospitals and libraries, and to make contracts of whatever nature in connection therewith; and shall enforce such purchase, if necessary, by eminent domain proceedings; and shall have the right and power to issue bonds to any amount necessary to carry out any of said powers or purposes.

Sec. 217. Authority to provide for lights, heat, power.

The city commission shall have power to purchase or otherwise acquire, establish, maintain and operate plants without the corporate limits of the city for lighting and heating by electricity, gas or any other method; and to supply the inhabitants of said city with artificial light, heat and power, for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.

Sec. 219. Utilities may supply consumers outside city.

The city shall have power to supply water, sewer, garbage collection, transportation, electricity, and gas for domestic and other purposes to individuals, firms and corporations outside of the city, and to charge and collect reasonable rates, prices and compensation therefor.

ARTICLE XX. BOARDS AND COMMISSIONS

PART I - CHARTER AND RELATED LAWS
Subpart A - CHARTER
ARTICLE XX. - BOARDS AND COMMISSIONS
DIVISION 1. IN GENERAL

DIVISION 1. IN GENERAL

Sec. 259. Advisory boards authorized.

The city commission may at any time appoint an advisory board or boards, composed of citizens qualified to act in any advisory capacity to the city commission, the city manager or to any department of the city government, with respect to the conduct and management of any property or institution or the exercise of any public functions of the city. The members of any such board shall serve without compensation for the time fixed in their appointment, or at the pleasure of the commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the city.

DIVISION 2. PLANNING BOARD

Sec. 260. Creation; membership; duties; adoption of plans.

The city commission may provide by ordinance for the establishment of a city planning board, the members of which shall serve without compensation, and it shall be the duty of such board to procure and suggest plans for the arrangement of the city with a view to its general improvements and probable future growth and demands, these plans to take into consideration the extension of the city works into adjacent territory, improvement and changes in public utilities, and lines of transportation by surface and water; the location, widths and grades of highways necessary for the best treatment of the city; the development and improvement of waterfronts with seawalls and wharves; the location and design of public buildings; municipal decoration and ornamentation; and such further extensions of and additions to the park and boulevard system as may be deemed advisable.

The members of the city commission and the city manager shall be ex officio members of the city planning board.

ARTICLE XXI. EFFECTIVE DATE

Sec. 261. Established.

This Act shall become effective June 15, 1963.

Exhibit A “Chapter 10 - Elections” Ordinance No 2327, 10-14-2008

- ***Sec. 10-1. – State law to govern.***

Chapters [97] through 106 inclusive, Florida Statutes, commonly referred to as the Florida Election Code, are adopted by reference and incorporated herein. All city elections shall be conducted in accordance with The Florida Election Code. In the event of a conflict between such statutes and the provisions of this chapter, the provisions of this chapter shall control.

- ***Sec. 10-2. - Control by legislative body.***

All general and special elections of the city shall be under the management and control of the city commission, which shall order and call such elections, appoint inspectors and clerks of election, provide for and designate places and voting booths for elections, prepare all tickets and instructions, canvass the returns of such elections, and perform such other duties as may properly come within the province of their duty.

- ***Sec. 10-3. - City to pay election expenses.***

All expenses necessarily incurred in connection with the holding of any general or special election shall be paid by the city.

- ***Sec. 10-4. - Interlocal agreement.***

The city may by contract or interlocal agreement delegate the authority to conduct elections to the county supervisor of elections.

- ***Sec. 10-5. - Qualification and election dates.***

All candidates for municipal office shall qualify through the office of the city clerk at any time after noon on the 50th day before the first primary election and not later than noon on the 46th day prior to the date of the first primary election. Regular municipal elections shall be held on Tuesday after the third Monday in May in odd-numbered years. On the Tuesday after the third Monday in April prior to each regular municipal election, there shall be a nominating primary election.

- ***Sec. 10-6. - Ballots to conform to county ballots.***

All ballots including absentee ballots used by the city for an election shall conform to those in general use in the county in precincts where voting machines are used.

- ***Sec. 10-7. - Form of ballot on public measure.***

Whenever some ordinance, resolution or other public measure is to be submitted to a vote of the people, such ordinance, resolution or other public measure shall be set out in full or in substance, as required by law, but one

time upon the ballot and following the same shall be the direction "vote for one" and the phrase "against the ordinance" (or other appropriate words), and "for the ordinance."

- ***Sec. 10-8. - Appointment, qualifications, oath of inspectors, clerks.***

(a) It shall be the duty of the city commission, at least five days prior to the holding of any city election, to appoint an adequate number of persons to be inspectors of election, one bailiff to preserve order, and a clerk of election for each election district of the city, all of whom shall be qualified electors within the district from which they are elected. Each candidate for mayor-commissioner at large shall be entitled to name one inspector at each polling place within each voting district. Each candidate within a particular voting district shall be allowed to name one inspector at each polling place within his or her voting district. Such inspectors and clerks shall take and subscribe to an oath or affirmation, which shall be written or printed, that they will properly perform the duties of inspectors and clerks, as the case may be, and will endeavor to prevent all fraud, deceit, and abuse in conducting the election. Such oath may be taken before any officer authorized to administer oaths. All questions arising from conduct at the polls shall be decided by the supervisor of elections.

(b) If the commission shall fail to appoint inspectors and clerks of election at least five days before the date of any election, the mayor-commissioner at large may appoint them. The city commission shall, prior to each election, by motion, designate as many polling places in each of said wards as, in the discretion of the city commission, are required for the proper conduct of the election.

(c) The terms of the elected officials shall continue in office until their successors have been duly elected and qualified for the office.

- ***Sec. 10-9. - Ballots to be counted, results certified.***

At the close of an election, the inspectors and clerks shall immediately proceed to canvass the votes cast. Duplicate certificates of the result of such election shall be prepared by the inspectors or clerks at each and every election district, written at full length, the full name of each person who voted for each office and the number of votes cast for each person for such office, and if any question, ordinance or resolution shall be submitted to vote at an election, such certificate shall also contain the number of votes cast for and against such question, ordinance, or resolution, which certificate shall be signed by the inspectors and clerk, and one of such certificates shall be delivered by the clerk without delay, securely sealed, to the mayor and the other to the city clerk.

- ***Sec. 10-10. - Canvass of votes, certificate of election.***

The city commission shall meet and publicly canvass the vote of the election in the manner provided by the election laws of the State of Florida. Such canvass shall be made solely, exclusively, and entirely from the returns of the certificates of the inspectors in each election district, as signed and filed by them. Absentee ballots shall be canvassed in the manner as provided for in the elections laws of the State of Florida. When such canvass is completed, the city commission shall publicly proclaim the results of the election, and execute and record the voting results in the minutes of their proceedings. The city clerk-treasurer shall execute and deliver to the person so elected a certificate of his election.

- ***Sec. 10-11. - Manner of electing commissioners and mayor-commissioner at large.***

All elections for office of city commissioner shall be elected on the basis of single member districts. All candidates must reside in the district from which they seek election and only voters in that particular district shall cast ballots for the candidates running in that district, with the exception of the mayor-commissioner, who shall run at large. The mayor-commissioner at large shall be elected by a majority vote of the qualified electors of the city. A commission candidate must obtain a majority of the votes in his or her district. If no candidate obtains a majority, those two candidates who obtain the two highest numbers of votes shall run in a second run-off election and the candidate obtaining the most votes in the run-off election shall be deemed the winner.

Editor's note— The method of electing city commissioners from at-large has been changed to election by district voting only pursuant to a final judgment approved Feb. 28, 1985, in the United States District Court for the Northern District of Florida, Civil Action No. MCA-84-2011.

- ***Sec. 10-12. - Qualifications for commissioners.***

Members of the city commission shall have the following qualifications:

(1) They shall be qualified electors of the city, and a resident of the ward from which elected. The mayor-commissioner at large shall be a qualified elector of the city.

(2) City commissioners elected from the various wards shall have resided not less than six months in the city. The mayor commissioner at large may reside in any ward, but must have resided not less than six months in the city. A commissioner shall forfeit his office if he removes his place of residence from the city or from the ward from which elected.

- ***Sec. 10-13. - Filling vacancies in commission.***

Any vacancy in the office of the commission shall be filled from the ward in which vacancy occurs by a majority vote of the remaining members of the commission; any vacancy in the office of mayor-commissioner at large shall be filled from the city at large in the same manner. If any vacancy is not filled within ten days after it shall have occurred, the remaining members of the commission shall, within two days thereafter, call an election which shall be held within the city at large within 21 days after being called. The procedure for calling and holding such election shall be substantially as provided for regular municipal elections. All vacancies filled by election under the provisions of this section shall be for the remainder of the unexpired term. Provided, however, that vacancies resulting from a recall election shall be filled in the manner hereinafter prescribed in this charter.

- ***Sec. 10-14. - Municipal election procedures.***

(a) On the Tuesday after the third Monday in April prior to each regular municipal election, there shall be a nominating primary election. The two candidates for each office to be filled who receive the highest number of votes cast for such office in the nominating primary election shall have their names printed on the general election ballot, unless a candidate receives the majority of the votes cast for such office, in which case such candidate's name need not be placed on the regular election ballot and such candidate shall be declared elected as of the date of the general election. No write-in vote opposing such elected candidate shall be considered unless such candidate is deceased at the time of the regular election. At the regular election, the candidate for each office to

be filled that receives the highest number of votes cast for that office shall be declared elected. There shall be a nominating primary election at any special election to fill a vacancy in office. All special elections shall be subject to the provision that governs general municipal elections. In the event of a tie vote as a result of the nominating primary election the two candidates that are tied with the highest number of votes will have their names printed on the ballot for the general election. Should more than two of the candidates receive the highest number of votes in the nominating primary election the candidates will have their name printed on the general election ballot. As a result of the general election, if there is a tie vote between the two candidates, the candidates shall draw lots to determine the winner of the election.

(b) Regular municipal elections shall be held on the Tuesday after the third Monday in May in odd numbered years.

(c) The commissioners shall take office at 12:00 noon on the second Wednesday following the date of the general election.

(d) Any matter subject to a vote by law may be submitted to the electors of the city at any special election, may be submitted and voted upon at a regular municipal election.

- ***Sec. 10-15. - Form of ballots.***

All ballots used in any general election held under authority of this charter shall be without party mark or designation, and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballot used in all general state elections.

- ***Sec. 10-16. - Qualifying fee to be paid by candidate.***

Any candidate for mayor-commissioner at large or commissioner in any election being held to elect said official shall be entitled to have his name printed on the ballot as a candidate upon being qualified as provided by this charter, and filing with the city clerk, during the qualifying period, as provided by [section 10-5](#) of this chapter, during the regular business hours of the city, an affidavit asserting his candidacy and stating that he is legally qualified as a candidate, accompanied by a qualifying fee of five percent of the yearly compensation of the office. In lieu of paying a qualifying fee a candidate for mayor-commissioner at large or commissioner may qualify by petition as provided for by Florida Statutes.

Attachment C

From: Allan Branch <abbranch@panamacity.gov>
Sent: Thursday, December 4, 2025 7:44 AM
Cc: Zimmerman, Nevin <nzimmerman@panamacity.gov>; Jonathan Hayes <jhayes@panamacity.gov>
Subject: Charter review feedback

Good morning,

(I could not find JP's email address), Jonathan, please ensure the JP is forwarded this email.

I've stayed mostly hands-off with the Charter process because I wanted the Committee to work freely without input from me. But after this morning, I need to share clear feedback.

I woke up to about 50 messages, Facebook tags, and a text from the City Manager about the parade date. I had almost no involvement in that decision, yet I absorbed the reaction. This is only the most recent example of something I've seen repeatedly. I am often blamed for decisions I do not control. While the Charter gives the mayor the same authority as a commissioner, the public sees the mayor as responsible for far more than the Charter allows the mayor to influence.

The workload reflects that difference. I attend more events, take more meetings, field more calls, and carry more expectations than any commissioner. My campaign required \$100,000, while commissioner races are closer to \$7,000 to \$12,000. The mayor carries a fundamentally different burden, but not a different level of authority.

I'm not asking for a strong-mayor system. I'm asking for reasonable authority that matches the public expectations placed on this role. That could include limited involvement in staffing decisions, setting the meeting agenda, or other tools the Committee believes are appropriate. I don't expect the Committee to fix this entirely, but the current structure is not serving the city well, and there is a better way.

Thank you for the work you are doing and for considering this perspective.

Smiles!

Allan Branch
Panama City Mayor

[Give us feedback](#), good or bad, we want to improve!

Sec. 10. Acts not affected by charter.

Nothing contained in this charter shall amend, repeal, modify or otherwise affect any of the following Acts or any amendments to the following Acts: Chapter 13242, Laws of Florida, 1927; Chapters 14301 and 14628, Laws of Florida, 1929; Chapters 15420, 15421 and 15423, Laws of Florida, 1931; Chapter 16617, Laws of Florida, 1933; Chapter 17642, Laws of Florida, 1935; Chapter 21476, Laws of Florida, 1941; Chapter 22425, Laws of Florida, 1943; Chapters 23465 and 23466, Laws of Florida, 1945; Chapter 24793, Laws of Florida, 1947; and Chapter 27812, Laws of Florida, 1951. Nothing contained herein shall be construed to affect any rights heretofore existing under civil service or to remove from civil service any employee under civil service at the effective date of this charter.

Sec. 11. Acts repealed.

The following Acts and all amendments to the following Acts are hereby repealed: Chapter 11678, Laws of Florida, 1925; Chapter 15422, Laws of Florida, 1931; Chapter 17641, Laws of Florida, 1935; Chapters 22426 and 22427, Laws of Florida, 1943; Chapter 23460, Laws of Florida, 1945; Chapters 26117, 26118 and 26120, Laws of Florida, 1949; Chapter 26124, Laws of Florida, 1949; Chapter 21146, Laws of Florida, 1955; Chapter 57-1705, Laws of Florida, 1957; and Chapter 61-2642, Laws of Florida, 1961.

Sec. 12. "City" defined.

Wherever the word "City" is used in this Act it shall mean the City of Panama City, Florida, hereby created.

ARTICLE II. CITY COMMISSION AND MAYOR-COMMISSION

DIVISION 1. IN GENERAL

Sec. 13. Form of government; appointment of city manager.

The form of government of the City of Panama City provided for in this charter, shall be known as the "commission-manager plan."

Sec. 14. Commission created.

There is hereby created a city commission to consist of five members. ~~five commissioners~~. One commissioner to be elected from each ward and one commissioner ~~to be commissioner at large~~ who shall be the mayor ~~or mayor-commissioner as herein provided for~~. The commission shall constitute the governing body with powers as herein provided to pass ordinances, adopt resolutions, appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers herein provided.

Sec. 15. Manner of electing commissioners and mayor-commissioner.

TBD

~~Editor's note(s) — The provisions of section 15 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in chapter 10 of the Panama City Municipal Code. Ord. No. 2326, adpt. Oct. 14, 2008 specifically repealed such section. See Code, § 2-60.~~

~~Editor's note(s) — Formerly, The method of electing city commissioners from at large has been changed to election by district voting only pursuant to a final judgment approved Feb. 28, 1985, in the United States District Court for the Northern District of Florida, Civil Action No. MCA-84-2011.~~

Sec. 16. Qualifications for commissioners.

The city commissioners shall be qualified electors of the city, and a resident of the ward from which elected. The mayor shall be a qualified elector of the city. City commissioners elected from the various wards shall have resided not less than six months in the city and their respective ward. The mayor may reside in any ward, but must have resided not less than six months in the city. The city commissioners and mayor shall continuously reside in that ward and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; and shall be otherwise qualified as in this charter provided: shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government, except that a city commissioner or mayor serving may qualify for reelection. Candidates for nomination or election for the office of city commissioner or mayor shall comply with all the rules and regulations set out in the charter as to their conduct. Any city commission or mayor, or candidate for such position, who ceases to possess the qualifications required herein shall forthwith forfeit his or her office or candidacy.

~~Editor's note(s) — The provisions of section 16 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Panama City Municipal Code. Ord. No. 2326, adpt. Oct. 14, 2008 specifically repealed such section. See Code, § 2-60.~~

~~Editor's note(s) — Formerly, The editor had deleted the words "and freeholders" after the word "electors" the first time it appeared in subsection (1) and the words "and freeholder" after the word "elector" the second time it appeared in subsection (1) as it is unconstitutional to require an elected official to be a freeholder. See *Harper v. Virginia State Board of Elections* 383 U.S. 663.~~

Sec. 17. When commissioners take office.

~~Editor's note(s) — The provisions of section 17 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Panama City Municipal Code. Ord. No. 2326, adpt. Oct. 14, 2008 specifically repealed such section. See Code, § 2-60.~~

Sec. 18. Term of office of commissioners.

The members of the city commission holding office on the effective date of this chapter shall continue in office until the expiration of their terms and until their successors are elected and qualified. ~~The commissioner at large and commissioners from wards one and four shall be elected at the regular city election to be held in 1985, and commissioners from wards two and three shall be elected at the regular city election to be held in 1987.~~ The term of office of commissioners elected from wards shall be four years and until their successors are elected and qualified. The term of office of the ~~commissioner at large~~ mayor shall be ~~four~~ ~~two~~ years and until his successor is elected and qualified. The mayor shall be elected with the commissioners from wards _____ and _____ beginning in 2028.

Sec. 19. Commissioner not to serve as city manager.

No commissioner shall serve as city manager under this charter.

Sec. 20. To exercise powers of city.

All powers of the city except as is otherwise provided by this charter or by the constitution of the state, are hereby vested in the city commission; and except as otherwise provided by this charter or by the constitution of

the state, the city commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised.

Editor's note(s)—The editor has deleted the words "except such as are vested in the jurisdiction of the municipal court and" after the word "city," as municipal courts have been abolished. See Fla. Const. Art. V, § 20(d)(4). The word "commissioner" changed to "commission" by the editor.

Sec. 21. Commissioners' dealings with administrative service, interference prohibited.

The commission and its members shall deal with the administrative service ~~solely~~ through the city manager; provided, however, that this provision shall not be construed as prohibiting the city commission from advising and consulting with the city manager and other officers and employees of the city whenever in the judgment of said commission it may be necessary, ~~or~~ from making suggestions to the city manager; but no member of the city commission shall directly interfere with the conduct of any officer or employee in the discharge of his duties except at the express direction of the commission. Any violation of the provisions of this section by a member of the city commission shall constitute a misdemeanor, and upon conviction thereof before a court of competent jurisdiction any member of the commission so convicted shall be [punished as provided by law.] The offender may also be removed from office. Notwithstanding the foregoing, the commissioners and the mayor may utilize direct administrative support staff for purposes of scheduling, correspondence, research assistance, and other non-supervisory administrative functions, provided that the positions and funding for such support staff are approved by the City Commission and included in the annual City budget. The selection, retention, management, and termination of such support staff shall be determined by the City Commission, and the use of such staff by individual commissioners or the mayor shall not be deemed interference with the administrative service within the meaning of this section.

Editor's note(s)—The words "punished as provided by law" have been inserted by the editor in lieu of the words "fined not exceeding \$200.00 or be imprisoned not exceeding six months, or both, at the discretion of the court," as a special act may not prescribe punishment for crime. See Fla. Const. Art. III, § 11. However as this section makes a violation a misdemeanor, such violation is punishable as a misdemeanor of the second degree. See F.S. §§ 775.08—775.083; *Delmonico v. State*, 155 So. 2d 368 (Fla. 1963); *Lynch v. Durrance*, 77 So. 2d 489 (Fla. 1955); *Jannett v. Windham*, 109 Fla. 129, 147 So. 296 (1933); *reh. denied*, 109 Fla. 129, 153 So. 784, *aff'd* 290 U.S. 602.

Sec. 22. Commission to judge its own election and qualifications.

The commission shall be the judge of the election and qualifications of its own members subject to review by the courts.

Sec. 23. Forfeit of office for conviction of felony.

Any member of the commission who shall be convicted of a felony while in office shall thereby forfeit his office.

Sec. 24. Forfeit of office for failure to possess qualifications.

Any commissioner who shall cease to possess any of the qualifications required under this charter shall forthwith forfeit his office.

Sec. 25. Seat vacated for absences.

Absence from four consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission.

Sec. 26. Filling vacancies in commission.

Editor's note(s)—The provisions of section 26 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Panama City Municipal Code. Ord. No. 2326, adpt. Oct. 14, 2008 specifically repealed such section. See Code, § 2-60.

[What does this ordinance say?](#)

Sec. 27. Legislative powers of commission.

The legislative power of the city shall be exercised by the city commissioners ~~as aforesaid, of which city commissioners the commissioner at large shall be one,~~ and said city commissioners shall be clothed with the powers and duties provided by the general statutes of State of Florida together with all powers and duties herein specifically mentioned.

~~Sec. 28. Mayor to be chairman of commission.~~

~~The commissioner at large shall hold office of mayor under the provision of this charter and shall be and act as chairman of the city commission. He shall have the power to preserve peace and order at meetings and to exercise all other powers of mayor hereinafter set forth.~~

Sec. ~~28~~²⁹. Duties, powers of mayor.

The mayor shall ~~be and act as chairman of the city commission,~~ preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it. ~~The mayor~~ ^{He} shall have a voice and a vote in the proceedings of the commission, but no veto power. ~~The mayor~~ ^{He} may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so require, but this shall not be considered as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state. ~~He~~ ^{The mayor} shall be recognized as the official head of the city by courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. In time of public danger or emergency he may, with the consent of the commission, take the command of the police and maintain order and enforce the law. The powers and duties of the mayor shall be such as are conferred upon him by the city commission in pursuance of the provisions of this charter, and no others.

Sec. ~~30~~²⁹. Election, duties of mayor pro tem.

The commission shall annually elect one of its members to serve as mayor pro tempore who shall perform the duties and exercise the powers of the mayor in the mayor's absence. In the event that both the mayor and the mayor pro tempore are absent, the commission shall elect one of its members to serve as presiding officer and perform the duties of the mayor.

Sec. 30~~1~~. Regular meetings of commission.

Editor's note(s)—The provisions of section 26 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Panama City Municipal Code. Ord. No. 2326, adpt. Oct. 14, 2008 specifically repealed such section. *See Code, § 2-60.*

Sec. 31~~2~~. How special meetings called; meeting to be public; procedure; journal required.

Editor's note(s)—The provisions of section 32 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Panama City Municipal Code. *See Code, § 2-26.*

Sec. 32. Agenda-setting authority; publication of agenda; limitations on action; commissioner-initiated items; special meetings.

The mayor shall prepare and set the agenda for all regular and special meetings of the City Commission. In preparing the agenda, the mayor shall consider item requests submitted by commissioners; however, the mayor shall retain discretion to determine whether and how such items appear on the agenda. The mayor may remove items from a proposed agenda at the mayor's discretion after to its publication or at the meeting. The agenda for each meeting of the city commission shall be publicly posted no later than forty-eight (48) hours prior to the meeting. The method of public posting shall be established by ordinance, but shall at a minimum include a publicly accessible location and electronic availability. The city commission may discuss any matter at a public meeting; however, no formal action, vote, or decision may be taken on any item that does not appear on the published agenda. Items not on the published agenda may be discussed for informational purposes only. Notwithstanding the foregoing, two commissioners may, at a duly noticed public meeting, vote to require that a specific item be placed on the agenda for the next scheduled regular or special meeting. Upon such vote, the mayor shall include the item on the agenda of the next regular or special meeting occurring after the required notice deadlines. Additionally, two of the commissioners may, by written notice to the city manager, request that a special meeting of the city commission be convened. Upon receipt of such written notice from city commissioners, the city manager shall provide public notice and schedule the special meeting at the first reasonably available opportunity, consistent with applicable notice requirements.

Sec. 33. Recall authorized; petition required.

Editor's note(s)—The provisions of section 33 have been deleted as repealed by F.S. § 100.361. *See F.S. § 100.361(9).*

Sec. 34. Same—Sufficiency of petitions.

Editor's note(s)—The provisions of section 34 have been deleted as repealed by F.S. § 100.361. *See F.S. § 100.361(9).*

Sec. 35. Same—Election required.

Editor's note(s)—The provisions of section 35 have been deleted as repealed by F.S. § 100.361. *See F.S. § 100.361(9).*

Sec. 36. Same—Effect of resignation before election; form of ballots; vote required; filling vacancies, applicability to commissioner at large.

Editor's note(s)—The provisions of section 36 have been deleted as repealed by F.S. § 100.361. *See* F.S. § 100.361(9).

Sec. 37. Same—Filling vacancies when majority recalled.

Editor's note(s)—The provisions of section 37 have been deleted as repealed by F.S. § 100.361. *See* F.S. § 100.361(9).

DIVISION 2. ORDINANCES AND RESOLUTIONS

Sec. 38. Quorum, vote required.

Editor's note(s)—The provisions of section 38 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 38 are adequately provided for by F.S. § 166.041.

Sec. 39. Procedure for enacting ordinances.

Editor's note(s)—The provisions of section 39 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act. Ord. No. 1041, adpt. July 21, 1980, specifically repealed such section. The provisions of section 39 are adequately provided for by F.S. § 166.041.

Sec. 40. Effective date of ordinances; emergency measures.

Editor's note(s)—The provisions of section 40 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act. Ord. No. 1041, adpt. July 21, 1980, specifically repealed such section. The provisions of section 40 are adequately provided for by F.S. § 100.041.

Sec. 41. Recording, publication of ordinances and resolutions.

Editor's note(s)—The provisions of section 41 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act. Ord. No. 1041, adpt. July 21, 1980, specifically repealed such section. The provisions of section 41 are adequately provided for by F.S. § 166.041.

Sec. 42. Mode of publishing ordinances, legal notices.

Editor's note(s)—The provisions of section 42 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act. Ord. No. 1041, adpt. July 21, 1980, specifically repealed such section. The provisions of section 42 are adequately provided for by F.S. § 166.041.

Sec. 43. Notice required for bond ordinance.

Editor's note(s)—The provisions of section 43 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The provisions of section 43 are adequately provided for by F.S. § 166.041.