

Sec. 2-3. - Appointment of an acting city manager and/or acting city clerk.

The city manager may appoint an acting city manager and the city clerk may appoint an acting city clerk anytime the city manager or city clerk respectively is absent from the city. Any such appointment shall be temporary and shall not exceed 15 working days. An acting city manager or acting city clerk appointed pursuant to this section shall have all powers and duties of the city manager or city clerk respectively.

(Code 1992, § 2-3; Ord. No. 1663, § 1, 8-13-1996)

Sec. 2-4. - Ward boundaries.

(a) *Ward I.* That part of the City of Panama City (CPC) lying within the following boundary:

Begin at the intersection of Lisenby Avenue (SR-327) and W. 15th Street (US Hwy 98),

Thence east on W 15th Street (US Hwy 98) to the intersection of Balboa Avenue,

Thence south on Balboa Avenue to the intersection of 11th Street.

Thence east on 11th Street to the intersection of Jenks Avenue.

Thence south on Jenks Avenue to the intersection of US Business Highway 98 (6th Street).

Thence east on US Business Highway 98 (6th Street and then 5th Street) to the intersection of Everitt Avenue.

Thence south on Everitt Avenue to the intersection of Cherry Street.

Thence west on Cherry Street and along the westerly projected center of Cherry Street to the center channel of the easternmost finger of Watson Bayou.

Thence south and southwesterly along the center channel of the easternmost finger of Watson Bayou to East Avenue.

Thence south on East Avenue and continuing along the southerly projected center of East Avenue to the center channel of St. Andrews Bay.

Thence westerly and northwesterly along the center channel of St. Andrews Bay to the southerly projected center of Frankford Avenue into St. Andrews Bay.

Thence northerly along the projected center of Frankford Avenue and continue north on Frankford Avenue to the intersection of Frankford Avenue and W 15th Street.

Thence east on W 15th Street to the intersection of Lisenby Avenue and to the point of beginning.

(b) *Ward II.* That part of the City of Panama City (CPC) lying within the following boundary:

Begin at the intersection of Jenks Avenue and US Business Highway 98 (6th Street).

Thence north on Jenks Avenue to the intersection of 11th Street.

Thence west on 11th Street to the intersection of Balboa Avenue.

Thence north on Balboa Avenue to the intersection of 15th Street.

Thence west on 15th Street to the intersection of Frankford Avenue.

Thence north on Frankford Avenue to the intersection of 19th Street.

Thence east along the easterly projected center of 19th Street to Lisenby Avenue.

Thence east on 19th Street to the intersection of Jenks Avenue.

Thence north on Jenks Avenue to the intersection of 23rd Street.

Thence east on 23rd Street to the intersection of Harrison Avenue.

Thence north on Harrison Avenue to the intersection of Baldwin Road.

Thence east on Baldwin Road to the intersection of Hwy 389.

Thence south on Hwy 389, then across Hwy 231 and continuing south on East Avenue to the intersection of 11th Street.

Thence east on 11th Street to the intersection of Everitt Avenue.

Thence south on Everitt Avenue to the intersection of US Business Highway 98.

Thence west on US Business Highway 98 (5th Street then 6th Street) to the intersection of Jenks Avenue and the point of beginning.

(c) *Ward III.* That part of the City of Panama City (CPC) lying within the following boundary:

Begin at the intersection of Baldwin Road and Highway 77.

Thence north on Highway 77 to the intersection of W. 26th Street.

Thence west on W. 26th Street to the intersection of Jenks Avenue.

Thence north on Jenks Avenue to Northshore Road.

Thence northwesterly on Northshore Road to the centerline of a Bay County 100-foot drainage ditch projection (ORB 668, pg 79).

Thence west along said projected drainage ditch centerline to the center channel of St. Andrews Bay.

Thence southwesterly along the center channel of St. Andrews Bay to the intersection of the projected center channel of Goose Bayou.

Thence southeasterly along the projected center channel of Goose Bayou to the intersection of Frankford Avenue.

Thence south on Frankford Avenue to the intersection of 19th Street.

Thence east along the projected center of 19th Street to the intersection of Lisenby Avenue.

Thence east on 19th Street to the intersection of Jenks Avenue.

Thence north on Jenks Avenue to the intersection of 23rd Street.

Thence east on 23rd Street to the intersection of Harrison Avenue.

Thence north on Harrison Avenue to the intersection of Baldwin Road.

Thence east on Baldwin Road to the intersection of Highway 77 and to the point of beginning.

And

That part of the City of Panama City (CPC) lying within the following boundary:

Begin at the intersection of Baldwin Road and US Highway 231.

Thence northeasterly along US Highway 231 to Transmitter Road.

Thence north along Transmitter Road to 37th Plaza.

Thence east along 37th Plaza and its projected center line to US Highway 231.

Thence northeasterly along US Highway 231 to the intersection of Pipeline Road.

Thence north on Pipeline Road to the intersection of E. Hwy 390.

Thence east on Hwy 390 to the intersection of Titus Road.

Thence north on Titus Road to the intersection of Longleaf Way.

Thence east on Longleaf Way and its projected center line to the intersection of Hwy 2321 (Sapp Road).

Thence south along County Road 2321 to US Highway 231.

Thence northeasterly along US Highway 231 to the north line of section 35 T2S R13W.

Thence east along the north line of sections 35, 36 of T2S R13W and sections 31, 32 of T2S R12W to the east line of said section 32 T2S R12W.

Thence south along the east line of section 32 of T2S R12W and sections 5, 8, 17, 20, 29 of T3S R12W to the south line of section 29 of T3S R12W.

Thence west along the south line of sections 29, 30 of T3S R12W and sections 25, 26, 27, 28, 29 of T3S R13W to the west line of section 29 T3S R13W.

Thence north along the west line of section 29, 20, 17 and part of 8 T3S R13W to the southeasterly right-of-way of US Highway 231 and St. Andrew Bay Railroad.

Thence southwesterly along said southeasterly right-of-way of US Highway 231 and St. Andrew Bay Railroad to the projected centerline of Baldwin Avenue.

Thence northerly along the projected centerline of Baldwin Avenue to the point of beginning.

(d) *Ward IV.* That part of the City of Panama City (CPC) lying within the following boundary:

Begin at the intersection of Frankford Avenue and 15th Street.

Thence north along Frankford Avenue to the intersection of the center channel of Goose Bayou.

Thence northwesterly along the center channel of Goose Bayou to the center channel of St. Andrews Bay.

Thence southwesterly then southeasterly along the center channel of St. Andrews Bay to a southerly projection of Frankford Avenue.

Thence north along the southerly projection of Frankford Avenue to 15th Street and the point of beginning.

(Ord. No. 2434, § 1(Exh. 1), 10-11-2011; Ord. No. 2442, § 1(Exh. 1), 2-14-2012; Ord. No. 3134, § 1(Exh. 1), 12-13-2022)

ARTICLE II. - LEGISLATIVE BODY

Sec. 2-25. - How special meetings called; meeting to be public; procedure; journal required.

The mayor, any three members of the city commission, or the city manager, may call special meetings of the legislative body upon at least 12 hours' written notice to each member, served personally, or left at his usual place of residence, or they may have special meetings, without notice when all members are present throughout the meeting. All official meetings of the city commission and of the committees thereof, shall be held in the city hall in the room designated for that purpose by the city commission and shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The legislative body shall determine its own rules and order of business and shall keep a journal of its proceedings.

(Code 1982, § 2-21; Code 1992, § 2-26)

State Law reference— Public meetings required, F.S. § 286.011.

Sec. 2-26. - Compensation of mayor and commissioners.

- (a) Each member of the city commission and the mayor-commissioner shall receive as his or her base compensation, an amount equal to the starting pay rate for the lowest paid full-time, permanent employee of the city. The mayor-commissioner shall receive \$1,800.00 in addition to the base rate.
- (b) As additional compensation, each member of the city commission and the mayor-commissioner shall receive any bonus, incentive or raise which is granted uniformly to general employees of the city.
- (c) The mayor and commissioners shall be paid a monthly automobile in the amount of \$500.00.
- (d) All future adjustments to salaries, scheduled increases and other allowances greater, less than or different from benefits provided for in this section shall be by resolution duly adopted by the city commission at any regular or special meeting.

(Code 1982, § 2-24; Code 1992, § 2-28; Ord. No. 1684, § 1, 5-13-1997; Ord. No. 1982, §§ 1, 2, 9-14-2004)

Sec. 2-27. - Municipal election procedures.

- (a) The terms of the present elected officials are hereby extended until their successors have been duly elected and qualified in accordance with the law.
- (b) 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 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 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.
- (c) Regular municipal elections shall be held on the Tuesday after the third Monday in May in odd numbered years.

- (d) The commissioners shall take office at 12:00 noon on the second Wednesday following the date of the general election.
- (e) 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. 2230, § 1, 12-12-2006)

Secs. 2-28—2-55. - Reserved.

ARTICLE III. - INITIATIVE AND REFERENDUM

Sec. 2-56. - When referendum required on ordinances.

If between final passage of an ordinance and the date it becomes effective, a petition signed by electors of the city equal in number to 25 percent of the electors qualified to vote at the last general municipal election protesting against the passage of such ordinance is presented to the city commission, such ordinance shall thereupon be suspended from going into operation, and it shall be the duty of the city commission to reconsider such ordinance. If such ordinance is not entirely repealed, the city commission shall submit the ordinance, as is provided for the initiative of ordinances, to the vote of the electors of the city, either at a general election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on same shall vote in favor thereof. Such petition shall be in all respects in accordance with the provisions of this Code relating to the initiative of ordinances and the same shall be examined and certified to by the city clerk-treasurer in all respects as provided in this section in relation to the initiative of ordinances.

(Code 1982, § 2-41; Code 1992, § 2-56)

Sec. 2-57. - Initiative—By petition of electors authorized.

Any proposed ordinance may be submitted to the city commission by petition signed by the electors of the city to the number of at least 25 percent of the electors of the city qualified to vote at the last general municipal election. The signature, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for under the provisions of law relating to the recall of officers.

(Code 1982, § 2-42; Code 1992, § 2-57)

State Law reference— Recall ballots, F.S. § 100.361(3).

Sec. 2-58. - Same—Action on petition.

If the petition accompanying the proposed ordinance shall be signed by electors of the city to the number required in section 2-57, and contains a request that such ordinance be submitted to a vote of the people if not passed by the city commission, the commission shall either:

- (1) Pass such ordinance without alteration within 20 days after attachment of the city clerk-treasurer's certificate to the accompanying petition.
- (2) Forthwith after the city clerk-treasurer shall attach to the petition accompanying such ordinance his certificate of sufficiency, the city commission shall call a special election, unless a general municipal election is fixed within six months thereafter, and at such special or general election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the city.

(Code 1982, § 2-43; Code 1992, § 2-58)

Sec. 2-59. - Same—Procedures for initiative elections.

The ballots used when voting upon a proposed ordinance shall contain these words: "For the ordinance (stating the nature of the proposed ordinance)" and "Against the ordinance (stating the nature of the proposed ordinance)," (X) before his choice; provided that if voting machines are used, the voter's choice may be made by the means provided on such machines rather than by marking an (X). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city. Any ordinance which has been proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. There shall be not more than one special election in any period of six months for such purpose.

(Code 1982, § 2-44; Code 1992, § 2-59)

Sec. 2-60. - Same—Election required to repeal initiative ordinances.

The city commission may submit a proposition for repeal of any such ordinance adopted by vote of the people or for amendment thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Code to be submitted to the voters of the city at any election, the city clerk-treasurer shall cause such ordinance or proposition to be published in two consecutive issues of a newspaper published in the city, such publication to be not more than 20 nor less than five days before the submission of such proposition or ordinance to be voted on.

(Code 1982, § 2-45; Code 1992, § 2-60)

Secs. 2-61—2-78. - Reserved.

ARTICLE IV. - FINANCIAL AFFAIRS

Footnotes:

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State Law reference— *Municipal finance, F.S. § 166.201 et seq.; local government finance, F.S. ch. 218.*

DIVISION 1. - GENERALLY

Sec. 2-79. - Duties of treasurer; funds to be deposited.

There shall be a city treasurer, who may also be the city clerk and collector, who shall be director of finance. As city treasurer he shall be the custodian of all moneys of the city and shall keep and preserve the same in such manner as shall be determined by the legislative body. All moneys received by the city treasurer for or in connection with the business of the city shall be promptly deposited with some responsible banking institution or institutions to be selected by the legislative body.

(Laws of Fla. ch. 63-1757, § 141; Code 1982, § 2-56; Code 1992, § 2-81)

State Law reference— *Florida Security for Public Deposits Act, F.S. ch. 280; Investment of Local Government Surplus Funds Act, F.S. § 218.40 et seq.; municipal investments, F.S. § 166.261.*

Sec. 2-80. - Examination of accounts.

The accounts of the city treasurer shall be examined at the end of each month by the city clerk, to whom the city treasurer shall turn over all warrants, interest coupons, bonds or other evidence of indebtedness of the city, which may have been redeemed by him during the month, taking the receipt of the city clerk therefor, and all such warrants, interest coupons, bonds or other evidences of the indebtedness of the city so turned over shall be cancelled by the treasurer and have written or stamped thereon the date of their payment or redemption.

(Code 1982, § 2-57; Code 1992, § 2-82)

Sec. 2-81. - Collection, disposition of interest receipts; custody of investments.

All moneys due as interest upon investments or deposits shall be collected by the city clerk-treasurer and placed to the credit of the general fund of the city, and such specific account as may be authorized by the city commission, and any and all bonds and securities taken for investments and deposits shall be held by

the city clerk-treasurer for safekeeping for the benefit of the city.

(Code 1982, § 2-58; Code 1992, § 2-83)

Sec. 2-82. - Manner of making payments.

The city treasurer shall pay out moneys only on the warrants of the city clerk countersigned by the city manager; except bonds and interest-bearing coupons, which may be paid when due upon presentation, or in case the same are payable in some place other than the city, then the money for their redemption shall be sent to the place of payment.

(Code 1982, § 2-59; Code 1992, § 2-84)

Sec. 2-83. - Monthly financial statement.

On or before the 20th of each month the city commission shall submit a detailed report of the receipts and disbursements for the preceding month, which report shall be rendered through the city clerk-treasurer and bear the certificate of the latter as to its correctness.

(Code 1982, § 2-60; Code 1992, § 2-85)

Sec. 2-84. - Procedure for paying warrants.

All warrants shall be paid in the order in which they are presented, out of the moneys in the respective funds on which they are drawn. The city clerk-treasurer shall note on the back of each warrant presented to him the date of presentation, in case there is not a sufficient amount of money in the treasury to the credit of the fund upon which warrant may have been drawn to pay all warrants which have been drawn upon such fund, and presented previous to the warrant in question, and he shall keep a record book to be known and designated as the "Record of Unpaid Warrants," in which he shall enter the number, date, amount, payee, fund on which drawn and the date of presentation of all warrants submitted to him for payment and for which there are no funds and shall thereafter pay such warrants according to the date of their presentation.

(Code 1982, § 2-61; Code 1992, § 2-86)

Sec. 2-85. - Separate accounts required for each fund, appropriation; receipts for money paid in.

The city treasurer shall keep a separate account of each fund or appropriation and of the debits and credits pertaining thereto. He shall prepare receipts in duplicate for all moneys paid into the city treasury delivering the original receipt to the person paying the same and retaining the duplicate to be turned over to the city clerk at the time of his monthly settlement with that officer.

(Code 1982, § 2-62; Code 1992, § 2-87)

Sec. 2-86. - Turn over of monies to tax collector.

All fees and monies of every kind, nature or description received or collected by city officers or employees shall be immediately paid over to the city tax collector within 24 hours after their receipt.

(Code 1982, § 2-63; Code 1992, § 2-88)

Sec. 2-87. - Contents of city manager's annual estimate.

- (a) The estimate required by section 136 of the city Charter shall be compiled from detailed information and in its arrangement and classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the city and shall give the following information:
 - (1) Detailed estimate of the expenses of conducting each department and division of the city government including all public utilities and enterprises conducted by the city.
 - (2) Expenditures for corresponding items during the two fiscal years last past.
 - (3) Amount of supplies and materials on hand.
 - (4) Increase of demands compared with the corresponding appropriation of the last fiscal year.
 - (5) Such other information as is required by the city commission or as the city manager may deem it advisable to submit.
- (b) The estimates so given and constituting the recommendation of the city manager as to the amounts necessary to be appropriated for the ensuing fiscal year shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the city commission a comprehensive understanding of the needs and requirements of the various divisions of the city government for the ensuing period, provided nothing therein shall be construed to prevent the city commission from altering or modifying the budget as submitted by the city manager.
- (c) Sufficient copies of the annual report and estimate of the city manager shall be prepared that there may be copies on file in the office of the clerk-treasurer for inspection by the public.
- (d) The city commission shall adopt the annual budget of the city for the ensuing fiscal year by resolution at the final public budget hearing held by the city commission.

(Code 1982, § 2-64; Code 1992, § 2-89; Ord. No. 1691, § 1, 8-12-1997)

Sec. 2-88. - Claims to be approved before payment.

No warrant for the payment of any account or claim shall be issued by the city clerk-treasurer until such account or claim shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager for expenditures exceeding \$1,000.00. Expenditures of \$1,000.00, or less, will require only department head approval; and, such officers and their sureties shall be liable to the city for all losses and damages sustained by the city by reason of corrupt or improper approval of any claim or account against the city.

(Code 1982, § 2-68; Code 1992, § 2-90; Ord. No. 1658, § 1, 7-9-1996)

Sec. 2-89. - Disposition of surplus property between governmental entities.

Any property declared surplus may be offered to any other governmental body or entity at a negotiated price. No bidding or sale advertisements shall apply in such instances.

(Code 1982, § 2-125; Code 1992, § 2-91)

Sec. 2-90. - Service fee on dishonored checks.

Should any check, draft or order payable to the city be dishonored, there is hereby imposed a service fee in the maximum amount authorized by law for the collection thereof, upon the maker of the instrument.

(Code 1992, § 2-92; Ord. No. 1530, § 1, 2-11-1992)

State Law reference— Bad check service charge, F.S. § 166.251.

Secs. 2-91—2-108. - Reserved.

DIVISION 2. - PURCHASES AND CONTRACTS

Footnotes:

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State Law reference— Consultants' Competitive Negotiation Act, F.S. § 287.055.

Sec. 2-109. - Reserved.

Editor's note— Ord. No. 3052, § 1, adopted April 12, 2022, repealed § 2-109, which pertained to when competitive bids required and derived from Code 1982, § 2-81; Code 1992, § 2-111; Ord. No. 1748, § 1, adopted Sept. 8, 1998; Ord. No. 1870, § 1, adopted July 9, 2002.

Sec. 2-110. - Reserved.

Editor's note— Ord. No. 3052, § 1, adopted April 12, 2022, repealed § 2-110, which pertained to special approval required for expenditures exceeding \$25,000.00 and derived from Code 1982, § 2-82; Code 1992, § 2-112; Ord. No. 1748, § 1, adopted Sept. 8, 1998.

Sec. 2-111. - Modification of contracts.

When in the opinion of the city manager it becomes necessary for the prosecution of any work or improvement under contract let on competitive bid to make alterations or modifications, the city manager shall be authorized to approve change orders provided the change orders collectively do not exceed ten percent of the contract sum if a contingency of not less than this amount has been budgeted for the project. No change order shall be valid or effective until the price to be paid for the work or material or both under the change order has been agreed to in writing and signed by the contractor or his representative and the city manager.

(Code 1982, § 2-83; Code 1992, § 2-113)

Sec. 2-112. - Reserved.

Editor's note— Ord. No. 3052, § 1, adopted April 12, 2022, repealed § 2-112, which pertained to exceptions to competitive bidding requirements and derived from Code 1992, § 2-114; Ord. No. 1528, § 1, adopted Feb. 11, 1992.

Sec. 2-113. - Reserved.

Editor's note— Ord. No. 3052, § 1, adopted April 12, 2022, repealed § 2-113, which pertained to emergency spending authority and derived from Ord. No. 2732, adopted March 18, 2020.

Secs. 2-114—2-137. - Reserved.

Chapter 10 - ELECTIONS

Footnotes:

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Editor's note— Ord. No. 2325, § 1, adopted Oct. 14, 2008, repealed Ch. 10, which pertained to elections and derived from Code 1982, §§ 10-1—10-7, 10-9; Code 1992, §§ 11-1—11-7, 11-9; Laws of Fla. ch. 63-1757, § 71; Ord. No. 1943, § 1, 4-13-2004. Ord. No. 2327, adopted Oct. 14, 2008, enacted a new Ch. 10.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; elections generally, F.S. chs. 97—106.

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.

(Ord. No. 2327, § 1, 10-14-2008)

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.

(Ord. No. 2327, § 2, 10-14-2008)

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.

(Ord. No. 2327, § 3, 10-14-2008)

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.

(Ord. No. 2327, § 4, 10-14-2008)

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.

(Ord. No. 2327, § 5, 10-14-2008)

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.

(Ord. No. 2327, § 6, 10-14-2008)

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."

(Ord. No. 2327, § 7, 10-14-2008)

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.

(Ord. No. 2327, § 8, 10-14-2008)

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.

(Ord. No. 2327, § 9, 10-14-2008)

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.

(Ord. No. 2327, § 10, 10-14-2008)

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.

(Ord. No. 2327, § 11, 10-14-2008)

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.

(Ord. No. 2327, § 12, 10-14-2008)

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.

(Ord. No. 2327, § 14, 10-14-2008)

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.

(Ord. No. 2327, § 14, 10-14-2008)

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.

(Ord. No. 2327, § 15, 10-14-2008)

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.

(Ord. No. 2327, § 16, 10-14-2008)