

ARTICLE I. THE CORPORATION

Section 101. Creation.

The inhabitants of the City of Gulfport, Florida, within the boundaries hereinafter designated, or within such boundaries as may hereafter be established, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Gulfport, which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law; and this charter shall be known and may be cited as the "Council-Manager Charter of Gulfport".

Section 102. Powers.

The powers of the City of Gulfport shall be construed liberally in favor of the city, limited only by the Florida Constitution, general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this charter and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the charter.
(Ord. No. 97-2, § 1, 1-21-97)

Section 103. Extraterritorial Powers.

The city may acquire property within or without its corporate limits for any city purpose in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. Provided, however, that no lease in excess of a period of ten (10) years shall be entered into prior to the enactment of an ordinance duly authorizing same, but in no event shall any lease exceed a period of thirty (30) years. Any sale of real property in excess of one-half (1/2) acre, or located outside the city's territorial boundaries, shall be submitted to a referendum of the electors of the city, and no such sale shall be valid unless approved by a majority of those voting thereon.
(Ord. No. 85-26, § 1, 1-7-86; Ord. No. 97-2, § 2, 1-21-97)

ARTICLE II. CORPORATE LIMITS

Section 201. Description of Corporate Limits.

The territorial boundaries of the City of Gulfport shall be as follows:

Commencing at the center of Section 34, Township 31 South, Range 16 East, as a Point of Beginning, run thence North 89°48'28" West along the South line of the Northwest 3/4 of said Section 34 to a point described as lying 1,659.95 feet along said South line of the Northwest 1/4 of Section 34 Easterly of the West 1/4 corner of said Section 34; thence run South 00°18'39" West, a distance of 208.64 feet; thence run South 45°05'19" West, a distance of 554.68 feet; thence run along the arc of a curve to the left, having a radius of 711.26 feet, a central angle of 45°06'26", arc distance of 559.95 feet; thence run along the arc of a curve to the right, having a radius of 1,040.00 feet, a central angle of 45°06'26", arc distance of 818.76 feet; thence run South 41°48'46" West to the intersection of said course with the established common city limit of St. Petersburg; thence run South 45°00'00" West to the center of Section 4, Township

32 South, Range 16 East, such center located in the waters of Boca Ciega Bay; thence Westerly along the East-West center line of said Section 4 to the West boundary of Section 4; thence continue Westerly along said center line extended 357.00 feet, more or less, to a point in the waters of Boca Ciega Bay; thence run North 00°20'00" West, a distance of 3,320 feet more or less; to a point on the traverse line per Deed No. 17412, Trustees Internal Improvement Fund, State of Florida; thence along said traverse line the following eight courses; (1) North 80°41'52" West, a distance of 939.45 feet; (2) North 86°07'27" West, a distance of 495.25 feet; (3) North 62°47'19" West, a distance of 485.99 feet; (4) North 62°59'34" West, a distance of 501.36; (5) North 68°04'07" West, a distance of 459.54 feet; (6) North 68°36'24" West, a distance of 474.17 feet; (7) North 81°36'36" West, a distance of 332.34 feet; (8) North 80°04'06" West, a distance of 453.48 feet; thence North 26°33'38" West, 54.50 feet; thence North 39°59'40" East, 6.59 feet; thence run North 26°42'06" West, 2,283.20 feet; thence run North 53°51'09" East, 1,022.31 feet; thence run along a curve to the left, having a radius of 160.00 feet, arc 351.33 feet, chord North 08°51'09" East, 226.27 feet; thence run North 36°08'51" West, 730.00 feet; thence run along a curve to the right having a radius of 50.00 feet, arc 73.06 feet, chord North 05°42'41" East, 66.73 feet; thence run along a curve to the left a radius of 4,050.00 feet, arc 887.15 feet, chord North 41°17'43" East, 885.37 feet; thence run South 53°02'33" East, 200.00 feet; thence run North 36°57'27" East, 50.00 feet; thence run North 36°57'27" East, 261.90 feet; thence North 02°38'24" East, 125.00 feet to the Northeast corner of Lot 15, Block 1, Pasadena Golf Club Estates, recorded in Plat Book 5, Page 8, Pinellas County, Florida; thence run North 87°21'36" West, 97.61 feet; thence run along a curve to the right, having a radius of 86.75 feet, arc 91.75 feet, chord North 57°03'34" West, 87.54 feet; thence run North 26°45'33" West, 81.71 feet; thence run along a curve to the left having a radius of 20.00 feet, arc 27.95 feet, chord North 66°47'41" West, 25.73 feet to point of reverse curvature; thence run along a curve to the right, radius 96.00 feet, arc 175.80 feet, chord North 54°22'12" West, 152.24 feet to another point of reverse curvature; thence run along a curve to the left, radius 47.50 feet, arc 59.88 feet, chord North 38°01'35" West, 56.00 feet; thence run North 74°08'36" West, 300.00 feet; thence run North 72°47'47" West, 207.65 feet; thence run North 52°16'55" West, 268.38 feet, thence run North 55°48'08" West, 217.10 feet; thence run along a curve to the right, radius 103.18 feet, arc 60.23 feet, chord North 39°03'21" West, 59.38 feet; thence North 22°20'01" West, 93.80 feet; thence along a curve to the left, radius 175.79 feet, arc 222.01 feet, chord North 58°30'42" West, 207.54 feet; thence run North 42°46'17" West, 55.78 feet to a nontangent curve concave, Southeasterly and having a radius of 280.00 feet; thence Southwesterly along said curve, 178.57 feet through a central angle of 36°32'25" (C.B. South 30°07'05" West, 175.56 feet) to a reverse curve concave Northwesterly and having a radius of 50.00 feet; thence Southwesterly along said curve 97.92 feet through a central angle of 112°12'11" (C.B. South 67°57'17" West, 83.01 feet); thence North 55°56'19" West, 136.66 feet to a curve concave Southwesterly and having a radius of 120.00 feet; thence Northwesterly along said curve, 70.95 feet through a central angle of 33°52'42" (C.B. North 72°52'40" West, 69.92 feet); thence North 89°49'02" West, 15.67 feet to a curve concave Northeasterly and having a radius of 30.00 feet; thence Northwesterly along said curve 72.67 feet through a central angle of 138°47'25" (C.B. North 20°25'18" West, 56.16 feet) to the southeasterly right-of-way line of Mockingbird Way; thence along said line North 48°58'23" East, 655.98 feet; thence run South 41°01'35" East, 199.99 feet; thence run North 48°57'38" East, 1,538.67 feet; along the Southeasterly right-of-way line of Royal Palm Drive to the centerline of an ingress-egress, and utility easement as recorded in O.R. Book 4920, Pages 1--24 of the Public Records of Pinellas County; thence along said centerline the following (2) courses: (1) South 44°01'12" East, 21.57 feet; thence (2)

South 89°22'00" East, 25.92 feet; thence leaving said centerline, South 41°02'22" East, 182.52 feet to the East corner of that certain property as described in the Gulfport City Council Ordinance No. 2001-16 dated December 4, 2001; thence South 48°57'38" West, along the Southeasterly boundary of said certain property, 134.35 feet to the South corner of said certain property; thence North 86°24'21" West, along the South boundary of said certain property, 65.91 feet to the West corner of said certain property; thence South 48°57'38" East, 200.70 feet; thence South 60°43'44" West, 246.15 feet; thence South 54°36'32" West, 457.22 feet; thence run South 41°02'22" East, 92.47 feet to the Northwest corner of the Pelican Creek Village Condominiums, recorded in Condo Book 38, Pages 68--75, Pinellas County, Florida; thence along the Southerly boundary line of said condominium the following seven (7) courses: (1) thence run South 15°39'16" East, 110.72 feet; (2) thence run North 81°09'27" East, 178.00 feet; (3) thence run North 85°23'37" East, 201.95 feet; (4) thence run South 61°53'42" East, 290.59 feet; (5) thence run South 52°20'22" East, 304.49 feet; (6) thence run North 67°59'04" East, 90.36 feet; (7) thence run North 52°39'27" East, 141.67 feet; thence run South 84°49'16" East, 1,116.72 feet; thence run South 38°50'43" East, 700.00 feet; thence South 27°02'38" East, 1,166.85 feet to the West corner of that certain property as described in the Gulfport City Council Ordinance No. 2001-11 dated November 6, 2001, same being the point of intersection with a non-tangent curve concave Northwesterly and having a radius of 219.00 feet; thence along the Northwest boundary of said certain property the following three (3) courses; (1) thence Northeasterly along the arc of said curve 53.89 feet through a central angle of 14°05'53" a chord bearing and distance of North 51°05'18" East, 53.75 feet to a reverse curve concave Southeasterly and having a radius of 205.50 feet; (2) thence Northeasterly along the arc of said curve 46.83 feet through a central angle of 13°03'22" a chord bearing and distance of North 50°34'03" East, 46.73 feet to a reverse curve concave Northwesterly and having a radius of 182.50 feet; (3) thence Northeasterly along the arc of said curve 7.82 feet through a central angle of 02°27'19" a chord bearing and distance of North 55°52'04" East, 7.82 feet to the North corner of said certain property; thence South 27°02'38" East, 196.57 feet to the East corner of said certain property; thence South 62°57'22" West, 106.00 feet to the South corner of said certain property; thence South 27°02'38" East, 241.15 feet; thence South 29°54'17" East, 1,515.13 feet; thence along the Easterly boundary line of Pasadena Golf Club Estates Section One, recorded in Plat Book 36, Page 11, Pinellas County, Florida, for the following ten (10) courses: (1) thence North 26°45'44" East, along the Northwesterly right-of-way line of 59th Street South, the same being a continuation of Bau Hinia Drive, 101.07 feet; (2) thence run by a curve to the left, having a radius of 600.00 feet, arc distance 471.93; (3) thence North 18°18'16" West, a distance of 202.92 feet; (4) thence run by a curve to the right along said right-of-way line having a radius of 530.00 feet, arc distance 357.09 feet; (5) thence along a curve to the right having a radius of 280.00 feet and an arc distance of 69.99 feet; (6) thence along a curve to the left, having a radius of 25.00 feet, an arc distance of 54.39 feet to the intersection of the Westerly right-of-way line of 59th Street South and the Southerly right-of-way line of Gulfport Boulevard; (7) thence South 89°58'28" West, a distance of 12.06 feet; (8) thence run by a curve to the right along the Southwesterly right-of-way line of Gulfport Boulevard, having a radius of 480.78 feet, arc distance 358.46 feet; (9) thence run along said right-of-way line 47°18'32" West, a distance of 99.11 feet; (10) thence run by a curve to the right along said right-of-way line, having a radius of 1,666.10 feet, arc distance 637.79 feet; thence along said right-of-way line North 25°55'00" West, a distance of 1,375.70 feet; thence run by a curve to the left, along said right-of-way line, having a radius of 426.78 feet, arc distance 515.96 feet, to a point of reverse curvature; thence run by a curve to the right along said right-of-way line having a radius of 1,024.87

feet, arc distance of 846.52 feet; thence run South 66°00'00" West, 422.72 feet; thence run North 19°10'54" West, 825.00 feet; thence run North 32°33'24" West, 57.06 feet; thence run North 65°06'34" West, 103.51 feet to a point on the Southeasterly right-of-way line of Royal Palm Drive; thence run along said right-of-way line along a curve to the left, radius 597.10 feet, arc 265.97 feet, chord North 36°11'58" East, 263.78 feet; thence run North 00°03'56" West, along the center line of 64th Street South, said center line being North-South center line of the Northwest 1/4 of Section 29 Township 31 South, Range 16 East; to the North boundary of Section 29 Township 31 South, Range 16 East; the same being the center line of 7th Avenue South extended; thence run East on and along the North line of said Section 29 to the Northeast corner of said Section 29; thence continue to run East along the North line of Section 28, Township 31 South, Range 16 East, a distance of 30.00 feet to the East right-of-way line of 58th Street South extended; thence run North 00°28'00" East along said East right-of-way line a distance of 630.21 feet to the South right-of-way line of the Seaboard Coast Line Railroad; thence run North 89°53'00" East along said South right-of-way line a distance of 1,764.79 feet; thence run by a curve to the right, along said South right-of-way line, having a radius of 1,880.10 feet, arc distance 718.20 feet; chord bearing South 79°12'30" East, chord distance 711.57 feet; thence run South 68°18'00" East along said South right-of-way line a distance of 1,334.28 feet to a point of intersection with the North line of Section 28, Township 31 South, Range 16 East; thence run Easterly along said North section line a distance of 195 feet more or less, to the intersection of the said North section line and the center line of 49th Street South, said point being the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 28; thence South along the North-South center line of the East 1/2 of said Section 28, and the East 1/2 of Section 33, Township 31 South, Range 16 East, the same being the center line of 49th Street South to the Northeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 33, the same being the intersection of the center line of 49th Street South and 26th Avenue South; thence run East along the East-West center line of the Northeast 1/4 of said Section 33 and the East-West center line of the Northwest 1/4 of Section 34, Township 31 South, Range 16 East, the same being the center line of 26th Avenue South, to the intersection of said East-West center line with North-South center line of said Section 34, the same being the intersection of the center lines of 40th Street South and 26th Avenue South; thence run South along said North-South center line of said Section 34 to the center of said Section 34 and the Point of Beginning.

A parcel of land being a portion of Pasadena Golf Club Subn as recoded in plat book 20 page 65 and a portion of Pasadena Golf Club Estates Section One as recorded in plat book 36, page 11, both being of the public records of Pinellas County, Florida, being more particularly described as follows:

Begin at the Southwest corner of that certain property as described in official records book 8046, page 949 of the public records of Pinellas County, Florida; thence South 27°02'38" East, 1,166.85 feet to the West corner of that certain property as described in the Gulfport City Council Ordinance No. 2001-11 dated November 6, 2001, same being the point of intersection with a non-tangent curve concave Northwesterly and having a radius of 219.00 feet; thence along the Northwest boundary of said certain property the following three (3) courses; (1) thence Northeasterly along the arc of said curve 53.89 feet through a central angle of 14°05'53" a chord bearing and distance of North 51°05'18" East, 53.75 feet to a reverse curve concave Southeasterly and having a radius of 205.50 feet; (2) thence Northeasterly along the arc of said curve 46.83 feet through a central angle of 13°03'22" a chord bearing and distance of North 50°34'03" East, 46.73 feet to a reverse curve concave Northwesterly and having a radius of 182.50 feet; (3) thence Northeasterly along the arc of said curve 7.82 feet through a central angle of

02°27'19" a chord bearing and distance of North 55°52'04" East, 7.82 feet to the North corner of said certain property; thence South 27°02'38" East, 196.57 feet to the East corner of said certain property; thence South 62°57'22" West, 106.00 feet to the South corner of said certain property; thence South 27°02'38" East, 241.15 feet; thence South 29°54'17" East, 1,515.13 feet; thence along the Easterly boundary line of Pasadena Golf Club Estates Section One, recorded in Plat Book 36, Page 11, Pinellas County, Florida, for the following ten (10) courses: (1) thence North 26°45'44" East, along the Northwesternly right-of-way line of 59th Street South, the same being a continuation of Bau Hinia Drive, 101.07 feet; (2) thence run by a curve to the left, having a radius of 600.00 feet, arc distance 471.93; (3) thence North 18°18'16" West, a distance of 202.92 feet; (4) thence run by a curve to the right along said right-of-way line having a radius of 530.00 feet, arc distance 357.09 feet; (5) thence along a curve to the right having a radius of 280.00 feet and an arc distance of 69.99 feet; (6) thence along a curve to the left, having a radius of 25.00 feet, an arc distance of 54.39 feet to the intersection of the Westerly right-of-way line of 59th Street South and the Southerly right-of-way line of Gulfport Boulevard; (7) thence South 89°58'28" West, a distance of 12.06 feet; (8) thence run by a curve to the right along the Southwesterly right-of-way line of Gulfport Boulevard, having a radius of 480.78 feet, arc distance 358.46 feet; (9) thence run along said right-of-way line 47°18'32" West, a distance of 99.11 feet; (10) thence run by a curve to the right along said right-of-way line, having a radius of 1,666.10 feet, arc distance 637.79 feet; thence along said right-of-way line North 25°55'00" West, a distance of 515.49 feet to the Southeast corner of that certain property as described in official records book 11376, page 254 of the public records of Pinellas County, Florida; thence leaving said right-of-way line, South 64°39'26" West, along the Southerly boundary of said certain property, a distance of 121.16 feet to the Southwest corner of said certain property; thence North 28°24'23" West, along the westerly boundary of said certain property, a distance of 163.58 feet; thence North 41°38'47" West, continuing along said westerly boundary, a distance of 337.54 feet to the Northwest corner of said certain property; thence South 61°02'12" West, along the South boundary of aforesaid certain property as described in official records book 8046, page 949, 73.02 feet to the Point of Beginning.

Subject area contains 20.81 acres, more or less

(Ord. No. 79-7, § 2, 8-16-79; Ord. No. 82-6, § 2, 10-5-82; Ord. No. 82-7, § 2, 10-5-82; Ord. No. 89-11, § 3, 8-15-89; Ord. No. 97-12, § 1, 5-6-97; Ord. No. 2001-11, § 2, 11-6-01; Ord. No. 2001-16, § 2, 12-4-01; Ord. No. 2002-19, § 2, 12-3-02)

ARTICLE III. LEGISLATIVE

Section 301. City Council; Powers and Composition.

There shall be a city council with all legislative powers of the city vested therein composed of five (5) members elected from the city in the manner hereinafter prescribed in Article V. As used in this charter, the term "council member" shall include the mayor, unless otherwise indicated.

(Ord. No. 97-2, § 3, 1-21-97)

Section 302. Terms.

The mayor shall be elected for a three (3) year term and the other council members shall be elected for two (2) year terms.

(Ord. No. 97-2, § 4, 1-21-97; Ord. No. 99-1, § 1, 1-19-99)

Section 303. Compensation and Expenses.

The City of Gulfport is hereby authorized, permitted and directed to pay, and all council members, including the mayor, shall be entitled to receive, compensation at the rate determined by the city council and established by ordinance. Such ordinance may be adopted no later than July 1st with an effective date no earlier than October 1st of said year. The council members, including the mayor, shall be entitled to the expenses incurred in connection with their duties as council members and such expenses shall be in addition to the compensation set forth herein. (Ord. No. 80-5, § 1, 6-3-80; Ord. No. 83-11, § 1, 10-4-83; Ord. No. 85-17, § 1, 9-17-85; Ord. No. 89-8, § 1, 6-20-89; Ord. No. 97-2, § 5, 1-21-97; Ord. No. 2005-06, § 1, 5-3-05)

Section 304. Mayor; Presiding Officer.

The mayor shall preside at meetings of the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The council shall elect a vice-mayor, annually, from among the current council members at the meeting following the general election, or as soon thereafter as practical, who shall act as mayor during the absence or disability of the mayor and if a vacancy should occur, shall become mayor for the completion of the mayor's unexpired term until the next general election as provided in Section 306(b) of this Article. Upon the vice-mayor becoming mayor, a new vice-mayor shall be elected from among the council members.

(Ord. No. 83-13, § 1, 12-6-83; Ord. No. 97-2, § 6, 1-21-97; Ord. No. 2005-06, § 2, 5-3-05 – Ord. 2011-11 – 7-19-11)

Section 305. Prohibitions.

(a) *Appointments and removals.* Neither the council nor any of its members shall direct or request the appointment of any employee by the city manager or by any of his/her subordinates, or in any manner take part in the appointment or removal of any employee of the city. Except for the purpose of inquiry, the council and its members shall deal with the employees of the city solely through the city manager and neither the council nor any member thereof shall give orders to any employee of the city either publicly or privately. Any council member violating the provisions of this section, shall be guilty of a 2nd degree misdemeanor and upon conviction thereof shall cease to be a council member.

(b) *Holding other office.* No former elected city official shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which elected.

(c) *Personal interest in city contracts.* No member of the council, nor any officer or employee of the city, shall have a financial interest, direct, indirect or through ownership of stock in any closely held corporation, in any contract with the city, or in the sale to the city or to a contractor supplying the city any property of any kind, or rights or interest therein or any services of any kind. Any willful violation of this section shall constitute a misdemeanor in the 2nd degree, and any officer or employee of the city found guilty thereof shall forfeit the office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the city shall render the contract voidable by the city manager or the council.

(Ord. No. 85-33, §§ 1, 2, 1-7-86; Ord. No. 97-2, § 7, 1-21-97; Ord. No. 2005-06, § 3, 5-3-05)

Section 306. Vacancies; Filling of Vacancies.

(a) *Vacancies.* A member's seat on the council automatically becomes vacant when such member:

- (1) Fails to attend three (3) consecutive meetings or a total of six (6) regular meetings in a twelve (12) month period, other than work sessions, unless a majority of the other council members vote to excuse any such absences.
- (2) Dies;
- (3) Resigns;
- (4) Fails to meet qualifications; or
- (5) Is removed from office in any manner authorized by law.

(b) *Filling of vacancies.* If a seat on the council becomes vacant, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the council; provided however, if during such term a general election is scheduled and held, the vacancy shall be subject to being filled in the general election for the remainder of the term following the election, if a properly qualified candidate for such office files for said office in accordance with this charter. If two (2) or more seats on the council should become vacant at once, the city clerk shall call a special election of council members to serve for the remainder of the unexpired terms of said council members; provided however, that if a general election for council members is to be held not more than seventy (70) days after the occurring of such vacancies, such a special election need not be held, and the council members elected at the general election shall take office forthwith, following said election.□

(Ord. No. 97-2, § 8, 1-21-97; Ord. No. 97-3, § 1, 1-21-97; Ord. No. 2004-15, § 1, 12-21-04; Ord. No. 2005-06, § 4, 5-3-05 – Ord. 2011-11 – 7-19-11)

Section 307. Procedure.

(a) *Meetings.* The council shall meet regularly on the first and third Tuesdays of each month, unless the council determines that any particular meeting should be canceled. In the event any regularly scheduled meeting falls on a holiday, council may reschedule such meeting at its option. In case of an emergency, or as the mayor deems advisable, a special meeting may be called by the mayor. A special meeting must be called by the mayor when requested by three (3) council members.

(b) *Rules and record.* The council shall determine its own rules and order of business. It shall keep a record of all its proceedings and the record shall be open to public inspection.

(c) *Voting.* On final passage, voting on ordinances and resolutions shall be by roll call and shall be recorded in the minutes. A majority of the council shall constitute a quorum. The affirmative vote of the majority of the council present shall be necessary to enact any ordinance or adopt any resolution, unless otherwise provided by law or this charter. No action shall be taken unless a quorum is present.

(d) *Independent annual audit.* Prior to the end of each fiscal year the council shall designate a licensed, certified public accountant in accordance with state law who, at the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government and shall submit their report to the council and to the city manager. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city administration and any separate or subordinate accounts kept by any other office, department or agency of the city government.

(Ord. No. 85-34, §§ 1, 2, 1-7-86; Ord. No. 97-2, § 9, 1-21-97 Ord. 2011-11 7-19-11)

Section 308. Officers.

The following officials shall be appointed by the council and they shall serve at the pleasure of the council for such compensation as may be set by council:

- (a) City manager;
- (b) City clerk;
- (c) City attorney.

Section 309. Ordinances and Resolutions in General.

(a) *Procedure.* All proposed ordinances shall be adopted, and notice thereof provided, in accordance with state law, as applicable. By appropriate ordinance, City council may establish additional procedural requirements for the adoption of ordinances. The terms "ordinance" and "resolution" shall have the meanings provided by state law.

(b) *Amendments.* After the second reading of any ordinance requiring two (2) or more readings, the council may finally pass such ordinance with any amendment, unless such amendment changes the subject matter of the ordinance. If the subject matter of the ordinance is changed by the amendment, additional readings of the ordinance shall be conducted, as required by applicable law.

(c) *Effective date and recording.* All ordinances and resolutions passed by the council shall become effective upon passage or as otherwise provided therein. Every ordinance or resolution shall, upon its final passage, be recorded in a book, kept for that purpose, and shall be signed by the mayor and the city clerk.

(d) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the council shall be by ordinance which:

- (1) Establish, alter or abolish any city department or agency;
- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charges for municipal services or granting administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations in the constitution, the general law of the state, and this charter;
- (7) Authorize the sale of any real property;
- (8) Authorize the lease of any real property.

(e) *Continuing revision.* The council shall provide for the continuing revision, codification and publication in book form of all the general and permanent ordinances of the city, with copies available to the public at reasonable cost. Copies of the state laws referred to in this section shall be made available to the public upon payment of the cost of duplicating such materials, in accordance with applicable state law.

(Ord. No. 85-35, §§ 1--5, 1-7-86; Ord. No. 85-46, § 1, 1-7-86; Ord. No. 97-2, § 10, 1-21-97 Ord. 2011-11 – 7-19-11)

Section 310. Emergency Ordinances.

Emergency ordinances may be adopted in accordance with the provisions of state law to protect the public health, safety and welfare. Every emergency ordinance, except emergency appropriations, shall automatically stand repealed sixty (60) days after the date on which it was adopted, unless the same is re-enacted in accordance with applicable law.

(Ord. No. 85-36, §§ 1, 2, 1-7-86; Ord. No. 97-2, § 11, 1-21-97; Ord. No. 2005-06, § 5, 5-3-05)

Section 311. Emergency Appropriations.

(a) *Available unappropriated revenues.* At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety and welfare. Such appropriation shall be by resolution adopted by the favorable vote of at least four-fifths (4/5) of the members of council, and shall be made only upon recommendation of the city manager.

(b) *No available unappropriated surplus.* The council may make emergency appropriations in the manner provided in this section. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency bonds, as defined by State Law, which may be renewed from time to time, but the emergency bonds and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(Ord. No. 97-2, § 12, 1-21-97 Ord. 2011-11 – 7-19-11)

Section 312. Budget Adoption and Fiscal Year.

The council shall by ordinance adopt the annual budget on or before the first day of October of each year in accordance with Article III, Section 309. The fiscal budget and accounting year shall begin on the first day of October and shall end on the last day of September of each calendar year.

Section 313. Creation of New Departments or Offices.

The council by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.

(Ord. No. 85-37, § 1, 1-7-86; Ord. No. 85-46, § 2, 1-7-86)

Section 314. Charter Amendment.

(a) Amendments to this charter which require a referendum election may be framed and submitted to the electors of the city by the city council or by the registered electors of the city in accordance with applicable state law. Amendments proposed by petition of the registered electors, in accordance with state law, shall be filed with the city clerk no less than one hundred twenty (120) days, nor more than one hundred eighty (180) days prior to the next general municipal election. The city clerk shall submit said petition to the supervisor of elections to verify the signatures thereon, in accordance with state law and at the expense of the person, group or organization submitting the petition. Such person, group or organization shall register as a political committee, if required to do so by state law. The council shall, in accordance with its regular council meeting schedule, provide by ordinance for submitting such proposed amendment to a vote of the electors at the next general municipal election, so long as the verification of the required petition signatures is provided by the supervisor of elections at least ninety (90) days prior to said election. City council may frame an appropriate ballot question from the petition, as necessary in its discretion. In the event such verification is not timely provided, or such petition is defective in any other manner, the issue framed by said petition shall not be placed on the next general municipal election ballot. If a proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein. The city council may also provide for amendment of this charter by ordinance, without a referendum election, to the extent allowed by law.

(b) At least once every ten (10) years, the council shall cause this charter to be reviewed for possible amendments.

(Ord. No. 85-38, §§ 1, 2, 1-7-86; Ord. No. 97-2, § 13, 1-21-97 Ord. 2011-11 – 7-19-11)

ARTICLE IV. ADMINISTRATIVE

Section 401. City Manager.

There shall be a city manager who shall be the chief executive officer and the head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all city affairs placed in the city manager's charge by or under this charter.

Section 402. Appointment; Qualifications; Removal; Compensation.

(a) Appointment. The council shall appoint a city manager for an indefinite term by a majority vote of its members.

(b) Qualifications. The city manager shall be chosen by the council solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice with respect to the duties of the office as herein set forth. At the time of appointment, the city manager need not be a resident of the city or state, but during the tenure of office the city manager shall reside within the city, unless otherwise suspended by an affirmative vote of four (4) or more council members.

(Ord. No 97-2, 1-21-97; Ord. No. 2009-13, 10-6-09)

Section 403. Acting City Manager.

By letter filed, electronically or otherwise, with the council, city clerk and department of directors, the city manager may, from time to time, designate a qualified administrative officer of the city, to perform the city manager's duties during any temporary absence not to exceed 30 In the event the city manager fails to make such a designation, the city council may, by resolution, appoint an officer of the city to perform the duties of the city manager until the city manager shall return or the city manager's disability shall cease. The council may appoint an acting city manager in the event the office of the city manager becomes vacant or in the event the city manager is absent from the office for a continuous thirty (30) day period.

(Ord. No. 85-39, § 1, 1-7-86; Ord. No. 97-2, § 15, 1-21-97; Ord. No. 2005-06, § 6, 5-3-05 Ord. 2011-11 7-19-11)

Section 404. Powers and Duties of the City Manager.

The city manager shall:

- (a) Appoint and, when necessary for the good of the city, remove any employee of the city, except as otherwise provided by this charter, and may authorize the head of a department or office to remove subordinates in such department or office;
- (b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
- (c) Attend all council meetings and have the right to take part in discussion, but may not vote;
- (d) See that all laws, provisions of this charter and acts of the council, subject to enforcement by the city manager or by employees subject to the city manager's discretion and supervision, are faithfully executed;
- (e) Prepare the budget annually and submit it to the Council on or before July 15, and be responsible for its administration after adoption;
- (f) Prepare and submit to the council a complete report on the finances and administrative activities of the city for the preceding fiscal year including, without limitation, the employee pay and classification plan and the Purchasing Manual.
- (g) Make such other reports as the council may require concerning the operations of the city departments, offices and agencies which are subject to the city manager's direction and supervision;
- (h) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable;
- (i) Sign agreements on behalf of the city pursuant to the provisions of appropriations ordinances;
- (j) Submit annually to the council, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the city manager are necessary or desirable to be constructed during the forthcoming five year period, such list to be arranged in order of preference with recommendations as to which projects shall be constructed in which year;
- (k) Attend, personally or through a designee, meetings of the planning and zoning board and the board of adjustment in an advisory capacity only and shall not have a vote in its deliberations; and

(l) Perform such other duties as may be prescribed by this charter or required by the council, not inconsistent with this charter.
(Ord. No. 85-40, § 1, 1-7-86; Ord. No. 97-2, § 16, 1-21-97; Ord. No. 2005-06, § 7, 5-3-05)

Section 405. Supervision of Departments; Exemptions.

(a) *Supervision of departments.* Except as otherwise provided in this charter or by general law, the city manager shall be responsible for the supervision and direction of all departments, agencies or offices of the city. All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an employee appointed by and subject to the direction and supervision of the city manager. With the consent of the council, the city manager may serve as head of one or more of such departments, offices or agencies or may appoint one person as the head of not more than two (2) of the then existing departments.

(b) *Exemptions.* The city clerk and the city attorney shall be exempt from all provisions herein relative to supervision and control by the city manager and shall be responsible only to the council. Subordinate staff of the city clerk and city attorney shall not be subject to supervisory control by the city manager. Such subordinate staff that are employees of the city shall be subject to all rules, regulations and policies of the city applicable to employees of the city, which shall be enforced by the city clerk or city attorney supervising said employee.

(Ord. No. 97-2, § 17, 1-21-97; Ord. No. 2005-06, § 8, 5-3-05)

Section 406. Personnel System.

Appointments and promotions in the administrative service of the city shall be made according to merit and fitness, in accordance with the personnel procedures and rules which have been adopted by the council.

(Ord. No. 97-2, § 18, 1-21-97; Ord. No. 2008-04, § 2, 4-15-08 Ord. 2011-11 7-19-11)

ARTICLE V. QUALIFICATIONS AND ELECTIONS

Section 501. Election; Special Election; Definition of Qualified Elector.

The general election of council members shall be held on a Tuesday in March in each year, as determined by the council. In even-numbered years the council members from the odd-numbered wards in the city shall be elected. In odd-numbered years the council members from the even-numbered wards in the city shall be elected. The council may, by resolution, order a special election as authorized under this Charter. The term "qualified elector" as used in this Charter, shall mean a citizen having the qualifications required by law to vote in the city, who is, at the time, registered to vote. Any special election of the council shall be held as nearly as practicable according to the provisions for a regular election.

(Ord. No. 85-27, § 1, 1-7-86; Ord. No. 97-2, § 19, 1-21-97; Ord. No. 99-1, § 1, 1-19-99; Ord. No. 2003-19, § 1, 11-4-03; Ord. No. 2004-15, § 3, 12-21-04; Ord. No. 2005-06, § 9, 5-3-05)

Section 502. Wards.

The council shall divide the city into four (4) wards to be designated numerically, which division into wards the council may at any time alter or change as it deems best, provided an

equitable population distribution is maintained. This distribution shall be reviewed each year that federal census population data for the city is provided to the city following each federal census conducted, or sooner as the city council may elect.
(Ord. No. 97-2, § 20, 1-21-97 Ord. 2011-11 7-19-11)

Section 503. Promulgating Policies.

The council shall make all policies which it considers needful or desirable, not inconsistent with the charter, for the conduct of municipal elections, for the prevention of fraud in elections, and for the recount of votes in cases of doubt or fraud. Municipal elections shall be conducted under the authority of the council.
(Ord. No. 97-2, § 21, 1-21-97)

Section 504. Qualifications.

One council member shall be nominated from each of the four (4) wards within the city. All council members shall be residents of their ward for at least one (1) year prior to the date of qualification in order to be a candidate for council member of that ward. The mayor shall be a resident of the city for at least one (1) year prior to the date of qualification in order to be a candidate for mayor. Candidates for the office of mayor or council member shall qualify by filing, within the specified time period, candidate petition cards, and other qualifying forms and fees, and accomplishment of those procedures required by the applicable provisions of the Florida Statutes and the City's election code.

No individual may qualify as a candidate for a public office in the city whose name appears on the same or another ballot for another public office, whether federal, state, county or municipal, the term of which or part thereof runs concurrently to the term of office for which he or she seeks to qualify. This prohibition does not apply to political party offices.

No individual may qualify as a candidate for a public office in the city who holds another elective or salaried appointed public office, whether state, federal, county or municipal, including with the City of Gulfport, when the term, or any part thereof, runs concurrently to the term of office for which the individual seeks to qualify, without resigning from such office, to the extent and in the manner required by state law.

The council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require the production of records, but the decision of the council is subject to review by the courts.
(Ord. No. 97-2, § 22, 1-21-97; Ord. No. 2003-21, § 1, 11-18-03 Ord. 2011-11 7-19-11)

Section 505. Nominations; General Election.

- (a) Any qualified elector desiring to run for the office of mayor or council member shall file with the city clerk at any time after 8:30 a.m. of the first day of qualifying, which shall be the first Monday in December, nor later than 12:00 Noon on the final day of qualifying, which shall be the second Monday of December prior to the election, petition cards signed by no less than ten (10) qualified electors who, in the case of mayor, reside within the city at large and which electors, in the case of council member, reside in and are qualified electors of the ward in which the candidate for council member resides.

- (b) The candidate for each office receiving the highest number of votes cast for said office shall be declared elected. Any unopposed candidates' names shall not be placed on the general election ballot and said unopposed candidates shall be declared elected and no election for that office shall be required. There shall be no provision for write-in candidates.
- (c) In the event that one or more candidates who have qualified for office dies, withdraws or is removed from the ballot for any reason, after the qualifying period has expired, leaving fewer than two (2) candidates for any office, the qualifying period shall be re-opened to allow additional candidates to qualify for an additional period of one (1) week. A special election for those positions to which this provision applies shall be conducted, scheduled by City Council, unless only one (1) candidate remains qualified. Any unopposed candidate for such special election shall be deemed elected, even if all other candidates have died, withdraw or have been removed from the ballot for such special election, after the re-opened qualifying period expires.

(Ord. No. 85-28, § 2, 1-7-86; Ord. No. 97-2, § 23, 1-21-97; Ord. No. 2002-22, §§ 1--3, 1-7-03; Ord. No. 2003-01, § 1, 1-16-03; Ord. No. 2003-19, § 2, 11-4-03; Ord. No. 2005-06, § 10, 5-3-05 Ord. 2011-11 – 7-19-11)

Section 506. Council Ballots.

- (a) The names of all candidates nominated for the council as hereinbefore provided, except those that are unopposed, have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations. If two (2) candidates, with the same surnames or with names so similar as to be likely to cause confusion are nominated, the addresses of the places of residence shall be placed with their names on the ballot.
- (b) The names of the candidates shall appear on the ballot by their surnames arranged in the order determined by lot conducted by the city clerk. The council may adopt rules of procedure for the conduct of such lot.

(Ord. No. 97-2, § 24, 1-21-97; Ord. No. 2005-06, § 11, 5-3-05)

Section 507. Election of Councilmembers.

All members of the Council shall be elected from the city at large. Every elector shall be entitled to vote for one of the candidates from each of the wards in the city and for one of the candidates for mayor, as provided on the official ballot. If the highest number of votes cast for any candidate for any council seat is the same for two (2) or more candidates for said seat, a special election shall be held between said candidates.

(Ord. No. 85-29, § 1, 1-7-86; Ord. No. 97-2, § 25, 1-21-97; Ord. No. 2005-06, § 12, 5-3-05)

Section 508. Voting Machines.

The council shall have power to provide for the use of mechanical or other devices for voting or counting votes in accordance with the principles set forth in this charter. For this purpose the council may fix and modify the form of the ballot, the method of expressing choices and the arrangements for conducting the election and the count, but no changes shall be made which will alter or impair the principles of the voting or of the counting.

Section 509. Public Supervision and Information.

At each election of the council, any regularly nominated candidate shall be entitled, upon written application to the city clerk prior to noon of the 10th day preceding the election, to appoint one (1) person and one (1) alternate, other than said candidate, to represent him/her as watcher and challenger at each polling place. Any person so appointed shall have all the rights and privileges prescribed by law for other watchers and challengers at any election in the same place, but a watcher and his/her alternate shall not have the right both to remain within the polling place at the same time. Such watchers and challengers may exercise their rights at the voting places, so long as they do not interfere in the conduct of the election, until all of the votes have been cast and the results thereof have been tabulated on the tally sheets by the election officers.

(Ord. No. 85-30, §§ 1, 2, 1-7-86; Ord. No. 97-2, § 26, 1-21-97; Ord. No. 2005-06, § 13, 5-3-05)

Section 510. Recall.

The qualified voters of the city shall have the power to recall and to remove from office any elected official of the city, as provided by Florida law.

(Ord. No. 97-2, § 27, 1-21-97)

ARTICLE VI. CITY CLERK

Section 601. Appointment.

The council shall appoint an officer who shall have the title of city clerk.

Section 602. Powers and Duties.

The city clerk shall be head of the department of records and custodian of all official records of the city and shall be responsible for the proper administration of all affairs concerning records of the city placed under the city clerk's authority under this charter or by ordinance. The city clerk shall:

- (a) Give notice of council meetings to its members and the public and shall keep a record of council proceedings which shall be a public record.
- (b) Be custodian of all records, documents and papers of the city which are not administrative in character or which are not the responsibility of the city manager.
- (c) Attest all agreements to which the city is a party, requiring city council approval and as otherwise appropriate.
- (d) Be the custodian of the corporate seal of the city and be authorized to use it for and on behalf of the council.
- (e) Be responsible for the records retention program in accordance with Florida law and be authorized to microfilm such records and destroy such records in accordance with the schedule of the Florida Division of Archives, History and Records Management.
- (f) Supervise the city elections.
- (g) Be responsible for the supervision of all city clerk department personnel.
- (h) Administer oaths as necessary.
- (i) Insure that all records of the clerk's office are open for inspection during business hours.

(j) Attend, either personally or through a designee, all meetings of the council and such other boards as may be designated by the council and keep a true and correct record of all proceedings.

(k) Prepare the agenda for all council meetings, and shall post such agenda on the bulletin board at the city hall at least forty-eight (48) hours prior to each of said meetings, unless city council otherwise provides due to the exigency of the circumstances.

(l) Submit to the finance department, as soon as reasonably possible, all monies of the city received by the city clerk.

(m) Be responsible for the original zoning map and changes thereto.

(n) Perform such other duties as may be required by the council, as well as other duties as required by ordinance or law.

(Ord. No. 85-41, § 1, 1-7-86; Ord. No. 97-2, § 28, 1-21-97; Ord. No. 2005-06, § 14, 5-3-05)

Section 603. Deputy Clerk.

The city clerk may appoint and replace any number of deputy city clerks authorized by the city council, who shall assist in the performance of the duties of the city clerk. The city clerk shall be solely responsible for evaluations, pay raises, supervision, discipline, and other such matters pertaining to deputy city clerks, in accordance with the personnel procedures and rules of the city. By letter filed, electronically or otherwise, with the city council, city manager and department directors, the city clerk shall, from time to time, designate an acting city clerk from among said deputy city clerks, to perform the duties of the city clerk during any temporary absence or disability of the city clerk.

(Ord. No. 97-2, § 29, 1-21-97; Ord. No. 2005-06, § 15, 5-3-05)

Section 604. Compensation.

The compensation of the city clerk shall be fixed by the council.

ARTICLE VII. CITY ATTORNEY

Section 701. Appointment and Compensation.

a. The council shall appoint a city attorney, who shall be an attorney at law admitted to practice in the courts of Florida. The council may appoint such assistant city attorneys as it may deem necessary after consultation with the city attorney.

b. The compensation of the city attorney shall be fixed by the city council.

c. The city attorney shall attend all regular and special city council meetings.

(Ord. No. 97-2, § 30, 1-21-97; Ord. No. 2005-06, § 16, 5-3-05)

Section 702. Duties.

The city attorney shall:

(a) Serve as legal advisor to and attorney for the city, the council, and all of its officers and boards in matters relating to their official duties.

(b) Prosecute and defend, for and in behalf of the city, all complaints, suits and controversies in which the city is a party, unless otherwise decided by council.

(c) Prepare or review all proposed ordinances and resolutions of the city.

(d) Approve as to form and legal sufficiency all contract documents, agreements and other legal instruments affecting or pertaining to the city.

(e) Perform such other legal services as requested by the council.
(Ord. No. 97-2, § 31, 1-21-97 Ord. 2011-11 7-19-11)

ARTICLE VIII. BOARDS AND COMMISSIONS

Section 801. Planning and Zoning Board.

There shall be a planning and zoning board, whose members shall serve without compensation. The city council shall by ordinance prescribe the powers and duties of said board, provide criteria for membership and terms of appointment of board members, and such other matters consistent with this charter or general law.
(Ord. No. 97-4, § 1, 1-21-97)

Section 802. Board of adjustment.

There shall be a board of adjustment, whose members shall serve without compensation. The city council shall by ordinance prescribe the powers and duties of said board, provide criteria for membership and terms of appointment of board members, and such other matters consistent with this charter or general law.
(Ord. No. 97-5, § 1, 1-21-97)

Section 803. Other Boards, Committees and Commissions.

The council may appoint by ordinance or resolution additional boards, committees or commissions the council deems necessary for the proper conduct of city business. Boards, committees and commissions of a permanent nature shall be appointed by ordinance. Boards, committees and commissions of a temporary nature shall be appointed by resolution.

ARTICLE IX. BORROWING

Section 901. Borrowing.

The city shall have the power to borrow money for short term or long term periods as allowed under applicable state law.
(Ord. No. 97-2, § 32, 1-21-97)

ARTICLE X. GENERAL PROVISIONS

Section 1001. Investigations.

The council, the city manager or any person or committee authorized by either of them shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.

Section 1002. Official Bonds.

Such officers or employees as the council may by resolution require so to do, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

Section 1003. Service Charges.

The city shall have power to purchase gas, water or electricity from any person, firm or corporation, to be resold to the residents in or outside of the city, at such rates as the council shall fix by ordinance, and shall have the power to contract for municipal services.

(Ord. No. 97-2, § 33, 1-21-97)

Section 1004. Severability.

If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

(Ord. No. 97-2, § 33, 1-21-97)

Section 1005. Improvements, Financial Limitation.

The city council shall not commit the city to any improvement requiring the expenditure of general fund revenue, other than insurance proceeds, in excess of five hundred thousand dollars (\$500,000.00) for any separate improvement or project, unless approved by a vote of a majority of the qualified electors of the City voting thereon in a referendum election.

(Ord. No. 92-1, § 1, 1992; Ord. No. 97-2, § 33, 1-21-97; Ord. No. 2004-15, § 5, 12-21-04)