

**City of Tallahassee
Charter Review Committee Agenda
February 1, 2024, 6:00 p.m.
Tallahassee Room**

- | | |
|--|---------------|
| 1. Opening Remarks | Chair Mustian |
| 2. Public Comment | Chair Mustian |
| 3. Approval of Minutes – January 25, 2024 | Chair Mustian |
| 4. Meeting Schedule | Chair Mustian |
| 5. Function 1: Number of Electors
(Charter Sec. 9) | Chair Mustian |
| 6. Function 2: Commission Compensation
(Related Laws Sec. 1-1) | Chair Mustian |
| 7. Function 3: Method of Election – Primary or General
(Charter Sec. 120) | Chair Mustian |
| 8. Function 4: Periodic Charter Review Requirement
(Charter Sec. 134) | Chair Mustian |
| 9. Committee Discussion | Chair Mustian |
| 10. Adjourn | Chair Mustian |

City of Tallahassee Charter Review Committee Minutes

January 25, 2024

The Charter Review Committee met on January 25, 2024, at 6:00 p.m. in the Tallahassee Room, 2nd floor, City Hall.

Members Present: Elaine Bryant, Sha’Ron James, Bugra Demirel, Beth Corum, Bruce Strouble, Ernie Paine, Jared Willis; Chantelle Dorsey.

Members Absent: Mark Mustian, Howard Kessler

Staff Present: City Treasurer-Clerk Jim Cooke, City Attorney Amy Toman, Records Administrator Matt Lutz, Meeting Coordinator Angela Ivy, IT Support Analyst David Givens.

Vice Chair Bryant called the Charter Review Committee (CRC) meeting to order at 6:00 p.m. A quorum was present.

Approval of Minutes

Beth Corum moved to **approve the January 16, 2024, CRC minutes**. Upon second by Chantelle Dorsey, the vote was **unanimous in favor thereof**.

Charter Presentation by Florida League of Cities

City Treasurer-Clerk Cooke introduced Ms. Lynn Tipton, Director of Florida League of Cities University, provided a brief presentation on municipal charters in Florida including the history, purpose, common elements and characteristics, forms of municipal government, comparisons to other Florida cities, best practices, and trends.

Public Comment:

- Stanley Sims, 1320 Avondale Way, inquired about the qualifications of CRC members and potential conflicts of interest.
- Ben Wilcox, President, Citizens Coalition for Ethics Reform, thanked staff for the materials provided, and requested that “public comments” be listed on future CRC agendas.

Function 1: Number of Electors (Charter, Sec. 9)

Public Comment:

- Stanley Sims, 1320 Avondale Way, to express concern about diversity and representation on the City Commission, recommended implementing districts and at-large seats, similar to the Leon County Board of County Commissioners (BOCC).
- Will Crowley, address not provided, to express opposition to expanding the size of the Commission and opposition to creating single-member districts.
- Margret Moore, 1910 Monticello Dr., to express concern with the cottage industries that surround political campaigns and expressed opposition to expanding the size of the City Commission.
- Adner Marcelin, 122 S. Calhoun St., to express concern with the Charter review moving forward with minimal public input and encouraged the CRC to personally engage citizens and solicit community feedback before recommending any changes.

Mr. Jared Willis moved to **direct the City to provide additional options for public comment.** Upon second by Ms. Sharon James, the vote was **unanimous in favor thereof.**

The Committee discussed the process for receiving public comment, deliberation, and the timing of a vote on each function. City Treasurer-Clerk Cooke indicated the Office of the Treasurer-Clerk would serve as a conduit for public comment and staff would make the several emails recently received part of the official record of the committee's activities.

Mr. Jared Willis moved to **deliberate items on the date agendaed and set a time-certain for the final vote at the end of the discussion.** Ms. Beth Corum seconded the motion. Following Committee discussion, City Attorney Toman confirmed that process and noted that while Florida law required bodies to take public comment ahead of a vote, it was not necessary for input to be taken at the same meeting where the final action occurs. **Mr. Jared Willis withdrew his motion. Ms. Beth Corum withdrew her second.**

The Committee agreed that the vote on Functions 1 and 2 (Size of the Governing Body and Salaries), would occur not sooner than Feb. 8, 2024.

Regarding Function 1, the Committee discussed various factors in considering the size of the City Commission including population, magnitude of the city budget, the responsibilities of the Commission, and the importance of balanced representation reflective of local demographics and the complexities of Tallahassee.

Public Comment – continued:

- Will Crowley, address not provided, to express frustration with the influence of financial contributions which he believed served to silence grassroots, community led efforts to effect change.
- Stanley Sims, 1320 Avondale Way, to express his uncertainty for the appropriate size of the City Commission, and expressed his desire for an efficient body that would address unethical and unprofessional activities in city government.
- Kristellys Estanga, 308 N Dellview Dr., to express frustration with the City Commission history of taking public comment but voting against initiatives proposed by citizens.

Function 2: Commission Compensation (Related Laws Sec. 1-1)

Public Comment:

- Margaret Moore, 1910 Monticello Dr., to express support for raising salaries for the four Commission seats to be similar to that of the mayor and county commissioners.

Regarding Function 2, the committee discussed the history and rationale of current city commission salaries, the state statute which governs county commissioners' pay, as well as the workload, demands, and time expectations for city commissioners; challenges in attracting passionate, qualified candidates to run for office with the existing compensation; and clarifying the purpose of the compensation as either a living wage or for the time commitment expected of commissioners to represent their constituency.

Public Comment – continued:

- Adner Marcelin, 122 S. Calhoun St., to request clarification if the position of city commissioner was full- or part-time employment, cost of living versus merit increases, and the impact on other City employees whose compensation was comparable to or less than a commissioner.
- Stanley Sims, 1320 Avondale Way, to express that compensation should be clarified in ordinance rather than the Charter and encourage an external analysis of compensation every four years plus consideration for other City employees' salaries.
- Margaret Moore, 1910 Monticello Dr., to suggest that compensation be based on annual financial disclosure filings (i.e. different salaries for each commissioner based on wealth), and consider outside employment plus the level of involvement in the community by the Commissioner.
- Will Crowley, address not provided, to express support for increasing Commissioner compensation to encourage the average person to run for office.

CRC members requested the following information to further facilitate deliberations and increase citizen participation: provide an online portal for citizens to submit input to the CRC, correct Webex connectivity issues, provide information on the models implemented by other cities regarding elected officials' compensation, research the County Charter to determine if it declares county commissioners as full or part time, provide the median and mean salary of fulltime city employees, and investigate the possibility of a live broadcasting option of future CRC meetings.

Ms. Beth Corum moved to **receive public comment on Functions 1 & 2 and vote no sooner than Feb. 8, 2024**. Upon second by Mr. Jared Willis, the vote on the motion was **unanimous in favor thereof**.

Mr. Ernie Paine moved to **agenda Functions 3 & 4 for the Feb. 1, 2024, meeting**. Upon second by Mr. Jared Willis, the vote on the motion was **unanimous in favor thereof**.

The meeting adjourned at 8:18 p.m.

THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF TALLAHASSEE
2024 CHARTER REVIEW COMMITTEE**

**Issue No. 2
Full-Time Position / Salary**

SALARY MODELS

At the Committee's meeting on January 25, members information on what salary models or methodologies other cities utilize. Below is a synopsis of models that could be identified.

Other Large Florida Cities (cities w/ populations 120K – 460K)

	<u>City</u>	<u>Population (2022 est.)</u>	<u>Commissioner Pay</u>	<u>Mayoral Pay</u>	<u>Model</u>
1	Miami	459,224	\$58,200	\$97,000	Set in the City Charter (s. 4(h)). Fixed salaries w/ no mechanism for annual adjustments. Salaries have been stagnant since 2003.
2	Tampa	401,512	\$52,060	\$175,600	The City Charter (s. 6.06) specifies no specific salary and declares salaries of all "officers" to be set by vote of the Council (minimum of 4 votes). Salaries have been in effect for at least a few years. COT staff could not determine the date of last adjustment.
3	Orlando	321,904	\$76,300	\$245,000	The City Charter (s. 16) specifies the salary of the mayor and commissioners shall be set by motion & vote of the commission, with the mayor having a vote thereon.
4	St. Petersburg	264,220	\$65,000	\$240,511	The City Charter (s. 4.02) specifies the Council will set the mayor's salary. The Charter is silent as to how Council's salaries will be fixed. Per the City Clerk, the current process is HR will calculate the mayor's salary; the council's salary is set by vote of the council, which are reviewed annually (presumably via inclusion in the annual budget).
5	Hialeah	228,206	\$2,500 + \$41,500 exp acct	\$150,000 + \$40,000 exp acct	The City Charter (s. 2.01(e)) fixes the salary of the mayor to \$150K plus a \$40K expense account, representing cumulative compensation. There appears to be no mechanism to adjust the mayoral compensation going forward. As to the Council, the Charter (s. 2.02(e)) states the council, in the annual budget process, will set the salary of the city council.

6	Port St. Lucie	224,916	\$65,100	\$100,200	<p>The City Charter (s. 3.04) specifies the Council is to set salaries via ordinance. Salaries cannot be modified in 6 months prior to an election, and any salary changes do not take effect until after the next regular election.</p> <p>Since 2022, via ordinance, their mayor is paid equal to a county commissioner. Their council's pay is set via a mathematical formula tied to city-county population: (city population \ county population) x mayoral salary.</p> <p>In essence, this model is very similar to Tallahassee.</p>
7	Cape Coral	208,053	\$41,900 + \$40,000 CRA stipend	\$47,370 + \$60,000 CRA stipend	<p>Salary set via the City Charter (s. 4.08) which set a base pay eff. Jan. 2017. Thereafter, increases are provided annually according to the Social Security COLA.</p> <p>In late 2023, the Council granted a stipend, set annually via resolution at the annual reorganization meeting, to provide additional compensation to CRA board of directors service. Their city council are the CRA directors. The basis of the stipend derives from Ch. 163, F.S., not via the City Charter or Ordinances.</p>
8	Tallahassee	200,289	\$48,030	\$96,061	<p>Per the City Charter, s. 340, Commissioners are paid one-half the salary of a Leon County Commissioner. The Charter specifies the Commission shall, by ordinance, set the mayor's salary to an amount not less than one-half and not more than the salary of a Leon Co. Commissioner. Per Ordinance 97-O-0057, the mayor's salary is set equal to a Leon Co. Commissioners' salary. County Commissioner's salaries are set by state law (Ch. 145, F.S.) via a formula linked to county population.</p>
9	Fort Lauderdale	189,019	\$88,500	\$106,200	<p>Per City Charter (s.4.02), the Council may set salaries via adoption of a resolution, with the restriction that salaries cannot be adjusted within 8 months prior to the next election (i.e. Aug prior to a March election).</p> <p>Effective November 2020, a new pay resolution established a model very similar to Tallahassee's model. The model computes salaries annually, and sets council members salary equal to the Broward County median family income (MFI) per</p>

					HUD data for the Ft. Lauderdale urban area. The mayor is then paid 20% more than council members.
10	Pembroke Pines	171,309	\$47,306	\$89,400	The City Charter (s. 3.08) states the council will, via ordinance, establish the salaries of Mayor and Council. The Charter restricts the Mayoral pay increase to not more than 25% in any one year. Additionally, the ordinance must be passed at least 6 months prior to an election, and the new salaries are not effective until after the next election.
11	Hollywood	154,909	\$33,600	\$45,600	Salaries are not controlled by the City Charter. An ordinance (s. 32.02) specifies the salaries of mayor and council are to be set or amended via passage of a resolution. The most recent resolution (2017) provides for a base salary for that year, which is to then be adjusted annually by the amount of increase granted to general employees.
12	Gainesville	145,879	\$40,400	\$51,400	Salaries are not controlled by the City Charter. An ordinance (s. 2-66) sets the salaries of the commissioners to a fixed salary, which is then increased annually by the CPI adjustment for the southern US region. If general employees do not receive an increase, then commissioners similarly receive no increase. Note – Gainesville adopted the Tallahassee model in 2022. The newly adopted model would have resulted in a pay increase of approximately 50%. Before the change went into effect, it was repealed and they reverted back to the CPI adjustment method.
13	Miramar	138,237	\$46,675	\$55,910	Per the City Charter (s. 2.02), the council the power to “to fix the salary or compensation of all officers or employees.” Accordingly, council salaries are set via ordinance. The latest ordinance was passed in 2020 establishing a fixed salary and expense account, along with other emoluments. The expense account is \$12,500. No provision was included for any periodic adjustments. The prior ordinance was dated 2016.
14	Coral Springs	134,816	\$22,550	\$28,200	Set by the City Charter (s. 3.08), which provided for a base 2014 salary and expense account of \$2,400 - \$3,000. Their salary is then increased

					each Oct. 1 st via the CPI adjustment for the All Urban Consumers; US city average.
15	Palm Bay	126,748	\$12,750	\$25,450	Set by the City Charter (s. 3.03), the council is paid 10 cents per capita and mayor 20 cents. The pay is adjusted annually via the BEBR population charts, but with the constraint the increase is the lesser of: CPI, population increase, or increase provided to general employees.
16	Lakeland	120,279	\$32,650	\$48,950	Set by the City Charter (s. 18) which indicates, as of 2020, the commissioners and mayor would receive the same annual increase afforded to general employees. The mayor is also guaranteed a salary of not less than 150% of a council member's pay. Prior to 2020, the City Charter also noted salaries were set via the annual budget process. This aspect seems to have been erroneously omitted during a 2020 charter amendment. The present Charter still infers salaries are set as part of the budgetary process.
17	West Palm Beach	119,971	\$35,000	\$150,000	Per the City Charter (s. 2.02) the salaries of the mayor and commission are to be set via ordinance, and reviewed annually as part of the budget process.

ATTACHMENTS:

Attach A – Excerpts from City Charters, Ordinances, Resolutions, and supporting documents for the above cities.

(h) *Salaries of the mayor and commission.* Effective on November 4, 2003, there shall be paid to the city commissioners the sum of \$58,200, which is equal to sixty percent of the mayor's salary in effect on July 16, 2003. Such salary shall be paid per year for each commissioner, in twelve equal installments. The compensation of the mayor shall be determined by the commission.

Miami City Charter, s. 4(h)

Section 6.06. - Salaries.



The salary or salaries of officers of the city may be increased or decreased at any time by the concurrence of the mayor and a majority of no fewer than four votes of the entire city council, which concurrence shall be documented by resolution, or ordinance of the council recommended or approved in writing by the mayor.

(Ord. No. 2018-129, § 14, 8-23-18, election of 3-5-19)

[Tampa City Charter, s. 6.06](#)

Sec. 16. - Salaries of Mayor-Commissioner and City Commissioners.



- (1) The provisions of any other law, whether general, special, or local, to the contrary notwithstanding, the Mayor-Commissioner and each of the other City Commissioners, or the respective corresponding executive officers of each municipality in Orange County, shall be paid such annual salary as may be fixed from time to time by a majority vote of which the Mayor's vote shall be one, of the City Council or the respective corresponding municipal governing body of each municipality therein, and may be changed from time to time.
- (2) There shall be no expense allowances by the municipalities in Orange County for any of the above officials for any travel or other expenses for services rendered said municipality in said county.

(Laws of Fla. ch. 63-1724, § 2; Laws of Fla. ch. 70-838, § 1)

[Orlando City Charter, s. 16](#)

Sec. 4.02. - Compensation.

The compensation of the Mayor shall be fixed by the Council.

(Ord. No. 450-F, § 2, 9-25-1980, ratified 3-17-1981; Ord. No. 1012-F, §§ 8, 9, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993,

[St. Pete City Charter, s. 4.02](#)

(e) *Compensation.* The annual salary of city councilmembers shall be approved as an annual budgetary item. Under circumstances where the council president or other elected person pursuant to paragraph [2.01\(c\)](#) assumes the duties of the mayor, the council president shall receive the mayor's salary during the performance of the mayor's duties.

[Hialeah City Charter, s. 2.02\(e\) - Council salaries](#)

(e) *Compensation.* The annual salary of the mayor shall be established in the amount of \$150,000. The annual expense account of the mayor shall be established in the amount of \$40,000 to defray travel, per diem, meals and other travel-related expenses in connection with the duties of the mayor. The combined salary and the expense account shall be the total annual compensation of the mayor. The salary and expense account shall be provided in the annual budget adopted by ordinance.

(Ord. No. 2011-46, 7-26-2011/11-1-2011)

[Hialeah City Charter, s. 2.01\(e\) - Mayoral salary](#)

Sec. 3.04. - Compensation.



The City Council may determine the annual base salary of Councilmembers and the Mayor by ordinance and may further provide for annual automatic adjustments to the base salary so determined. No ordinance increasing the annual base salary shall become effective until the date of commencement of the terms of the Councilmembers elected at the next regular election, at which time the base salary increase shall become effective as to all of the Councilmembers and the Mayor, provided that such election follows the adoption of such ordinance by at least six (6) months.

(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)

[Port St. Lucie City Charter, s. 3.04](#)

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, ESTABLISHING THE SALARY OF THE MAYOR AND COUNCILMEMBERS; PROVIDING FOR REPEAL OF PREVIOUS ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Section 3.04 of the Charter of the City of Port St. Lucie, Florida (“City”), provides:

The City Council may determine the annual base salary of Councilmembers and the Mayor by ordinance and may further provide for annual automatic adjustments to the base salary so determined. No ordinance increasing the annual base salary shall become effective until the date of commencement of the terms of the Councilmembers elected at the next regular election, at which time the base salary increase shall become effective as to all of the Councilmembers and the Mayor, provided that such election follows the adoption of such ordinance by at least six (6) months.;

and

WHEREAS, the next election is scheduled for November 3, 2020; and

WHEREAS, the City Council last set the annual base salary in 2001 by Ordinance 01-46;

and

WHEREAS, according to the Florida Office of Economic and Demographic Research, the City’s population in 2001 was 92,493, and has more than doubled to 185,843 as of April 1, 2018; and

WHEREAS, the City Council hereby finds and declares the adoption of this ordinance is appropriate and in the public interest of the citizens of this community.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Mayor Salary. Effective upon the seating of the next City Council following the November 3, 2020, election, the City shall pay the Mayor of the City of Port St. Lucie, Florida, an amount equal to the salary paid to each St. Lucie County Commissioner as calculated pursuant to the salary formula set forth in Chapter 145, Florida Statutes.

Section 3. Councilmember Salary. Effective upon the seating of the next City Council following the November 3, 2020, election, the City shall pay the Councilmembers of the City of

Port St. Lucie, Florida, other than the Mayor, a percentage of the salary paid to the Mayor that is equal to the percentage of the City population as compared to the County population and calculated as follows:

$$\text{Councilmember Salary} = (\text{City Population} / \text{County Population}) \times \text{Mayor Salary}$$

The term “population” shall have the meaning set forth in Section 145.021, Florida Statutes.

Section 4. Repeal of Previous Ordinances. All previous ordinances pertaining to salary and compensation of the Mayor and Councilmembers are hereby expressly repealed effective at the close of business on the day preceding that of the seating of the next City Council following the November 3, 2020, election, including Ordinances 68-6, 69-3, 74-7, 81-31, 87-31 and 01-46.

Section 5. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 6. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2019.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney

§ 4.08. - Council and mayor; compensation, expenses.



- (a) Each city council member shall be compensated at the rate of \$32,600 per year. The Mayor shall be compensated at the rate of \$36,600 per year. The compensation of the Mayor and Council members shall be adjusted annually beginning in January, 2017, by the amount of the Social Security cost of living adjustment (COLA). The salaries shall be adjusted annually in the first pay period of each calendar year. (Ord. 22-15, 6-15-15; approved by referendum vote on November 3, 2015)
- (b) The council members and mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

[Cape Coral City Charter, s. 4.08](#)



AGENDA REQUEST FORM
CITY OF CAPE CORAL

Item Number: A.(8)
Meeting Date: 12/13/2023
Item Type: CONSENT AGENDA

TITLE:

Resolution 351-23 Approve establishing an annual stipend for the Mayor and City Council and the Community Redevelopment Agency Board of Commissioners

ORDINANCES AND RESOLUTIONS:

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution of the City of Cape Coral, Florida, establishing an annual stipend for the Mayor and City Council and the Community Redevelopment Agency Board of Commissioners, and providing for the Mayor and City Council Members to approve the annual stipend, which shall be established consistent with the enactment requirements delineated in Section 4.06(b) of the Cape Coral City Charter.

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

A resolution of the City of Cape Coral, Florida, establishing an annual stipend for the Mayor and City Council and the Community Redevelopment Agency Board of Commissioners, and providing for the Mayor and City Council Members to approve the annual stipend, which shall be established consistent with the enactment requirements delineated in Section 4.06(b) of the Cape Coral City Charter.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Aleksandr Boksner, City Attorney

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

City

Division- Department- Attorney

ATTACHMENTS:

Description	Type
1. Resolution 351-23	Backup Material

RESOLUTION 351 - 23

A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA, ESTABLISHING AN ANNUAL STIPEND FOR THE MAYOR AND CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF COMMISSIONERS, AND PROVIDING FOR THE MAYOR AND CITY COUNCIL MEMBERS TO APPROVE THE ANNUAL STIPEND, WHICH SHALL BE ESTABLISHED CONSISTENT WITH THE ENACTMENT REQUIREMENTS DELINEATED IN SECTION 4.06(b) OF THE CAPE CORAL CITY CHARTER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of Cape Coral, Florida (the "City") are duly Elected Officials of the City, and pursuant to Section 4.09 of the City Charter, all powers of the City shall be vested in the City Council and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations that are imposed on the City by law; and

WHEREAS, the Mayor and City Council are responsible for the governance of the City which includes, but is not limited to, creation and enforcement of laws, appropriation of the City's funds through adoption of the budget with fiduciary responsibilities as trustees of public funds, the creation of a strategic plan for the current needs and vision for future projections of the City, and a comprehensive plan for land-related decisions; and

WHEREAS, the City has been identified as one of the fastest growing cities in the country, which growth has been at a rate of nearly seven percent per year, thereby making the City the seventh largest in the State of Florida with a current population of 221,997; and

WHEREAS, a thorough comparison of similar sized cities within the State of Florida shows that the overall alternative and additional benefits that are afforded to the Mayor and Council Members of the City of Cape Coral are substantially lower than other Elected Officials in these comparable cities; and

WHEREAS, it has become a customary practice for these other cities to provide their Elected Officials with alternative and additional benefits in the form of car allowances, cell phone allowances, general expense allowances and monetary stipends; and

WHEREAS, Section 4.08 of the City Charter identifies the salaries of the Mayor and City Council Members as of 2017, with a mandatory provision for annual adjustments in accordance with the Social Security cost of living adjustment (COLA), along with actual and necessary expenses incurred in the performance of their duties of office; and

WHEREAS, the governmental functions, responsibilities and duties of the Mayor and City Council for the City have dramatically increased, which have evolved into a complex governmental operation that has surpassed those original obligations of the City's Elected Officials; and

WHEREAS, in response to these additional obligations, demands and time restraints, in order to satisfy their legal responsibilities and obligations as City Council Members, it has been evident that progressively more of their time and resources are required to meet these obligations and demands; and

WHEREAS, the Mayor and City Council Members shall serve as the Community Redevelopment Agency Board of Commissioners, and are entitled to the annual stipend pursuant to Section 163.356(3)(a) of the Florida Statutes, which authorizes each Commissioner to receive the annual stipend for their necessary expenses in the discharge of their duties as Commissioners to fulfil those responsibilities for the CRA; and

WHEREAS, the Mayor and City Council Members shall receive a monthly stipend, which monthly stipend is to address the individual Elected Official's governmental responsibilities and duties, which is neither set forth nor encapsulated within the recompense provision set forth in Section 4.08 of the City Charter, and will be deemed a supplemental benefit for the Mayor and City Council Members and the CRA Board of Commissioners; and

WHEREAS, the Annual Stipend must be approved by the Mayor and City Council Members pursuant to the established enactment requirements set forth within Section 4.06(b) of the City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council of the City of Cape Coral hereby approves a stipend for the Mayor in the amount of \$5,000 per month, which will be payable monthly, commencing on October 1, 2023.

SECTION 2. The City Council of the City of Cape Coral hereby approves a stipend for City Council Members in the amount of \$3,333 per month, which will be payable monthly, commencing on October 1, 2023.

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its adoption by the City Council for the City of Cape Coral City, Florida.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2023.

JOHN GUNTER, MAYOR

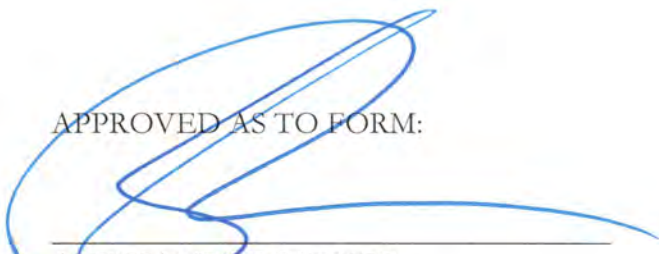
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	VACANT	_____
STEINKE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	CODSEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2023.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
res/Council Compensation



AGENDA REQUEST FORM
CITY OF CAPE CORAL

Item Number: A.(9)
Meeting Date: 12/13/2023
Item Type: CONSENT AGENDA

TITLE:

Approve an Amendment to Council Agenda Rules of Procedure, Section H

ORDINANCES AND RESOLUTIONS:

Approve Amendment to the Council Agenda Rules of Procedure, Section H, Organizational Meeting of Council, regarding setting and adjusting the amount of the annual stipend for the Mayor and City Council and the Community Redevelopment Agency Board of Commissioners.

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

Approve Amendment to the Council Agenda Rules of Procedure, Section H, Organizational Meeting of Council, regarding setting the amount of the annual stipend for the Mayor and City Council and the Community Redevelopment Agency Board of Commissioners.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Aleksandr Boksner, City Attorney

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department- City
Attorney

ATTACHMENTS:

Description	Type
Amended Council Rules	Backup Material

COUNCIL AGENDA RULES OF PROCEDURE

A. MEETINGS HELD; TIMES AND DATES

City Council holds meetings to accomplish the business of the City. Depending on the type of business to be conducted or timeliness of the business, meetings can be in the form of Regular meetings, Committee of the Whole meetings, or Special meetings. Each year, City Council shall approve a schedule of Regular meetings and Committee of the Whole meetings for the year. The schedule may be adjusted throughout the year by adding, deleting, or rescheduling Regular meetings and Committee of the Whole meetings upon the vote of City Council. Special meetings may be called for governmental efficiency, as set forth below.

Regular meetings are voting meetings where Council acts on items on the agenda and public hearings are held for ordinances and resolutions. Unless otherwise resolved, regular meetings of the Cape Coral City Council shall convene as set forth on the yearly calendar of City Council Regular and Committee of the Whole meetings adopted by Council prior to January each year. In the event the Council meeting day is a paid holiday recognized by the City, which includes New Year's Day, Martin Luther King Jr.'s Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, and Christmas Day, then no regular meeting of the City Council shall be scheduled for that week, unless otherwise resolved. Council shall hold not less than two regular meetings per month.

When setting its meeting schedule for the year, City Council shall decide whether to hold a regular meeting on any other holiday not recognized by the City as a paid holiday that happens to fall on the normal day for Council meetings during the year. If Council votes to cancel a regular meeting that falls on a holiday not recognized by the City as a paid holiday, then Council shall also vote to decide whether to hold the meeting on a day other than this holiday or cancel the meeting for the entire week of the holiday.

Upon the setting of its regular meeting schedule for the year, City Council shall vote to adopt the schedule; however, additional meetings or special meetings may be called at any time upon vote of Council as provided herein. Additional regular meetings may be scheduled throughout the year when there is a need to schedule additional agenda items, or scheduled regular meetings may be rescheduled, upon vote of Council.

Committee of the Whole meetings shall be held when called by the Mayor or any four (4) members of Council upon at least a twelve (12) hour notice. Items scheduled for such meetings shall be informational for the general discussion of matters, and to provide Council with the opportunity to become familiar with issues facing the City and discuss the items with staff to have any questions or concerns resolved. Any votes, if taken, shall not be binding but shall only be a recommendation of the City Council.

Special meetings are voting meetings called when matters are not scheduled on a regular meeting due to time constraints or urgency and importance of the matter. The Mayor or any four (4) members of Council may call special meetings, whenever practicable, upon at least a twelve (12) hour notice. When calling a special meeting, the subject matter for which the meeting is called shall be clearly defined.

The agenda shall be limited to only the subject matter for which the special meeting was called, and City Council shall not discuss any matter which does not appear on the agenda for the special meeting.

Meetings allow citizens the opportunity to provide input at the designated Citizens Input times, however, public hearings are not held at Committee of the Whole meetings and items scheduled for Public Hearing or Public Input are not to be addressed by citizens during Citizens' Input but are to be addressed at the time of the Public Hearing or Public Input.

B. AGENDA PREPARATION AND AGENDA

For Regular meetings, all reports, communications, contract documents or other matters, including position approvals, discussion items, and consent agenda items shall be submitted as follows:

- 3:00 pm 16 days prior to regular meeting – submitted to City Manager
- 3:00 pm 9 days prior to regular meeting – all packet materials submitted to City Clerk
- 4:00 pm 8 days prior to regular meeting – agenda provided to Mayor for approval
- By end of business 7 days prior to regular meeting – packets distributed to Council
- By end of business 6 days prior to regular meeting - packets published

Backup documentation for all agenda items will be provided upon placement of the item on the agenda. Resolutions and Ordinances may be placed on the agenda if submitted by 12:00 noon eight (8) days prior to the regular meeting of Council at which they are to be introduced, provided all required public notice and advertising are completed. The Council shall adopt its order of business on the agenda and, in the absence of Council action, the Mayor shall adopt the order of business on the agenda.

Citizen's petitions to council shall be submitted as a request in writing to the Mayor's office specifying the subject on which they will speak, along with the specific request and together with any backup information pertaining to the request. The petition to council shall be considered at a council meeting as soon as practicable after submission. The Mayor's office shall provide the petitions to council to the City Clerk's office no later than 3:00 p.m. eight (8) days before the regular meeting of Council at which such matter is to be considered. The Council shall adopt its order of business on the agenda and, in the absence of Council action, the Mayor shall adopt the order of business on the agenda.

Items may occasionally be placed on the agenda after the deadlines stated above provided there is a clear necessity for the item to be heard by Council at that meeting. In the event an item must be put on an agenda after the agenda has been published, causing an addendum to the agenda to be published, City Council must be notified by the Clerk at the time the request is made that the item will be forthcoming. Except in extraordinary circumstances, any item that City Council has not been notified of by noon five (5) days prior to the meeting day shall not be placed on the agenda absent good cause shown. Any item placed on the agenda after the deadline may be subject to a Council vote to remove the item from the agenda.

For Committee of the Whole (COW) meetings all reports, communications, contract documents or other materials to support items on the COW agenda shall be submitted as follows:

- 3:00 pm 9 days prior to COW meeting - submitted to City Manager
- 4:00 pm 8 days prior to COW meeting - agenda provided to Mayor for approval

By end of business 7 days prior to COW meeting - agenda distributed to Council
By end of business 6 days prior to COW meeting - agenda published
Packet materials to be distributed upon completion

All scheduled COW meetings shall follow the submitting schedule above. For additional or special COW meetings the submitting schedule should be followed unless time does not permit following the above schedule. In such cases packet materials will be distributed by the City Clerk's Office upon receipt from staff and/or Council to include both paper copies and electronically scanned documents.

All scheduled Special meetings shall follow the submitting schedule set forth above for COW meetings unless time does not permit. In such cases packet materials will be distributed by the City Clerk's office upon receipt from staff and/or Council to include both paper copies and electronically scanned documents.

C. COUNCIL ATTENDANCE/ABSENCES

1. A Council member who cannot attend a meeting in person may appear remotely by any acceptable electronic means, provided that:
 - a. There shall be a quorum physically present at the meeting;
 - b. The Council member requests to attend a meeting remotely, which request shall be submitted no later than the regular City Council meeting immediately prior to the meeting in which the member requests to appear remotely, unless the Council member has experienced an emergency that prevents their strict compliance with the deadline set forth herein; and
 - c. The Council votes to either approve or deny the Council member's request.
2. A Council member may request to attend remotely pursuant to those requirements of the Americans with Disabilities Act (ADA). The Council member shall contact the City Attorney, or their designee, and provide the necessary information for the City Attorney, or their designee, to make a legal determination regarding the reasonable accommodation in compliance with Title II of the ADA; and
 - a. The City Attorney, or their designee, will confirm that the request for a reasonable accommodation is legally consistent with the requirements of the ADA.
 - b. The City Attorney, or their designee, shall notify Council and the City Clerk of the date the Council member will remotely attend.
3. When attending remotely the Council member is deemed to be present for all purposes, and has all participation rights and voting privileges, as if physically present.
4. Pursuant to Section 4.11 of the Charter, any member who has three consecutive, unexcused absences from regular meetings will be removed from office. Absences are presumed excused and are unexcused only by a motion to hold the absence unexcused

Sec. 4.02. - Compensation of officers and employees.



The city commission of the City of Fort Lauderdale shall by resolution fix the compensation of commissioners, but any resolution increasing or reducing the compensation of commissioners shall not be adopted subsequent to July 31 of the year immediately preceding the year of the election and shall not be effective until the seating of the next commission following the next election. The city commission shall by resolution fix the compensation of the city manager, the city auditor, the city clerk, and the city attorney. All other officers and employees shall receive the compensation designated under the pay plan and rules and regulations of the civil service system or the applicable collective bargaining agreement.

[Ft. Lauderdale City Charter, s. 4.02](#)




Memorandum

Memorandum No: 23-072

Date: May 17, 2023

To: Honorable Mayor, Vice Mayor, and Commissioners

From: Greg Chavarria, City Manager 
Greg Chavarria (May 17, 2023 17:53 EDT)

Re: Commission Compensation

Pursuant to Resolution 19-117, the gross annual compensation paid to the City commissioners following the November 3, 2020, election shall be adjusted annually on December 1 commensurate with the then rounded estimated median family income in Broward County, Florida, as reported by the U.S. Department of Housing and Urban Development's Median Family Income Documentation System for Fort Lauderdale, FL HUD Metro FMR Area. The gross annual compensation paid to the Mayor is calculated at 1.2 times the annual compensation paid to City commissioners.

Based on the above, the annual compensation for the Mayor and City Commission effective December 1, 2023, is as follows:

City Commission	\$88,500
Mayor	\$106,200

If you have any questions, feel free to contact Linda Short, Director of Finance, at lshort@fortlauderdale.gov.

Attachments:

- (1) Resolution 19-117
- (2) FY 2022 Median Family Income Calculation Methodology
- (3) FY 2023 Median Family Income Calculation Methodology

c: Anthony G. Fajardo, Assistant City Manager
Susan Grant, Assistant City Manager
D'Wayne M. Spence, Interim City Attorney
David R. Soloman, City Clerk
Patrick Reilly, City Auditor
Department Directors
CMO Managers

RESOLUTION NO. 19-117

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SETTING THE COMPENSATION AND BENEFITS FOR THE MAYOR AND COMMISSIONERS OF THE NEXT CITY COMMISSION FOLLOWING THE NOVEMBER 3, 2020, ELECTION, RESCINDING RESOLUTION NO. 02-131 AND 99-26, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 4.02 of the Charter of the City of Fort Lauderdale, Florida, ("Charter"), provides in part,

The city commission of the City of Fort Lauderdale shall by resolution fix the compensation of commissioners, but any resolution increasing or reducing the compensation of commissioners shall not be adopted subsequent to July 31 of the year immediately preceding the year of the election and shall not be effective until the seating of the next commission following the next election.;

and

WHEREAS, Section 3.02 of the Charter provides, in part, that "[t]he mayor and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.;" and

WHEREAS, the next election is scheduled for November 3, 2020; and

WHEREAS, by Resolution No. 02-131, dated July 16, 2002, the City Commission set the salaries and expense allowances for the Mayor and City Commissioners of the City Commission following the March 11, 2003, election; and

WHEREAS, by Resolution No. 99-26, dated March 2, 1999, the City Commission authorized single coverage health insurance benefits for the Mayor and City Commissioners of the City Commission following the March 14, 2000, election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

19-117

RESOLUTION NO. 19-117

PAGE 2

SECTION 1. That, effective upon the seating of the next City Commission following the November 3, 2020, election, the City shall pay city commissioners of the City of Fort Lauderdale, other than the mayor, gross annual compensation in an amount that is the then rounded estimated median family income in Broward County, Florida, as reported by the U.S. Department of Housing and Urban Development's Median Family Income Documentation System for Fort Lauderdale, FL HUD Metro FMR Area, payable in twenty-six biweekly installments with the City's regular payroll.

SECTION 2. That, effective upon the seating of the next City Commission following the November 3, 2020, election, the City shall pay the mayor of the City of Fort Lauderdale the amount of gross annual compensation paid to commissioners as set forth in Section 1 multiplied by 1.2, payable in twenty-six biweekly installments with the City's regular payroll.

SECTION 3. That, the gross annual compensation paid to the mayor and commissioners of the next City Commission following the November 3, 2020, election, shall be adjusted annually on December 1 commensurate with the then rounded estimated median family income in Broward County, Florida, as reported by the U.S. Department of Housing and Urban Development's Median Family Income Documentation System for Fort Lauderdale, FL HUD Metro FMR Area.

SECTION 4. That, beginning after the seating of the next City Commission following the November 3, 2020, election, the City shall pay the mayor and commissioners the amount of \$750 per calendar month, payable with the City's regular payroll, to defray the mayor's and commissioners' expenses.

SECTION 5. That, after the seating of the next City Commission following the November 3, 2020, election, the City shall make available to the mayor and commissioners, at no cost, single coverage insurance benefits on the same basis as single coverage provided to Management Category 1 employees of the City. At that time the City shall also make available to the mayor and commissioners dependent insurance benefits on the same terms and at the same rates as offered to Management Category 1 employees of the City. The City Manager is authorized to adjust the effective date of any such insurance benefits depending on applicable contract provisions and the rules and regulations governing open enrollment.

RESOLUTION NO. 19-117

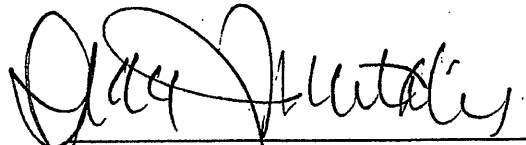
PAGE 3

SECTION 6. That Resolution Nos. 02-131 and 99-26 are rescinded effective at the close of business on the day preceding that of the seating of the next City Commission following the November 3, 2020, election.

SECTION 7. That, in the event the City of Fort Lauderdale participates in the Florida Retirement System, such participation will encompass the Mayor and City Commissioners of the next City Commission following the November 3, 2020, election.

SECTION 8. That, except as otherwise provided in Section 6, this Resolution shall become effective immediately upon its adoption.

ADOPTED this the 18th day of June, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

19-117



FY 2022 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](#) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

Median Family Income Calculation Methodology

Estimates of median family income for metropolitan and non-metropolitan areas are developed as follows:

1. A special tabulation of Median Family Income (MFI) estimates from the 2015-2019 5-year ACS was prepared by the U.S. Census Bureau and used by HUD as the basis for calculating HUD's FY2022 MFIs. Estimates of MFI from this tabulation are used if they are determined to be statistically reliable. For FY2022, the test for reliability is whether the margin of error for the estimate is less than 50% of the estimate itself and whether the ACS estimate is based on at least 100 survey cases.

Note: HUD began using the count indicator in assessing statistical reliability beginning with the FY 2022 Fair Market Rent estimates. HUD does not receive the exact number of survey cases in this special tabulation, but rather a categorical variable known as the count indicator, indicating a range of cases. An estimate based on at least 100 cases corresponds to a count indicator of 4 or higher.

If an area does not have a reliable 2015-2019 5-year estimate, HUD checks whether the area has had minimally reliable estimates in any of the past 3 years (a minimally reliable estimate is an estimate where the margin of error for the estimate is less than 50% of the estimate itself). If so, the FY2022 MFI is the average of the inflated ACS estimates. In order to use as much local data as possible, HUD averages the minimally reliable estimates from the last three 5-year ACS estimates.

If an area has not had a minimally reliable estimate in the past 3 years, HUD checks whether the area has had minimally reliable estimates in any of the past 2 years. If so, the FY2022 MFI is the average of the inflated ACS estimates. In order to use as much local data as possible, HUD averages the minimally reliable estimates from the last two 5-year ACS estimates.

If an area has not had a minimally reliable estimate in the past two years, the estimate from the next larger encompassing geography is used. For example, sub-areas of metropolitan areas would be assigned the MFI estimate of the entire metropolitan area and for non-metropolitan counties, the estimate from all non-metropolitan portions of the State (state non-metropolitan).

2. If there is a statistically reliable 2019 1-year ACS estimate of median family income available, HUD replaces the 5-year data with the 1-year data. For FY2022, the special tabulation of 2019 1-year ACS MFI estimates provided to HUD by the U.S. Census Bureau for the **Fort Lauderdale, FL HUD Metro FMR Area** was statistically reliable.

3. Once the appropriate 2019 ACS data has been selected, an inflation factor based on the BLS national CPI for FY2022 is calculated to inflate the estimate from 2019 to FY2022. **Note:** HUD is dispensing with the use of a forecast and instead setting the inflation factor at approximately 1.1116, which is the cumulative change in the CPI from annual 2019 to February 2022.

MFI Step by Step Calculation

1. The following are the 2019 American Community Survey 5-year median income estimate, margin of error, and sample size category for **Fort Lauderdale, FL HUD Metro FMR Area**:

Area	ACS ₂₀₁₉ 5-Year Median Income	ACS ₂₀₁₉ 5-Year Margin of Error	Ratio	Sample Size Category	Result
Fort Lauderdale, FL HUD Metro FMR Area	\$71,206	\$876	$\frac{\$876}{\$71,206} = 0.012$	6	0.012 < .5 and 6.0 >= 4 Reliable Estimate

2. Since there is a 1-year 2019 ACS estimate available, the margin of error of the estimate and the sample size category are checked for reliability:

Area	ACS ₂₀₁₉ 1-Year Median Income	ACS ₂₀₁₉ 1-Year Margin of Error	Ratio	Sample Size Category	Result
Fort Lauderdale, FL HUD Metro FMR Area	\$73,848	\$2,165	$\frac{\$2,165}{\$73,848} = 0.029$	6	0.029 < .5 and 6.0 >= 4 Use ACS₂₀₁₉ 1- Year Median Income

3. The calculation of the CPI Inflation Factor is as follows:

Area	February 2022 CPI	2019 Annual CPI	CPI Inflation Factor
Fort Lauderdale, FL HUD Metro FMR Area	284.182	255.6465	(284.182 / 255.6465) = 1.11162

4. The FY 2022 median family income is estimated as follows:

Area	ACS ₂₀₁₉ 1-Year Estimate	CPI Inflation Factor	FY 2022 Area MFI Estimate
Fort Lauderdale, FL HUD Metro FMR Area	\$73,848	1.11162	(\$73,848 * 1.11162) = \$82,091

5. In keeping with HUD policy, the median family income estimate is rounded to the nearest \$100:

Area	Unrounded FY 2022 MFI Estimate	Rounded FY 2022 MFI Estimate
Fort Lauderdale, FL HUD Metro FMR Area	\$82,091	\$82,100

Mayor 1.2x = \$98,520

NOTE: Due to differences in the computing platforms used to generate the official FY 2022 MFI estimates, and this web system, the calculated value shown may differ slightly from the official published value because of rounding.

Press below to select a different state:

Select a new state

Or select a FY 2022 HUD Metropolitan FMR Area's
Median Family Income:

Fort Lauderdale, FL HUD Metro FMR Area ▼

Select Area

Update URL for bookmarking or E-mailing

Technical Problems or questions? [Contact Us.](#)



FY 2023 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](#) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

Median Family Income Calculation Methodology

Estimates of median family income for metropolitan and non-metropolitan areas are developed as follows:

1. A special tabulation of Median Family Income (MFI) estimates from the 2017-2021 5-year ACS was prepared by the U.S. Census Bureau and used by HUD as the basis for calculating HUD's FY2023 MFIs. Estimates of MFI from this tabulation are used if they are determined to be statistically reliable. For FY2023, the test for reliability is whether the margin of error for the estimate is less than 50% of the estimate itself and whether the ACS estimate is based on at least 100 survey cases. HUD does not receive the exact number of survey cases in this special tabulation, but rather a categorical variable known as the count indicator, indicating a range of cases. An estimate based on at least 100 cases corresponds to a count indicator of 4 or higher.

If an area does not have a reliable 2017-2021 5-year estimate, HUD checks whether the area has had minimally reliable estimates in at least two of the past three years (a minimally reliable estimate is an estimate where the margin of error for the estimate is less than 50% of the estimate itself). If so, the FY2023 MFI is the average of these two or three ACS estimates.

If an area has not had a minimally reliable estimate in the past two years, the estimate from the next larger encompassing geography is used. For example, sub-areas of metropolitan areas would be assigned the MFI estimate of the entire metropolitan area and for non-metropolitan counties, the estimate from all non-metropolitan portions of the State (state non-metropolitan).

2. If there is a statistically reliable 2021 1-year ACS estimate of median family income available, HUD replaces the 5-year data with the 1-year data. For FY2023, the special tabulation of 2021 1-year ACS MFI estimates provided to HUD by the U.S. Census Bureau for the **Fort Lauderdale, FL HUD Metro FMR Area** was statistically reliable.
3. Once the appropriate 2021 ACS data has been selected, an inflation factor based on the Congressional Budget Office (CBO) projection of the national CPI for FY2023 is calculated to inflate the estimate from 2021 to FY 2023. **Note:** The annual CPI estimate used in this calculation is sourced from the Bureau of Labor Statistics, archived available at [ALFRED](#) and the CPI projection is from the CBO's February 2023 release of its 10-Year Economic Projections.

MFI Step by Step Calculation

1. The following are the 2021 American Community Survey 5-year median income estimate, margin of error, and sample size category for **Fort Lauderdale, FL HUD Metro FMR Area**:

Area	ACS ₂₀₂₁ 5-Year Median Income	ACS ₂₀₂₁ 5-Year Margin of Error	Ratio	Sample Size Category	Result
Fort Lauderdale, FL HUD Metro FMR Area	\$77,610	\$1,066	$\frac{\$1,066}{\$77,610} = 0.0137$	6	0.0137 < .5 and 6.0 >= 4 Reliable Estimate

2. Since there is a 1-year 2021 ACS estimate available, the margin of error of the estimate and the sample size category are checked for reliability:

Area	ACS ₂₀₂₁ 1-Year Median Income	ACS ₂₀₂₁ 1-Year Margin of Error	Ratio	Sample Size Category	Result
Fort Lauderdale, FL HUD Metro FMR Area	\$78,917	\$1,726	$\frac{\$1,726}{\$78,917} = 0.0219$	6	0.0219 < .5 and 6.0 >= 4 Use ACS₂₀₂₁ 1- Year Median Income

3. The calculation of the CPI Inflation Factor is as follows:

Area	FY2023 CPI	2021 Annual CPI	CPI Inflation Factor
Fort Lauderdale, FL HUD Metro FMR Area	303.948	270.971	$\frac{303.948}{270.971} = 1.1217$

4. The FY 2023 median family income is estimated as follows:

Area	ACS ₂₀₂₁ 1-Year Estimate	CPI Inflation Factor	FY 2023 Area MFI
	38		

			Estimate
Fort Lauderdale, FL HUD Metro FMR Area	\$78,917	1.1217	(\$78,917 * 1.1217) = \$88,521

5. In keeping with HUD policy, the median family income estimate is rounded to the nearest \$100:

Area	Unrounded FY 2023 MFI Estimate	Rounded FY 2023 MFI Estimate
Fort Lauderdale, FL HUD Metro FMR Area	\$88,521	\$88,500

Mayor 1.2x = \$106,200

NOTE: Due to differences in the computing platforms used to generate the official FY 2023 MFI estimates, and this web system, the calculated value shown may differ slightly from the official published value because of rounding.

Press below to select a different state:

Select a new state

Or select a FY 2023 HUD Metropolitan FMR Area's Median Family Income:

Fort Lauderdale, FL HUD Metro FMR Area ▼

Select Area

Update URL for bookmarking or E-mailing

Technical Problems or questions? [Contact Us.](#)

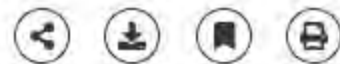


The Commission may determine the annual salary of the Commission members by ordinance, but no ordinance increasing such salary shall become effective until the date of a commencement of the terms of the Commission members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Any increase in compensation to Commission members or the Mayor shall be subject to a limitation whereby such compensation shall not be increased by more than twenty-five (25) percent in one calendar year. Nothing in this paragraph shall limit the right of any Commission member or the Mayor to be reimbursed for expenses actually incurred by him, with Commission approval, while performing duties on behalf of the City.

(Adopted by electorate, 3-13-84; Amendment adopted by electorate, 11-7-06)

[Pembroke Pines City Charter, s. 3.08](#)

§ 32.02 COMPENSATION OF COMMISSIONERS, MAYOR.



The annual salary of each member of the City Commission, including the Mayor, shall be established and amended by resolution of the City Commission.

(72 Code, § 2-15) (Ch. 30836, § 27, Sp. Acts 1955; 1955 Charter, § 2.11) (Ord. O-77-68, passed 9-21-77; Am. Ord. O-85-20, passed 4-17-85; Am. Ord. O-90-50, passed 10-17-90; Am. Ord. O-96-40, passed 10-16-96; Am. Ord. O-2002-29, passed 9-10-02; Am. Ord. O-2005-21, passed 10-11-05; Am. Ord. O-2011-23, passed 7-6-11; Am. Ord. O-2017-02, passed 3-15-17)

[Hollywood city ordinance, s. 32.02](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, ESTABLISHING THE COMPENSATION OF THE MEMBERS OF THE CITY COMMISSION.

WHEREAS, in 2011, the City Commission reduced their salaries in connection with the declaration of financial urgency; and

WHEREAS, the salaries and/or wages of other officers and employees of the City were simultaneously reduced but were subsequently increased; and

WHEREAS, the salaries of the members of the City Commission have not been adjusted since 2011;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the annual salary of each member of the City Commission, excluding the Mayor, shall be restored to the salary level prior to June 2011 of \$28,000.00. The annual salary of the Mayor shall be restored to \$38,000.00.

Section 2: That going forward the City Commission salaries shall follow the annual established adjustment for non-represented employees.

Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY

- (a) In fiscal year 2023-24, the annual salary of the mayor is \$51,399.94, and the annual salary of each other member of the commission is \$40,386.49. Except as provided in subsection (c) below, for each subsequent fiscal year, the then current annual salary shall be adjusted by the preceding August to August percent change in the Bureau of Labor Statistics Consumer Price Index (1982-84=100) all urban consumers, Southern region, All Items (CPI).
- (b) The salaries shall be paid on a biweekly pay cycle from the general fund of the city in equal amounts for each biweekly period of service, except for the first and last payment that shall be made on a pro rata basis. Such salary shall be calculated from the date the commissioner or mayor, respectively, takes office and shall continue until the mayor or commissioner no longer holds such office.
- (c) If employees in the city's professional pay plan do not receive a budgeted base increase in any particular fiscal year, then the salaries of the mayor and city commissioners shall not be increased that fiscal year. If payment of a base increase for employees in the city's professional pay plan is delayed in any fiscal year, then the mayor and city commissioners CPI adjustment shall be treated similarly.

(Code 1960, § 2-7.1; Ord. No. 3257, § 1, 9-22-86; Ord. No. 3584, § 1, 12-18-89; Ord. No. 961118, § 1, 7-14-97; Ord. No. 991293, § 1, 5-15-00; Ord. No. 002300, § 1, 2-25-02; [Ord. No. 2022-758](#), § 1, 12-15-22; [Ord. No. 2023-243](#), § 1, 4-20-23)

[Gainesville city ordinance, s. 2-66](#)



City of Gainesville Agenda Report

File #: 2022-758

Agenda Date: December 1, 2022

Department: City Attorney

Title: 2022-758 Ordinance Changing the Method of Calculating Commissioner Salaries (B)

Description: Ordinance No. 2022-758 An ordinance of the City of Gainesville, Florida; establishing a population-based formula for calculating commissioner salaries similar to the state statute governing county commissioner salaries; removing current provisions regarding salaries in Chapter 2, Article II, Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On November 17, 2022, the City Commission directed the City Attorney's Office to draft an ordinance changing the method of calculating commissioner salaries.

Section 2.66 of Chapter 2, Article II, Code of Ordinances currently provides for fixed salaries for the mayor and city commissioners, which may be adjusted in years when employees in the city's professional pay plan receive a general increase based upon the Bureau of Labor Statistics Consumer Price Index. The current salaries are \$37,085.85 for city commissioners and \$47,199.21 for mayor. The ordinance provides for a formula for calculating the commissioners' and mayor's salaries that is based on the formula set forth in sections 145.031 and 145.19, Florida Statutes, which govern board of county commissioner salaries. The formula in the proposed ordinance is based upon population and several factors, or multipliers, which are based upon percentage increases in the salaries of state career service employees. The Human Resources Department will use the same factors as the State of Florida to calculate the salaries of county commissioners. The mayor will receive a salary that is 25% more than a commissioner salary in any given year. If adopted, the proposed ordinance would take effect in the fiscal year commencing October 1, 2023.

Fiscal Note:

The ordinance would go in effect during fiscal year 2023-2024, with salary adjustment commencing with the first full pay period in 2024. The precise fiscal impact would depend on the 2023 Annual factor determined by the State of Florida Department of

Management Services, and whether the City Commission receives a salary adjustment in January 2023, and whether FRS employer contribution rates are adjusted. For illustrative purposes, if the ordinance were to go in effect in January 2023, it would increase the salary for a commissioner to \$71,015.09 and for the mayor to \$88,768.86. Based upon the proposed change from the fiscal year 2021-2022, the fiscal impact would be approximately \$290,000 - \$403,000 per year. The fiscal impact consists of the difference between the current salaries and new salaries, additional employee federal payroll taxes for Medicare (1.45%) and OASI (6.2%), plus additional retirement contributions based on current Florida Retirement System employee contribution requirements (10.8% - 57%). The City Commission would be required to budget for the increased salaries.

Recommendation:

The City Commission adopt the proposed ordinance.

ORDINANCE NO. 2022-758

An ordinance of the City of Gainesville, Florida; establishing a population-based formula for calculating commissioner salaries similar to the state statute governing county commissioner salaries; removing current provisions regarding salaries in Chapter 2, Article II, Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on November 17, 2022, the City Commission gave direction to the city attorney to draft an ordinance that revises section 2-66 of the Code of Ordinances, which establishes commissioner salaries; and

WHEREAS, the intent of this ordinance is to mirror the formula for calculating board of county commissioner salaries under state law; and

WHEREAS, city commissioner salaries shall be calculated and adjusted the same way and using the same figures as board of county commissioners' salaries are calculated and adjusted in sections 145.031 and 145.19, Florida Statutes; and

WHEREAS, at least 10 days' notice has been given by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 2-66 of Article II of Chapter 2 of the Code of Ordinances is amended to read as follows:

Sec. 2-66. Salaries.

1 ~~(a) On June 1, 2000, the then current salary of the mayor and each member of the city commission~~
2 ~~shall be increased by 1½ percent. Commencing on October 1, 2000, the mayor shall receive the~~
3 ~~annual salary of \$35,868.00. Commencing on October 1, 2000, each other member of the city~~
4 ~~commission shall receive the annual salary of \$28,182.00. Except as provided in (c) below on~~
5 ~~October 1, 2001, the then current annual salary shall be adjusted by the August 2000 to August~~
6 ~~2001 percent change in the Bureau of Labor Statistics Consumer Price Index (1982-84 = 100)~~
7 ~~all urban consumers, Southern region, All Items (CPI). Each fiscal year thereafter the salary~~
8 ~~shall be similarly adjusted, utilizing the following August to August change. Effective the first~~
9 ~~payroll period after March 1, 2002, the then current salaries of the mayor and city~~
10 ~~commissioners shall be reduced by 13.14 percent, which reduced salary shall thereafter be~~
11 ~~subject to adjustment as provided for herein.~~

12 ~~(b) The salaries shall be paid on a biweekly pay cycle from the general fund of the city in equal~~
13 ~~amounts for each biweekly period of service, except for the first and last payment that shall be~~
14 ~~made on a prorata basis. Such salary shall be calculated from the date the commissioner or~~
15 ~~mayor respectively, takes office and shall continue until the mayor or commissioner no longer~~
16 ~~holds such office.~~

17 ~~(c) If employees in the city's professional pay plan do not receive a general increase in any~~
18 ~~particular fiscal year, then the salaries of the mayor and city commissioners shall not be~~
19 ~~increased that fiscal year. If payment of a general increase for employees in the city's~~
20 ~~professional pay plan is delayed in any fiscal year, then the mayor and city commissioners~~
21 ~~CPI adjustment shall be treated similarly.~~

22 (a) Definitions.

23 (1)The “Annual factor” means 1 plus the lesser of:

1 A. The average percentage increase in the salaries of state career service employees
 2 for the current fiscal year as determined by the Department of Management
 3 Services or as provided in the General Appropriations Act; or

4 B. Seven percent.

5 (2) “Cumulative annual factor” means the product of all annual factors certified under
 6 section 145.19, Fla. Stat., prior to the fiscal year for which salaries are being
 7 calculated.

8 (3) “Initial factor” means a factor of 1.292.

9 (4) “Enhanced base salary” is the base salary listed in the table below (based upon the
 10 estimated population of the City of Gainesville, as published by the U.F. Bureau of
 11 Economic & Business Research, or a comparable credible source selected by the
 12 Human Resources Department) plus the product of the population in excess of the
 13 minimum population times the group rate. The Enhanced base salary is
 14 compensation for population increments over the minimum for each population
 15 group.

16 Table 1

<u>Pop. Group</u>	<u>City Pop. Range</u>		<u>Base Salary</u>	<u>Group Rate</u>
	<u>Minimum</u>	<u>Maximum</u>		
<u>-</u>			<u>-</u>	<u>-</u>
<u>I</u>	<u>-0-</u>	<u>9,999</u>	<u>\$4,500</u>	<u>\$0.150</u>
<u>II</u>	<u>10,000</u>	<u>49,999</u>	<u>6,000</u>	<u>0.075</u>
<u>III</u>	<u>50,000</u>	<u>99,999</u>	<u>9,000</u>	<u>0.060</u>
<u>IV</u>	<u>100,000</u>	<u>199,999</u>	<u>12,000</u>	<u>0.045</u>
<u>V</u>	<u>200,000</u>	<u>399,999</u>	<u>16,500</u>	<u>0.015</u>
<u>VI</u>	<u>400,000</u>	<u>999,999</u>	<u>19,500</u>	<u>0.005</u>
<u>VII</u>	<u>1,000,000</u>	<u>-</u>	<u>22,500</u>	<u>0.000</u>

17

1 (5) “Adjusted salary” shall be the product, rounded to the nearest dollar, of the Enhanced
2 base salary multiplied by the Initial factor, then multiplied by the Cumulative annual factor, and
3 then multiplied by the Annual factor.

4 (b) Calculation of salary.

5 (1) Each member of the city commission shall receive a salary that is equal to the amount
6 of the Adjusted salary based upon the most recent population data available to the Human
7 Resources Department at the time the budget is developed in May of each year.

8 (2) The Human Resources Department shall certify the Annual factor and Cumulative
9 annual factor and shall use the same factors as the Florida Department of Management Services,
10 to the extent possible. If, after due diligence, the Human Resources Department is unable to
11 obtain the Annual factor and Cumulative annual factor from the Florida Department of
12 Management Services, or other department of the State of Florida which is responsible for
13 determining the factors, the Human Resources Department shall use the Annual factor and
14 Cumulative annual factor from the most recent year that the Florida Department of Management
15 Services certified the factors.

16 (3) In any given year, the mayor’s salary shall be that of a commissioner plus 25% of the
17 commissioner salary.

18 (c) Frequency of pay. The annual salaries calculated according to the formula in this section will
19 become effective beginning the first full biweekly pay period in January of each year. The
20 salaries shall be paid on a biweekly pay cycle from the general fund of the city in equal amounts
21 for each biweekly period of service, except for the first and last payment that shall be made on a
22 prorata basis. Such salary shall be calculated from the date the commissioner or mayor

1 respectively, takes office and shall continue until the mayor or commissioner no longer holds
2 such office.

3 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
4 this Ordinance shall become and be made a part of the Charter and the Code of Ordinances of the
5 City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
6 renumbered or relettered in order to accomplish such intentions.

7 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
8 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
9 finding shall not affect the other provisions or applications of this ordinance that can be given
10 effect without the invalid or unconstitutional provision or application, and to this end the
11 provisions of this ordinance are declared severable.

12 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
13 such conflict hereby repealed.

14 **Section 5.** This ordinance shall become effective October 1, 2023.

15
16 **PASSED AND ADOPTED THIS _____ DAY OF DECEMBER, 2022.**

17
18
19 _____
20 LAUREN POE
21 MAYOR

22
23 ATTEST: Approved as to form and legality

24
25
26
27
28 _____
29 OMICHELE D. GAINEY CITY CLERK DANIEL M. NEE INTERIM CITY ATTORNEY

1

2

3 This ordinance passed on first reading this ____ day of December, 2022.

4

5 This ordinance passed on second reading this ____ day of December, 2022.

ORDINANCE NO. 2023-243

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article II, Code of Ordinances by returning to a methodology regarding salaries for the mayor and members of the city commission consistent with the methodology in place prior to the enactment of Ordinance No. 2022-758; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on March 2, 2023, the City Commission gave direction to the city attorney to draft an ordinance that revises section 2-66 of the Code of Ordinances, which establishes commissioner salaries; and

WHEREAS, the intent of this ordinance is to amend the methodology regarding salaries for the mayor and city commission, and return to a methodology consistent with that which was in place prior to the adoption of Ordinance No. 2022-758 on December 15, 2022; and

WHEREAS, at least 10 days' notice has been given by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 2-66 of Article II of Chapter 2 of the Code of Ordinances is amended to read as follows:

Sec. 2-66. Salaries.

(a) In Fiscal Year 2023-24, the annual salary of the mayor is \$51,399.94, and the annual salary of each other member of the commission is \$40,386.49. Except as provided in (c) below, for each

1 subsequent fiscal year, the then current annual salary shall be adjusted by the preceding August
2 to August percent change in the Bureau of Labor Statistics Consumer Price Index (1982-84 =
3 100) all urban consumers, Southern region, All Items (CPI).

4 (b) The salaries shall be paid on a biweekly pay cycle from the general fund of the city in equal
5 amounts for each biweekly period of service, except for the first and last payment that shall be
6 made on a prorata basis. Such salary shall be calculated from the date the commissioner or
7 mayor, respectively, takes office and shall continue until the mayor or commissioner no
8 longer holds such office.

9 (c) If employees in the city's professional pay plan do not receive a budgeted base increase in any
10 particular fiscal year, then the salaries of the mayor and city commissioners shall not be
11 increased that fiscal year. If payment of a base increase for employees in the city's
12 professional pay plan is delayed in any fiscal year, then the mayor and city commissioners
13 CPI adjustment shall be treated similarly.

14 (a) Definitions:

15 (1) The "Annual factor" means 1 plus the lesser of:

16 A. The average percentage increase in the salaries of state career service employees
17 for the current fiscal year as determined by the Department of Management
18 Services or as provided in the General Appropriations Act; or

19 B. Seven percent.

20 (2) "Cumulative annual factor" means the product of all annual factors certified under
21 section 145.19, Fla. Stat., prior to the fiscal year for which salaries are being
22 calculated.

23 (3) "Initial factor" means a factor of 1.292.

1 (4) ~~“Enhanced base salary” is the base salary listed in the table below (based upon the~~
2 ~~estimated population of the City of Gainesville, as published by the U.F. Bureau of~~
3 ~~Economic & Business Research, or a comparable credible source selected by the~~
4 ~~Human Resources Department) plus the product of the population in excess of the~~
5 ~~minimum population times the group rate. The Enhanced base salary is~~
6 ~~compensation for population increments over the minimum for each population~~
7 ~~group.~~

8 Table 1

Pop. Group	City Pop. Range	Base Salary	Group Rate	
-	Minimum	Maximum	-	
I	-0-	9,999	\$4,500	\$0.150
II	10,000	49,999	6,000	0.075
III	50,000	99,999	9,000	0.060
IV	100,000	199,999	12,000	0.045
V	200,000	399,999	16,500	0.015
VI	400,000	999,999	19,500	0.005
VII	1,000,000	-	22,500	0.000

9
10 (5) ~~“Adjusted salary” shall be the product, rounded to the nearest dollar, of the Enhanced~~
11 ~~base salary multiplied by the Initial factor, then multiplied by the Cumulative annual factor, and~~
12 ~~then multiplied by the Annual factor.~~

13 (b) ~~Calculation of salary.~~

14 (1) ~~Each member of the city commission shall receive a salary that is equal to the amount~~
15 ~~of the Adjusted salary based upon the most recent population data available to the Human~~
16 ~~Resources Department at the time the budget is developed in May of each year.~~

17 (2) ~~The Human Resources Department shall certify the Annual factor and Cumulative~~
18 ~~annual factor and shall use the same factors as the Florida Department of Management Services,~~

1 to the extent possible. If, after due diligence, the Human Resources Department is unable to
2 obtain the Annual factor and Cumulative annual factor from the Florida Department of
3 Management Services, or other department of the State of Florida which is responsible for
4 determining the factors, the Human Resources Department shall use the Annual factor and
5 Cumulative annual factor from the most recent year that the Florida Department of Management
6 Services certified the factors.

7 (3) In any given year, the mayor's salary shall be that of a commissioner plus 25% of the
8 commissioner salary.

9 (c) Frequency of pay. The annual salaries calculated according to the formula in this section will
10 become effective beginning the first full biweekly pay period in January of each year. The
11 salaries shall be paid on a biweekly pay cycle from the general fund of the city in equal amounts
12 for each biweekly period of service, except for the first and last payment that shall be made on a
13 prorata basis. Such salary shall be calculated from the date the commissioner or mayor
14 respectively, takes office and shall continue until the mayor or commissioner no longer holds
15 such office.

16 **Section 2.** Ordinance No. 2022-758 is repealed in its entirety, and shall not become
17 effective.

18 **Section 3.** It is the intention of the City Commission that the provisions of Section 1 of
19 this Ordinance shall become and be made a part of the Charter and the Code of Ordinances of the
20 City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
21 renumbered or relettered in order to accomplish such intentions.

22 **Section 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance
23 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given
2 effect without the invalid or unconstitutional provision or application, and to this end the
3 provisions of this ordinance are declared severable.

4 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
5 such conflict hereby repealed.

6 **Section 6.** This ordinance shall become effective immediately upon adoption.

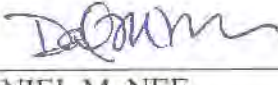
7 **PASSED AND ADOPTED THIS 20th day of April, 2023.**

8
9 
10 _____
11 HARVEY L. WARD, JR.
12 MAYOR

13
14 Attest:

Approved as to form and legality:

15
16
17 
18 _____
19 OMICHELE D. NATTIEL-WILLIAMS
20 CITY CLERK

21
22 
23 _____
24 DANIEL M. NEE
25 CITY ATTORNEY

23 This ordinance passed on first reading this 6th day of April, 2023.

24 This ordinance passed on second reading this 20th day of April, 2023.

Temp. Ord. No. 1644
5/23/16
7/5/16

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 16-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, ESTABLISHING THE SALARY AND BENEFITS OF THE CITY'S ELECTED OFFICIALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Charter allows the City Commission to establish the salary and benefits of the Mayor and City Commissioners (sometimes referred to herein as the Elected Officials); and

WHEREAS, the salary and benefits available to the Elected Officials is currently addressed in the Comprehensive Pay Plan (CPP) in effect for Fiscal Year (FY) 2015 ; and

WHEREAS, the CPP for FY 2016 provides that if superseded by ordinance, the provisions in the FY 2015 CPP related to the Elected Officials become null and void; and

WHEREAS, the City Commission desires to adopt this Ordinance to supersede those provisions in the FY 2015 CPP related to the Elected Officials.

.NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AS FOLLOWS:

Section 1: That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Ord. No. 16-11

Temp. Ord. No. 1644
5/23/16
7/5/16

Section 2: That the following salary and benefits are available to the City's Elected Officials:

A. **Salaries.** The Mayor shall receive an annual salary of \$43,411. Each City Commissioner shall receive an annual salary of \$34,175.

B. **Stipend.** The Mayor and each City Commissioner shall receive an annual stipend of \$2,500, payable in equal installments in accordance with the City Commission payroll structure.

C. **Vehicle.** Elected Officials may opt for the use of a City vehicle so long as that vehicle is a fuel efficient or low emission vehicle consistent with the City's environmental enhancement initiative and so long as that Elected Official certifies that he/she will fully comply with IRS personal use vehicle requirements, or may opt for a monthly vehicle allowance in lieu of the use of a City vehicle in the amount of \$450 per month.

D. **Educational Reimbursement:** The City shall reimburse each Elected Official for their participation in courses offered by the Florida League of Cities or other similar entities that exist as an educational resource for local governments. The City shall also reimburse each Elected Official for his or her participation in continuing education courses aimed at informing and educating elected officials about their involvement in elected office and issues facing local government. .In order to obtain reimbursement, the Elected Official must provide proof of the successful completion of

Temp. Ord. No. 1644
5/23/16
7/5/16

the course and proof of attending the course (e.g., a receipt and a certificate of attendance or similar documentation).

E. Pension. The Mayor and City Commissioners may participate in the Florida Retirement System ("FRS"). For any Elected Official who is in office as of June 1, 2016 and is ineligible to participate in the FRS, the City shall make a contribution for each month the Elected Official is in office, on the Non-FRS Elected Official's behalf, in an amount equal to the percentage of salary paid by the City for each of the Elected Officials in FRS (currently 42.47%, equal to \$14,445.79). For any Elected Official who takes office after June 1, 2016, and is ineligible to participate in the FRS, the City shall make a contribution for each month the Elected Official is in office on the non-FRS Elected Official's behalf, in an amount equal to the percentage of salary given under the Management Pension Plan (currently 24.2%, equal to \$8,270.36). The contributions shall be made to an authorized 401, 457 and/or individual retirement account (IRA), or any other legal deferred compensation, annuity plan and/or retirement-related tax sheltered plan as may be designated by the Non-FRS Elected Official in accordance with, and subject to the limits of, applicable federal and state law. For non-FRS members, the City shall make a required contribution established by FRS for the unfunded actuarial liability portion related to the Elected Official, and such contribution shall be effective as of the date that the Elected Official took office.

Temp. Ord. No. 1644
5/23/16
7/5/16

F. Deferred Compensation Plan. The City will contribute 9% of the salary of Elected Officials to an authorized Deferred Compensation Plan (457) and/or other approved tax deferred program provided that they shall contribute an amount of at least 3%. This is in addition to any defined benefit program.

G. Insurance. The Mayor and City Commissioners shall receive the same insurance as Department Directors.

H. Technology. The Mayor and City Commissioners shall receive the same technology benefits as Department Directors.

Section 5: That all sections or parts of sections of the City Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6: That should any section or provision of this Ordinance, or any paragraph, section or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

Section 7: That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made part of the Code of the

Temp. Ord. No. 1644
5/23/16
7/5/16

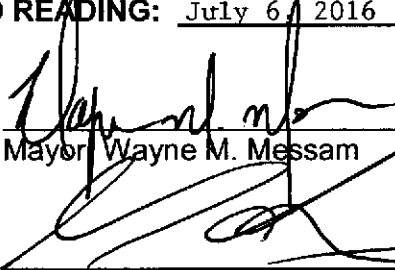
City of Miramar, and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter", "Section", "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

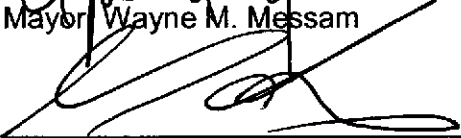
Section 8: That this Ordinance shall take effect immediately upon adoption on second reading.

Temp. Ord. No. 1644
5/23/16
7/5/16

PASSED FIRST READING: June 1, 2016

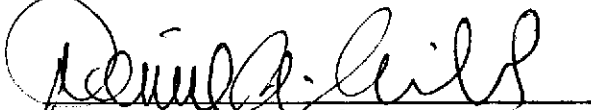
PASSED AND ADOPTED ON SECOND READING: July 6, 2016



Mayor Wayne M. Messam


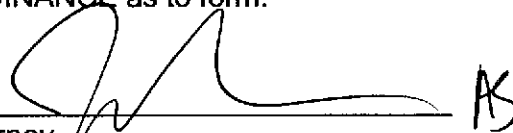
Vice Mayor, Maxwell B. Chambers

ATTEST:



City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:



City Attorney
Weiss Serota Helfman
Cole & Bierman, P.L.

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	<u>Yes</u>
Vice Mayor Maxwell B. Chambers	<u>Yes</u>
Commissioner Yvette Colbourne	<u>Yes</u>
Commissioner Darline B. Riggs	<u>Yes</u>
Mayor Wayne M. Messam	<u>Yes</u>

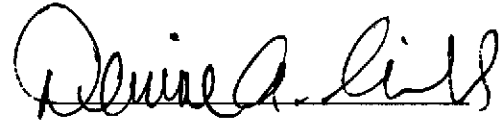
Ord. No. 16-11

6

Certificate of Filing for an Ordinance

CERTIFICATE OF FILING

I, Denise A. Gibbs, as City Clerk of the City of Miramar, a Florida Municipal Corporation, hereby certify that this fully executed Ordinance No. 16-11 was filed in the records of the City Clerk this 21st day of July, 2016.

A handwritten signature in black ink, appearing to read "Denise A. Gibbs", written over a horizontal line.

Print Name: Denise A. Gibbs

Print Title: City Clerk

Temp. Ord. No. 1737
10/24/19
11/18/19

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 20-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING ORDINANCE NO. 16-11 ESTABLISHING THE SALARY AND BENEFITS OF THE CITY'S ELECTED OFFICIALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Charter allows the City Commission to establish the salary and benefits of the Mayor and City Commissioners (sometimes referred to herein as the Elected Officials); and

WHEREAS, the City Commission desires to adopt this Ordinance to amend certain provisions in Ordinance No. 16-11 related to the compensation of Elected Officials; and

WHEREAS, words with single underline shall constitute additions to the original text and ~~strike through-text~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AS FOLLOWS:

Section 1: That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: PURPOSE. AMENDMENT OF SECTION ORDINANCE 16-11(2).
That the following salary and benefits are available to the City's Elected Officials:

Ord. No. 20-05

Temp. Ord. No. 1737

10/24/19

11/18/19

A. Salaries. The Mayor shall receive an annual salary of \$43,411. Each City Commissioner shall receive an annual salary of \$34,175.

B. Stipend. The Mayor and each City Commissioner shall receive an annual stipend of \$12,500, available at the option of each elected official either as: 1) payable in equal installments in accordance with the City Commission payroll structure and subject to all applicable taxes, or 2) included within the operating budget of each elected official to be used in accordance with applicable policies and procedures for business related expenditures.

C. Vehicle. Elected Officials may opt for the use of a City vehicle consistent with the City's environmental enhancement initiative and so long as that Elected Official certifies that he/she will fully comply with IRS personal use vehicle requirements, or may opt for a monthly vehicle allowance in lieu of the use of a City vehicle, in the amount of ~~\$450 per month~~ in the same amount as the City Manager.

Temp. Ord. No. 1737
10/24/19
11/18/19

D. Educational Reimbursement: The City shall reimburse each Elected Official for their participation in courses offered by the Florida League of Cities or other similar entities that exist as an educational resource for local governments. The City shall also reimburse each Elected Official for his or her participation in continuing education courses aimed at informing and educating elected officials about their involvement in elected office and issues facing local government. In order to obtain reimbursement, the Elected Official must provide proof of the successful completion of the course and proof of attending the course (e.g., a receipt and a certificate of attendance or similar documentation).

E. Pension. The Mayor and City Commissioners may participate in the Florida Retirement System ("FRS"). For any Elected Official who is in office as of June 1, 2016 and is ineligible to participate in the FRS, the City shall make a contribution for each month the Elected Official is in office, on the Non-FRS Elected Official's behalf, in an amount equal to the percentage of salary paid by the City for each of the Elected Officials in FRS (currently 42.47%, equal to \$14,445.79). For any Elected Official who takes office after June 1, 2016, and is ineligible to participate in the FRS, the City shall make a contribution for each month the Elected Official is in office on the non-FRS Elected Official's behalf, in an amount equal to the percentage of salary given under the Management Pension Plan (currently 24.2%, equal to \$8,270.36). The contributions

shall be made to an authorized 401, 457 and/or individual retirement account (IRA), or any other legal deferred

Ord. No. 20-05

3

Temp. Ord. No. 1737
10/24/19
11/18/19

compensation, annuity plan and/or retirement-related tax sheltered plan as may be designated by the Non-FRS Elected Official in accordance with, and subject to the limits of, applicable federal and state law. For non-FRS members, the City shall make a required contribution established by FRS for the unfunded actuarial liability portion related to the Elected Official, and such contribution shall be effective as of the date that the Elected Official took office.

F. Deferred Compensation Plan. The City will contribute 9% of the salary of Elected Officials to an authorized Deferred Compensation Plan (457) and/or other approved tax deferred program provided that they shall contribute an amount of at least 3%. This is in addition to any defined benefit program.

G. Insurance. The Mayor and City Commissioners shall receive the same insurance as Department Directors.

H. Technology. The Mayor and City Commissioners shall receive the same technology benefits as Department Directors.

I. IRS. The assignment of a City take home vehicle, stipend and business stipend payments and reimbursements may result in taxable income to the Mayor and City Commissioners.

Section 5: That all sections or parts of sections of the City Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Ord. No. 20-05

4

Temp. Ord. No. 1737
10/24/19
11/18/19

Section 6: That should any section or provision of this Ordinance, or any paragraph, section or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

Section 7: That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made part of the Code of the City of Miramar, and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter", "Section", "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Ord. No. 20-05

5

Temp. Ord. No. 1737
10/24/19
11/18/19

Section 8: That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED FIRST READING: November 6, 2019

PASSED AND ADOPTED ON SECOND READING: November 13, 2019

Mayor, Wayne M. Messam

Vice Mayor, Alexandra P. Davis

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved this ORDINANCE as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Comm. Chambers
Commissioner Winston F. Barnes

Voted
No

Commissioner Maxwell B. Chambers	Yes
Commissioner Yvette Colbourne	Yes
Vice Mayor Alexandra P. Davis	Yes
Mayor Wayne M. Messam	No

Ord. No. 20-05

6

Section 3.08. - Compensation and expense allowance.



- (a) Each Commissioner shall be compensated at the rate of twelve thousand dollars (\$12,000.00) per year. The Mayor of Coral Springs shall be compensated at the rate of fifteen thousand dollars (\$15,000.00) per year.
- (b) The Mayor shall receive two hundred fifty dollars (\$250.00) per month non-accountable expense allowance and each Commissioner shall receive two hundred dollars (\$200.00) per month non-accountable expense allowance.
- (c) Said compensation and expense allowance for the Mayor and each Commissioner shall be subject to change on October 1 of each calendar year. The adjustment shall be made effective October 1 of each calendar year based on the comparison of the Consumer Price Index for All Urban Consumers, U.S. city average, published by the United States Department of Labor for the prior month of June in each calendar year.

(Ord. No. 78-114, § 1, 6-6-78; Ord. No. 84-133, § 1, 10-16-84; Ord. No. 98-101, § 2, 2-17-98; Ord. No. 99-102, § 1, 2-16-99; Ord. No. 2005-100, § 2, 2-15-05; Ord. No. 2014-109, § 2, 5-7-14, election of 11-4-14)

[Coral Springs City Charter, s. 3.08](#)

Section 3.03 Compensation.

Effective November 9, 2016, the salary for the office of Mayor shall be at the rate of 20 cents per capita, and the salary for the office of Councilmember shall be set at the rate of 10 cents per capita. The per capita numbers utilized shall be the population as of the date of approval of this revision as set forth in the most recent population estimate of the Bureau of Economic and Business Research of the University of Florida. The annual salary of the Council shall not be increased by more than the increase in the Consumer Price Index, or the annual increase given to City employees, whichever is lower. The annual salary shall be reviewed during the City's annual budget process. No increase in salary shall become effective until October 1.

[Palm Bay City Charter, s. 3.03](#)

Sec. 18. - Compensation of city commission.



The mayor and city commission shall receive the across the board increase as provided to general employees at the beginning of each fiscal year. The city commission shall fix any salary or compensation of the mayor and the city commissioners in excess of the across the board increase by appropriation in the city budget; provided, however, that before the compensation of the mayor or the other city commissioners may be increased from their respective compensations received in the next preceding budget year, the city commission shall first hold a public hearing upon the matter of the increase, notice of which hearing shall be published in a newspaper of general circulation in the City of Lakeland, or as otherwise provided by law, one time not less than sixty (60) days prior to the hearing. The salary or compensation of the mayor as determined herein shall not be an amount less than one hundred fifty (150) percent of the salary or compensation of a city commissioner.

([Ord. No. 5773](#), Att. A, 11-5-19)

[Lakeland City Charter, s. 18](#)

Sec. 18. - Compensation of city commission.



The city commission shall fix the salary or compensation of the mayor and the city commissioners by appropriation in the city budget; provided, however, that before the compensation of the mayor or the other city commissioners may be increased from their respective compensations received in the next preceding budget year, the city commission shall first hold a public hearing upon the matter of the increase, notice of which hearing shall be published in a newspaper of general circulation in the City of Lakeland one time not less than thirty (30) days prior to the hearing. The salary or compensation of the mayor as determined herein shall not be an amount less than one hundred fifty (150) percent of the salary or compensation of a city commissioner.

(Ord. No. 2976, § 5, 12-21-87, election of 3-8-88)

[Lakeland City Charter \(obsolete language - circa 1988\)](#)

Sec. 2.02. - Term and compensation.



The term of office of the mayor shall be four (4) years. No individual shall be elected to the office of the mayor for more than two (2) consecutive full terms.

The term of office of the city commissioners shall be two (2) years. Commissioner terms shall be staggered. The terms for commissioners qualified in districts 1, 3 and 5 shall expire in the same year. The terms for commissioners qualified in districts 2 and 4 shall expire in the same year. No individual shall be elected to the office of city commissioner for more than four consecutive full terms.

The annual salaries of the mayor and the city commissioners shall be fixed by ordinance. These salaries shall be reviewed during the city's annual budget process.

(Ord. No. 2455-91, § 1, 7-8-1991; Res. No. 75-93, § 5, 3-25-1993; Ord. No. 4392-11, 11-28-2011)

[West Palm Beach City Charter, s. 2.02](#)

THIS PAGE INTENTIONALLY LEFT BLANK

Issue No. 3
Conduct of Elections - Primaries
 (City Charter – Related Laws, Article I, s. 1-1)

Current Language

Sec. 120. - When regular municipal elections held; method and manner of holding special elections.

Effective March 1, 2003, regular municipal elections shall be held on the first Tuesday after the first Monday in November of each even numbered year. The municipal primary election for the nomination of mayor or commissioners, if necessary, shall be held on the same date as the State's Primary Election. The time of qualifying for municipal office shall be as provided by state law. The manner and times for city commission candidates seeking to qualify by petition shall be as provided by state law. The city commissioners shall by ordinance, that may not be inconsistent with this Charter, otherwise prescribe the method, manner and conduct of all elections of said city and may contract with the Supervisor of Elections of Leon County to conduct all or any part of said elections and for such purpose may furnish personnel, services and materials, including the services of the City Treasurer-Clerk and City Attorney to the Supervisor, without reimbursement.

(Laws of Fla. Ch. 27918(1951), § 1; Ord. No. 83-O-2102, § 1, 9-13-1983; Ord. No. 97-O-0054AA, § 3, 10-8-1997; Ord. No. 01-O-86AA, § 4, 1-23-2002; Ord. No. 04-O-46, § 3, 5-26-2004)

City Ordinances, Ch. 7, Sec. 7-6(a) (formerly Sec. 2-26 in the 1983 code book)

Sec. 7-6. - Primary election and unopposed candidates.

*(a) If **two** or more persons qualify as candidates as provided for in section 7-5 for **any** of the places to be filled, then a municipal primary election shall be held for election...*

(Code 1957, § 12-7; Code 1984, § 2-28; Ord. No. 83-O-2103AA, § 7, 9-13-1983; Ord. No. 91-O-0069AA, § 1, 1-8-1992; Ord. No. 96-O-0034, § 3, 12-11-1996; Ord. No. 99-O-0063, § 8, 11-23-1999; Ord. No. 04-O-46, § 7, 5-26-2004; Ord. No. 16-O-03AA, § 6, 2-24-2016)

Abbreviated History of modern City elections

Standalone Winter Elections

For all of its history through the late 1990s, the City of Tallahassee held standalone elections, separated from state & federal elections. Municipal elections were held in February, with the regular election taking place on the 4th Tuesday in February of each election year. Prior to the general election, a primary was conducted. During this era, the time between the primary and regular election ranged from as little as one week prior to the regular election to as many as three weeks. This is a notable detail, as a longstanding objective was to have minimal lag between winning election and assuming office. In addition to having a short time between primary and regular elections, prior to 2004, there as a short time between election and installation. The winners of the regular election were sworn into office only three days after election day (*i.e. elected on the 4th Tuesday in February, and sworn in the Friday of that week*).

Moving City Elections to Fall Elections

In the early 1990s, the Commission discussed moving city elections from February to some other date. Several reasons and arguments were made for (1) keeping city elections in February, (2) moving elections to May or some other summer period, or (3) moving city elections to the Fall, concurrent with countywide, state & federal elections.

Some considerations were:

- The city budget adoption cycle. The annual budget is adopted each September; those elected in February must become quick studies on city budgeting. Conversely, if there is an August primary, the city budget can be made into a campaign platform.
- With an August primary, a defeated candidate would still be in office and vote on a budget mere weeks before their term concludes.
- Voter turnout. Turnout is far greater at Fall elections than standalone Winter elections.
- Visibility of the candidates. City candidates have the limelight in standalone elections vs. competing for coverage/advertising if city elections are concurrent with county/state/federal races.
- Crowded ballots
- The gap between the primary and regular election. **A narrow gap provided insufficient time for the primary winners to voice their platform. But, a larger gap could cause an undesirable lame-duck period if a challenger beats the incumbent in the primary.**

These various aspects often presented conflicting results (e.g. standalone elections historically produced much lower voter turnout; however, standalone elections gave city candidates the local spotlight).

Ultimately, the Commission took action via City Ordinance 99-O-0063 in November 1999 to transition to Fall city elections. In 1999, there were 3 state-level Fall elections:

Late 1990s – 2000 Era State Fall Election Model

September – First party primary (*9 weeks prior to the General*)

October – Second party primary (party primary runoff) (*5 weeks prior to General*)

November – General Election (*1st Tues. after 1st Monday in Nov.*)

Under this election model, the city primary election would be held in October and followed 5 weeks later by the city regular election in November. This 5-week gap was the narrowest gap available for a Fall election for spacing the primary and regular city elections. What once was a 3-week gap under city standalone elections became a 5-week gap with concurrent elections.

Fall elections were held in 2000 and 2002.

Adjusting the City Primary

The 1999 ordinance also slightly changed the way the city primary is conducted. Prior to 1999, only races with three or more candidates were presented on a primary ballot. Under the new language in 1999, all contested races were to be placed on the primary ballot. As a result, the ballot for the primary election listed all races, regardless of whether there be two, three, or more candidates (exclusive of write-in candidates). If there was no outright winner at the “primary” election, the two candidates receiving the most votes in each race would advance to a “regular” election (except in cases of write-in candidates).

The origins of the 1999 ordinance date to 1952, just after the city commission was expanded from 3 members to 5 members. The 1952 language specified that if any race on the city ballot involved 3 or more candidates, then a primary would be necessary. If a primary was triggered, then all races would be listed on the primary ballot, including races with only 2 candidates. In effect, the 1999 ordinance change brought the city into alignment with state law governing non-partisan and non-county races such as judgeships and school board races (*see s. 105.051, F.S.*). It guarantees that 2-candidate races will always be finalized at the primary election. State law governing county races is different. For Leon County, 2-person county commission races go directly to the general election ballot. This is true for county elections even in years when three or more candidates are running for a specific seat. In those years, county races with three-plus candidates begin with a primary while those races with two candidates are conducted in the November general election.

In reviewing historical election records, only two modern election cycles from 1980 through 1999 did not trigger a primary: 1980 & 1988.

Return to Winter Elections; the Florida Election of 2000

After the Bush-Gore 2000 election in which Florida played a major role, the legislature overhauled much of the Florida Election Code, codified in Florida Statutes, Chapters 97 - 107. The post-2000 overhaul eliminated the second party-run-off (October) election, leaving the first party-primary (September) election as the only primary election. **This expanded the gap between election and installation to 11 weeks.** Due to this action by the Legislature, the Commission reverted back to Winter elections and

adjusted the terms of office of the sitting commissioners accordingly. The 2003 city elections occurred in February.

Return to Fall Elections; the 2004 City Charter Referendum

The City's return to Winter elections in 2003 sparked a citizen petition drive that successfully placed the election cycle question on the ballot in March 2004. Voters passed a City Charter amendment to require Fall municipal elections, to be held concurrent with state & federal elections. After passage, all subsequent city elections have been held concurrent with state & federal elections.

From Fall 2004 through Fall 2007, the state election model was:

September – Party primary (*9 weeks prior to the General*)
November – General Election (*1st Tues. after 1st Monday in Nov.*)

From Fall 2008 onward, the state election model has been:

August – Party primary (*11 weeks prior to the General*)
November – General Election (*1st Tues. after 1st Monday in Nov.*)

This change has resulted in the largest gap between a potential election victory and being sworn into office (nearly 3 months).

2004 Charter Referendum Ballot Question (election of 3/9/2004)

Fall Municipal Elections for the City of Tallahassee

Requires holding the regular municipal election on the first Tuesday after the first Monday in November of each even numbered year and holding the municipal primary election, if necessary, on the same date as the State's September Primary. Provides for qualifying, and shortens terms for two seats filled in 2003 to coordinate terms with Fall elections, requires Commission to otherwise provide for conduct of elections.

YES

NO

City Elections – Statistical Summary 1980-2022

- 29 election cycles have occurred with 60 individual races held
- 3 of 60 races had unopposed candidates (5%; all 2004-present; all incumbents)
- 10 of 60 faces had just two candidates (16.6%; exclusive of runoff contests)
- 6 of 10 two-person races have appeared on a primary ballot
- 4 of 10 two-person races have appeared on a regular election ballot
- 4 of 10 two-person races have occurred since 1999.
- 45 of 60 races had 3 or more candidates (75%)
- There has been 1 write-in candidate since 1980
- Only 1 candidate known to have used the petition method to qualify (2003)
- Of the 60 races, 52 appeared on the primary ballot, including six 2-person races
- Of the 52 primary races, half (26) resulted with a candidate outright elected at the primary
- Of the 26 primary races that went to a run-off, only 6 races resulted in a primary second-place-finisher prevailing at the runoff (88% of the time, the top vote-getter at the primary ultimately prevails)
- 3 cycles resulted in no municipal primary (1980, 1988, 2008)

Observations

- Since 2004, there have been only 4 two-person races, occurring in 2006, 2014, 2016, & 2022. With the 1999 ordinance change, these races were required to appear on the primary ballot.
- Nearly half of city races are finalized at the primary. Finalizing a race at this stage ends many campaigning expenses for candidates and leads to closure of their financial reporting requirements. Moving 2-person races to the regular election would prolong these.
- County Commission races are non-partisan; 2-person county commission races go directly to the general election ballot (2004-present; *see County Charter s. 3-2(1)(A)*).
- Leon Co. School Board races are non-partisan and adhere to Ch. 105, F.S. (2-person races are settled at the primary; *see s. 105.051, F.S.*)
- Some believe that 2-person races should go directly to the regular election ballot.
- **The city repealed the filing fee that candidates formerly paid at the time of qualifying. These filing fees offset the cost of conducting municipal elections. With only the statutorily required 1%-of-salary election assessment fee in place (*see 99.093, F.S.*), there are few barriers for candidates to qualify. One viewpoint is the qualifying bar is too low, resulting in nonviable candidates on the ballot, causing crowded ballots. Strengthening qualifying standards may lead to more frequent 2-person races.**
- Write-in candidates are governed by s. 99.061(4)(b), F.S.
- Ranked-choice voting is prohibited by Florida law (s. 101.019, F.S.)
- s. 100.3605, F.S. (via s. 97.0115, F.S.) provides municipalities some flexibility with regards to how elections are structured. For example, some cities do not conduct primaries. Only one election is held, a winner-take-all model, where securing a plurality of votes cast results in victory. In Tallahassee, 88% of primary top-vote-getters later prevail at the regular election.
- Primary ties may occur. There is no Charter or code provision for how ties are to be settled, especially in case of a primary tie. **Absent a city-specific provision, the language of s. 105.051(1)(b) will prevail.**

Attachments:

Attachment A – s. 105.051, F.S.

105.051 Determination of election or retention to office.—**(1) ELECTION.—**In circuits and counties holding elections:

(a) The name of an unopposed candidate for the office of circuit judge, county court judge, or member of a school board shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the primary election. If any candidate for such office receives a majority of the votes cast for such office in the primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

(c) The candidate who receives the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(2) **RETENTION.—**With respect to any justice or judge who qualifies to run for retention in office, the question prescribed in s. [105.041\(2\)](#) shall be placed on the ballot at the general election. If a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, the justice or judge shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If less than a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, a vacancy shall exist in such office upon the expiration of the term being served by the justice or judge.

History.—s. 5, ch. 71-49; s. 38, ch. 77-175; s. 19, ch. 81-105; s. 632, ch. 95-147; s. 5, ch. 99-326; s. 4, ch. 99-355; s. 23, ch. 2005-286.

CITY OF TALLAHASSEE
2024 CHARTER REVIEW COMMITTEE
PAST ELECTION STATISTICS

YEAR	ELECTION	TURNOUT		NO. REGISTERED VOTERS	
		PRIMARY	REGULAR	PRIMARY	REGULAR
1980		-- NA --	31.2%		37,187
1981		23.3%	24.4%		
1982		34.4%	37.5%	42,849	42,970
1983	No city election this year	-	-		
1984					
1985		25.3%	30.3%		
1986		25.9%	**		
1987	Special election	18.9%	21.3%		
1988		-- NA --	32.8%		
1989		22.5%	26.4%		
1990		29.4%	**	60,707	
1991	No city election this year	-	-		
1992		33.9%	25.2%		
1993		20.4%	27.0%		
1994		23.8%	31.2%		
1995	No city election this year	-	-		
1996		15.0%	15.7%		
1997		23.5%	17.3%		
1998		17.3%	22.9%	90,442	90,652
Ord. 99-O-0063 (Nov. 1999) – Moving to Fall elections; Seat staggering changes					
2000	City elections held in <u>Oct</u> & Nov	31.3%	67.5% **	86,533	91,464
2003 ~	Elections moved back to Feb. 2003	32.7%	34.1%		
2004	City elections held in <u>Sept</u> & Nov	36.1%	79.6% ** (countywide)		
2006	City elections held in <u>Sept</u> & Nov	37.2%	61.2%	86,684	85,295
2008	City elections held in <u>Aug</u> & Nov	31.2% *	80.9% *	92,236	112,345
2010		32.8%	56.4%	101,292	104,163
2012		27.9%	75.2%		
2014		22.9%	52.4%		
2016		29.3%	72.6% **	124,141	134,240
2018		34.3%	63.1%		
2020		33.0%	62.3%		
2022		30.7%	53.0%	126,858	128,707

Green shows highest turnout in each election, both before and after the 1999 change. Red is the lowest turnout.

NA – In 1980 & 1988, no race on the city ballot contained three or more candidates. Each race had only two candidates. Therefore, the requirement to conduct a primary was not triggered. Therefore, the two candidates for each race advanced directly to the regular election ballot.

~ Due to the legislature abolishing the 2nd party primary in formerly was held in October, the City reverted back to standalone elections for 2003. In early 2004, a ballot referendum required city elections to be held concurrent w/ State & Federal elections.

* - Seat 1 race was a single qualified candidate vs. a write-in. Per the Florida Election Code, this race went directly to the regular election ballot. Given the regular election ballot had only one name (Mustian), many voters appear to have declined to cast a vote in that race. 80.9% of registered city voters cast a ballot, but only 62.3% of registered city voters voted in the Seat 1 race. The other race that cycle was not on the ballot as it was an unopposed race.

** - All races final at first election. No run-off required.

- 2000 - US Presidential Election (Bush v. Gore)
- 2004 - US Presidential Election (Bush v. Kerry)
- 2006 - Florida Gubernatorial Election (Christ v. Davis)
- 2008 - US Presidential Election (Obama v. McCain)
- 2010 - Florida Gubernatorial Election (Scott v. Sink)
- 2012 - US Presidential Election (Obama v. Romney)
- 2014 - Florida Gubernatorial Election (Christ v. Scott)
- 2016 - US Presidential Election (Clinton v. Trump)
- 2018 - Florida Gubernatorial Election (DeStantis v. Gillum)
- 2020 - US Presidential Election (Biden v. Trump)
- 2022 - Florida Gubernatorial Election (Christ v. DeStantis)

Other Elections notables			
2004	Charter Referendum (Fall elections) (on <u>March</u> PPP ballot)		20.4%
2014	Charter Referendum (Ethics Board)		52.4%
2018	Charter Referendum (Ethics Board)		63.1%

**City of Tallahassee
Charter Review Committee**

Follow-Up Items from the January 25, 2024, Meeting

- The citizen-comment portal has been created and has been operational for several days. Input collected via this portal will be distributed at 1pm Thursdays, prior to each regularly scheduled meeting.
- The County Charter is silent as to the part-time or full-time nature of county commissioner roles.
- The mean (average) salary of FTE city employees earning at least \$16/hr is \$61,782. The median is \$68,739.
- A question arose as to the amendment procedures for city charters. While Tallahassee’s charter does not have a specific amendment procedure codified therein, state statute provides the framework for how amendments may occur. Those may be found in s. 166.021(4) and s. 166.031, Florida Statutes, the chapter known as the “Municipal Home Rule Powers Act.”
- A question was asked relative to the number of constituents per elected official. The below chart has been compiled in response:

Constituents per Elected Position

Office	Constituents per Elected Seat	
US Senator (Florida)	~ 11.3 million	
US House of Representatives (435)	~ 700,000	
Senator – Florida Legislature (40)	~ 540,000	
Representative – Florida Legislature (120)	~ 180,000	
Leon Co. Commissioner (at-large) (2)	~ 292,000	Salary
Leon Co. Commissioner (district) (5)	~ 58,400	\$96,000
Tallahassee Mayor (1)	~ 202,000	\$96,000
Tallahassee City Commissioner (4)	~ 202,000	\$48,000