

## CHARTER<sup>1</sup>

### ***EXISTING MUNICIPALITY***

#### **Sec. 1. Abolished.**

Editor's note(s)—The provisions of section 1 have been deleted as obsolete.

#### **Sec. 2. Title to property reserved to new municipality.**

Editor's note(s)—The provisions of section 2 have been deleted as obsolete.

#### **Sec. 3. Contracts remain binding.**

Editor's note(s)—The provisions of section 3 have been deleted as obsolete.

#### **Sec. 4. Officers hold until successors qualify.**

Editor's note(s)—The provisions of section 4 have been deleted as obsolete.

### ***NEW MUNICIPALITY***

#### **Sec. 5. Established; body politic; perpetual succession.**

The inhabitants of the City of Tallahassee, Florida, as its limits are hereinafter established shall be and continue to be a body politic and corporate to be known and designated as the "City of Tallahassee," and as such shall have perpetual succession.

#### **Sec. 6. Boundaries.**

The corporate limits of the City of Tallahassee, in Leon County, Florida, be, and the same are hereby fixed, defined and established so as to include the following lands and territory in said County of Leon in the State of Florida, to wit:

[Description on file with the city treasurer-clerk.]

State law reference(s)—Annexation, F.S. ch. 171.

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<sup>1</sup>Editor's note(s)—Printed herein is the city Charter, being Laws of Fla. ch. 8374(1919), as amended. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Catchlines for sections have been supplied or altered as necessary. Additions made for clarity are indicated by brackets. For consistency, throughout the Charter the term "city treasurer-clerk" has been used in lieu of "city treasurer and clerk."

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## **Sec. 7. Powers of the city generally.**

That the City of Tallahassee hereby created, established and organized, shall have full power and authority to acquire, take hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits for the use, benefit, welfare and best interest of said municipality, by purchase, lease, grant, gift, devise, condemnation or otherwise to issue and sell bonds, upon its property both within and without its corporate limits, or on the earnings thereof, or both, for any lawful municipal purpose [...].

Editor's note(s)—The deleted provisions of section 7 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The deleted provisions of section 7 are adequately covered by such act.

## **Sec. 8. General description.**

The form of government of the City of Tallahassee provided for under this Act shall be that known as the "Commission—Manager Plan," [...] who shall be elected at large in the manner hereinafter provided. The commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "City Manager," and to exercise all other powers hereinafter provided.

Editor's note(s)—Material has been deleted from section 8 that is superseded by section 9.

## ***CITY COMMISSION***

## **Sec. 9. Creation; composition; election and terms.**

There is hereby created a city commission to consist of five (5) electors of the city elected at large. Commissioners who shall be elected beginning with the year 1976 and subsequently for a full term, shall hold office for four (4) years, beginning on the day after election specified in Section 17 of the City Charter.

## **Sec. 10. Powers granted; manner of exercising; commissioners dictating appointment of employees.**

All powers of the city except as otherwise provided by this Charter, or by the Constitution of the state are hereby vested in the city commission; and, except as otherwise provided by this Charter, or by the Constitution of the state, the city commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. Neither the commission nor any of its members shall dictate the appointment of any person to office or employment by any appointed official of the city nor in any manner prevent any appointed official from exercising the appointed official's judgment in selecting office personnel. Neither the commission nor any member thereof shall give orders to, nor make demands of, any of the subordinates of any appointed city official, either publicly or privately. Any such dictation, orders, demands or other interference upon the part of a member of the city commission with the administration of the city shall constitute grounds for removal from office; provided, however the commission or any member thereof may at any time request information from any employee of the city relating to the performance of the appointed official's duties of the office operation.

State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166.

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### **Sec. 11. Election of mayor.**

The mayor shall be elected at large for a four-year term beginning with the regular municipal election in 1997. The term of office of the mayor shall begin on the day after election specified in Section 17 of the City Charter.

City Commission seat IV shall be designated as the seat of the mayor for purposes of qualifying of candidates for the office of mayor.

### **Sec. 12. Candidates for mayor or commission, certain practices prohibited.**

No candidate for the office of mayor or city commission nor any candidate seeking nomination in any primary election for such office shall promise any money, office, employment or any other thing of value to secure the candidate's nomination or election.

A violation of these provisions, or any of them, shall disqualify a candidate from holding the office if elected, and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office.

### **Sec. 13. Judge of its own election.**

The commission shall be the judge of the election and qualification of its own members subject to review by the courts. Any member of the commission who shall be convicted of crime while in office shall thereby forfeit that office.

### **Sec. 14. Vacancies.**

Any vacancy in the commission, including the office of mayor, shall be filled by appointment until the following regular municipal election. Any vacancy occurring after the close of qualifying for a regular municipal election in which no candidate has qualified, shall be filled by appointment until the next regularly scheduled biennial election. The term of commissioners elected to fill a vacancy shall be for the unexpired term of the position vacated. Any vacancy resulting from a recall election shall be filled in the manner provided for in such cases by the Florida Statutes.

If any vacancy is not filled within twenty (20) days after it shall have occurred, an appointment to fill the vacancy shall be made by the governor.

State law reference(s)—Provisions for filling vacancies required, F.S. § 166.031(6).

### **Sec. 15. Election of mayor pro tem.**

The city commission shall annually elect one of its members as mayor pro tem. In election years, the mayor pro tem shall be elected at the reorganization meeting held pursuant to Section 17 of the City Charter. In non-election years, the mayor pro tem shall be elected at the first regular meeting occurring in the month of November ("reorganization meeting"), which shall occur not later than the twenty-first (21<sup>st</sup>) day of November. In case the members of the commission are unable to agree upon the selection of the mayor pro tem within five (5) days after the time fixed herein for the reorganization meeting, then such officer shall be chosen by lot, conducted by the city attorney, who shall certify the result of such lot upon the journal of the commission.

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## **Sec. 16. Powers and duties of mayor.**

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

Editor's note(s)—The provisions of the fourth sentence of section 16 have been deleted as superseded by F.S. § 877.041.

## **Sec. 17. Meetings.**

On the thirteenth (13<sup>th</sup>) day following the regular municipal election, the city commission shall meet, at which time the newly elected mayor or member(s) of the city commission shall assume the duties of office. The meeting shall occur on this day at the usual place for holding meetings of the legislative body, unless a different day or place is specified by resolution adopted by the city commission not less than thirty (30) days in advance of the meeting.

All meetings of the city commission and of the committees thereof shall be public and any person shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

Editor's note(s)—Language at the beginning of section 17 has been deleted as obsolete. The provisions of the last sentence were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. Such provisions of are adequately covered by such act.

## **Sec. 18. Special meetings; how called.**

The mayor, any two (2) members of the commission, or the city manager, may call special meetings of the commission upon at least twenty-four (24) hours' written notice to each member, served personally, or left at his/her usual place of residence.

State law reference(s)—Public meetings and records required, F.S. § 286.011.

## **Sec. 19. Absence from meetings.**

Editor's note(s)—The provisions of section 19 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Tallahassee City Code. See Code § 2-31.

## **Sec. 20. Legislative procedure; quorum.**

Editor's note(s)—The provisions of section 20 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Tallahassee City Code. See Code § 2-32.

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**Sec. 21. Ordinance enactment.**

Editor's note(s)—Except for the third sentence, the provisions of section 21 were either superseded by F.S. § 166.041 or converted into an ordinance by F.S. ch. 166 that has not been readopted. The provisions of the third sentence of section 21 have assumed ordinance status by virtue of by Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Tallahassee City Code. *See Code § 2-33.*

**Sec. 22. Emergency measures.**

Editor's note(s)—The provisions of section 22 were either superseded by F.S. § 166.041 or converted into an ordinance by F.S. ch. 166 that has not been readopted.

**Sec. 23. Reserved.**

***CITY MANAGER***

**Sec. 24. Appointment; term; qualifications; assistant city manager; duties.**

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. The city manager shall hold office at the pleasure of the city commission. The city manager shall be chosen solely on the basis of executive and administrative qualifications, without regard to political belief, and need not be a resident of the city or state at the time of appointment. The city manager shall have the power and authority to appoint an assistant city manager to serve during the pleasure of the city manager and under the city manager's direction and supervision, which assistant city manager shall have the power and authority in the name of the city manager to execute all powers and duties of the city manager as provided in this Charter.

**Sec. 25. Compensation.**

Editor's note(s)—The provisions of section 25 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted.

**Sec. 26. Removal and suspension.**

Editor's note(s)—The provisions of section 26 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Tallahassee City Code. *See Code § 2-61.*

**Sec. 27. Powers and duties.**

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

- (a) *Law enforcement.* To see that the laws and ordinances are enforced.
- (b) *Appointment and removal of employees.* [Except those employed by the city attorney, city auditor or city treasurer-clerk,] all appointments to be made upon merit and fitness alone.
- (c) *Supervise departments and divisions.* To exercise control and direct supervision over all departments and divisions of the municipal government under this Charter, or which may hereafter be created by the city commission, including public utilities owned by said city.

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- (d) *Enforce franchises.* To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the city attorney whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
  - (e) *Attend commission meetings.* To attend all meetings of the city commission and of its committees, with right to take part in the discussion, but without having a vote.
  - (f) *Make recommendations.* To recommend to the commission for adoption such measures as the city manager may deem necessary or expedient in the interests of the city.
  - (g) *Advise commission and submit budget.* To keep the city commission fully advised as to the financial condition and needs of the city and to submit for its consideration an annual budget.
  - (h) *Perform prescribed duties.* To perform such other duties as may be prescribed under this Charter or as may be required of the city manager by ordinance or resolution of the city commission.
  - (i) *Act as purchasing agent.* The city manager shall be purchasing agent for the city, by whom all purchases of supplies shall be made and shall approve all vouchers for the payment of same. In the capacity of purchasing agent the city manager shall also conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the city commission may from time to time prescribe; but in any case, if an amount in excess of \$200.00 be involved, opportunity for competition shall be given.

Editor's note(s)—The provisions of section 27(b) have been reworded by deleting existing introductory language and substituting the bracketed language so as to update the titles.

## ***ADMINISTRATIVE OFFICERS AND DEPARTMENTS***

**Sec. 28. Reserved.**

### ***CITY ATTORNEY AND CITY SOLICITOR***

**Sec. 29. Appointment; legal advisor to city; preparation and approval of city contracts; to defend and prosecute in behalf of city.**

The city commission shall appoint a city attorney who shall act as legal advisor to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties. The city attorney shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each the city attorney's approval of the form and correctness thereof; and no contract with the municipality shall take effect until the city attorney's approval is so endorsed thereon. When requested by the city commission, the city attorney shall prosecute and defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party. The city attorney shall furnish the city commission, the city manager, the head of any department or any officer or board not included in any department, an opinion on any question of law relating to their respective powers and duties.

The city attorney shall have the authority, with the advice and consent of the city commission, to appoint an assistant city attorney or assistant city attorneys to serve during the pleasure of the city attorney and under the city attorney's direction and supervision. The assistant city attorney, or in the event of more than one assistant city

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attorney, the senior assistant city attorney as designated by the city attorney, shall have the power and authority in the name of the city attorney to execute all powers and duties of the city attorney as designated in this Charter.

Editor's note(s)—The provisions of the last paragraph of section 29 have been deleted. Such provisions pertained to the city solicitor, the prosecuting officer in now abolished municipal court. See Fla. Const. Art. V, § 20, and Ord. No. 72-O-1315, § 1, adopted December 12, 1972.

**Sec. 30. Reserved.**

**Sec. 31. Reserved.**

***CITY AUDITOR***

**Sec. 32. Appointment, tenure, qualifications.**

There shall be a city auditor who shall be appointed by and serve during the pleasure of the city commission and shall be the head of the audit department. The auditor shall have at least three (3) years' experience in professional auditing, accounting, governmental fiscal administration, or related experience.

Editor's note(s)—Former § 32 dealt with the municipal court and was deleted after the municipal court was abolished by Ord. No. 72-O-1316, § 1, adopted December 12, 1972.

**Sec. 33. Audit department.**

The audit department's duties shall include, but not be limited to, reviewing and appraising policies, plans, procedures, accounting, financial and other operations of the city and recommending changes for improvements. The audit department shall have full access to records, data, personnel and other information necessary to carry out its function. The auditor shall have the authority to audit and verify the accuracy of the records relating to the taxes and fees that are remitted to the city by other agencies and private companies.

Editor's note(s)—Former § 33 dealt with the municipal court and was deleted after the municipal court was abolished by Ord. No. 72-O-1316, § 1, adopted December 12, 1972.

**Sec. 34. Audit committee.**

There shall be an audit committee whose members are appointed by the city commission. The members shall be commissioners or citizens or a combination of both. The audit committee will oversee the activities of the auditor and audit department. The commission shall provide by ordinance for the organization and duties of the audit committee.

Editor's note(s)—Former § 34 dealt with the municipal court and was deleted after the municipal court was abolished by Ord. No. 72-O-1316, § 1, adopted December 12, 1972.

**Secs. 35, 36. Reserved.**

***DEPARTMENT OF PUBLIC SAFETY AND WELFARE AND PUBLIC WORKS***

**Sec. 37. Reserved.**

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**Secs. 38—43. Reserved.**

## ***CITY TREASURER-CLERK***

### **Sec. 44. Position created; appointment, tenure.**

There shall be a city treasurer-clerk, who shall be appointed by and serve during the pleasure of the city commission.

### **Sec. 45. Deputy.**

The city treasurer-clerk shall have the power and authority to appoint a deputy city treasurer-clerk to serve during the pleasure of the city treasurer-clerk and under the city treasurer-clerk's discretion and supervision, which deputy city treasurer-clerk shall have the power and authority in the name of the city treasurer-clerk to perform all powers and duties of the city treasurer-clerk as provided in this Charter.

### **Sec. 46. Duties of clerk of commission; custody of seal, records.**

The city treasurer-clerk, in his/her capacity as clerk of the city, shall attend all meetings of the city commission and shall keep a journal of its proceedings, which shall be adopted by the city commission. He/she shall be the custodian of the seal of the city and of all records and papers of a general character pertaining to the affairs of the municipality.

### **Sec. 47. Power to administer oaths.**

The city treasurer-clerk shall have the power to administer oaths whenever appropriate in the performance of official duties.

### **Sec. 48. Records required; availability to inspection.**

The city treasurer-clerk shall keep a record of official accounts and doings and a record of all contracts to which the city is a party, with an index thereto, and such books shall be open to the inspection of all parties interested.

### **Sec. 49. Countersigning of contracts, instruments.**

The city treasurer-clerk shall countersign all contracts made in behalf of the city and certificates of work authorized by the city commission or any other city official, and no contract made in behalf of the city or to which the city is a party shall be valid unless countersigned by the treasurer-clerk. The city treasurer-clerk shall also countersign all bonds, orders, certificates or other evidences of indebtedness of the city.

### **Sec. 50. Determination of funds availability.**

No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city commission or be authorized by any officer of the city, unless the city treasurer-clerk shall have determined that dollars sufficient to fund such contract, agreement, obligation or expenditure are in the treasury of the city. All moneys actually in the treasury and all moneys that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales or services, products or by-products, or from



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any city undertaking, fees, charges, accounts and bills receivable, or other claims in the process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property and the money to be derived from the sale of bonds that have been lawfully authorized by the city commission, shall, for this purpose, be deemed in the treasury. In making determinations as to the availability of funds, the city treasurer-clerk shall review the annual operating and capital budgets of the city and individual agenda items as such shall be considered by the city commission, in concert with funds available in the treasury as defined herein. If, at any time, the treasurer-clerk shall determine that there is or will be insufficient cash available to meet the obligations identified herein, it shall be the city treasurer-clerk's responsibility to immediately notify the city commission.

**Sec. 51. General duties as custodian of funds; handling of sinking funds.**

The city treasurer-clerk shall be the custodian of all moneys of the municipality and shall deposit the same in such manner as shall be determined by the city commission. It shall be the duty of the city treasurer-clerk or designee(s) to invest any and all moneys belonging to the city as pursuant to policy adopted by the city commission unless otherwise provided in this Charter.

**Sec. 52. Collections.**

The city treasurer and clerk shall receive and collect all moneys belonging to the city, including taxes, license moneys, fines and income from all other sources and shall collect all special assessments as provided for under this Charter.

**Secs. 53—55. Reserved.**

**Sec. 56. Reserved.**

**Secs. 57—59. Reserved.**

***ETHICS, ANTI-CORRUPTION, CAMPAIGN FINANCING***

**Sec. 60. Statement of Ethics and Anti-corruption Policy.**

The proper operation of responsible government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the community and the government; that public office not be used for personal gain; that officials and employees not be unduly or inappropriately influenced by those they regulate or by those who seek special benefits from the City; and that the public have confidence in the integrity and transparency of its government.

**Sec. 61. Ethics Code and Ethics Board to be established.**

- a. Ethics Code. The City Commission shall, within six (6) months of the enactment of this charter provision, enact an ethics, or conflicts of interest, code with jurisdiction over the officers and employees of the City of Tallahassee, whether elected or appointed, paid or unpaid, and over the members, officers and employees of any boards, commissions, or committees thereof. The ethics code may, as allowed by law, supplement state ethics laws.
- b. Ethics Board. There is hereby created an independent, appointed, ongoing citizens Ethics Board of seven members, whose membership shall consist of registered City of Tallahassee electors who have appropriate

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subject matter expertise none of whom may be an officer or employee of local government. Each of the following persons or entities shall make an appointment of one of five Board members to wit: the City Commission, the Public Defender for the Second Judicial Circuit, the State Attorney for the Second Judicial Circuit, the President of Florida State University and the President of Florida A&M University. Two Board members shall be appointed by the Ethics Board. Initial appointments shall be made within 90 days of the approval of this Charter provision and all subsequent appointments shall be made within 60 days of a vacancy occurring. The City Commission shall provide by ordinance for the length and staggering of the terms of Ethics Board members.

The Ethics Board shall: (i) assist the City Commission in the development of the ethics code; (ii) adopt bylaws and due process procedures for the administration of the Ethics Board; (iii) manage a citywide ethics hotline for receipt of allegations of local corruption, fraud, waste, mismanagement, campaign finance and ethics violations; (iv) manage and coordinate the mandatory training of local officials, officers, employees, and board members in state and local ethics; (v) have the authority to refer ethics and corruption matters to appropriate enforcement agencies; (vi) recommend proposed ordinances, resolutions, or charter amendments to the City Commission in all areas of ethics and corruption, including but not limited to: conflicts of interests, financial disclosure, voting conflicts, hotline policies, ethics education, ethics in procurement, campaign ethics and financing, and lobbying; such legislative proposals shall be filed with and considered by the City Commission; (vii) have the authority to investigate complaints and to levy those civil penalties as may be authorized by the City Commission for violations of the City's ethics code; and (viii) employ staff serving in the Ethics Office. A structure shall be established for the Ethics Board that ensures independence and impartiality, and provides for the maximum practicable input from citizens and community organizations. The Ethics Board shall be funded by the City Commission within its discretionary budgetary authority at a level sufficient to discharge the Board's responsibilities.

## **Sec. 62. Ethics Office Established.**

The ethics code established pursuant to Section 61 shall provide for the establishment of a citywide Ethics Office under the exclusive jurisdiction of, and reporting to the independent Ethics Board, to discharge the duties and responsibilities of the Ethics Board as provided herein. The Ethics Office shall include an Ethics Officer/Director who may be a full time or part time city employee or independent contractor. The Ethics Office shall be funded by the City Commission within its discretionary budgetary authority at a level sufficient to discharge the Office's responsibilities.

## **Sec. 63. Contribution Limitations; Citizen Campaign Financing, Refund of contributions to candidates.**

- a. No candidate for the Tallahassee City Commission shall accept any election campaign contribution from any contributor, including a political committee as defined by state law, in cash or in kind, in an amount in excess of \$250.00 per election.
- b. A registered elector of the City of Tallahassee may claim a refund equal to the amount of the elector's monetary contributions made in the calendar year to candidates for Mayor and City Commission of the City of Tallahassee. The maximum refund for an individual is \$25.00. A refund is allowed only if the elector files a form, signed under penalty of perjury, with the Ethics Board and attaches to the form a copy of an official refund receipt form(s) issued by the candidate's principal campaign committee after each contribution was received. A claim form must be filed within time limits and procedures set by the Ethics Board. No individual may file more than one claim per election cycle. No receipt can be issued by a candidate who has not met all legal requirements of the Tallahassee City Code of General Ordinances. The Ethics Board shall file a summary report to the Mayor and City Commission showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate.
- c. The City Commission shall establish procedures consistent with this section for the implementation of the refund policy. The amount the Ethics Board states is necessary to pay refunds as provided for in this section

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shall be appropriated in amounts from the general fund or any other fund as determined by the City Commission within their sole budgetary discretion and powers.

- d. The filing of a contribution refund form containing materially false information or the willful issuance of an official refund receipt form or a facsimile of one by a candidate or agent of a candidate to a person who did not make a contribution to such candidate is an ethics offense with penalties to be established by the City Commission. The Ethics Board may hear complaints or initiate proceedings, and levy civil penalties, relating to alleged violations of this section.

**Sec. 64. Reserved.**

***SINKING FUND COMMISSION***

**Sec. 65. Creation; composition; election of members; meetings; duties.**

There is hereby created the sinking fund commission of the City of Tallahassee, the members of which shall constitute the trustees of the sinking fund of said city, which said commission shall be composed of the members of the city commission, and three other experienced and trustworthy citizens and residents of said city who shall be elected by the city commission. The three members elected by the city commission shall hold office for a term of three years, except that the first three members so elected as aforesaid under the provisions hereof shall be elected for the following terms, one of said members shall be elected for a term of three years from June 1, 1937; and one of said members for a term of two years from said date; and one for a term of one year from said date, and that after the first election hereunder the city commission shall elect a member of said board annually at the first meeting of the city commission succeeding the regular municipal elections of said city and to fill any vacancies as they may occur.

That said sinking fund commission shall assume all the powers and duties herein provided as soon as they shall have been elected and qualified. That the removal from said city of any such member of said sinking fund commission shall vacate that office. The mayor-commissioner of the city shall be the chairperson of said sinking fund commission and the said commission shall have the power to fix the date, time and place of all regular meetings of said commission, and to provide for the call of special meetings. That said sinking fund commission shall manage and control the sinking funds created and accumulated for the retirement and payment of the principal and interest of all bond issues heretofore or hereafter issued by said city. That it shall be the duty of said sinking fund commission to invest said sinking funds to the best advantage of said city, provided, however, that said funds shall be invested only as is now provided by the Charter Act of said city and pursuant to the vote of seven eighths of the members of said sinking fund commission. The said commission shall so invest said funds as to provide for sufficient cash moneys to be on hand to promptly meet all payments of interest or principal of any of the bonds of said City when the same may be due.

***ADVISORY BOARDS***

**Sec. 66. Reserved.**

***FINANCES AND TAXATION<sup>2</sup>***

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<sup>2</sup>State law reference(s)—Municipal finance and taxation, F.S. § 166.201 et seq.

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**Sec. 67. Reserved.**

**Secs. 68—70. Reserved.**

**Sec. 71. Transfer of funds.**

Editor's note(s)—The provisions of section 71 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted.

**Sec. 72. Limitation on appropriations.**

Editor's note(s)—The provisions of section 72 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted.

**Secs. 73—85. Reserved.**

### ***EQUALIZING BOARD***

**Sec. 86. Reserved.**

**Sec. 87. Reserved.**

**Secs. 88—101. Reserved.**

**Sec. 102. Reserved.**

**Sec. 103. Reserved.**

### ***BONDS, ASSESSMENTS AND LIEN CERTIFICATES<sup>3</sup>***

**Sec. 104. Reserved.**

**Sec. 105. Reserved.**

**Secs. 106—110. Reserved.**

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<sup>3</sup>State law reference(s)—Municipal borrowing, F.S. § 166.101 et seq.; alternative special assessment procedure, F.S. ch. 170.

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## ***FRANCHISES AND PUBLIC UTILITIES<sup>4</sup>***

### **Sec. 111. Authority of city to furnish lights, heat and power; operation of plants; rates and charges.**

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

### **Sec. 112. Furnishing water; maintenance of waterworks; collection of reasonable rates.**

That the city commission shall have power to construct, establish and maintain waterworks, and to bore and dig wells, construct reservoirs, lay pipes, and do such other things as may be necessary, essential or convenient for procuring and distributing an abundant supply of good and wholesome water to the inhabitants of said city for domestic and other purposes, and to protect the property of said city and its inhabitants against fire, and to collect reasonable rates, prices and compensation for furnishing and supplying the same, except for fire protection which may be provided for in the tax levy.

### **Sec. 113. Service of utilities to consumers outside of city; area; special rates; power to borrow money.**

The City of Tallahassee shall have the power and authority to supply water, electricity, gas, and sanitary sewerage service for domestic and other purposes to individuals and corporations outside of the corporate limits of said city, and to charge and collect reasonable rates, prices and compensation therefor, but the city shall charge a higher rate for such consumers than is charged for a like class of consumers within the corporate limits of said city.

State law reference(s)—Limitation on water and sewer rates charged customers outside of city, F.S. § 180.191.

### **Secs. 114—116. Reserved.**

## ***OFFICERS AND EMPLOYEES GENERALLY<sup>5</sup>***

### **Sec. 117. Reserved.**

### **Sec. 118. Oath of office.**

Editor's note(s)—The provisions of section 118 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted.

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<sup>4</sup>State law reference(s)—Municipal public works, F.S. ch. 180.

<sup>5</sup>State law reference(s)—Public officers and employees, F.S. chs. 111, 112.

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**Sec. 119. Reserved.**

## ***ELECTIONS***<sup>6</sup>

### **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.

Editor's note(s)—Regular elections are now controlled by City Code § 7-4.

**Sec. 121. Reserved.**

**Sec. 122. Reserved.**

### **Sec. 123. Canvass of returns.**

For municipal elections which are not concurrent with State/Federal elections, at twelve o'clock noon on the day following the election the city commission shall canvass the returns and the result as shown by such returns shall be by the Commission declared as the result of the election. For municipal elections which are concurrent with State/Federal elections, the County Canvassing Board shall canvass the returns and the result as shown by such returns shall be declared as the result of the election. The city treasurer-clerk shall furnish a certificate of election at the time of the city commission reorganization meeting, to each person shown to have been elected.

Editor's note(s)—The provisions of the first sentence of section 122 have been deleted as superseded by F.S. § 100.011.

## ***RECALL***<sup>7</sup>

**Secs. 124—132. Reserved.**

## ***GENERAL PROVISIONS***

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<sup>6</sup>State law reference(s)—The Florida Election Code, F.S. chs. 97—106.

<sup>7</sup>State law reference(s)—Recall, F.S. § 100.361.

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**Sec. 133. Investigations.**

Editor's note(s)—The provisions of section 133 have been deleted as superseded by Charter § 34.

**Sec. 134. [Charter review committee.]**

A City of Tallahassee Charter Review Committee shall be appointed in the month of January, 2009, for the purpose of reviewing the role, duties, and functions of the mayor and city commissioners and shall make recommendations to the city commission for any amendments to the City Charter which the committee deems appropriate and necessary. The committee shall complete its review process within 60 days of appointment and shall make a formal written report to the city commission. The city commission shall conduct at least one public hearing on the recommendations of the committee.

The committee shall consist of ten electors of the city with each city commissioner and the mayor/commissioner appointing two such members. The committee shall meet pursuant to bylaws established by the city commission.

**Sec. 135. Reserved.****Sec. 136. Police powers of commission.**

The city commission shall have power to pass all such ordinances and laws, not inconsistent with the Constitution and laws of the United States and this state, as may be expedient and necessary for the preservation of the public peace and order, for the suppression of riots and disorderly assemblies, and for the good order and government of the city, both within the corporate limits of said city and upon all property owned by the City of Tallahassee without the corporate limits of said City, and to impose such pains, penalties and forfeitures as may be needed to carry the same into effect; ...

Editor's note(s)—The provisions of the last independent clause of the first sentence of section 136 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. Such provisions are also superseded by F.S. § 162.22. The provisions of the last sentence of section 136 have been deleted as obsolete in light of the abolishment of the municipal court by Ord. No. 72-O-1316 adopted December 12, 1972.

**Sec. 137. Sale of public utility plants; procedure to amend existing contracts; procedure to make contracts binding; grant franchises.**

Editor's note(s)—The provisions of section 137 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted.

**Secs. 138, 139. Reserved.****Sec. 140. Saving clause.**

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

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**Secs. 141—144. Reserved.**

[END OF CHARTER]

Note: The City Charter, Code of General Ordinances, and Land Development Code may be accessed from the City of Tallahassee website by visiting: <https://www.talgov.com/doingbusiness/treasurerclerk>