NORTH BAY VILLAGE
CHARTER REVIEW BOARD
PUBLIC MEETING NOTICE

Monday, February 5, 2024 at 6:00 PM
1666 Kennedy Causeway #101
North Bay Village, FL 33141

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes

Elected Officials and Village staff will participate from the physical meeting location. Members of the public may attend the meeting in person at the physical meeting location, or, alternatively, may watch or call in to the meeting by following these instructions:

ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION: The meeting will be held in person at the physical meeting location stated above. Admission to the physical meeting location is on a first-come, first-serve basis and space is limited. Doors will open 30 minutes prior to the meeting start time. The Village highly encourages those in attendance to wear facial coverings and abide by social distancing as recommended by the CDC.
Watch the Public Meeting: https://northbayvillage-fl.gov/videos TV Channel 661 Facebook Live
Participate in the meeting via Zoom: Meeting ID: 822 8051 9005 Passcode: 200115
Listen via telephone to the Virtual Public Meeting: 1-305-224-1968 or 1-929-205-6099
For technical support during the meeting, please contact: (786) 309-4991

PUBLIC COMMENTS

Public comments will be accepted by the following means:

IN-PERSON COMMENTS: Members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

VIRTUAL COMMENTS: ***Public comments will also be accepted during the meeting using the virtual meeting platform.***

VIA E-MAIL TO: publiccomment@nbvillage.com

Interested parties or their authorized representatives may address the Commission and/or Board via written or electronic commentary ("e-comments") by emailing the Village Clerk at least two (2) hours prior to the commencement of the meeting. E-comments will not be read during the meeting but will be distributed to the Village Commission or Board prior to the commencement of the meeting. You may send your concerns with the subject line "PUBLIC COMMENT" and the following information in the body of the email: your name, address, if you are a hired Consultant or Village Employee, and/or if you are engaged in lobbying activities and/or representing an organization.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. Minutes of the meeting will be taken and will be made available.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY VILLAGE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE VILLAGE CLERK, NORTH BAY VILLAGE, 1666 KENNEDY CAUSEWAY. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171 EXT 45. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT www.northbayvillage-fl.gov.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 786-224-8070 NO LATER THAN FIVE DAYS PRIOR TO SUCH PROCEEDING. TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT 786-224- 8070 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

LOBBYING ACTIVITIES

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38- 17. ""Lobbyist"" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term ""lobbyist"" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex -parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

Have questions or need additional information?

E-mail: villageclerk@nbvillage.com

Call: 305-756-7171

North Bay Village

OFFICIAL AGENDA
CHARTER REVIEW BOARD
1666 Kennedy Causeway #101 North Bay Village, FL 33141 Meeting ID: 822 8051 9005
Passcode: 200115
Monday, February 5, 2024
6:00 PM

Decorum: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the board shall be barred from further appearance before the board by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

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1. OPENING ITEMS
A. Call to Order
B. Roll Call

2. APPROVAL OF MINUTES

2.A. Approval of the January 8, 2024 Meeting Minutes

01.08.2024 DRAFT.docx

3. UNFINISHED BUSINESS

3.A. Update and Review of Sections 3.02 - 3.04 of the Village Charter

Salaries of Elected County Officers FY 23-24.pdf
Sec. 145 FS - Compensation of County Officials.pdf
2018 Miami-Dade Ethics Commission Elected Official Salary Report
2024 Salary Survey of Elected Officials - MDC.pdf

4. DISCUSSION ITEMS

4.A. Discussion and Review of the Village Charter

*** Article IV. Administrative**
*** Article V. Elections**
*** Article VI. Boards**
*** Article VII Finance and Taxation**
*** Article VIII. Borrowing for Municipal Projects**
NBV Charter.docx

5. PUBLIC COMMENTS

6. NEXT BOARD MEETING - February 15, 2024

7. ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-756-7171 EXT. 45 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

ITEM NO. 2.A

North Bay Village
Recommendation Memorandum

DATE: February 5, 2024

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Alba L. Chang, Village Clerk

SPONSORED BY:

SUBJECT: Approval of the January 8, 2024 Meeting Minutes

RECOMMENDATION

BACKGROUND AND ANALYSIS

The Charter Review Board held a meeting on January 8, 2024, and Minutes are being provided for the Board's consideration and approval.

It is recommended that the Charter Review Board approve the meeting minutes, as presented.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

None

PERSONNEL IMPACT

None

ATTACHMENTS

01.08.2024 DRAFT.docx

NORTH BAY VILLAGE

CHARTER REVIEW BOARD MEETING MINUTES
JANUARY 8, 2024 | 6:00 PM
1666 Kennedy Causeway #101 North Bay Village, FL 33141
Meeting ID: 898 3203 3824
Passcode: 816412

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1. OPENING ITEMS

A. Call to Order

The Regular Meeting of the Advisory Charter Review Board was called to order in the Commission Chambers at 6:02 P.M.

B. Roll Call

Board Members:
Sherry Abramson arrived late at 6:18 p.m.
Kip Dugal
Helena Gil
Alisha Graham
Paul Jacob
Eddie Lim
Indira Shakti

Board Liaisons
Dr. Richard Chervony, Vice Mayor (Commission Liaison)
Haydee Sera, Village Attorney
Ralph Rosado, Village Manager
Alba L. Chang, Village Clerk

2. NEW BUSINESS

2.A Approval of the December 4, 2023, Meeting Minutes

ACTION: Chair Dugal made a motion to approve the meeting minutes. Board Member Graham seconded the motion, and it passed by unanimous voice vote.

2.B Discussion and Review of the Village Charter

Village Attorney Haydee Sera stated that her recommendations pertained to meeting notices. Certain sections in the Charter mandate the Village to advertise in a general circulating newspaper.

The following sections received no comments or suggestions during the meeting:

- Legislative History
- Preamble
- Definitions
- Citizen's Bill of Rights (this section mirrors the County Bill of Rights)
- Article I – Creation
- Article II Corporate Limits

DRAFT

Article III – Village Commission
§3.04 Compensation

Board Member Lim proposed a change to the compensation of the Village Commission.

ACTION: Board Member Lim made a motion to increase the Commission compensation to:

- $2,000 for Commissioner a month ($24,000 annually)
- $3,000 for Mayor a month ($36,000 annually)

Board Member Graham seconded the motion.

The Board requested staff to provide information on the salaries of elected officials in surrounding cities.

ACTION: Chair Dugal made a motion to table the current motion to increase the Village Commission Compensation to the next meeting. Board Member Jacobs seconded the motion, and it passed by unanimous voice vote.

Section 3.02 C - 20% of Operating budget.
Section 3.02 D – Waiver of Referendum

Board Member Jacobs made a motion for Staff to conduct research and review best practices observed in other cities. He further recommended exploring a tiered option for specific matters and emphasized the need for clarification on what would constitute an emergency.

Vice Chair Shakti seconded the motion, and the motion passed by unanimous voice vote.

3.06 – Advertising of Notices
Board Member Jacobs suggested that the Charter refer to online publication.

Village Attorney Sera highlighted the recent changes in State Law, allowing for online publication. She proposed that notices be provided in accordance with Chapter 50 of the Florida Statutes.

The consensus among attendees was to incorporate the recommended changes to align with state law.

3.02 E – Sale and Lease of Real Property.
Board Member Abramson proposed that any future agreements or licenses for Village-owned property should necessitate a referendum. Subsequently, a discussion ensued regarding the formulation of criteria to determine the circumstances under which a voter referendum would be triggered, specifically addressing the types of property that can be leased or used.

There was a consensus among the Board for the Village Attorney to provide language for the inclusion of long-term leases/licenses pertaining to Village-owned property.

Village Attorney Sera clarified that the presence of the Miami-Dade County Fire Department at Village Hall is permitted by Charter (§3.04) because it qualifies as a government agency.

ACTION: Board Member Abramson made a motion to include licenses and operation agreements in Section 3.02 E for a duration exceeding 10 years, or alternatively, include a specified percentage. Board Member Graham seconded the motion, and it passed by unanimous voice vote.

§ 3.08 B – *Emergency Ordinances*
Board Member Jacobs proposed an update to the Village Charter to align with meeting procedures. The suggestion was to publish ordinances one week before a meeting.

3.09 E - *Meeting Time limits*
Vice Chari Shakti emphasized the need for a meeting time cap as she felt that the public would not be available during the late hours of the evenings.

Village Attorney Sera clarified that the Village Commission adopted a Resolution outlining meeting procedures. According to this resolution, agendas and supporting documents for Commission Meetings must be published one week before the meeting. Additionally, the resolution grants the Village Commission the discretion to extend meeting time as needed.

DRAFT

3. PUBLIC COMMENTS

- Pilar Somoza - 7510 West Drive
- David Mendenhall - 7510 West Drive

4. NEXT BOARD MEETING – February 5, 2024, at 6:00 PM

5. ADJOURNMENT

Chair Dugal made a motion to adjourn the meeting. Vice Chair Shakti seconded the motion, and it passed by unanimous voice vote.

There being no further business to address meeting was adjourned at 7:41 p.m.

DRAFT

ITEM NO. 3.A

North Bay Village
Recommendation Memorandum

DATE: February 5, 2024

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Alba L. Chang, Village Clerk

SPONSORED BY:

SUBJECT: Update and Review of Sections 3.02 - 3.04 of the Village Charter

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RECOMMENDATION

BACKGROUND AND ANALYSIS

During the January 8, 2024, Meeting, the Board discussed and reviewed various provisions of the Village Charter including: the Legislative History, Preamble, Definitions, Citizens Bill of Rights, Article I(Creation and Powers), Article II (Corporate Limits) and Article III(Legislative).

The Board requested information on various aspects of these provisions of the Charter as noted below. During the February 5, 2024 Meeting, the Village Attorney, Village Clerk, Village Manager, and staff will provide additional information on the various items and the Board may discuss these provisions further.

Section 3.02(A-C) - Limitations of Powers of the Commission

The Board expressed interest in exploring alternatives to this section of the Charter as it relates to the 20% cap and suggested a tiered approach to the percentage.

Mr. Jeff DeCarlo, Chair of the Bonds & Public Finance Practice Group at the Village's Attorney's Office, Weiss Serota Helfman Cole & Bierman, will be available at the February 5th Meeting to address this provision of the Charter and, obtain additional direction from the Board for possible revisions.

Section 3.02(E) - Municipal Lease Referenda

The Board suggested including licenses and operation agreements on the list of items that would require a referendum. The Village Attorney's Office will provide additional information on this at the February 15, 2024 meeting.

Section 3.04 - Compensation
During the January 8, 2024 meeting, the Board considered whether the compensation of the Village's elected officials should be modified and requested additional information on elected officials salaries from other similar municipalities.

The Village Clerk's Office conducted a survey on the salaries of elected officials in Miami-Dade County. The results of the survey, which is generally based on self-reporting by other municipalities, are enclosed for your reference.

Two additional documents pertaining to elected official salaries are provided for the Board's reference:
1. A 2023 publication by The Florida Legislature's Office of Economic and Demographic Research titled "Salaries of Elected County Constitutional Officers and School District Officials for fiscal year 2023-2024"; and
2. A 2018 report by the Miami-Dade County Commission on Ethics and Public Trust titled "Compensation of Elected Officials in Miami-Dade County".

It should be noted that Section 9.09 of the Village Charter requires a referendum for the Village to pay life, health, and dental benefits for elected officials/family dependents.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)
None

PERSONNEL IMPACT
None

ATTACHMENTS
Salaries of Elected County Officers FY 23-24.pdf
Sec. 145 FS - Compensation of County Officials.pdf
2018 Miami-Dade Ethics Commission Elected Official Salary Report
2024 Salary Survey of Elected Officials - MDC.pdf

Salaries of
Elected County Constitutional Officers
and School District Officials
for Fiscal Year 2023-24

September 2023

The Florida Legislature's

Office of Economic and Demographic Research

Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2023-24

Summary:
The practice of determining the compensation of Florida's county constitutional officers by state law was sanctioned by the Constitution of 1885 and has been maintained since the 1968 constitutional revision.[1] However, it was not until 1973 that the Legislature authorized the salary compensation formula that was the precursor to its present form.[2] Prior to that legislation, the authorization of changes to county officers' compensation required frequent legislative action. A summary of these historical constitutional provisions and general law amendments can be found in this report's appendix.

In expressing its intent, the Legislature determined that a uniform salary law was needed to replace the previous local law method of determining compensation, which was haphazard, preferential, inequitable, and probably unconstitutional.[3] In addition, the Legislature intended to provide for uniform compensation of county officers having substantially equal duties and responsibilities and basing these uniform salary schedules on countywide population. Furthermore, in acknowledging the Legislature's stated intent for uniformity, Florida's Attorney General opined in 2008 that a sheriff could not voluntarily reduce his or her salary below that established by law.[4] However, in 2009, the Legislature authorized district school board members and elected school superintendents to reduce their salaries on a voluntary basis.[5] Furthermore, in 2011, the Legislature authorized county commissioners, clerks of circuit court, county comptrollers, sheriffs, supervisors of elections, property appraisers, and tax collectors to voluntarily reduce their salaries.[6]

The statutory salary provisions apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in Chapter 67-1320, L.O.F., (i.e., Duval County).[7] The adoption of a charter provides the county's electors with a mechanism to fundamentally alter the form of county government and the status of constitutional officers.[8] Salaries have been computed for all officers of charter counties and are provided for reference purposes even though the statutorily-calculated figures may not be applicable.

The current salary formula methodology specifies that the latest official population census counts or intercensal estimates for the years between decennial censuses serve as a major component of the salary computation. In addition to the population figures, the salary formula contains five other components. The *base salary* and *group rate* components for the separate officers are specified in various sections of Chapter 145, F.S., for elected county officers and Chapter 1001, F.S., for elected school district officials.[9] The *initial*

1. Section 5, Art. II, State Constitution.
2. Chapter 73-173, L.O.F.
3. Section 145.011, F.S.
4. Florida Attorney General Opinion 2008-28 available at https://www.myfloridalegal.com/ag-opinions.
5. Chapters 2009-3 and 2009-59, L.O.F.
6. Chapter 2011-158, L.O.F.
7. Section 145.012, F.S.
8. According to the Florida Association of Counties, Florida's charter counties and their respective year of charter adoption are as follows: Alachua (1987), Brevard (1994), Broward (1975), Charlotte (1986), Clay (1991), Columbia (2002), Duval (1968), Hillsborough (1983), Lee (1996), Leon (2002), Miami-Dade (1957), Orange (1987), Osceola (1992), Palm Beach (1985), Pinellas (1980), Polk (1998), Sarasota (1971), Seminole (1989), Volusia (1971) and Wakulla (2008) available at https://www.fl-counties.com/index.php/charter-county-information.
9. Sections 145.031, 145.051, 145.071, 145.09, 145.10, 145.11, 1001.395, 1001.47, F.S.

factor component is currently set in law as a constant numerical value.[10] The Florida Department of Management Services (DMS) annually certifies the remaining two components, the *annual factor* and *cumulative annual factor*, used in the salary formula calculations.[11] Historically, this annual certification has occurred in late summer during the month of August or September.[12]

Prior to 1984, the Florida Department of Community Affairs calculated salaries for county constitutional officers; however, that authority was deleted from law during the 1984 legislative session.[13] From 1985 through 2009, the former Legislative Committee on Intergovernmental Relations continued the annual salary calculations for county constitutional officers and elected school officials as a service to governmental units. Since 2010, the Legislature's Office of Economic and Demographic Research (EDR) has made the annual calculations. Since EDR is not required by law to perform these calculations, county government and school district officials are encouraged to independently verify the salaries of their respective elected officials.

General Law Amendments Affecting Elected County and School District Officers' Compensation:
There were no general law amendments resulting from the 2023 Regular and Special Legislative Sessions.

Definition of Terms Relevant to the Current Statutory Formula:
Population means the latest annual determination of population of local governments produced by EDR and provided to the Governor's Office in accordance with s. 186.901, F.S.[14] For the years between decennial censuses, the University of Florida's Bureau of Economic and Business Research (BEBR) generates annual population estimates for local governments, in accordance with a contract administered by EDR.

Salary means the total annual compensation, payable under the schedules set forth in Chapter 145, F.S., to be paid to an officer as personal income.[15]

Annual Factor means 1 plus the lesser of either: 1) the average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the DMS or as provided in the General Appropriations Act; or 2) 7 percent.[16]

Cumulative Annual Factor means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.[17]

Initial Factor means a factor of 1.292, which is the product, rounded to the nearest thousandth, of an earlier cost-of-living increase factor authorized by Chapter 73-173, L.O.F., and intended by the Legislature to be preserved in adjustments to salaries made prior to the enactment of Chapter 76-80, L.O.F., multiplied by the annual increase factor authorized by Chapter 79-327, L.O.F.[18]

10. Section 145.19(1)(c), F.S.
11. Section 145.19(2), F.S.
12. The letter from the Department of Management Services' Division of Human Resource Management, which certified the annual factor and cumulative annual factor for the 2023-24 fiscal year, was dated September 18, 2023. (Letter on file with EDR.)
13. Chapter 84-241, L.O.F.
14. Section 145.021(1), F.S.
15. Section 145.021(2), F.S.
16. Section 145.19(1)(a), F.S.
17. Section 145.19(1)(b), F.S.
18. Section 145.19(1)(c), F.S.

Salary Computation Methodology:
STEP 1 of the salary computation involves the determination of the relevant population group number for the elected officer based on the countywide population. **Table 1** lists the official 2022 county population estimates used to compute the 2023-24 salaries. **These estimates were used because they reflect the latest annual determination of population of local governments produced by EDR and provided to the Governor's Office in accordance with s. 186.901, F.S.**

Two sets of countywide population ranges are used to determine the salaries of the elected officers. One set applies to the clerk of circuit court, county comptroller (if applicable), tax collector, property appraiser, supervisor of elections, sheriff, and school superintendent. The second set applies only to county commissioners and school board members. Each population range has an assigned population group number.

STEP 2 of the salary computation involves the determination of the relevant base salary and group rate that corresponds to the population group number determined in the first step. **Table 2** displays the applicable sets of population ranges, base salaries, and group rates, which correspond to each population group number.

STEP 3 involves computing the salaries of elected county officers using the following formula.

Salary = [Base Salary + (Population Above Group Minimum x Group Rate)] x

Initial Factor x Certified Annual Factor x Certified Cumulative Annual Factor

Sample Computation of Salary:
Alachua County's Clerk of Circuit Court, Property Appraiser, Supervisor of Elections, and Tax Collector

2022 Countywide Population Estimate:	287,872
Group Number (IV) Minimum:	200,000
Corresponding Base Salary (i.e., Group IV):	$30,175
Corresponding Group Rate (i.e., Group IV):	0.01575
Initial Factor:	1.292
Certified Annual Factor:	1.0577
Certified Cumulative Annual Factor:	3.9081

Salary = [$30,175 + [(287,872 - 200,000) x 0.01575]] x 1.292 x 1.0577 x 3.9081 = $168,544

Salaries of Elected County Constitutional Officers:
Table 3 displays the salaries for the county constitutional officers calculated pursuant to the statutory formula. As previously mentioned, these salaries apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in Chapter 67-1320, L.O.F., (i.e., Duval County). The formula-based salaries of supervisors of elections are based upon a five-day workweek; however, if a supervisor does not keep his or her office open five days per week then the salary is prorated accordingly.[19] EDR's calculation of each

19. Section 145.09(2), F.S.

supervisor of elections' salary is based on the assumption of a five-day workweek and does not reflect any applicable pro rata reduction. Each elected county constitutional officer may reduce his or her salary rate on a voluntary basis; however, the salary figures published in this report do not reflect any such voluntary reductions.[20] Additionally, these salary figures do not include any special qualification salary (discussed in the section entitled *Additional Compensation*), which may be awarded to eligible officers.

Salaries of Elected School Superintendents and School Board Members:
Table 3 also displays the salaries for the school superintendents and school board members calculated pursuant to the statutory formula. The formula-based salary computation is made for each school district's superintendent and included in the table even though the statutory provisions apply only to elected superintendents. Additionally, the salary figures do not include any special qualification salary, performance salary incentive, or district school board-approved salary (each discussed in the section entitled *Additional Compensation*), which may be awarded to eligible elected school superintendents. Each elected school board member and school superintendent may also reduce his or her salary rate on a voluntary basis; however, the salary figures published in this report do not reflect any such voluntary reductions.[21]

Furthermore, Chapter 2018-5, L.O.F., amended s. 1001.395(3), F.S., to provide that the salary of each elected school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold a baccalaureate degree, whichever is less. This change became effective July 1, 2019. The salary figures of school board members published in this report only reflect the amounts calculated pursuant to the statutory formula.

Effective Date of Salary Changes:
Elected county and school officers' salaries are adjusted annually pursuant to law, but the law fails to specify the effective date of these annual changes.[22] Florida's county governments operate on the October 1st to September 30th local fiscal year, while Florida's school districts operate on the July 1st to June 30th state fiscal year. In an attempt to clarify this uncertainty, Florida's Attorney General opined that salary increases are effective October 1st for the elected county officers and July 1st for the elected school district officials.[23]

Additional Compensation:
Select county constitutional officers are eligible to receive a special qualification salary of up to $2,000 added to their formula-based salary; however, the officer must first successfully complete the required certification program.[24] Any officer becoming certified during a calendar year receives in that year a pro rata share of the special qualification salary based on the remaining period of the year. Any special qualification salary is added after the calculation of the formula-based salary.

Certification programs are offered to the clerks of circuit court, sheriffs, supervisors of elections, property appraisers, tax collectors, and elected school superintendents, and the officer is required to complete a course of continuing education to remain certified.[25] The following state agencies prescribe the courses of

20. Sections 145.031(3), 145.051(3), 145.071(3), 145.09(4), 145.10(3), 145.11(3), F.S.
21. Sections 1001.395(2), 1001.47(6), F.S.
22. Section 145.19(2), F.S.
23. Florida Attorney General Opinion 79-87.
24. Section 145.19(2), F.S.
25. Sections 145.051(2), 145.071(2), 145.09(3), 145.10(2), 145.11(2), 1001.47(4), F.S.

continuing education: the Supreme Court for clerks of circuit court; the Department of Law Enforcement for sheriffs; the Department of State's Division of Elections for supervisors of elections; the Department of Revenue for property appraisers and tax collectors; and the Department of Education for elected school superintendents.

In addition to the special qualification salary for elected school superintendents, the Department of Education also provides a leadership development and performance compensation program, which consists of two phases: a content, knowledge, and skills phase; and a competency acquisition phase.[26] Upon successful completion of both phases and demonstrated successful performance, the school superintendent is issued a Chief Executive Officer Leadership Development Certificate and given an annual performance salary incentive of not less than $3,000 nor more than $7,500 based upon his or her performance evaluation. For elected school superintendents, current law also provides that a district school board may approve, by majority vote, a salary in excess of the formula-based amount.[27]

Payment of Group Insurance Premiums or Charges:
Current law authorizes the payment of premiums or charges for group insurance for those county officers whose compensation is fixed by Chapter 145, F.S.[28] All or any portion of the payment of the costs of life, health, accident, hospitalization, or annuity insurance for county officers, as authorized in s. 112.08, F.S., is not deemed to be compensation within the purview of Chapter 145, F.S.[29]

Role of EDR:
As previously mentioned, EDR has continued the annual calculations of elected county constitutional officers and school district officials' salaries as a service to interested parties. No legislative entity is under statutory obligation to perform these annual calculations; therefore, county government and school district officials are encouraged to independently compute the salaries of their own elected officers in order to verify the salary figures published in this report.

Beyond making the formula-based salary calculations and publishing this annual report, the EDR does not collect any of the following information: 1) the salary figures of those officers whose salaries are not set pursuant to the statutory formula; 2) the salary figures of those officers choosing to voluntarily reduce their salary; 3) a listing of county constitutional officers and elected school superintendents receiving any special qualification salary and the amounts of those supplemental awards; 4) a listing of elected school superintendents receiving any performance salary incentive or district school board-approved salary and the amounts of those supplemental awards; and 6) the amounts of any group insurance premiums or charges paid on behalf of those county officers whose compensation is fixed by law. Persons interested in obtaining such figures should contact the county government or school district directly.

Florida Attorney General Opinions:
Florida's Attorney General has issued the following legal opinions relevant to the salary issue.

Opinion #	Subject
2008-28	Sheriff – voluntary reduction of salary
99-63	Clerk, fees imposed on county commission

26. Section 1001.47(5), F.S.
27. Section 1001.47(1), F.S.
28. Section 112.14, F.S.
29. Section 145.131(3), F.S.

93-94	Class C travel and mileage reimbursements
93-31	Fee officer's salary
91-68	Florida Retirement System
82-68	Salary incentive benefits for sheriff
81-45	Ch. 80-377; school boards
79-87	County officers' salary adjustments
79-66	Salary of county officer, deficiency
78-159	Payment of clerk's social security benefits
77-131	School board members, group insurance purchase
76-157	Sheriffs and financial reports
75-241	Investment income as interest
75-147	Public funds for group life insurance
74-184	Changes in salaries and county population
74-177	Calculating filing fees for candidates

The full texts of those opinions are available via the searchable online database of legal opinions.[30] Local government officials seeking more clarification should review the opinions in their entirety. The reader should keep the date of the opinion in mind when reviewing its relevance to current law or any interpretations that have been articulated in Florida case law.

Salaries of Other Elected State Officials and Full-Time Members of Commissions:
The salaries of Florida's elected state officials and full-time members of commissions are not set by a statutory salary formula, but are set annually in the General Appropriations Act and may be reduced on a voluntary basis.[31] Listed below are the salaries of those elected officials and commission members, effective July 1, 2023, which do not reflect any voluntary reductions.

Elected State Officials and Full-Time Commission Members	Salary
Governor	$ 141,400
Lieutenant Governor	$ 135,516
Chief Financial Officer	$ 139,988
Attorney General	$ 139,988
Commissioner of Agriculture	$ 139,988
Supreme Court Justice	$ 251,414
Judges - District Courts of Appeal	$ 212,562
Judges - Circuit Courts	$ 191,163
Judges - County Courts	$ 180,616
Judges of Compensation Claims	$ 172,000
State Attorneys	$ 212,562
Public Defenders	$ 212,562
Public Service Commission - Commissioner	$ 150,480
Gaming Control Commission - Commissioner	$ 150,480
Public Employees Relations Commission - Chair	$ 111,449
Public Employees Relations Commission - Commissioners	$ 52,838
Commission on Offender Review - Chair	$ 141,750

30. https://www.myfloridalegal.com/ag-opinions
31. Section 8 of Chapter 2023-239, L.O.F.

Elected State Officials and Full-Time Commission Members	Salary
Commission on Offender Review - Commissioners	$ 131,250
Criminal Conflict and Civil Regional Counsels	$ 136,810

The annual salaries of members of the Florida Senate and House of Representatives are set as a fixed dollar amount, but current law includes a provision for annual adjustment on July 1st based on the average percentage increase in the salaries of state career service employees for the fiscal year just concluded.[32] However, notwithstanding the provisions of s. 11.13(1), F.S., the authorized salaries of state legislators for the 2023-24 fiscal year are set at the same level in effect on July 1, 2010.[33] Consequently, the salaries for the Senate President and House Speaker are $41,181 each, and the salaries for all other Senate and House members are $29,697 each.

Availability of Historical Salary Data:
Several compilations of prior years' salary data are available.[34]

32. Section 11.13(1), F.S.
33. Section 74 of Chapter 2023-240, L.O.F.
34. http://edr.state.fl.us/Content/local-government/data/data-a-to-z/s-z.cfm

Table 1

Florida's 2022 County Population Estimates

County	Population	County	Population
Alachua	287,872	Lee	802,178
Baker	27,881	Leon	299,130
Bay	184,002	Levy	44,288
Bradford	27,013	Liberty	7,831
Brevard	627,544	Madison	18,438
Broward	1,969,099	Manatee	421,768
Calhoun	13,740	Marion	391,983
Charlotte	196,742	Martin	161,655
Citrus	158,009	Miami-Dade	2,757,592
Clay	225,553	Monroe	83,961
Collier	390,912	Nassau	95,809
Columbia	71,525	Okaloosa	215,751
DeSoto	34,748	Okeechobee	39,385
Dixie	16,988	Orange	1,481,321
Duval	1,033,533	Osceola	424,946
Escambia	329,583	Palm Beach	1,518,152
Flagler	124,202	Pasco	592,669
Franklin	12,729	Pinellas	972,852
Gadsden	43,967	Polk	770,019
Gilchrist	18,841	Putnam	74,249
Glades	12,273	St. Johns	296,919
Gulf	15,938	St. Lucie	350,518
Hamilton	13,395	Santa Rosa	196,834
Hardee	25,544	Sarasota	452,378
Hendry	40,633	Seminole	484,054
Hernando	199,207	Sumter	141,420
Highlands	103,102	Suwannee	44,688
Hillsborough	1,520,529	Taylor	21,375
Holmes	19,784	Union	15,550
Indian River	165,559	Volusia	572,815
Jackson	48,395	Wakulla	35,169
Jefferson	14,923	Walton	79,544
Lafayette	7,808	Washington	25,461
Lake	403,857	**Florida Total**	**22,276,132**

Data Source: "Florida Estimates of Population 2022" Bureau of Economic and Business Research, University of Florida.

Table 2

Salary Computation Statistics

Elected County Constitutional Officers	Population Group Numbers	County Population Range		Base Salary	Group Rate
		Minimum	Maximum		
Clerk of Circuit Court	I	0	49,999	$21,250	0.07875
Comptroller	II	50,000	99,999	$24,400	0.06300
Property Appraiser	III	100,000	199,999	$27,550	0.02625
Supervisor of Elections	IV	200,000	399,999	$30,175	0.01575
Tax Collector	V	400,000	999,999	$33,325	0.00525
ss. 145.051, 145.09,	VI	1,000,000		$36,475	0.00400
145.10, and 145.11, F.S.					
Sheriff	I	0	49,999	$28,350	0.07875
s. 145.071, F.S.	II	50,000	99,999	$31,500	0.06300
	III	100,000	199,999	$34,650	0.02625
	IV	200,000	399,999	$37,275	0.01575
	V	400,000	999,999	$40,425	0.00525
	VI	1,000,000		$43,575	0.00400
County Commissioners	I	0	9,999	$4,500	0.150
s. 145.031, F.S.	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
Elected School District Officials	**Population Group Numbers**	**County Population Range**		**Base Salary**	**Group Rate**
		Minimum	**Maximum**		
School Superintendent	I	0	49,999	$21,250	0.07875
s. 1001.47, F.S.	II	50,000	99,999	$24,400	0.06300
	III	100,000	199,999	$27,550	0.02625
	IV	200,000	399,999	$30,175	0.01575
	V	400,000	999,999	$33,325	0.00525
	VI	1,000,000		$36,475	0.00400
School Board Members	I	0	9,999	$5,000	0.083300
s. 1001.395, F.S.	II	10,000	49,999	$5,833	0.020830
	III	50,000	99,999	$6,666	0.016680
	IV	100,000	199,999	$7,500	0.008330
	V	200,000	399,999	$8,333	0.004165
	VI	400,000	999,999	$9,166	0.001390
	VII	1,000,000		$10,000	0.000000

Note: This table reflects the statutory change enacted by Chapter 2016-157, Laws of Florida, which made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors. Additionally, this table reflects the statutory change enacted by Chapter 2022-23, Laws of Florida, which increased the base salaries of county sheriffs by $5,000 across all population groups, effective July 1, 2022.

Table 3

Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2023-24
Pursuant to the Salary Formula in Chapter 145, Florida Statutes
See Table Notes for Additional Clarification

		Elected County Constitutional Officers						Elected School District Officials	
County		Clerk of Circuit Court	Property Appraiser	Supervisor of Elections	Tax Collector	Sheriff	County Commissioners	School Superintendent	School Board Members
Alachua	c	$ 168,544	$ 168,544	$ 168,544	$ 168,544	$ 206,462	$ 95,159	$ 168,544	$ 46,458
Baker	e	$ 125,214	$ 125,214	$ 125,214	$ 125,214	$ 163,132	$ 39,206	$ 125,214	$ 33,141
Bay	e	$ 158,910	$ 158,910	$ 158,910	$ 158,910	$ 196,828	$ 84,275	$ 158,910	$ 43,792
Bradford	e	$ 124,849	$ 124,849	$ 124,849	$ 124,849	$ 162,767	$ 38,858	$ 124,849	$ 33,044
Brevard	c	$ 184,356	$ 184,356	$ 184,356	$ 184,356	$ 222,274	$ 110,218	$ 184,356	$ 50,641
Broward	c	$ 215,501	$ 215,501	$ 215,501	$ 215,501	$ 253,419	$ 120,164	$ 215,501	$ 53,406
Calhoun	e	$ 119,267	$ 119,267	$ 119,267	$ 119,267	$ 157,185	$ 33,542	$ 119,267	$ 31,568
Charlotte	c	$ 160,696	$ 160,696	$ 160,696	$ 160,696	$ 198,614	$ 87,337	$ 160,696	$ 44,358
Citrus	e	$ 155,266	$ 155,266	$ 155,266	$ 155,266	$ 193,184	$ 78,028	$ 155,266	$ 42,635
Clay	c e	$ 163,302	$ 163,302	$ 163,302	$ 163,302	$ 201,221	$ 90,167	$ 163,302	$ 45,072
Collier		$ 177,211	$ 177,211	$ 177,211	$ 177,211	$ 215,130	$ 103,414	$ 177,211	$ 48,750
Columbia	c e	$ 137,553	$ 137,553	$ 137,553	$ 137,553	$ 175,471	$ 54,963	$ 137,553	$ 37,518
DeSoto	e	$ 128,102	$ 128,102	$ 128,102	$ 128,102	$ 166,020	$ 41,956	$ 128,102	$ 33,905
Dixie	e	$ 120,633	$ 120,633	$ 120,633	$ 120,633	$ 158,551	$ 34,843	$ 120,633	$ 31,929
Duval	c	$ 195,515	$ 195,515	$ 195,515	$ 195,515	$ 233,433	$ 120,164	$ 195,515	$ 53,406
Escambia		$ 172,053	$ 172,053	$ 172,053	$ 172,053	$ 209,971	$ 98,501	$ 172,053	$ 47,386
Flagler		$ 150,527	$ 150,527	$ 150,527	$ 150,527	$ 188,445	$ 69,904	$ 150,527	$ 41,131
Franklin	e	$ 118,841	$ 118,841	$ 118,841	$ 118,841	$ 156,760	$ 33,137	$ 118,841	$ 31,455
Gadsden	e	$ 131,979	$ 131,979	$ 131,979	$ 131,979	$ 169,898	$ 45,649	$ 131,979	$ 34,930
Gilchrist	e	$ 121,412	$ 121,412	$ 121,412	$ 121,412	$ 159,330	$ 35,585	$ 121,412	$ 32,135
Glades	e	$ 118,650	$ 118,650	$ 118,650	$ 118,650	$ 156,568	$ 32,954	$ 118,650	$ 31,405
Gulf	e	$ 120,191	$ 120,191	$ 120,191	$ 120,191	$ 158,109	$ 34,422	$ 120,191	$ 31,812
Hamilton	e	$ 119,121	$ 119,121	$ 119,121	$ 119,121	$ 157,040	$ 33,403	$ 119,121	$ 31,529
Hardee	e	$ 124,231	$ 124,231	$ 124,231	$ 124,231	$ 162,149	$ 38,270	$ 124,231	$ 32,881
Hendry	e	$ 130,577	$ 130,577	$ 130,577	$ 130,577	$ 168,495	$ 44,314	$ 130,577	$ 34,560
Hernando		$ 161,042	$ 161,042	$ 161,042	$ 161,042	$ 198,960	$ 87,929	$ 161,042	$ 44,468
Highlands	e	$ 147,569	$ 147,569	$ 147,569	$ 147,569	$ 185,487	$ 64,833	$ 147,569	$ 40,193
Hillsborough	c	$ 205,918	$ 205,918	$ 205,918	$ 205,918	$ 243,837	$ 120,164	$ 205,918	$ 53,406
Holmes	e	$ 121,809	$ 121,809	$ 121,809	$ 121,809	$ 159,727	$ 35,963	$ 121,809	$ 32,240
Indian River		$ 156,325	$ 156,325	$ 156,325	$ 156,325	$ 194,243	$ 79,843	$ 156,325	$ 42,971
Jackson	e	$ 133,842	$ 133,842	$ 133,842	$ 133,842	$ 171,760	$ 47,423	$ 133,842	$ 35,423
Jefferson	e	$ 119,764	$ 119,764	$ 119,764	$ 119,764	$ 157,682	$ 34,016	$ 119,764	$ 31,699
Lafayette	e	$ 116,772	$ 116,772	$ 116,772	$ 116,772	$ 154,690	$ 30,288	$ 116,772	$ 30,177
Lake		$ 178,084	$ 178,084	$ 178,084	$ 178,084	$ 216,002	$ 104,245	$ 178,084	$ 48,981
Lee	c	$ 189,252	$ 189,252	$ 189,252	$ 189,252	$ 227,170	$ 114,881	$ 189,252	$ 51,938
Leon	c e	$ 169,491	$ 169,491	$ 169,491	$ 169,491	$ 207,409	$ 96,061	$ 169,491	$ 46,708
Levy	e	$ 132,114	$ 132,114	$ 132,114	$ 132,114	$ 170,033	$ 45,778	$ 132,114	$ 34,966
Liberty	e	$ 116,781	$ 116,781	$ 116,781	$ 116,781	$ 154,700	$ 30,306	$ 116,781	$ 30,187
Madison	e	$ 121,242	$ 121,242	$ 121,242	$ 121,242	$ 159,161	$ 35,423	$ 121,242	$ 32,090
Manatee		$ 178,586	$ 178,586	$ 178,586	$ 178,586	$ 216,504	$ 104,723	$ 178,586	$ 49,114
Marion		$ 177,301	$ 177,301	$ 177,301	$ 177,301	$ 215,220	$ 103,500	$ 177,301	$ 48,774
Martin		$ 155,777	$ 155,777	$ 155,777	$ 155,777	$ 193,696	$ 78,905	$ 155,777	$ 42,797
Miami-Dade	c	$ 232,345	$ 232,345	$ 232,345	$ 232,345	$ 270,263	$ 120,164	$ 232,345	$ 53,406
Monroe		$ 141,737	$ 141,737	$ 141,737	$ 141,737	$ 179,656	$ 58,948	$ 141,737	$ 38,626
Nassau	e	$ 145,724	$ 145,724	$ 145,724	$ 145,724	$ 183,642	$ 62,744	$ 145,724	$ 39,681
Okaloosa	e	$ 162,478	$ 162,478	$ 162,478	$ 162,478	$ 200,396	$ 89,382	$ 162,478	$ 44,854
Okeechobee		$ 130,052	$ 130,052	$ 130,052	$ 130,052	$ 167,970	$ 43,814	$ 130,052	$ 34,421
Orange	c	$ 205,081	$ 205,081	$ 205,081	$ 205,081	$ 242,999	$ 120,164	$ 205,081	$ 53,406
Osceola	c	$ 178,675	$ 178,675	$ 178,675	$ 178,675	$ 216,594	$ 104,808	$ 178,675	$ 49,137
Palm Beach	c	$ 205,868	$ 205,868	$ 205,868	$ 205,868	$ 243,786	$ 120,164	$ 205,868	$ 53,406
Pasco	e	$ 183,378	$ 183,378	$ 183,378	$ 183,378	$ 221,296	$ 109,287	$ 183,378	$ 50,382
Pinellas	c	$ 194,037	$ 194,037	$ 194,037	$ 194,037	$ 231,956	$ 119,439	$ 194,037	$ 53,205
Polk	c	$ 188,350	$ 188,350	$ 188,350	$ 188,350	$ 226,269	$ 114,022	$ 188,350	$ 51,699
Putnam	e	$ 138,470	$ 138,470	$ 138,470	$ 138,470	$ 176,388	$ 55,836	$ 138,470	$ 37,761
St. Johns		$ 169,305	$ 169,305	$ 169,305	$ 169,305	$ 207,223	$ 95,884	$ 169,305	$ 46,659
St. Lucie		$ 173,814	$ 173,814	$ 173,814	$ 173,814	$ 211,732	$ 100,178	$ 173,814	$ 47,851
Santa Rosa	e	$ 160,709	$ 160,709	$ 160,709	$ 160,709	$ 198,627	$ 87,359	$ 160,709	$ 44,362
Sarasota	c	$ 179,444	$ 179,444	$ 179,444	$ 179,444	$ 217,363	$ 105,541	$ 179,444	$ 49,341
Seminole	c	$ 180,332	$ 180,332	$ 180,332	$ 180,332	$ 218,251	$ 106,386	$ 180,332	$ 49,576
Sumter	e	$ 152,940	$ 152,940	$ 152,940	$ 152,940	$ 190,859	$ 74,042	$ 152,940	$ 41,897

Table 3

Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2023-24 Pursuant to the Salary Formula in Chapter 145, Florida Statutes

See Table Notes for Additional Clarification

County		Elected County Constitutional Officers						Elected School District Officials	
		Clerk of Circuit Court	Property Appraiser	Supervisor of Elections	Tax Collector	Sheriff	County Commissioners	School Superintendent	School Board Members
Suwannee	e	$ 132,282	$ 132,282	$ 132,282	$ 132,282	$ 170,201	$ 45,938	$ 132,282	$ 35,011
Taylor	e	$ 122,478	$ 122,478	$ 122,478	$ 122,478	$ 160,396	$ 36,600	$ 122,478	$ 32,417
Union	e	$ 120,028	$ 120,028	$ 120,028	$ 120,028	$ 157,946	$ 34,267	$ 120,028	$ 31,769
Volusia	c	$ 182,821	$ 182,821	$ 182,821	$ 182,821	$ 220,739	$ 108,757	$ 182,821	$ 50,235
Wakulla	c e	$ 128,279	$ 128,279	$ 128,279	$ 128,279	$ 166,197	$ 42,125	$ 128,279	$ 33,952
Walton	e	$ 140,251	$ 140,251	$ 140,251	$ 140,251	$ 178,169	$ 57,532	$ 140,251	$ 38,232
Washington	e	$ 124,196	$ 124,196	$ 124,196	$ 124,196	$ 162,114	$ 38,236	$ 124,196	$ 32,872

A "c" denotes each of Florida's 20 charter counties, according to the Florida Association of Counties (FAC).
https://www.fl-counties.com/about-floridas-counties/charter-county-information/

An "e" denotes those school districts having an elected school superintendent, according to the Florida Association of District School Superintendents (FADSS).
https://fadss.org/membership/superintendents

Notes:

1) Salary figures have been calculated by the Florida Legislature's Office of Economic and Demographic Research (EDR) pursuant to the statutory formula in Chapter 145, F.S. Although not required by law, the EDR calculates salaries of elected county constitutional officers and school district officials as a service to county governments and school districts. County and school district officials are encouraged to independently compute and verify these salary figures.

2) The calculated salary figures for all officers reflect the use of April 1, 2022 countywide population estimates listed in "Florida Estimates of Population 2022" published by the University of Florida's Bureau of Economic and Business Research.

3) These salary figures may not be applicable to those elected county officers of a chartered consolidated government or those elected officers in counties having a home rule charter, which specifies another method of salary compensation. As indicated in this table, Florida currently has 20 charter counties.

4) Salary figures are included for each school district's superintendent even though the salaries determined by statutory formula are applicable only to elected school superintendents. As of September 15, 2023, Florida has 38 elected school superintendents.

5) These salary figures do not include any special qualification salary available to eligible clerks of circuit court, property appraisers, sheriffs, supervisors of elections, and tax collectors who have completed the required certification program specified in the relevant sections of Chapter 145, F.S. Additionally, the salary figures for elected school superintendents do not include any special qualification salary and performance salary incentive available to eligible elected school superintendents who have completed the required certification programs specified in Section 1001.47, F.S.

6) As the result of recent statutory authorizations (i.e., Chapters 2009-3, 2009-59, and 2011-158, L.O.F.), each elected county constitutional officer and school district official may voluntarily reduce his or her salary rate. However, the salary figures listed in this table do not reflect any such voluntary reductions.

7) This table reflects the statutory change enacted by Chapter 2016-157, L.O.F., which made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.

8) Chapter 2018-5, L.O.F., amended s. 1001.395(3), F.S., to provide that the salary of each elected school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold a baccalaureate degree, whichever is less. Additionally, the legislation amended s. 1011.10, F.S., to provide that if any of the financial emergency conditions identified in s. 218.503(1), F.S., exist within a school district, then the salary of each district school board member and district school superintendent, calculated pursuant to ss. 1001.395 and 1001.47, F.S., shall be withheld until the conditions are corrected. However, this penalty will not apply to a district school board member or district school superintendent elected or appointed within one year after the identification of the financial emergency conditions in s. 218.503(1), F.S., if he or she did not participate in the approval or preparation of the final school district budget adopted before the identification of such conditions. These changes became effective July 1, 2019.

9) This table reflects the statutory change enacted by Chapter 2022-23, L.O.F., which increased the base salaries of county sheriffs by $5,000 across all population groups, effective July 1, 2022.

10) Pursuant to s. 145.19(2), F.S., the Florida Department of Management Services must annually certify two components of the salary formula calculation: the annual factor and cumulative annual factor. For the 2023-24 fiscal year, the certified annual factor is 1.0577 and the certified cumulative annual factor is 3.9081.

Appendix

Summary of Relevant Constitutional Provisions and Statutory Changes

Article III, section 27 and Article VIII, section 6 of the Florida Constitution of 1885 stated that the Legislature provides for the election of county officers and prescribes by law their powers, duties, and compensation.

Chapter 7334, 1917 Laws of Florida (L.O.F.), established by defined schedule the compensation of all county officials previously paid in whole or in part on the basis of fees or commissions.

Chapter 8497, 1921 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 9270, 1923 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 11954, 1927 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 14502, 1929 L.O.F., required fee or commission-based county officials to file itemized sworn statements showing receipts and disbursements of the office.

Chapter 14665, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, county judge, county assessor of taxes, superintendent of public instruction, tax collector, and clerk of the board of county commissioners in those counties having a population not less than 10,630 and not greater than 10,650.

Chapter 14666, 1931 L.O.F., set the annual compensation of clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk of civil court and criminal court of record in those counties having a population greater than 155,000.[1]

Chapter 15607, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, justice of the peace, and clerk of criminal court of record in those counties having a population not less than 13,600 and not greater than 13,650.

Chapter 15608, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, and clerk of civil court and criminal court of record in those counties having a population not less than 35,000 and not greater than 45,000.

Chapter 15611, 1931 L.O.F., set the annual compensation for county judge in those counties having a population not less than 7,200 and not greater than 7,400.

Chapter 15739, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, and county judge in those counties having a population not less than 19,000 and not greater than 22,000.

1. The title of tax assessor was subsequently changed to property appraiser per Chapter 77-102, L.O.F.

Chapter 15740, 1931 L.O.F., set the annual compensation for county judge, sheriff, clerk of circuit court, tax assessor, and tax collector in those counties having a population more than 17,650 and less than 19,000.

Chapter 15968, 1933 L.O.F., set the annual compensation for sheriff, tax assessor, tax collector, clerk of circuit court, and county judge in those counties having a population not more than 3,600 and not less than 3,400.

Chapter 15970, 1933 L.O.F., set the annual compensation for all county officials in those counties having a population not less than 18,100 and not more than 18,700.

Chapter 15971, 1933 L.O.F., set the annual compensation for county judge, sheriff, tax collector, tax assessor, justice of the peace, and constable in those counties having a population not less than 2,466 and not more than 2,500.

Chapter 15972, 1933 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and board of county commissioners in those counties having a population not less than 19,000 and not more than 22,000.

Chapter 15973, 1933 L.O.F., set the annual compensation for supervisor of registration, superintendent of public instruction, and justice of the peace in those counties having a population not less than 18,100 and not more than 18,700.

Chapter 15974, 1933 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax collector, tax assessor, county judge, clerk of county court and criminal court of record, superintendent of public instruction, supervisor of registration, members of the board of public instruction, and probation officer in those counties having a population not less than 70,000 and not more than 140,000.

Chapter 15975, 1933 L.O.F., set the annual compensation for county judge, sheriff, clerk of circuit court, superintendent of public instruction, tax assessor, tax collector, supervisor of registration, county commissioners, county board of public instruction, justice of the peace, constable, attorney for the board of county commissioners, attorney for the board of public instruction, and deputy sheriff in those counties having a population not less than 12,456 and not more than 12,900.

Chapter 15976, 1933 L.O.F., set the annual compensation for members of the board of county commissioners, members of the board of public instruction, county judge, county prosecuting attorney, and superintendent of public instruction of Jefferson County.

Chapter 15977, 1933 L.O.F., set the annual compensation for sheriff, tax collector, tax assessor, clerk of circuit court, and superintendent of public instruction in those counties having a population not less than 13,600 and not more than 13,700.

Chapter 15979, 1933 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax assessor, tax collector, county judge, clerk of criminal court of record, justice of the peace, and constable in those counties having a population not less than 49,800 and not more than 53,500.

Chapter 15980, 1933 L.O.F., set the annual compensation for superintendent of public instruction, members of the board of county commissioners, members of the board of public instruction, and supervisor of registration in those counties having a population not less than 3,400 and not more than 3,700.

Chapter 16006, 1933 L.O.F., authorized the board of county commissioners in those counties having a population not less than 13,600 and not more than 13,700 to designate the number of deputies and the compensation of deputies in the offices of the sheriff, tax collector, tax assessor, and clerk of circuit court.

Chapter 16921, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk of civil and criminal court of record in those counties having a population more than 180,000.

Chapter 16922, 1935 L.O.F., set the annual compensation for county judge, tax assessor, tax collector, and superintendent of public instruction in those counties having a population not less than 4,060 and not more than 4,070.

Chapter 16923, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk in those counties having a population not less than 20,000 and not more than 23,000.

Chapter 16924, 1935 L.O.F., set the annual compensation for county commissioners, members of the board of public instruction, and superintendent of public instruction in those counties having a population not less than 6,418 and not more than 6,500.

Chapter 16925, 1935 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax collector, tax assessor, county judge, clerk of county court and criminal court of record in those counties having a population not less than 70,000 and not more than 140,000.

Chapter 16926, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, and county judge in those counties having a population not less than 12,400 and not more than 12,500.

Chapter 16927, 1935 L.O.F., set the annual compensation for clerk of circuit court as county auditor, clerk of the board of county commissioners, sheriff, county judge, tax collector, and tax assessor in those counties having a population not less than 3,150 and not more than 3,200.

Chapter 16928, 1935 L.O.F., set the annual compensation for clerk of circuit court, tax assessor, tax collector, sheriff, county judge, superintendent of public instruction, clerk of criminal court of record, county solicitor, justice of the peace, and constable in those counties having a population not less than 45,000 and not more than 50,000.

Chapter 16929, 1935 L.O.F., amended Chapter 14666, 1931 L.O.F., so as to apply to all counties having a population of 150,000 according to the last or any future official census.

Chapter 20891, 1941 L.O.F., required the county's tax assessor and tax collector to pay a portion of all monies, in excess of the sum that the officer was entitled to as annual compensation, to the Board of Public Instruction.

Chapter 24101, 1947 L.O.F., required fee or commission-based county officers to submit a report to the board of county commissioner annually rather than semi-annually.

Chapter 28041, 1953 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 61-461, L.O.F., provided for the compensation of county officers (i.e., members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector). The Legislature acknowledged that the functions, powers, duties, and responsibilities vary between county officers in the same county and between the same county officer in different counties with respect to the county's population, geography, economy, and government. Consequently, the amount of compensation set in law for each type of county officer varied from county to county, except for Dade County where compensation was determined locally based on home rule powers. The intent of the legislation was not to repeal, affect, or modify any local or special law, or general law of local application enacted prior to or during 1961 as to the compensation of county officers, travel expenses of county officers, or payment of extra compensation of the chair of the board of county commission or board of public instruction. Also, the legislation was not applicable where in conflict with relevant local laws in Franklin, Gadsden, Liberty, and Wakulla counties.

Chapter 63-560, L.O.F., increased, decreased, or left unchanged from amounts set in Chapter 61-461, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector. The legislation also provided for the compensation of county officials whose compensation for official duties was paid in whole or part by fees or commissions. The amount of such compensation was not to exceed $7,500, unless otherwise provided in law.

Chapter 65-356, L.O.F., increased, decreased, or left unchanged from amounts set in Chapter 63-560, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector.

Chapter 67-543, L.O.F., increased from amounts set in Chapter 65-356, L.O.F., the compensation for Broward County members of the board of county commissioners, sheriff, and tax assessor.

Chapter 67-576, L.O.F., increased, decreased, or left unchanged from amounts set in Chapters 65-356 and 67-543, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of elections, tax assessor, and tax collector.

Chapter 67-594, L.O.F., increased from amount set in Chapter 67-576, L.O.F., the compensation for Gadsden County's tax assessor.

Article II, section 5(c) of the Florida Constitution, as revised in 1968, provided that the powers, duties, compensation, and method of payment of state and county officers are fixed by law.

Chapter 69-211, L.O.F., declared legislative intent to preserve statewide uniformity of county officials' salaries and prohibited special laws or general laws of local application pertaining to compensation of members of the board of county commissioners, clerk of circuit court, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector.

Chapter 69-216, L.O.F., deleted references to sections of the 1885 constitution that were replaced by new sections in the 1968 revision.

Chapter 69-346, L.O.F., provided for the uniform salaries of members of the board of county commissioners, members of the district school board, clerk of circuit court, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector based upon the classification of counties according to population. The legislation provided that all other income of county officials from fees or services rendered to state, county, or municipal governments was income of the office and for the recording and reporting of fees collected as well as the disposition of excess fees. The legislation repealed previously enacted local or special laws or general laws of local application related to the compensation of county officials and repealed chapter provisions providing for the compensation of county judge.

Chapter 69-403, L.O.F., provided for the transfer of the salary provisions of county judge from Chapter 145 to Chapter 44, F.S., and repealed obsolete provisions in Chapter 145, F.S.

Chapter 70-395, L.O.F., provided a salary increase to sheriff in existing bracketed population counties and created three new population brackets with corresponding salaries for counties having a population in excess of 300,000 persons.

Chapter 70-419, L.O.F., provided that the salary of a board or commission member could not be reduced until the first Tuesday after the first Monday in January 1973.

Chapter 70-429, L.O.F., provided a salary increase to supervisors of elections in existing bracketed population counties.

Chapter 70-445, L.O.F., provided that those county officials whose total compensation was in excess of the salary payable pursuant to the chapter as amended effective July 1969, could continue to be compensated under the terms and conditions that prevailed immediately prior to July 1, 1969, until expiration of the official's present term of office. Thereafter, the salaries of those officials would be reduced to that provided by the chapter. The legislation excluded supervisor of elections from the 20 percent limitation. In addition, the legislation provided an additional monthly expense allowance for the chairs of county commissions.

Chapter 72-111, L.O.F., provided that payment of insurance for county officials and employees in s. 112.08, F.S., would not be considered additional compensation.

Chapter 72-240, L.O.F., delayed any change of procedures for determining the pay of certain county officials until the adjournment of the next regular legislative session following the submission of the first official recommendations of the State and County Officers' Compensation Commission, created pursuant to HB 184 (1972 session), or September 30, 1974, whichever occurred first.

Chapter 72-404, L.O.F., added county comptroller to salary provisions of the clerk of circuit court. The legislation also provided that the county would pay the clerk's or county comptroller's salary if the state did not pay the salary. Additionally, the county would compensate the clerk of circuit court for any additional county court-related duties that the clerk would be required to perform if the state did not pay such compensation.

Chapter 73-172, L.O.F., modified the procedure regarding disposition of excess fees collected by a tax collector or assessor. The legislation provided that the tax assessor would receive as salary the base salary indicated, based on the county's population with compensation made for population increments over the minimum for each population group, which would be determined by multiplying the population in excess of the group minimum times the group rate. In addition, the legislation provided for a special qualification salary of $2,000 per year to qualified tax assessors. Also, the legislation provided for an additional adjustment to the tax assessor's salary based on the U.S. Department of Labor's Consumer Price Index, which would be multiplied by the adjusted salary rate. Finally, the legislation specified that the guaranteed salary provision upon resolution of the board of county commissioners would not apply to the tax assessor.

Chapter 73-173, L.O.F., redefined the definition of population used to calculate salaries. The legislation increased the salary of county commissioners, district school board members, clerk of circuit court and county comptroller, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector by establishing a calculation method. The calculation method provided that the officer would receive as salary the base salary indicated in the appropriate section of the chapter, based on the county's population with compensation made for population increments over the minimum for each population group, which would be determined by multiplying the population in excess of the group minimum times the group rate. In addition, the legislation provided for a special qualification salary of $2,000 per year to qualified tax assessors. Also, the legislation provided for an additional adjustment to all officers' salaries based on the U.S. Department of Labor's Consumer Price Index, which would be multiplied by the applicable adjusted salary rate.

Chapters 73-333 and 73-334, L.O.F., deleted obsolete provisions in the Chapter 145, F.S.

Chapter 74-325, L.O.F., clarified funds that could be included as income of the county official's office and provided that a county official could not use the office, its personnel, or its property for a private purpose.

Chapter 77-102, L.O.F., changed all chapter references of tax assessor to property appraiser to reflect a name change.

Chapter 79-190, L.O.F., changed reference from the Department of Administration to the Executive Office of the Governor with respect to the annual determination of population.

Chapter 79-327, L.O.F., provided that all county officers' salaries be adjusted annually, effective July 1, 1979, based on the average percentage increase in State Career Service employees' salaries as determined by the Department of Administration or as provided in the General Appropriations Act. The increases for any fiscal year were limited to no more than seven percent. In addition, it raised the base salaries for supervisor of elections by $4,300 in each population group, retroactive to the fiscal year beginning October 1, 1978.

Chapter 80-31, L.O.F., authorized district school boards by majority vote to increase the school superintendent's salary above specified limits.

Chapter 80-377, L.O.F., extended the provisions for special qualification salary to the following officers: clerk of circuit court, sheriff, supervisor of elections, tax collector, and superintendent of schools. The legislation increased the base salaries and group rates for the following officers: school board members, superintendent of schools, clerk of circuit court, county comptroller, sheriff, property appraiser, tax collector, and supervisor of elections. In addition, the legislation added school board members to the list of county officers whose compensation may not be changed by special laws or general laws of local application. The legislation required the Department of Administration to annually certify the annual factor and cumulative annual factor and the Department of Community Affairs to annually calculate the adjusted salary rate. The legislation provided that the adjusted salary rate would be the product of the salary rate granted by the appropriate chapter and section pertaining to a particular officer multiplied first by the initial factor, then by the cumulative factor, and finally by the annual factor. Finally, the legislation transferred statutory provisions regarding the base salaries and group rates for school board members and school superintendents from Chapter 145 to Chapter 230, F.S.

Chapter 81-167, L.O.F., amended provisions regarding the annual calculation of county officers' salaries to reflect the change in name of the Department of Community Affairs to Department of Veteran and Community Affairs.

Chapter 81-216, L.O.F., specified the Department of Law Enforcement as the state agency responsible for establishing the requirements for sheriffs seeking the special qualification salary.

Chapter 83-55, L.O.F., amended provisions regarding the annual calculation of county officers' salaries to reflect the change in name of the Department of Veteran and Community Affairs to Department of Community Affairs.

Chapter 83-215, L.O.F., revised cross-references regarding repeal of other laws related to compensation to conform provisions to the 1980 law change that transferred salary provisions for school board members and school superintendents from Chapter 145 to Chapter 230, F.S.

Chapter 84-241, L.O.F., removed the Department of Community Affairs as the state agency responsible for calculating the salaries of county officers. No replacement agency was named.

Chapter 85-322, L.O.F., increased salaries of clerk of the circuit court, county comptroller, supervisor of elections, property appraiser, tax collector, sheriff, and superintendent of schools by consolidating population group I (population range: 0-9,999) and population group II (population range: 10,000-49,999) into a new population group I (population range: 0-49,999); increasing the base salaries for each of the named officers at each population group level; and increasing the group rate at the highest population group level for each of the named officers.

Chapter 86-152, L.O.F., authorized the Executive Director of the Department of Revenue to waive the requirements for eligibility to receive the special qualification salary for any property appraiser who was at least 60 years of age and who had been a property appraiser for at least 20 years.

Chapter 87-224, L.O.F., revised cross-reference regarding the annual determination of population of local governments and renumbered population group levels for the office of sheriff to conform to the 1985 law change.

Chapter 88-42, L.O.F., amended the definition of the annual factor for purposes of calculating the annual salary increases of county officers.

Chapter 88-158, L.O.F., amended provisions regarding a county officer's guaranteed salary upon resolution of the board of county commissioners if all fees collected by the officer were turned over to the board. Such a resolution would be applicable only with respect to the county official who concurred in its adoption and only for the officer's duration in the current term of office.

Chapter 88-175, L.O.F., increased the base salaries for clerk of circuit court and county comptroller, tax collector, property appraiser, and supervisor of elections at each population group level.

Chapter 89-72, L.O.F., reduced the amount of time in which property appraisers and tax collectors must qualify to receive the special qualification salary after first taking office from six to four years.

Chapter 89-178, L.O.F., increased the sheriff's base salaries at each population group level.

Chapter 91-45, L.O.F., deleted obsolete provisions pertaining to special qualification salary for clerk of circuit court, county comptroller, sheriff, and supervisor of elections.

Chapter 92-279, L.O.F., amended provisions regarding the annual certification of the annual factor and cumulative annual factor to reflect the change in name of the Department of Administration to Department of Management Services.

Chapter 92-326, L.O.F., retained salaries of school board members and superintendents of schools at fiscal year 1991-92 levels.

Chapter 93-146, L.O.F., deleted authorization to fix salaries of district school board members by special or local law. The legislation extended the prohibition regarding special laws or general laws of local application to laws concerning compensation of district school board members. In addition, the legislation provided for annual salary adjustment for district school board members and superintendents of schools. Finally, the legislation provided for payment of specified salaries and ratification of previously paid salaries in addition to repealing all local and special laws or general laws of local application that relate to the compensation of district school board members.

Chapter 95-147, L.O.F., removed gender-specific references without substantive changes in legal effect.

Chapter 2001-266, L.O.F., deleted requirements that copies of certain salary-related resolutions adopted by boards of county commissioners be filed with the Department of Banking and Finance and the Auditor General.

Chapter 2002-387, L.O.F., enacted the "Florida K-20 Education Code in Chapter 1001, F.S. The legislation repealed provisions related to population group levels, base salaries, and group rates for district school board members and superintendents of schools. The legislation repealed provisions in Chapter 230, F.S.,

requiring the calculation of adjusted salary rate for district school board members and allowed district school boards to annually determine the salary of its members. Additionally, the legislation repealed certain salary provisions for superintendents of schools.

Chapter 2003-261, L.O.F., amended provisions regarding any revenue deficiency to be paid by the board of county commissioners to reflect the change in name of the Department of Banking and Finance to Department of Financial Services.

Chapter 2003-402, L.O.F., prohibited a county from appropriating to the clerk of circuit court based on the fees collected by that office.

Chapter 2004-41, L.O.F., reinstated statutory language pertaining to the salary computation for elected school superintendents that existed in law prior to the repeal of such language by Chapter 2002-387, L.O.F.

Chapter 2007-234, L.O.F., partially reinstated statutory language pertaining to the salary computation for school board members that existed in law prior to the repeal of such language by Chapter 2002-387, L.O.F. However, a portion of the new law was incorrectly drafted. The maximum county population for Population Group II was authorized as 49,000 rather than 49,999. For purposes of calculating salaries of school board members for the 2007-08 fiscal, no county's population fell within the 49,001 through 49,999 range so the error did not prevent any school board member's salary from being calculated.

Chapter 2008-4, L.O.F., provided the necessary statutory language to correct an error contained in Chapter 2007-234, L.O.F. The maximum county population of Population Group II for school board members was set to 49,999.

Chapter 2009-3, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 or s. 145.19, F.S., district school board members could reduce their salary rate on a voluntary basis.

Chapter 2009-59, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 and s. 145.19, F.S., for the 2009-10 fiscal year, the salary of each school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less. In addition, the legislation amended s. 1001.47, F.S., to provide that notwithstanding the provisions of s. 1001.47 and s. 145.19, F.S., elected school superintendents could reduce their salary rate on a voluntary basis. Also, the legislation amended s. 1001.47, F.S., to provide that notwithstanding the provisions of s. 1001.47 and s. 145.19, F.S., for the 2009-10 fiscal year, the salary of each elected school superintendent calculated pursuant to s. 1001.47, F.S., was reduced by 2 percent.

Chapter 2010-154, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 and s. 145.19, F.S., for the 2010-11 fiscal year, the salary of each school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Chapter 2011-158, L.O.F., provided that notwithstanding the provisions of Chapter 145, F.S., each member of a board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, and tax collector was authorized to voluntarily reduce his or her salary rate.

Chapter 2014-39, L.O.F., repealed the obsolete language of s. 1001.47(7), F.S., which reduced the salaries of elected district school superintendents by 2 percent for the 2009-10 fiscal year only.

Chapter 2016-157, L.O.F., made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.

Chapter 2018-5, L.O.F., amended s. 1001.395(3), F.S., to provide that the salary of each elected school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold a baccalaureate degree, whichever is less. Additionally, the legislation amended s. 1011.10, F.S., to provide that if any of the financial emergency conditions identified in s. 218.503(1), F.S., exist within a school district, then the salary of each district school board member and district school superintendent, calculated pursuant to ss. 1001.395 and 1001.47, F.S., shall be withheld until the conditions are corrected. However, this penalty will not apply to a district school board member or district school superintendent elected or appointed within one year after the identification of the financial emergency conditions in s. 218.503(1), F.S., if he or she did not participate in the approval or preparation of the final school district budget adopted before the identification of such conditions. These changes became effective July 1, 2019.

Chapter 2022-23, L.O.F., amended s. 145.071, F.S., to increase the base salaries of county sheriffs by $5,000 across all population groups, effective July 1, 2022.

Select Year: 2023 Go

The 2023 Florida Statutes (including Special Session C)

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 145
COMPENSATION OF COUNTY OFFICIALS

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CHAPTER 145
COMPENSATION OF COUNTY OFFICIALS

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145.011 Legislative intent.—

(1) In compliance with s. 5(c), Art. II of the State Constitution, it is the intent of the Legislature to provide for the annual compensation and method of payment for the several county officers named herein.

(2) The Legislature has determined that a uniform and not arbitrary and discriminatory salary law is needed to replace the haphazard, preferential, inequitable, and probably unconstitutional local law method of paying elected county officers.

(3) It is further the intent of this Legislature to provide by general law for such uniform compensation of county officials having substantially equal duties and responsibilities, taking into account the multitude of changes that have affected these offices within the past decade.

(4) The salary schedules in this chapter are therefore based on a classification of counties according to each county's population, which the Legislature determines to be the most practical basis from which to arrive at an adequate, uniform salary system.

History.—s. 1, ch. 61-461; s. 1, ch. 67-576; s. 4, ch. 69-216; s. 1, ch. 69-346; s. 7, ch. 69-403.

145.012 Applicability.—This chapter applies to all officials herein designated in all counties of the state, except those officials whose salaries are not subject to being set by the Legislature because of the provisions of a

county home rule charter and except officials (other than the property appraiser, clerk of the circuit court, superintendent of schools, sheriff, supervisor of elections, and tax collector who if qualified shall receive in addition to their salaries a special qualification salary as provided in this chapter) of counties which have a chartered consolidated form of government as provided in chapter 67-1320, Laws of Florida.

History.—s. 2, ch. 69-346; s. 15, ch. 73-173; s. 45, ch. 73-333; s. 1, ch. 77-102; s. 1, ch. 80-377.

145.021 Definitions.—As used in this chapter:

(1) "Population" means the population according to the latest annual determination of population of local governments produced by the Executive Office of the Governor in accordance with s. 186.901.

(2) "Salary," when referring to amounts payable under the schedules set forth in this chapter, means the total annual compensation to be paid to an official as personal income.

History.—s. 1, ch. 61-461; s. 3, ch. 69-346; s. 1, ch. 73-173; s. 89, ch. 79-190; s. 20, ch. 87-224.

145.022 Guaranteed salary upon resolution of board of county commissioners.—

(1) Any board of county commissioners, with the concurrence of the county official involved, shall by resolution guarantee and appropriate a salary to the county official, in an amount specified in this chapter, if all fees collected by such official are turned over to the board of county commissioners. Such a resolution is applicable only with respect to the county official who concurred in its adoption and only for the duration of such official's tenure in his or her current term of office.

(2) A board of county commissioners, with the concurrence of the county official involved, may, by resolution, rescind any resolution adopted pursuant to subsection (1), effective only upon the conclusion of the current fiscal year of the county.

(3) This section shall not apply to county property appraisers or clerks of the circuit and county courts in the performance of their court-related functions.

History.—s. 4, ch. 69-346; s. 8, ch. 69-82; ss. 12, 35, ch. 69-106; s. 16, ch. 73-172; s. 1, ch. 77-102; s. 16, ch. 80-377; s. 2, ch. 88-158; s. 852, ch. 95-147; s. 37, ch. 2001-266; s. 86, ch. 2003-402.

145.031 Board of county commissioners.—

(1) Each member of the board of county commissioners shall receive as salary the amount indicated, based on the population of his or her county. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate.

Pop. Group	County 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

(2) No member of a governing body of a chartered county or a county with a consolidated form of government shall be deemed to be the equivalent of a county commissioner for the purposes of determining the compensation of such member under his or her respective charter.

(3) Notwithstanding the provisions of this section or s. 145.19, each member of the board of county commissioners may reduce his or her salary rate on a voluntary basis.

History.—s. 1, ch. 61-461; s. 1, ch. 63-560; s. 1, ch. 65-356; s. 1, ch. 67-543; s. 2, ch. 67-576; s. 5, ch. 69-346; s. 2, ch. 73-173; s. 853, ch. 95-147; s. 1, ch. 2011-158.

145.051 Clerk of circuit court; county comptroller.—

(1) Each clerk of the circuit court and each county comptroller shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	$21,250	$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

(2)(a) There shall be an additional $2,000 per year special qualification salary for each clerk of the circuit court who has met the certification requirements established by the Supreme Court. Any clerk of the circuit court who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary provided by paragraph (a), the clerk must complete the requirements established by the Supreme Court within 6 years after first taking office.

(c) After a clerk meets the requirements of paragraph (a), in order to remain certified the clerk shall thereafter be required to complete each year a course of continuing education as prescribed by the Supreme Court.

(3) Notwithstanding the provisions of this section or s. 145.19, each clerk of the circuit court and each county comptroller may reduce his or her salary rate on a voluntary basis.

History.—s. 1, ch. 61-461; s. 1, ch. 63-560; s. 1, ch. 65-356; s. 2, ch. 67-576; s. 5, ch. 69-346; s. 27, ch. 72-404; s. 4, ch. 73-173; s. 4, ch. 74-325; ss. 2, 12, ch. 80-377; s. 1, ch. 85-322; s. 1, ch. 88-175; s. 27, ch. 91-45; s. 854, ch. 95-147; s. 2, ch. 2011-158.

145.071 Sheriff.—

(1) Each sheriff shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	$28,350	$0.07875
II	50,000	99,999	31,500	0.06300
III	100,000	199,999	34,650	0.02625
IV	200,000	399,999	37,275	0.01575
V	400,000	999,999	40,425	0.00525
VI	1,000,000		43,575	0.00400

(2)(a) There shall be an additional $2,000 per year special qualification salary for each sheriff who has met the qualification requirements established by the Department of Law Enforcement. Any sheriff who so qualifies during a

calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary described in paragraph (a), the sheriff must complete the requirements specified in that paragraph within 6 years after first taking office.

(c) After a sheriff meets the requirements of paragraph (a), in order to remain qualified the sheriff shall thereafter be required to complete each year a course of continuing education as prescribed by the Department of Law Enforcement.

(3) Notwithstanding the provisions of this section or s. 145.19, each sheriff may reduce his or her salary rate on a voluntary basis.

History.—s. 1, ch. 61-461; s. 1, ch. 63-560; s. 1, ch. 65-356; s. 2, ch. 67-543; s. 2, ch. 67-576; s. 5, ch. 69-346; ss. 1-3, ch. 70-395; s. 5, ch. 73-173; s. 46, ch. 73-333; ss. 3, 13, ch. 80-377; s. 1, ch. 81-216; s. 5, ch. 85-322; s. 21, ch. 87-224; s. 1, ch. 89-178; s. 28, ch. 91-45; s. 855, ch. 95-147; s. 3, ch. 2011-158; s. 2, ch. 2022-23.

145.09 Supervisor of elections.—

(1) Each supervisor of elections shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	$21,250	$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

(2) The above salaries are based upon a 5-day workweek. If a supervisor does not keep his or her office open 5 days per week, then the salary will be prorated accordingly.

(3)(a) There shall be an additional $2,000 per year special qualification salary for each supervisor of elections who has met the certification requirements established by the Division of Elections of the Department of State. The Department of State shall adopt rules to establish the certification requirements. Any supervisor who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary described in paragraph (a), the supervisor must complete the requirements established by the Division of Elections within 6 years after first taking office.

(c) After a supervisor meets the requirements of paragraph (a), in order to remain certified the supervisor shall thereafter be required to complete each year a course of continuing education as prescribed by the division.

(4) Notwithstanding the provisions of this section or s. 145.19, each supervisor of elections may reduce his or her salary rate on a voluntary basis.

History.—s. 1, ch. 61-461; s. 1, ch. 63-560; s. 2, ch. 65-60; s. 1, ch. 65-356; s. 2, ch. 67-576; s. 5, ch. 69-346; s. 1, ch. 70-429; s. 7, ch. 73-173; s. 2, ch. 79-327; ss. 6, 17, 22, ch. 80-377; s. 2, ch. 85-322; s. 4, ch. 88-175; s. 29, ch. 91-45; s. 856, ch. 95-147; s. 75, ch. 2005-277; s. 4, ch. 2011-158; s. 1, ch. 2016-157.

145.10 Property appraiser.—

(1) Each property appraiser shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each population

group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	$21,250	$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

(2)(a) There shall be an additional $2,000 per year special qualification salary for each property appraiser who has met the requirements of the Department of Revenue and has been designated a certified Florida property appraiser. Any property appraiser who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year. The department shall establish and maintain a certified Florida property appraiser program.

(b) In order to qualify for the special qualification salary described in paragraph (a), the property appraiser must complete the requirements established by the Department of Revenue within 4 years after first taking office.

(c) After a property appraiser meets the requirements of paragraph (a), in order to remain certified the property appraiser shall thereafter be required to complete each year a course of continuing education as prescribed by the department. The executive director of the Department of Revenue may, at his or her discretion, waive the requirements of this paragraph for any property appraiser who has reached 60 years of age and who has been a property appraiser for 20 years.

(3) Notwithstanding the provisions of this section or s. 145.19, each property appraiser may reduce his or her salary rate on a voluntary basis.

History.—s. 1, ch. 61-461; s. 1, ch. 63-560; s. 1, ch. 65-356; s. 3, ch. 67-543; s. 2, ch. 67-576; s. 1, ch. 67-594; s. 5, ch. 69-346; s. 15, ch. 73-172; s. 8, ch. 73-173; s. 1, ch. 77-102; ss. 7, 14, ch. 80-377; s. 3, ch. 85-322; s. 62, ch. 86-152; s. 3, ch. 88-175; s. 1, ch. 89-72; s. 857, ch. 95-147; s. 5, ch. 2011-158.

145.11 Tax collector.—

(1) Each tax collector shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	$21,250	$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

(2)(a) There shall be an additional $2,000 per year special qualification salary for each tax collector who has met the requirements of the Department of Revenue and has been designated a certified Florida tax collector. Any tax collector who is certified during a calendar year shall receive in that year a pro rata share of the special

qualification salary based on the remaining period of the year. The department shall establish and maintain a certified Florida tax collector program.

(b) In order to qualify for the special qualification salary described in paragraph (a), the tax collector must complete the requirements established by the Department of Revenue within 4 years after first taking office.

(c) After a tax collector meets the requirements of paragraph (a), in order to remain certified the tax collector shall thereafter be required to complete each year a course of continuing education as prescribed by the department.

(3) Notwithstanding the provisions of this section or s. 145.19, each tax collector may reduce his or her salary rate on a voluntary basis.

History.—s. 1, ch. 61-461; s. 1, ch. 63-560; s. 1, ch. 65-356; s. 2, ch. 67-576; s. 5, ch. 69-346; s. 9, ch. 73-173; ss. 9, 15, ch. 80-377; s. 4, ch. 85-322; s. 2, ch. 88-175; s. 2, ch. 89-72; s. 858, ch. 95-147; s. 6, ch. 2011-158.

145.121 Other income to be income of the office.—

(1) Except for the salary receivable under this chapter, all fees, costs, salaries, commissions, extra compensation, or any other funds which are paid or payable to a county official or to the official's office, either by law or on account of any service (including, for the purposes of this section, service arising out of official duties, ex officio duties, and private nonofficial acts) performed by the official for any agency or instrumentality of the state or of any county or municipality in the state, or for any officer, board, district, authority, or unit of state or local government, or for individuals, wherein any of the personnel, equipment, or space of the office is employed, shall be included as income of the office and shall not be retained by the county official as personal income. Nothing herein shall be construed as authorizing a county official to use his or her office or its personnel or property for a private purpose.

(2) Any board of county commissioners which prior to July 1, 1969, had not authorized an additional monthly expense allowance for the chair of the commission may authorize such an allowance of up to $50 per month for travel and other expenses related to the performance of his or her duties, and compensation shall not be considered as part of the chair's income from office.

History.—s. 7, ch. 69-346; s. 1, ch. 70-419; ss. 1, 2, ch. 70-445; s. 1, ch. 72-240; s. 14, ch. 73-173; s. 1, ch. 74-325; s. 859, ch. 95-147.

145.131 Repeal of other laws relating to compensation; exceptions.—

(1) All local or special laws or general laws of local application enacted prior to July 1, 1969, which relate to compensation of county officials are repealed, except laws pertaining to travel expenses of county officers or to payment of extra compensation to the chairs of boards of county commissioners or district school boards.

(2) The compensation of any official whose salary is fixed by this chapter shall be the subject of general law only, except that the compensation of certain school superintendents may be set by school boards in accordance with the provisions of s. 1001.47.

(3) All or any portion of the payment of the costs of life, health, accident, hospitalization, or annuity insurance, as authorized in s. 112.08, for county officials and employees shall not be deemed to be compensation within the purview of this chapter; and all payments previously made from county funds for such purposes are hereby validated.

History.—s. 9, ch. 69-346; s. 1, ch. 72-111; s. 20, ch. 73-334; s. 7, ch. 83-215; s. 1, ch. 93-146; s. 860, ch. 95-147; s. 900, ch. 2002-387.

145.132 Repeal of other laws relating to compensation of district school board members.—All local or special laws or general laws of local application enacted prior to July 1, 1993, which relate to compensation of district school board members are repealed.

History.—s. 6, ch. 93-146.

145.14 Compensation of other county officials; guarantee.—

(1) Each county official whose compensation for his or her official duties is paid wholly or partly by fees or commissions, and whose compensation is not provided for herein shall receive as yearly compensation for official services from the whole or part of the fees or commissions so collected, the following sum only: all the net income from his or her office not to exceed $7,500 unless otherwise provided by law.

(2) With the concurrence of any county officer described by subsection (1), any board of county commissioners may by resolution guarantee and appropriate to that officer a salary not to exceed $9,600 in lieu of fees, if all fees collected are turned over to the board of county commissioners.

History.—s. 3, ch. 63-560; s. 10, ch. 69-346; s. 8, ch. 69-82; ss. 12, 35, ch. 69-106; s. 861, ch. 95-147; s. 38, ch. 2001-266.

145.141 Deficiency to be paid by board of county commissioners.—Should any county officer have insufficient revenue from the income of his or her office, after paying office personnel and expenses, to pay his or her total annual salary, the board of county commissioners shall pay any deficiency in salary from the general revenue fund and notify the Department of Financial Services. The deficiency shall be listed in the comptroller's annual report of county finances and county fee officers.

History.—s. 8, ch. 69-346; ss. 12, 35, ch. 69-106; s. 862, ch. 95-147; s. 149, ch. 2003-261.

145.16 Special laws or general laws of local application prohibited.—

(1) The Legislature declares that the preservation of statewide uniformity of county officials' salaries is essential to the fulfillment of the legislative intent expressed in this chapter and intends by this section to prevent any laws which would allow officials in individual counties to be excepted from the uniform classification provided in this chapter.

(2) Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application pertaining to the compensation of the following officials:

(a) Members of the board of county commissioners;

(b) Clerk of the circuit court;

(c) Sheriff;

(d) Superintendent of schools;

(e) Supervisor of elections;

(f) Property appraiser;

(g) Tax collector; and

(h) District school board members.

History.—s. 1, ch. 69-211; s. 1, ch. 77-102; s. 2, ch. 93-146.

145.17 Supplemental compensation prohibited.—The compensation provided in chapter 145 shall be the sole and exclusive compensation of the officers whose salary is established therein for the execution of their official duties, and, except as specifically provided herein, the acceptance of salary for official duties as a result of other general or special law, general law of local application, resolution, or supplement or from any other source is a misdemeanor of the first degree punishable as provided in ss. 775.082 and 775.083.

History.—s. 10, ch. 73-173.

145.19 Annual percentage increases based on increase for state career service employees; limitation.—

(1) As used in this section, the term:

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

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

2. Seven percent.

(b) "Cumulative annual factor" means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.

(c) "Initial factor" means a factor of 1.292, which is a product, rounded to the nearest thousandth, of an earlier cost-of-living increase factor authorized by chapter 73-173, Laws of Florida, and intended by the Legislature to be preserved in adjustments to salaries made prior to enactment of chapter 76-80, Laws of Florida, multiplied by the annual increase factor authorized by chapter 79-327, Laws of Florida.

(2) Each fiscal year, the salaries of all officials listed in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted. The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter, s. 1001.395, or s. 1001.47 multiplied first by the initial factor, then by the

cumulative annual factor, and finally by the annual factor. The Department of Management Services shall certify the annual factor and the cumulative annual factors. Any special qualification salary received under this chapter, s. 1001.47, or the annual performance salary incentive available to elected superintendents under s. 1001.47 shall be added to such adjusted salary rate. The special qualification salary shall be $2,000, but shall not exceed $2,000.

History.—s. 1, ch. 79-327; s. 19, ch. 80-377; s. 6, ch. 81-167; s. 5, ch. 83-55; s. 3, ch. 84-241; s. 1, ch. 88-42; s. 75, ch. 92-279; s. 55, ch. 92-326; s. 3, ch. 93-146; s. 901, ch. 2002-387; s. 4, ch. 2004-41; s. 2, ch. 2007-234.

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Compensation of Elected Officials in Miami-Dade County

Some things have changed and much has stayed the same in the ten years since the Miami-Dade Commission on Ethics and Public Trust published its first report on the compensation of elected officials and the oversight, or lack thereof, over their spending. This report updates the earlier one, providing Miami-Dade County residents with a way to easily understand how their local leaders are paid and how that compensation compares to other local municipalities.

The county's 34 municipalities offer their mayors and council or commission members a broad variety of salary and benefits packages. At one end of the scale are communities like Indian Creek Village that consider their elected officials volunteers who are giving their time for the betterment of the community. The Indian Creek Village Mayor and Council Members are not compensated in any way for anything, according to the Village Clerk. Several other communities, including Golden Beach, Surfside and Key Biscayne pay their officials either a $1 token salary, or nothing at all. Some of those communities do pay for certain expenses their officials may incur, like travel to the Florida League of Cities meetings, but those expenses are generally quite limited.

At the other end of the scale are communities like Hialeah Gardens, where the Mayor was paid an annual salary of $115,648 and also received taxable fringe benefits of $73,000, which the City terms an expense allowance. This type of allowance is different from an expense account that would allow the Mayor to request reimbursement for any City expenses he covered out of his pocket. Expense plans of that nature, called accountable plans, must be substantiated, usually through a receipt. Instead, the type of allowance used in Hialeah Gardens is called a non-accountable plan because the Mayor is not required to account for how he spent the money, or even if he spent it at all. In fact, the IRS treats non-accountable expense allowances as taxable fringe benefits, essentially as income.

Several Miami-Dade municipalities and the county used expense allowances or other taxable fringe benefits to increase the overall compensation of their elected officials while keeping their official

salaries technically low. In some communities, the elected officials have car and cell phone allowances, for example.

As the Commission on Ethics noted in the last report, non-accountable expense allowances are objectionable for public employees. They do not provide the transparency and accountability that should exist in government because they do not require elected officials to account for how money is spent, or even if it is spent with a public purpose.

Non-accountable expense plans also allow elected officials to circumvent charter restrictions on raising their own salaries without voter approval.

These charter restrictions can also be problematic because they often leave no room for salaries to be raised to match increases in the cost of living. Miami-Dade's County Commissioners offer a stark example of this. Their $6,000 salaries haven't been raised since 1957. Given the full-time nature of their positions, Commissioners aren't earning even close to minimum wage from their salary alone. By contrast, Broward County Commissioners are paid $99,997 annually.

To give the information in this report context, the population of each municipality is included. Readers will notice that municipalities of similar size often pay very different salaries to their elected officials. In some cases, that difference is due to the different forms of government – either a strong mayor form in which the mayor is the city's chief executive, or a manager form, where a professional, chosen by vote of the mayor and commission, runs the day-to-day operations of the municipality. This report includes the salaries of city managers in those communities that do not have a strong mayor form of government. This information was included because many strong mayors are paid salaries commensurate with city managers. The exception in Miami-Dade County is Virginia Gardens, which has a strong mayor system, but pays its mayor a small, part-time salary with few fringe benefits.

Also added to this report is information about how much taxpayers spend to fund the retirement benefits of their elected officials. The county and some of the municipalities participate in the Florida Retirement System and fund the pension accounts of their elected officials according to a formula established by the legislature. Other municipalities participate in the same system, but fund their elected officials as regular employees. Still others have their own pension system or offer no retirement benefits whatsoever to elected officials.

Aventura (Pop. 37,724)

Salaries are set by the charter but the non-accountable expenses paid to the Mayor and Commissioners can be and have been raised by ordinance.

The Mayor receives an annual salary of $10,000 and each Commissioner is paid $7,500. They each also receive money from a non-accountable expense plan of more than $8,000. In fiscal year 2017, those payments totaled $8,301, up from $8,059 the year before. The increase was described as a cost of living increase last year year, though the amount was raised to $8059, from $6,059, by ordinance in 2015. The City Manager is paid a salary of $252,000.

The City has in the past covered travel expenses, but did not in 2016. None of the elected officials have city-issued purchasing cards or mobile phone or car allowances.

Since the Ethics Commission's last report, the City has standardized the amount it pays Commissioners, but it continues to use the objectionable non-accountable expense plan.

The City does not contribute anything toward a retirement fund or pension for the Mayor and Commissioners.

Bal Harbour (Pop. 3,050)

The Mayor was paid $1,800 and the Council Members were paid $1,200 in FY2017 but the Council voted to raise that to $30,000 for the Mayor and $24,000 in September 2017. The increases were set to go into effect only after the current Mayor and Council have completed their terms.

The Mayor and Council also have the option to be covered by the Village's health insurance plan. The Village does not provide any car, mobile phone or expense allowances for the Mayor and Council, nor are the elected officials issued Village credit cards. They are reimbursed for any travel they do on behalf of the Village. The Village Manager is paid a salary $222,847.

The Village does not contribute anything toward a retirement fund or pension.

Bay Harbor Islands (Pop. 5,975)

The Mayor and Town Council Members are each paid $1 per year. Their salaries are set in the Town Charter but can be changed by ordinance, with a caveat that the change will only go into effect after the

current term of the Council Members voting for it. They do not receive phone, expense or car allowances and have no credit cards.

They are reimbursed for Town-related travel. In FY2016, the Mayor and Council Members were reimbursed $12,558 in travel expenses to attend events like the annual Florida League of Cities meeting and Miami-Dade County Days in Tallahassee. The Council Members' use of Town expense accounts ranges from Councilwoman Stephanie Bruder, who was not reimbursed for anything, to Councilman Robert Yaffee, who was reimbursed for $3,280 in expenses. The Town Manager is paid a salary $172,578.90.

The Town does not contribute to any retirement account or pension fund for the Mayor or Council Members.

Biscayne Park (Pop. 3198)

Compensation for the Mayor and Village Commissioners is set by ordinance. The Mayor received an annual salary of $4,000 and each Commissioner was paid $2,000 in 2017. The Commissioners and the Mayor are also reimbursed for travel, promotional activities and memberships in organizations like the Florida League of Cities. The Village budgets $1,500 for the Commission's travel, $1,000 for promotional activities and $900 for subscriptions and memberships. The reimbursement is done after the fact, when a Commissioner or the Mayor submits a request with receipts. Last year the Commissioners and Mayor were reimbursed $1,100 for travel, $3,202 for promotional activities, $1,739 for subscriptions and memberships and $1,171 for education and training.

The Village doesn't issue credit cards to elected officials and none of the elected officials receive car or phone allowances. The Village Manager is paid a salary of $83,041.

The Village does not contribute to any retirement program for the elected officials.

Coral Gables (Pop. 50,815)

The compensation for elected officials is set by ordinance. The Mayor's annual salary was set at $38,244 in 2017; the Vice Mayor's was $33,458; the three Commissioners each received $31,076. The Mayor receives a $6,000 annual travel allowance from a non-accountable fund. The Vice Mayor and Commissioners each receive a $4,800 travel allowance.

The Mayor, Vice Mayor and Commissioners do not receive car allowances or have city-issued credit cards. They each receive a cell phone that the city pays for. Each reimburses the city $20 per month to cover their personal use of those phones.

The City Manager is paid a salary of $209,976.

The Mayor and City Commission participate in the Florida Retirement System (FRS). The City contributes 45.5% of their wages each year (36.9% for Comm. Keon because she is already collecting). The total dollar amount of the City's contribution to the FRS for FY2017 on behalf of the Mayor and Commissioners was $63,428.28.

Cutler Bay (Pop. 44,707)

The salaries of the Mayor, Vice Mayor and Council Members are set by charter, with annual cost of living increases pegged to the consumer price index. The Mayor's annual salary was $15,376.68 in 2017 while the Vice Mayor and Council Members were paid $7,688.16. They are also paid monthly travel and cell phone allowances from non-accountable funds. The Mayor receives $2,400 a year for travel and $1,800 a year as a phone allowance. The Vice Mayor and the Council Members each receive $1,200 a year for travel and $1,320 as a phone allowance.

Cutler Bay also reimburses the Mayor, Vice Mayor and Council Members for city-related activities like attending luncheons and travelling to Tallahassee during the legislative session. In FY2016, the city budgeted $5,500 for the Mayor's expenses and $4,500 for the expenses of the Vice Mayor and each of the Council Members. The Mayor spent $3,392 while the Council Members spent between $1,171 (seat three) and $2,950 (Vice Mayor).

The Town Manager is paid a salary of $197,538.

Cutler Bay participates in the Florida Retirement System. The contributions are a percentage of salary and are set by the legislature. Currently, the contribution rate for Elected Officials is 45.5%, with one exception – Council Member Coriat participates in FRS through his school employer and, as such, participates in the Town's FRS as a "regular" employee, not as an Elected Official. Accordingly, his Town contribution rate is 7.92%, not 45.5%).

Doral (Pop. 57,947)

The salaries of the Mayor and City Council Members are set by charter, with annual raises pegged to the Consumer Price Index. The Mayor made $68,365 annually in 2017, while each Council Member was

paid $16,399. They each also received a non-accountable stipend to cover expenses in the amount of $30,000 annually.

The Mayor and the Council Members also each have a budget of $15,000 for travel. Further, the Mayor and the Council share a budget of $7,800 for communications expenses, $25,000 for office supplies and $30,000 for dues and memberships.

The City does not issue credit cards to elected officials.

Since the last Commission report on compensation, the City has standardized the Council Members' compensation – each one received different amounts at the time of the prior report. The City is still using non-accountable expense allowances, however.

The City Manager is paid a salary of $206,237.

The City contributes 18 percent of each elected officials' salary to a pension fund. The non-accountable funds are not included in that calculation.

El Portal (Pop. 2,480)

The Mayor and Council Members receive what the Village terms an "allocation" of $3,000 a year, which is set by ordinance. This functions like a salary, though it is paid quarterly. They do not have car allowances or Village-issued credit cards. Each Council Member receives a cell phone allowance of $70 per month. The Mayor receives a cell phone allowance of $136.66 a month. Only one Council Member, Omar Nickerson, receives his cell phone allowance as a stipend. The other Council Members and the Mayor instead have mobile phones that are paid for by the Village.

Each Council Member has a travel budget of $500 and the Mayor has a travel budget of $1,640. They must submit expense reports and receipts to be reimbursed for city travel out of those accounts. They do not have Village-issued credit cards.

The Village Manager is paid a salary of $85,000.

The Village began contributing to the Florida Retirement System on behalf of its elected officials in October 2017, with $11,400 budgeted for that purpose.

Florida City (Pop. 12,078)

The compensation of the Mayor and City Commissioners is determined by ordinance during the budget

process. The Mayor is paid an annual salary of $176,155. He also receives an annual expense allowance of $6,510 in a non-accountable plan. His cell phone and car are provided by the city. Florida City has a strong mayor form of government.

The four Commissioners each receive a salary of $10,400. They also receive $48 a month to cover their cell phones and share a city car they are allowed to use for city business. While their salaries have not increased in many years, they also receive a generous pension for their service. Funding the pension costs Florida City tax payers $500,000 annually.

When any of them travel on City business, they are reimbursed for normal expenses.

Golden Beach (Pop. 968)

The Mayor and Council Members are paid a $1 annual salary. They receive no cell phone or car allowance and were not reimbursed for any travel expenses in 2016. The city does not contribute to any pension fund or retirement plan on their behalf. The City Manager is paid a salary of $182,973.

Hialeah (Pop. 236,387)

According to the City Charter, the salaries of the Mayor and the Members of the Council are set by ordinance during the budget process. According to budget information the City posts online, the Mayor received a salary of $150,000. There was also a line item for the Mayor's expenses for $40,000, but it was unclear if this was an accountable or non-accountable expense plan. There were separate line items for travel expenses and miscellaneous expenses.

The City has a strong mayor form of government and there is no City Manager.

It is unclear from the budget how much the Council Members are paid. The clerk's office has a line item in its budget for $291,800 for "Council Expenses." Presumably the Council Members' salaries are part of the expenses.

Hialeah Gardens (Pop. 23,837)

The compensation of the Mayor and Council Members is set by ordinance. The Mayor was paid an annual salary of $115,648 and also received an expense allowance of $73,000 from a non-accountable plan. The City Council Members were paid $12,047.40 in annual salary and received an additional

$25,615 each as an expense allowance. The City has a strong mayor form of government and there is no City Manager.

The Mayor is reimbursed for his mobile phone and two of the Council Members received a $45 monthly phone allowance that is paid with their salary payments.

The City also budgeted $10,000 for the Mayor's expenses.

None of the elected officials are issued City credit cards.

The compensation system in Hialeah Gardens has not changed significantly since the last report.

The City offers a matching contribution of up to 5% for the 401A pension plan and a 2% contribution to the 457 deferred compensation plan to all full time employees and elected officials.

Homestead (Pop. 67,996)

The salaries of elected officials are set by ordinance. The Mayor received an annual salary of $6,000 while the Council Members earned $4,800 each year. They also received, as taxable fringe benefits, car allowances and expense allowances. The Mayor's annual car allowance was $12,500 and the Council Members received $11,500. The Mayor also received $14,700 as an expense allowance and the Council Members received $13,700.

The City budgets $12,000 for the travel expenses of the Mayor and $9,000 for the Council Members. The expenses are reimbursed after travel is completed. The City also allows the Mayor $5,000 to spend on public relations while budgeting $4,000 for each of the Council Members.

Finally, the City has eight committees, each with its own $10,000 budget, except the tourism committee, which has a $15,000 budget. The Mayor, Vice Mayor and Council Members are assigned to one or two committees and have the authority to determine how the committee budget is spent.

All elected officials in Homestead have city-issued credit cards, the only significant change in Homestead since the last report, when they were not issued credit cards.

The City Manager makes a salary of $210,120.

Homestead changed its pension plan in 2002 to save money. For Fiscal Year 2018, it budgeted $297,864 to contribute to the plan that still covers retired officials who were elected before Feb. 18, 2002. It budgeted $108,151 to contribute to the plan that covers officials elected after that date.

Indian Creek Village (Pop. 91)

Indian Creek Village elected officials are not compensated in any way for anything. This is in the Village Charter. The Village Manager makes a salary of $107,936.00.

Key Biscayne (Pop. 13,019)

The Village Charter specifies that elected officials receive no salary. They don't receive car or mobile phone allowances either and do not have Village-issued credit cards or any retirement benefits. The Village Manager makes a salary of $199,335.

Medley (Pop. 1,100)

The compensation of the Mayor and Council Members is set by ordinance. The Mayor of Medley was paid an annual salary of $187,152 while the Council Members received $39,652 a year. Medley has a strong mayor form of government. The Council Members and the Mayor are also provided with cell phones under the Town's plan, at a cost of about $100 a month for each one. The Town does not pay a car allowance or any other taxable fringe benefits and the Mayor and Council Members are not issued credit cards.

The Town contributes five percent of gross salary to a 401A account for all elected officials. In addition the Town contributes to a Town of Medley General Employees' Pension Plan for employees and elected officials. The ARC is not segregated between elected officials and general employees.

Miami (Pop. 453,579)

The Mayor's salary of $97,000 is set by ordinance, with the Commissioner's salary set at 60 percent of the Mayor's salary, or currently $58,200. Miami's City Manager earns $231,402.

Four of the five Commissioners receive taxable fringe benefits amounting to $46,400 while the Commissioner for District Two is set at $52,400.

Two of the five Commissioners maintain a budget for "aids to private organizations" while three of the five budgeted for travel and two budgeted money for "communications and related purposes."

The City contributes $19,400 to a retirement account for the Mayor and $11,640 to retirement accounts for three of the Commissioners. The other two, then Commissioners Frank Carollo and Francis Suarez

(now Mayor,) opted out of the program, but the City Attorney's Office opined in late November that the City owed $36,860 to Carollo's 401A plan and a transfer was made. The City also spent $510,000 this year to fund its Elected Officer's Retirement Trust, which currently serves six current and former officials. Elected officials have to serve at least seven years in office to be eligible for retirement benefits from the Trust.

Miami Beach (Pop. 91,917)

The compensation of the elected officials is set by ordinance. The Mayor receives an annual salary of $10,171 and the Commission Members are paid $6,098. The Mayor also receives taxable fringe benefits of $30,000, while the Commission Members receive $24,000.

The elected officials can also request reimbursement for travel conducted on City business. Last year, Commissioner Rosen Gonzalez was the only one who did so; she was reimbursed for $831 in expenses.

The Commission has a $10,000 budget for catering for the Commission and executive session meetings and a $40,000 budget for events.

The City Manager makes an annual salary of $282,535.

The City funds retirement plans for each of the six Commissioners. The Mayor opted out of the pension plan.

Miami-Dade County (Pop. 2,456,378)

The salaries of the Commissioners are set by charter at $6,000 annually but they receive additional compensation as non-accountable allowances for $55,100, which includes a cash allocation, an expense allowance, a supplemental pension contribution and a car allowance. Each also receives a county cell phone.

Each Commission district is assigned a county credit card. Nine of the 13 Commissioners have the card in their own name, while four have the cards in the names of staffers. The amount of money spent on the purchasing cards varies from a high of $36,370 spent by the Commissioner for District Two to the negative balances on two Commissioners' cards at the end of FY16.

Miami-Dade's "strong Mayor" set his own salary at $150,000, significantly lower than the $235,922 that his predecessor received. The Board of County Commissioners approved the Mayor's new salary. He

did not request any expense allowances. The previous Mayor received $52,000 in executive benefits and an expense allowance, plus a $9,600 car allowance. He has a county cell phone and county car.

The County contributes to the Florida Retirement System fund for the pensions of the elected officials at rates set by the legislature. For Fiscal year 2016-17 the rate was 42.27 percent from October 1 to June 30 and on July 1 it changed to 45.50 percent. The blended rate for the year was 43.14 percent

The amount contributed for each Commissioner was $2,588.40 for a total of $33,649 for all 13 Commissioners. Their retirement benefits are calculated based on their base salary only, not their taxable fringe benefits. The amount for the Mayor was $64,710.

Miami Gardens (Pop. 113,058)

The salaries of the Mayor and Members of the City Council are set by the charter and can only be increased – though not decreased – by amendment to the charter. The Council Members receive $12,000 annually and the Mayor receives $42,000. The City does not cover their mobile phones or give them car or expense allowances. The City issues purchasing cards to each Council Member and to the Mayor and most of their travel and other allowed expenses are paid either with the card, or with an invoice from a vendor. Each Council Member and the Mayor have annual budgets of $14,400 for expenses. Of the $100,800 in the total expense fund, all but $2,117 was spent last year. The Mayor has a separate travel budget for $12,648, out of which $12,509 was spent last year.

The City Manager makes an annual salary $198,248. The City contributed $8,730 to the Florida Retirement System accounts of the Mayor and Council Members.

Miami Lakes (Pop. 30,873)

The various ways the Mayor and Council Members are compensated is set through the budget process. The Mayor received an $18,200 salary in FY2016. He also received a monthly car allowance of $600 and another $580.63 as an expense allowance. His total taxable compensation was $32,367. The Mayor was also provided with a City cell phone and a City tablet; the cellular bills of both were paid by the city.

The Council Members do not receive salaries but are paid a $500 monthly car allowance and a $580.63 monthly expense allowance, along with city-paid mobile phones and tablets.

The City does not budget for public relations for the Council, but does have a $2,000 discretionary fund and another $1,250 to be used for awards and proclamations.

The City Manager makes an annual salary of $189,800.

The City pays into a retirement fund for the Mayor, but not the Council Members. The contribution is 7.92 percent of his salary, or $1,426.

Miami Shores (Pop. 10,762)

The Mayor and City Council Members are each paid a token salary of $1.

Their expenses incurred traveling to events like the Florida League of Cities training seminars or attending the Chamber of Commerce annual dinner are reimbursed. They have a budget of $1,000 they can spend on constituent issues, but they normally do not spend it, according to the Village Manager.

The Village Manager receives a compensation package of salary and fringe benefits totaling $173,576.

The Village does not contribute to retirement plans for elected officials.

Miami Springs (Pop. 14,431)

The salaries of the Mayor and City Council Members are set by charter. The Mayor's annual salary was $6,000 while the Council Members received $5,000.

The City pays the cell phone bills for the Mayor and Council Members. They have no travel or expense allowance or any other taxable fringe benefit. They are issued City credit cards, but the clerk maintains those cards, giving them to the Council Members only when travel is anticipated.

They share a budget line item titled "promotions and donations" with $120,860 budgeted for FY2018.

The City Manager makes an annual salary $145,200. The elected officials receive no retirement benefits.

North Bay Village (Pop. 8,262)

The salaries of the Mayor and Village Commissioners are set by charter. The Mayor was paid an annual salary of $7,800 while Commissioners received $6,300.

The Commissioners and Mayor do not receive car allowances. They are issued a Village cell phone, with the $52.51 monthly bill paid by the city. In Fiscal Year 2016, they each had a budget of $4,000 for

travel expenses, which was paid out only after they submitted receipts for reimbursable expenses. Expenditures ranged from the $4,000 spent by Vice Mayor Gonzalez to $220 spent by Commissioner Chervony.

For fiscal year 2017, the budget amount for the Mayor remained at $4,000, but the budgeted amount for each Commissioner was reduced to $3,000.

The City Manager makes an annual salary of $96,000. The City does not contribute to any retirement plan for its elected officials, or for the manager.

North Miami (Pop. 62,139)

The compensation for the Mayor, Council Members and the elected Clerk is set by ordinance.

The Mayor made a base salary of $59,880 and received taxable fringe benefits of $17,640 that are classified as an expense allowance, an auto allowance and a cell phone allowance from non-accountable funds. Additionally, the Mayor has a $10,000 budget to cover travel.

The Council Members were paid a salary of $47,910 and received $17,400 in taxable fringe benefits to cover expenses, car and mobile phone. Additionally, each Council Member had a $5,000 travel budget and a $7,000 discretionary fund.

The Mayor and Council also share a budget of $5,500 for keys to the city, black velvet boxes to contain the keys, plagues, certificates, cakes and other items. They are each issued City credit cards

The Clerk, an elected position in North Miami, received an annual salary of $47,910 and $16,200 in taxable fringe benefits. The Clerk had a travel budget for himself and his staff of $13,500. The Clerk is not issued a City credit card, though he travels using a card issued to one of his deputy clerks.

North Miami reformed its use of non-accountable expense allowances back in 2007, in response to an inquiry from the Ethics Commission. At the time the Mayor made a salary of only $4,200 per year and the Council Members were paid just $3,600 annually. When the City decided to take away their taxable expense allowances, their salaries were raised to make up the difference. Those salaries have remained in place – with $12,000 a year raises handed out this year. At the same time, at some point between 2007 and last year, the City Council added back the expense allowances. This has amounted to a significant increase in the total compensation package for the City's elected officials. The Mayor and the Council Members have each received what amounts to a 284 percent raise.

The City Manager makes an annual $240,000.

The City participates in the Florida Retirement System, budgeting $115,076 to cover the contributions for the Mayor and Council, according to the formula established by the legislature.

North Miami Beach (Pop. 43,891)

The compensation of elected officials is set via ordinance. The Mayor was paid an annual salary of $3,600 and received taxable fringe benefits of $28,799. The Commissioners drew an annual $3,000 salary and received taxable fringe benefits of $23,999.

The City also budgeted $3,000 per Commissioner for travel, and the Commissioners shared $30,581 budget for supplies and memberships. Each Commissioner also had a budget of $21,286 in what the City calls a contingency account that can be spent at the Commissioner's discretion.

The Mayor and all of the Commissioners are issued City credit cards.

The amount that North Miami Beach's elected officials receive in compensation has been raised significantly since the last report, when the Mayor and six Council Members made the same salary, but only received $13,720 in non-accountable allowances.

Additionally, at the time of the prior report, the City did not issue credit cards to its elected officials, or provide them with a contingency account, which is comparable to a public relations budget in that it allows Commissioners to spend money on events and issues within their districts.

The City Manager makes an annual salary of $206,000.

The City contributes three percent of the Mayor's and Commissioners' salaries to their retirement accounts with the Florida Retirement System.

Opa-Locka (Pop. 16,457)

The City budget shows that, due to the current financial emergency and state oversight, the City has reduced the compensation of the Mayor, Vice Mayor and City Commissioners. The expense allowances of $2,400 each for the Mayor, Vice Mayor and City Commissioners were eliminated this year, as were the Mayor's $5,000 travel allowance and the Vice Mayor's and Commissioners' $4,000 travel allowances.

The Mayor's and Vice Mayor's total compensation, including retirement and health insurance, was $32,341 each. The Commissioners' total compensation was $15,521 each. Of that total compensation,

only $6,600 is paid to each Commissioner, the Vice Mayor and the Mayor as salary, according to the city's website. The elected City officials have also lost the use of a City car, gas cards and credit cards as a result of the emergency.

The City Manager's salary was $112,500.

Palmetto Bay (Pop. 24,570)

The salaries of the Council Members and Mayor are set by charter and can only be changed if the Village Charter is amended. The Council Members received $12,000 annually and the Mayor was paid $24,000. The Village, however, also pays taxable fringe benefits to cover a cell phone allowance, text allowance and health allowance. These benefits are different for each Member of the Council and the Mayor – some do not take all of the allowances and those who do take the health allowance receive individual amounts ranging from $3,562 to $9,503 annually.

The City also budgeted $8,000 last year for "community contributions" and $4,000 to cover the travel of the Council and Mayor.

The City Manager receives annual compensation of $190,996, including a $550 monthly car allowance. The City budgeted $7,925 to contribute to the retirement plans of the Mayor and Council Members.

Pinecrest (Pop. 19,444)

The Village Charter prohibits any compensation for elected officials and they receive no allowance for cars or cell phones. They are reimbursed for travel related to their official duties out of an account budgeted at $20,000. In FY 2016, approximately $14,000 was spent, with total reimbursements ranging from $120 to Council Member Doug Kraft to $7,226 to Council Member James E. McDonald. They are not issued credit cards and receive no retirement benefits.

The Village Manager makes an annual salary $201,650.

South Miami (Pop. 12,207)

The compensation of the Mayor, Vice Mayor and City Commissioners is set by ordinance and has not been updated since 2004, when the Commission passed an ordinance setting the Mayor's annual salary at $14,000 and the salary of the Vice Mayor and the Commissioners at $12,000 a year. In addition to

their salaries, the city's elected officials received taxable fringe benefits in the form of mobile phone allowance of $1,150 for the Mayor and $962.40 for the Vice Mayor and the City Commissioners. The Mayor also received a $500 car allowance. They are not issued City credit cards.

Any expenses for city-related travel are reimbursed up to $1,200 a year. The Commissioners each also had $1,500 each in a discretionary fund – the Mayor's was $2,000 – which can be used for any purpose related to the city, similar to some other cities' public relations budget line items.

The City Manager makes an annual salary $200,006.

The City does not fund any retirement program for elected officials.

Sunny Isles Beach (Pop. 22,086)

The salaries of elected officials are set by charter and are $12,000 annually for the Commissioners and $15,000 for the Mayor.

Commissioners and the Mayor also receive an expense stipend of $6,000 annually in a non-accountable plan. They are also reimbursed for their travel expenses when they travel on City business.

They do not have a public relations budget as such; in Sunny Isles Beach, those expenditures by Commissioners out in the community are dubbed "contributions." The Commission has a $50,000 budget for contributions in the community.

The City Manager makes an annual salary of $232,551.

The City contributed $7,874 toward retirement benefits for the Mayor and Council.

Surfside (Pop. 5,811)

The Town Charter sets the salary of the Mayor and Town Commissioners at $1. They are provided with mobile phones, which cost the Town $6,000 a year for all of them. They do not have public relations accounts, expense accounts or travel allowances, though some expenses are reimbursed, with the approval of the manager. They do not have Town-issued credit cards and the Town does not contribute toward any pension or retirement account for them.

Surfside is one of the few municipalities to heed the Commission's advice in the previous report and do away with non-accountable expense allowances. At the time of the prior report, the Town offered the

Mayor and each Commissioner $500 a month, though only one Commissioner was actually receiving it. The Town no longer offers it.

The City Manager makes an annual salary of $155,000.

The Town does not offer retirement benefits to the Commissioners or Mayor.

Sweetwater (Pop. 10,755)

The compensation of the Mayor and City Commissioners is set by ordinance during the budget process. City Commissioners receive an annual salary of $12,017 while the Mayor's salary is $95,000. Additionally, the Mayor and Commissioners receive $5,000 a year for expenses and the Commissioners each receive $7,171 as a car allowance. Both are taxable fringe benefits.

The Mayor has a City-issued credit card. The Commissioners do not.

Sweetwater has a strong mayor form of government.

The City budgeted $179,663 to contribute to the Mayor's pension and $104,215 to contribute to one Commissioner's pension.

Virginia Gardens (Pop. 2,472)

The salaries of the Mayor and Council Members are set by ordinance during the budget process. The Mayor received a salary of $12,240 and the Council Members received $5,100 last year. The Village pays the Mayor's cell phone bill, but not the bills of the Council Members and none of them receive a car or expense allowance. The Mayor has a $4,000 budget to travel to represent the Village and has a Village-issued credit card. The Village administration makes the hotel arrangements when Council Members have to travel on Village business and the Village pays them a per diem of $60 to cover their meals. They do not have Village-issued credit cards.

Virginia Gardens is one of the few Miami-Dade municipalities to heed the Commission's advice in the last report. When that report was done, the Village gave the Mayor a non-accountable expense account in the sum of $3,150. The Village no longer uses non-accountable plans.

Virginia Gardens has a strong Mayor and no Manager.

The Village does not contribute to any retirement plans for the elected officials.

West Miami (Pop. 7,459)

The compensation of elected officials is set by the City Charter but can be raised by ordinance. The Mayor and Commissioners were paid $20 per meeting they attend. They each also received $1,200 annually in non-accountable expense allowances. The City also provides them with cell phones. They were not given car allowances.

The City budgets $2,400 per year to cover the city-related expenses of the Mayor and $2,000 for each Commissioner. There is no public relations budget for the Commission and none of the city's elected officials is issued a City credit card.

The City Manager receives an annual salary of $130,924. The elected officials receive no retirement benefits.

Report prepared by Investigator Susannah Nesmith

2024 MIAMI-DADE COUNTY SALARY SURVEY FOR ELECTED OFFICIALS

Municipality	Population	Salary for Position of Mayor	Salary for Position of Commissioner	Pension Benefits	Health Insurance Benefits	Comments	Form of Goverment
City of Aventura	40,371	$10,000	$7,500	None, but allowed to join voluntary 457 Plan	City pays 100% of premium and 50% of dependent premiums.		Commission - Manager
Bal Harbor Village	3,057	$30,000	$24,000	Yes, Employee Pension	Health, Dental and Vision coverage	$75 cell phone stipend	Council - Manager
Town of Bay Harbor Islands	6,000	$1	$1	None	Group Benefits	Benefits include an Annual Toll Pass throught the Causeway; Eligible to join the Health Insurance to be paid by the elected officials.	Council - Manager
Village of Biscayne Park	3,200	$2,000	$2,000				Council - Manager
City of Coral Gables	48,375	$87,046.08	$85,046.08		Option to participate in City Health Insurance Plan	Salary includes $9600 annual expense allowance and $8446.08 car allowance	Commission - Manager
Town of Cutler Bay	44,291	$17,793	$8,895.96			Addt Benefits: Medical, Dental, Vision, life Insurance; Travel allowance $200 monthly; Travel Allowance of $200 monthly (mayor) $100 (Council Members); Cell phone Allowance: $150 monthly for Mayor, $110 monthly for CM.	Council - Manager
City of Doral	81,182	$77,587	$18,611		Full Health, Dental and Life Insurance benefits.	In addition, the Mayor and Council members each have a $30,000 Stipend budgeted for FY 2024	Mayor-Council-Manager
Village of El Portal	3,500	$3,000	$3,000	11% FRS contribution paid by the Village	None	$100 cell phone stipend.	Council - Manager
City of Florida City	20,000	$15,767.96	$15,797.96				Mayor- Council
Town of Golden Beach	1,500	$1	$1	None	100% health coverage / 50% of dependant		Council - Manager
City of Hialeah	236,387	$150,000	$2,474.42	Defined Benefit Plan for Elected Officials	Yes	*Expense Accounts: Mayor - $40,000; Council Members:$1597.47 bi-weekly	Mayor - Council
City of Hialeah Gardens	24,237	$150,346.56	$33,917.52	401(a) and 457(b) Plan	Health, Dental and Vision Benefits	* Mayor Expense:$ 97,748.56 (In addition, the Mayor is provided with a take home vehicle) * Council Members Expenses: $25,615.44; $45 monthly cell phone stipend.	Mayor- Council
City of Homestead	80,737	$6,000	$4,800	Senior Management Retirement benefits	City pays 100% of single & family coverage	Monthly Car Allowance (Mayor - $1,041.66) (Commissioners- $958.33)	Council - Manager
Village of Indian Creek	82	$0	$0	None	None	None	Council - Manager

Village of Key Biscayne	14,809	$0	$0	None	None	None	Council - Manager
Town of Medley	1,100						Mayor - Council
City of Miami	442,241	$97,000	$58,200	ICMA 401a	Medical, Dental, Executive Life Insurance coverage	Vehicle allowance for Commissioners -$10,800 yr.	Mayor - Commission
City of Miami Beach	81,000	$10,000	$6,000	Yes	Health, Dental and Vision Benefits.	Mayor/ Commissioners:Car $6000.00 Mayor Allowance $24000.00	Commission-Manager
City of Miami Gardens	111,000	$80,000	$40,000	Florida Retirement System Plan	Full Health, Dental and Life Insurance benefits.	Monthly Vehicle allowance for Mayor $369.24 / Commissioners $369.24	Mayor - Council
Town of Miami Lakes	33,462	$22,737				Mayor: Annual expense reimbursement $8941 / car allowance $7200 annual	Council - Manager
Miami Shores Village	10,800	$1	$1	None	None		Council - Manager
City of Miami Springs	14,500	$7,800	$6,000	None	None		Council - Manager
North Bay Village	8,200	$7,800	$6,300	None	None		Commission - Manager
City of North Miami	65,000	$89,880	$77,910				Council - Manager
City of North Miami Beach	47,000					Paid insurance benefits during their term of service.	Commission - Manager
City of Opa-Locka	16,463	$6,600	$6,600	Florida Retirement System Plan			Commission - Manager
Village of Palmetto Bay	24,000	$24,000	$12,000	Participation in 401a defined contribution plan(6% from Village and up to 6% additional match)	$1,150 monthly contribution towards Medical, Dental, Life coverage	Mayor: Contribution to Village Benefits (Medical, Dental, Life/ADD, 401a defined contribution), Village-Issued Phone Or Phone Allowance of $220/month	Council - Manager
Village of Pinecrest	18,388	$0	$0				Council - Manager
City of South Miami	12,645	$14,000	$12,000	None			Commission - Manager
City of Sunny Isles Beach	22,300	$26,843	$21,475				Mayor - Commisison - Mgr.
Town of Surfside	6,000	$1	$1	none	None		
City of Sweetwater	21,408	$195,000	$29,905.56	Yes	Yes		Mayor - Commission
Village of Virginia Gardens	2,475	$19,253	$6,090	None	None	Mayor is provided a take-home vehicle.	Mayor - Commission
City of West Miami	7,828	$3,400	$2,750	None	City pays for benefits for elected officials and dependents.	$20 Per meeting attendace, Insurance for elected offical and family (paid by the City)' Life Insurance$100000	Council - Manager
Miami Dade County	2,677,253		$120,164			MH Report: The total compensation package are estimated at $138,500 which includes car allowances, expenses and retirement contributions.	

ITEM NO. 4.A

North Bay Village
Recommendation Memorandum

DATE: February 5, 2024

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Alba L. Chang, Village Clerk

SPONSORED BY:

SUBJECT: Discussion and Review of the Village Charter

RECOMMENDATION

*** Article IV. Administrative**
*** Article V. Elections**
*** Article VI. Boards**
*** Article VII Finance and Taxation**
*** Article VIII. Borrowing for Municipal Projects**

BACKGROUND AND ANALYSIS

The Charter Review Board will undergo review of the following sections:

* Article IV. Administrative
* Article V. Elections
* Article VI. Boards
* Article VII Finance and Taxation
* Article VIII. Borrowing for Municipal Projects

Additional sections may also be reviewed during the discussion at the Board's discretion.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

None

PERSONNEL IMPACT

None

ATTACHMENTS

NBV Charter.docx

CHARTER OF NORTH BAY VILLAGE[1]

LEGISLATIVE HISTORY

Chapter 23427, Laws of Florida, 1945, originally created the Village of North Bay Island as a municipal corporation in Miami Dade County, Florida. The 1947 session of the Legislature adopted Chapters 24735 and 24736, Laws of Florida, 1947, which appear to be two identical bills amending the original Charter (Chapter 23427, Laws of Florida, 1945) by changing the name of the municipality from "Village of North Bay Island" to "North Bay Village" and otherwise amending the Charter of the municipality. Chapter 26053, Laws of Florida, 1949, provided an amendment, which excluded certain territory, land and water from the corporate limits and jurisdiction of the Municipality of North Bay Village. Chapter 27773, Laws of Florida, 1951, abolished the municipal government of North Bay Village and established, organized and incorporated a new municipal government as the successor to the original municipality. Chapter 29314, Laws of Florida, 1953, provided an amendment to the new Charter, which was established in Chapter 27773, Laws of Florida, 1951. In addition, the 1953 session of Legislature enacted Chapter 29315, Laws of Florida, 1953, providing that the City of North Bay Village should be abolished and the assets and liabilities of the municipality turned over to the Board of County Commissioners of Dade Miami, Florida, subject to a referendum.

This referendum was subsequently held and turned down by the electorate. The 1955 session of the Legislature enacted Chapters 31035 and 31036, Laws of Florida, 1955, which constituted the authority for the city to enact a pension plan and civil service system. At a referendum election on September 15, 1970, held pursuant to Resolution Nos. 2235 and 2236, the name of North Bay Village was changed to "City of North Bay Village." Election results were certified by Resolution No. 2237, copies of which have been filed with the Clerk of the Circuit Court of Dade County, Florida and the Department of State, State of Florida. In 1976, the City Council appointed a charter

[1]Res. No. 2018-75 , § 2, adopted July 30, 2018, election of Nov. 6, 2018, in effect repealed and replaced the former Charter (preamble, definitions, bill of rights, and §§ 1.01, 1.02, 2.01, 3.01—3.09, 4.01—4.04, 5.01—5.15, 6.01—6.03, 7.01—7.07, 8.01, 9.01—9.11, 10.01—10.14) and enacted a new Charter as set out herein. The former Charter derived from Res. No. R91-25, adopted Sept. 16, 1991; Res. No. R91-28, adopted Sept. 16, 1991; Res. No. 92-23, adopted Sept. 15, 1992; Res. No. 92-24, adopted Sept. 15, 1992; Res. No. 98-05, adopted March 10, 1998; Res. No. 2000-41, adopted Nov. 8, 2000; Res. No. 2004-20, adopted April 14, 2004; Res. No. 2004-33, adopted July 13, 2004; Res. No. 2004-34, adopted July 13, 2004; Res. No. 2004-35, adopted July 13, 2004; Res. No. 2004-36, adopted July 13, 2004; Res. No. 2004-38, adopted July 27, 2004; Res. No. 2006-45, adopted Aug. 28, 2006; Res. No. 2008-26, adopted July 30, 2008; Res. No. 2008-27, adopted July 30, 2008; Res. No. 2012-25, adopted July 10, 2012; Res. No. 2012-56, adopted Nov. 16, 2012; Res. No. 2018-59 , adopted July 30, 2018; Res. No. 2018-60 , adopted July 30, 2018; Res. No. 2018-62 , adopted July 30, 2018; Res. No. 2018-64 , adopted July 30, 2018; Res. No. 2018-65 , adopted July 30, 2018; Res. No. 2018-66 , adopted July 30, 2018; Res. No. 2018-67 , adopted July 30, 2018; Res. No. 2018-68 , adopted July 30, 2018; Res. No. 2018-69 , adopted July 30, 2018; Res. No. 2018-70 , adopted July 30, 2018; Res. No. 2018-71 , adopted July 30, 2018; Res. No. 2018-72 , adopted July 30, 2018; and Res. No. 2018-74 , adopted July 30, 2018.

review board to revise the Charter of the city over a one-year period. The board's proposal was returned to the City Council at the end of 1977 and was reviewed by the Council in a series of workshops. After a number of public hearings, which resulted in some changes, the proposed revised Charter was submitted to the electors at a special municipal election in conjunction with the state primary election on October 5, 1978, and was adopted at this referendum election. In 1991, the proposed revised Charter was submitted to the electors at a special municipal election on November 12, 1991, and was adopted at this referendum election. In 1992, the proposed revised Charter was submitted to the electors at a special municipal election on November 3, 1992 and was adopted at this referendum election. In 1998, the proposed revised Charter was submitted to the electors at a special municipal election on May 12, 1998 and was adopted at this referendum election. In 2000, the proposed revised Charter was submitted to the electors at special municipal elections on November 7, 2000, and was adopted at this referendum election. In 2004, after a public hearing, which resulted in some changes, the proposed Charter was submitted to the electors at a general municipal election on November 2, 2004, and was adopted at this referendum election.

(Res. No. 2006-45, Pt. A, 8-28-06, Election of 11-7-06)

PREAMBLE

We the citizens of the North Bay Village, Florida, in order to perfect our municipal government; update, modernize and revise our Charter to make it consistent with the Constitution and Statutes of the United States and the State of Florida; encourage and revitalize citizens' interest and participation in their Village Government; and strengthen and clarify the rights of its citizens, and enable the Village to function smoothly under the proper controls of the ensuing decade, do ordain and establish this Charter.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

DEFINITIONS

The following words, terms and phrases, when used in this Charter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City or Village shall mean North Bay Village, Florida.

Code shall mean the Code of North Bay Village, Florida.

Commission, Commissioner or Commission member shall refer to the five (5) Commission members consisting of a mayor, vice-mayor and three (3) Commissioners.

Gender shall refer to a word importing the masculine or feminine gender and shall extend to and be applied to males and females, equally.

Manager shall refer to the Village Manager of North Bay Village.

Mayor shall refer to the Mayor of North Bay Village.

Ordinance shall mean an official legislative action of the Village Commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

Resolution shall mean an expression of the Village Commission concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Village Commission.

Village Commission or *Commission* shall mean the Commission of North Bay Village.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

CITIZENS' BILL OF RIGHTS

This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to ensure all persons fair and equitable treatment, the following rights are guaranteed:

Convenient access. Every person has the right to transact business with the Village with a minimum of personal inconvenience. It shall be the duty of the Village Manager and the Village Commission to provide, within the Village's budget limitations, reasonably convenient times and places for required inspections, and for transacting business with the Village.

Truth in government. No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

Public records. All audits, reports, minutes, documents and other public records of the Village and its boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public, providing no legal exemptions exist.

Minutes and ordinance register. The Village Clerk shall maintain and make available for public inspection minutes showing the votes of each member on all ordinances and resolutions. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than thirty (30) days after the conclusion of the meeting.

Right to be heard. So far as the orderly conduct of public business permits, any interested person has the right to appear before the Village Commission or any Village agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the Village. Nothing shall prohibit the Village or any agency from imposing reasonable time limits for the presentation of a matter.

Right to notice. Persons entitled to notice of a Village hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall

not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

Right to public hearing. Upon a timely request of any interested party a public hearing shall be held by any Village agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the Office of the Village Attorney of the Village nor to anybody whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present a case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

Notice of action and reasons. Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

Managers' and Attorneys' reports. The Village Manager and Village Attorney shall periodically make a public status report on all major matters pending or concluded within their respective offices, except as to any matters which may be privileged, pursuant to law.

Budgeting. In addition to any budget required by state statute, the Village Manager shall prepare a budget showing the cost of each department for each budget year. Prior to the Village Commission's first public hearing on the proposed budget required by state law, the Village Manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each, the purposes and the estimated cost of each department.

Adequate audits. An annual audit of the Village shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. The independent Village auditor shall be appointed by the Village Commission; both appointment and removal of the independent Village auditor shall be made by the Village Commission. A summary of the results of the independent Village auditor's annual audit, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy.

Representation of public. The Village Commission shall endeavor to provide representation at all proceedings significantly affecting the Village and its residents before state, federal or county regulatory bodies.

The foregoing enumeration of Citizens' rights vests large and pervasive powers in the citizenry of the North Bay Village. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the Village. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

Remedies for violations. In any suit by a citizen alleging a violation of this Bill of Rights filed in the Miami-Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the court. Any public official or employee who is found by the court to have willfully violated this article shall forthwith forfeit such office or employment.

Construction. All provisions of this article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this article shall be declared invalid, it shall not affect the validity of the remaining provisions.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

ARTICLE I. CREATION AND POWERS

§ 1.01 Creation.

The Village is hereby created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by the state constitution, general law and specific limitations contained herein.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 1.01 was titled Creation and powers of North Bay Village, amended by Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 1.02 Powers.

As granted by the Municipal Home Rule Powers Act (§ 166.021, Fla. Stat.), the Village is granted the broad exercise of home rule powers as provided by the Constitution of the State of Florida and the Charter of Miami-Dade County.

The powers of the Village shall be construed liberally in favor of the Village, limited only by the state constitution, general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers by this Village shall be considered amendments to this Charter and pursuant to the provisions adopted

for incorporation of other charter amendments, shall be incorporated as official amendments to the Charter.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 1.02 was titled Construction, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 1.03 Title of Charter.

This Charter adopted by the people of North Bay Village shall be known as and may be cited as the Charter of North Bay Village. The results of the vote on this Charter shall be announced and recorded at that Commission meeting which immediately follows the day of voting.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(There was no prior Charter Section 1.03.)

§ 1.04 Effective date.

If approved by the Village's electorate, this Charter shall take effect upon the Commission's acceptance of certification of election results of the General Election held on November 6, 2018.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(There was no prior Charter Section 1.04.)

ARTICLE II. CORPORATE LIMITS

§ 2.01 In general.

The municipal corporation of the Village shall comprise and have full municipal jurisdiction, powers, rights and privileges over the territory and persons now and in the future within the following boundaries in Miami-Dade County, Florida, to wit:

Begin in Miami-Dade County, Florida, at a point on the north boundary line of the northeast 79th Street Causeway, as shown by Plat Book 25 at Page 70 of the Public Records of Miami-Dade County, Florida, which point is 250 feet west of the line of Section 9, Township 53 South, Range 42 East, and which point is also on the east boundary line of the City of Miami, Florida; thence in a southerly direction and parallel to the west line of said Section 9, and along the said east line of the City of Miami, Florida, a distance of 1985 feet; thence run in an easterly direction and parallel to said north line of said northeast 79th Street Causeway to the west line of Section 10, Township 53 South, Range 42 East, as said section is shown on the plat of North Isle of Normandy, recorded in Plat Book 40 at Page 36 of the Public Records of Miami-Dade County, Florida; thence run northerly along the aforesaid west line of Section 10, to a point on a line running through the center point of the east drawbridge of the northeast 79th Street Causeway and perpendicular to the center line of the east Bridge of the said causeway; thence run northwesterly along the last described line to its intersection with the north

line of said Section 10, produced westerly; thence westerly along the prolongation westerly of said north line of said Section 10 to a point 250 feet west of the northwest corner of Section 9, Township 53 South, Range 42 East; thence in a southerly direction to the point of beginning.

And shall include:

A parcel of submerged land (now filled) in Biscayne Bay situated in Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, Commencing at the half-mile post of the west line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, run north 88°41'24" east along the center line of the 79th Street Causeway highway right-of-way (100 feet wide) a distance of 1,560 feet to a point; thence north 1°37'08" west 55.0 feet to a point of beginning of the parcel of land herein described; thence north 1°37'08" west 600.00 feet; thence north 88°41'24" east 400.0 feet; thence south 1°37'08" east 600.00 feet; thence south 88°44'24" west 400.0 feet to the point of beginning; containing 5.5 acres more or less; plus a five-foot strip bordering the south boundaries of the above described 5.5-acre tract which is described as follows: Commence at the intersection of the west line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida with the center line of the Northeast 79th Street Causeway as shown on a plat recorded in Plat Book 25, at Page 70 of the Public Records of Miami-Dade County, Florida; thence North 88°41'25" east along the center line of the aforesaid northeast 79th Street Causeway for a distance of 1,560 feet to a point; thence north 1°37'8" west for a distance of 50.0 feet to a point on the north right-of-way line of the said northeast 79th Street Causeway and the point of beginning of the parcel of land herein described; thence north 88°41'24" east along the north right-of-way line of the said northeast 79th Street Causeway for a distance of 400.0 feet to a point; thence north 1°37'8" west for a distance of 5.0 feet to a point; thence south 88°41'24" west along a line 5.0 feet north of and parallel with the north right-of-way line of said northeast 79th Street Causeway for a distance of 4,000 feet to a point; thence south 1°37'8" east for a distance of 5.0 feet to the point of beginning of the parcel of land herein described.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 2.01 was titled Corporate limits, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

ARTICLE III. LEGISLATIVE

§ 3.01 Village Commission.

A. *Composition and powers.* There shall be a Village Commission with all legislative powers of the Village vested therein, consisting of five (5) members: a mayor, a vice-mayor and three (3) Commissioners. Each Commission member must be a qualified elector of the Village.

B. *Appointments by Commission.* The Commission shall appoint the Village Manager, Village Clerk, Village Attorney, and all consultants.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.01 Village Commission amended by Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 3.02 Limitations of powers of the Commission.

All powers of the Village and the determination of all matters of policy shall be vested in the Commission with the following limitations:

A. *Acquisition of real property.* The Commission may acquire property within or without the corporate limits of the Village for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, or lease provided such amount of expenditure for real property shall not exceed twenty percent (20%) of the current total operating budget of the Village.

B. *Capital improvement projects.* The Commission may, through proper procedure, propose, undertake and finance capital improvement projects to fulfill the necessary needs of the Village, provided that the amount of total expenditures for all such projects shall not exceed twenty percent (20%) of the current total operating budget of the Village in any one fiscal year.

C. *Excess of 20 percent of current total operating budget.* In the event that the proposed purchase(s) of property and/or total expenditure(s) do exceed twenty percent (20%) of the current total operating budget of the Village in any fiscal year, then a referendum will be held of the qualified electors of the Village and it shall require a majority of those voting in such election to authorize such projects.

   Any funds specifically designated for the particular project, which are received from the Federal Government, State, County or from any source, other than municipal taxation, will not be included in calculating the project cost for the purposes of Section 3.02.

D. *Waiver of referendum.* This referendum requirement may be waived, however, if the Commission by four (4) affirmative votes, finds and declares that an emergency exists, and that there is a threat to the health, welfare and safety of the citizens of the Village.

E. *Sale and lease of real property.* The Commission shall not undertake to sell, mortgage, assign or otherwise dispose of or alienate the title to any real property owned by the Village without first having secured the approval of the qualified electors of the Village, through a majority vote of the qualified electors participating in a regular or special election for such purpose. Such referendum shall state, generally and in substance, the terms and conditions of the proposed sale, mortgage, assignment or other disposition or alienation of title.

   Except where referendum is otherwise required by Miami-Dade County law, the Commission may lease any real property owned by the Village to any other individual, group, business, corporation or other entity for a period not to

exceed one (1) year and may renew the lease each year thereafter that it so desires. Leases for a period longer than one (1) year require approval in a referendum by the qualified electors of the Village. However, nothing contained herein shall preclude the Village, without referendum, from leasing Village real property to a governmental agency for governmental use for a period not to exceed ten (10) years; and except as prohibited by the Constitution, Miami-Dade County Charter or statutes of this state or restricted in this Charter.

F. *Sale of personal property.* Personal property of the Village may be sold by auction or by sealed bid after it has been properly advertised in a newspaper of general circulation. Such sale must be held no sooner than fifteen (15) days after publication of the notice. The notice shall describe the contents of sale and the location where the merchandise may be inspected prior to sale.

G. *Appointments or removal of Village personnel prohibited.* Neither the Commission nor any of its members shall in any manner dictate the appointment, retention, or removal of any Village employee (other than the Village Manager, the Village Clerk and the Village Attorney, as provided herein), or any person who is duly appointed by the Village Manager, in accordance with Section 4.01(G)(2) of this Charter; except that the Village Manager shall submit appointments of all department heads to the Commission for approval.

H. *Village Attorney.* The Commission shall appoint or remove the Village Attorney by at least three (3) affirmative votes. The Village Attorney shall have been licensed to and have been a practicing attorney in the State of Florida for not less than five (5) years, with not less than three (3) of those years in the practice of law for municipal, county or state governments. The duties and responsibilities of the Village Attorney shall be those as provided in this Charter.

I. *Auditor.* The Commission shall appoint the outside auditor. The outside auditor shall be a certified public accountant practicing in the State of Florida, for a period of not less than five (5) years.

J. *Other Commissioner remunerative position.* No Commissioner shall be appointed to any other remunerative position with the Village during his term of office and for a term of two (2) years thereafter.

K. *Nepotism.* No person related up to the second degree of consanguinity or affinity to a Commissioner shall be eligible to hold a remunerative position with the Village. Any Commissioner who shall knowingly make such an appointment may be deemed guilty of misfeasance or malfeasance in office and subject to removal. The person so employed may be subject to dismissal.

L. *Conflict of interest.* The Mayor and any Village Commissioner shall comply with applicable conflict of interest laws, including Florida Statutes Chapter 112, Part 3, as well as Miami-Dade County Code Section 2-11.1.

M. *Reimbursement of Commissioner's legal fees.* In the event that a civil action shall be instituted wherein it is sought to impose personal liability upon any Commission member of the Village for any act or acts of such Commissioner, and if such Commissioner seeks legal defense of such action through the use of public funds, it shall first require a majority of all other Commissioners to ascertain that such acts complained of by the plaintiff were indeed connected with the Commissioner's proper conduct of the affairs or business of the Village. If so established, the other Commissioners shall then determine, specify and allocate a reasonable expenditure from Village funds for this legal defense - selection of counsel to be approved by the Village Attorney.

N. *Utility franchises.* The Commission may grant public utility franchises and regulate the exercise thereof; provided, however, that no franchise or extension thereof shall hereafter be granted or extended unless such franchise or extension shall be approved after a public hearing thereon. At least fourteen (14) days preceding the public hearing at which any franchise or extension thereof is to be adopted, notice thereof shall be published in a newspaper of general circulation in the Village. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. A copy of such proposed franchise shall be available for inspection by any interested person at the office of the Village Clerk at least fourteen (14) days preceding such public hearing. The cost of such advertising and of the public hearing shall be borne by the utility involved. For renewing franchises, each public utility shall notify the Village of its intent six (6) months before the expiration of its franchise. The Commission shall be empowered to grant a temporary extension of an existing franchise not to exceed three (3) months without a public hearing.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.02 was titled Qualifications and no history of amendments.)

§ 3.03 Mayor; Vice-Mayor.

A. The Mayor shall preside at meetings of the Commission, shall be recognized as head of Village government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the Village official designated to represent the Village in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

B. The Commission, at the first regularly scheduled Commission meeting after all runoff elections have taken place and a full Commission body is sworn into office, shall elect a vice mayor by at least three (3) affirmative votes. The Vice-Mayor shall act as Mayor during the absence, disability or death of the Mayor.

C. Each of the five (5) Commission members shall have an equal vote.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.03 was titled Election and terms, amended by Res. No. R91-25, § 2, 9-16-91, Election of 11-12-91)

(Prior Charter Section 3.031 titled Limitation of terms, amended by Res. No. R92-24, § 2, 9-15-92, Election of 11-3-92; Res. No. R98-05, § 2, 3-10-98, Election of 5-12-98; Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 3.04 Compensation.

Each Commission member will be compensated six thousand three hundred dollars ($6,300.00), per year payable at five hundred twenty-five dollars ($525.00) per month. The Mayor will be compensated seven thousand eight hundred dollars ($7,800.00) per year payable at six hundred fifty dollars ($650.00) per month.

(Res. No. 2006-45, Pt. B, 8-28-06, Election of 11-7-06; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 3.05 Term Limits.

Commencing with the election of November 2002, the following term limits shall apply to the Mayor and members of the Commission:

(a) For the office of Mayor—Three (3) consecutive terms.

(b) For the office of Village Commissioner—Two (2) consecutive terms.

The term limits set forth in (a) and (b) above shall not be extended by running for different positions on the Village Commission.

(c) Where an individual has not served the term limit set forth in (a) or (b) above, said individual may serve any combination of three (2) consecutive terms (said terms not to exceed a total of eight (8) consecutive years ending coincident with the conclusion of the third term) in the offices of Mayor and of Commissioner.

"Term" shall be defined as provided in Section 5.04 of the Charter. The term limits set forth herein shall be measured retroactively from the elected official's first election as an officer of the North Bay Village. Terms shall not include time served as a member of the North Bay Village Commission as a result of having filled a vacancy in the Commission pursuant to Section 3.06 of the Charter.

An individual who has served a term limit specified above must wait at least the number of years equal to the term of office for which said individual seeks election to, prior to becoming eligible to again serve as an elected official.

For purposes of this section, an individual who has served more than fifty percent (50%) of a term shall be considered to have served a full term of office.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.05 was titled Mayor; Vice Mayor, amended by Res. No. 2004-35, 7-13-04, Election of 11-2-04)

§ 3.06 Vacancies; forfeiture of office; filling of vacancies on the Commission.

A. *Vacancies.* The office of a Commission member shall become vacant upon his death, resignation, or removal from office in any manner authorized by law or forfeiture of his office.

B. *Forfeiture of office.* A Commission member, Commissioner or Mayor shall forfeit his office if any time during his term of office said person, (a) lacks any qualifications for the office prescribed by this Charter or other applicable law including § 100.361 Florida Statutes or (b) is convicted of a felony while in office, or (c) fails to attend four consecutive regular meetings of the Commission, unless such absences are each excused by motion setting forth the reason for the absence duly entered upon the minutes or (d) having been elected or appointed from an election district fails to reside within the election district from which he was elected or appointed for any reason other than redistricting. Forfeiture shall be determined by the remaining members of the Commission.

C. *Forfeiture hearing.* A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a Public Hearing of the Commission at a regular or special meeting of the Commission, on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the Village at least ten (10) calendar days in advance of the hearing.

D. *Filling of vacancies on Village Commission.* Any vacancy occurring for a Village Commissioner shall be filled by the vote of the majority of the remaining members of said Village Commission with the appointee serving until the remainder of the unexpired term until the next succeeding general Village election and with any further remainder of said unexpired term to be filled by a Commissioner elected at said general election. If the remaining members of the Village Commission shall fail or refuse to fill such vacancy within thirty (30) days after it occurs, and if no general Village election will be held within ninety (90) days after the expiration of said thirty (30) days, then a special election shall be called and held to elect a Commissioner to fill such vacancy for the remainder of the unexpired term. In the event that the position is that of Mayor, it must be filled from among the remaining Commissioners in accordance with the Village Charter.

E. In the event of the death, resignation, or removal of the Mayor, the Vice Mayor shall forthwith commence to serve as interim Mayor until the Mayor's position is filled by election or appointment.

(1) When the Vice Mayor becomes interim Mayor, the Commission, by majority vote shall appoint an interim Commissioner from the Vice Mayor's vacant district to fill the Vice Mayor's vacant seat until the required election or appointment of the Mayor and then the Commission shall, by majority vote, appoint one (1) of the Commissioners to serve as interim Vice Mayor.

(2) The Commissioner serving as interim Mayor or interim Vice Mayor shall serve as Mayor or Vice Mayor until the newly elected or appointed Mayor and/or Vice Mayor is sworn in as Mayor or Vice Mayor. The interim Mayor and/or interim Vice Mayor shall return to the position of Commissioner previously held to serve the remainder of his or her unexpired term.

F. In the event of the death, resignation, or removal of the Vice Mayor, the Commission shall, by majority vote, elect one (1) of the Commissioners to serve as Vice Mayor.

G. *Extraordinary vacancies.* In the event that a majority of the members of the Commission are removed by death, disability, law or forfeiture of office, the governor shall make interim Commission appointments and the Commission shall call a special election as provided in Section 3.06(D) of this Charter.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.06 was titled Limitations of powers of the Commission, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. C, 8-28-06, Election of 11-7-06; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 3.07 Removals and suspensions from office of Village Commission.

The Mayor and any Village Commissioner may be removed from office by the electors of the North Bay Village pursuant to the provisions of § 100.361 Florida Statutes, and are further subject to removal and/or suspension from office pursuant to the provisions of § 112.51 Florida Statutes.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.07 was titled Vacancies; forfeiture of office; filling of vacancies of the Commission, as amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-38, § 1, 7-27-04, Election of 11-2-04; Res. No. 2006-45, Pt. D, 8-28-06, Election of 11-7-06; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 3.08 Ordinances and resolutions.

A. *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Commission shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any Village department or agency;

2. Establish a rule or regulation the violation of which carries a penalty;

3. Set service or user charges for municipal services or granting administrative authority for such charges;

4. Authorize the borrowing of money not inconsistent with the limitations established in this Charter, the state constitution and general law of the State of Florida;

5. Convey or lease or authorize by administrative action the conveyance or lease of any lands of the Village;

6. Amend or repeal any ordinance previously adopted except as otherwise provided herein.

B. *Emergency ordinances.* To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt one or more emergency ordinances, but the ordinances may not levy taxes; set service or user charges for any municipal services; amend or repeal any ordinance adopted by the people at the polls or by the Commission in compliance with an initiative petition; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter, if applicable.

1. *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

2. *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but at least four (4) affirmative votes shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.

3. *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

4. *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed sixty (60) days following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

5. *Emergency appropriations.* The Commission may make emergency appropriations in the manner provided in this section and under Section 3.02 of this Charter. To the extent that there are no available un-appropriated revenues to meet such appropriations, the Commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. *Procedures for adoption of ordinances and resolutions.*

1. As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated.

    a. "Ordinance" means an official legislative action of the Village Commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

    b. "Resolution" means an expression of the Village Commission concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Village Commission.

2. Each ordinance or resolution shall be introduced by a member of the Commission or the Village Manager, the Village Attorney or the Village Clerk, so long as the information is provided within three (3) business days prior to the scheduled meeting, in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection. The enacting clause of every ordinance shall be as follows: "Be it enacted, by the Commission of the North Bay Village..."

3. A proposed ordinance must be presented on at least two (2) separate Commission meetings. It may be read by title only. At least ten (10) days prior to the final adoption of the said ordinance the Village shall publish once in a newspaper of general circulation in the Village a notice of the proposed ordinance. The giving of said notice shall not apply to a proposed emergency ordinance. Said notice shall state the title or brief description of the proposed ordinance or ordinances; the date, time and place of the Commission meeting for enacting said ordinance; and the place or places within the Village where said proposed ordinance may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

4. A majority of the members of the Village Commission shall constitute a quorum. An affirmative vote of a majority of a quorum present shall be necessary to enact any ordinance or adopt any resolution; except that four (4) affirmative votes of the membership of the Commission is required to enact an emergency ordinance. On final passage, the vote of each member of the Village Commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the Village Commission shall become effective after passage or as otherwise provided therein.

5. Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the Village Clerk.

6. The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of the Village ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of Village ordinances and resolutions. By future ordinance or charter amendment, the Village may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein, provided such modifications are not in conflict with general law.

D. *Penalty for violation of ordinances.* Provisions governing the imposition of fines for violations of the Code shall be as prescribed within Village Code Chapter 153, and, where applicable, Chapter 162, Florida Statutes.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.08 was titled Ordinances and resolutions, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. E, 8-28-06, Election of 11-7-06; Res. No. 2008-27, § 1, 7-30-08, Election of 11-4-08; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 3.09 Meeting procedures.

A. *Meetings.* The Commission shall meet regularly at least once in every month at such times and places as the Commission may prescribe by rule; however, the Commission, by majority vote, may elect not to have a Regular Meeting in either the month of July or the month of August for the purposes of allowing summer vacations.

B. *Rules and record.* The Commission shall determine its own rules of procedure and order of business and shall keep a record of such proceedings open for public inspection.

C. *Quorum.* A majority of the Commission shall constitute a quorum. Commissioners constituting less than a quorum shall have power to set and adjourn meeting dates and times.

D. *Voting.* Voting, on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the record of such proceedings. No action of the Commission except as otherwise provided in the preceding section shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

E. *Meeting time limits.* No meeting of the Commission shall extend later than midnight except upon a majority vote of all members of the Commission present at the meeting. All remaining agenda items shall be continued to the next Commission meeting.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 3.09 Meeting Procedures, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. E, 8-28-06, Election of 11-7-06)

ARTICLE IV. ADMINISTRATIVE

§ 4.01 Village Manager.

There shall be a Village Manager, who shall be the chief administrative officer of the Village. The Manager shall be responsible to the Village Commission for the administration of all Village affairs placed in the Manager's charge by this Charter.

A. *Appointment.* The Commission shall appoint a Village Manager for an indefinite term by a minimum of three (3) affirmative votes of the Commission members. The Village Manager shall serve at the will of the Commission.

B. *Qualifications.* The Manager shall be a graduate of either an accredited school of public administration or its related equivalent in engineering, fiscal management or business administration with no less than three (3) years' experience in the administration of local government or in lieu of the foregoing, he must have not less than five (5) years' experience in the administration of local government.

C. *Compensation.* The compensation of the Village Manager shall be fixed by the Village Commission in the annual budget and may not be reduced without his consent during the fiscal year for which the budget is prepared.

D. *Temporary Village Manager.* By written memorandum filed with the Commission, the Village Manager may designate an acting appointee to perform the duties of the Village Manager, during a brief absence or incapacity for thirty (30) days or less. During any absence or disability, the Village Commission may revoke an acting appointment at any time and appoint another person to serve until the return of the Village Manager.

E. *Vacancy.* In the event of a vacancy due to resignation or removal from office of the Village Manager, the Village Commission shall appoint an acting or interim Village Manager until such time as a qualified manager may be selected.

F. *Removal.* The Village Commission may remove the Village Manager by a minimum of three (3) votes in favor of removal.

G. *Powers and duties of the Village Manager.* The Village Manager shall be responsible for the proper administration of all the affairs of the Village, except as otherwise provided herein. His powers and duties shall be to:

1. See that all laws, provisions of this Charter and acts of the Commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;

2. Appoint, and when he deems it necessary for the good of the Village, suspend or remove all Village employees (except the Village Attorney, the Village Clerk and all personnel in the Legal Department, including outside counsel representing the Village) and appoint administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter.

He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency, with the approval of the Commission. He will submit appointments of new department directors to the Commission for confirmation;

3. Direct and supervise the administration of all departments, offices and agencies of the Village, except as otherwise provided by this Charter or by law; provided, however, the authority herein granted shall not extend to the office of the independent auditor employed or retained by the Commission, or to the Village Attorney or any outside counsel employed or retained by the Commission;
4. Attend all Commission meetings. He shall have the right to take part in discussion, but may not vote;
5. Recommend to the Commission, for adoption, such measures as he may deem necessary or expedient in the best interest of the Village;
6. Prepare and submit the annual budget, budget message and capital program to the Commission in a form provided by ordinance;
7. Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded;
8. Maintain a general accounting system for the Village government and each of its offices, departments and agencies and exercise financial budgetary control over same;
9. Submit to the Commission and make available to the public, a complete report on the finances and administrative activities of the Village as of the end of each fiscal year;
10. Make such other reports as the Commission may require concerning the operations of Village departments, offices and agencies, subject to his direction and supervision;
11. Keep the Commission fully advised as to the financial condition and future needs of the Village and make such recommendations to the Commission concerning the affairs of the Village;
12. Sign contracts on behalf of the Village, when such contracts have been approved pursuant to law and this Charter.
13. Ensure that all terms and conditions of any public utility franchise are faithfully kept and performed and to report any violations of the terms and conditions of any utility franchise to the Village Commission and to the Village Attorney;
14. Obtain competitive bids as prescribed by this Charter;

15. Advertise and conduct the sale of any property no longer needed for municipal purposes as prescribed by this Charter;

16. Act as purchasing agent for the Village and have exclusive control over the purchase of all supplies and approve all vouchers for the payment for supplies;

17. Supervise the issuance of Village licenses and collect all special assessments, license fees and other revenues of the Village and receive all monies due the Village from county, state and federal governments. Also, to pursue and obtain those monies made available to the Village from state and federal grants and similar sources;

18. Shall be held accountable to enforce the Village code and provide necessary support and resources to uphold the code through the code enforcement department;

19. Perform such other duties as may be prescribed by this Charter or as required of him by the Commission, not inconsistent with this Charter.

H. Outside employment by the Village Manager shall be approved by the Village Commission prior to commencement.

(Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-20, § 1, 4-14-04, Election of 11-2-04; Res. No. 2006-45, Pt. F, 8-28-06, Election of 11-7-06; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 4.02 Village Clerk.

A. *Appointment and Duties.* The Village Clerk shall be appointed by a majority vote of the Village Commission. The Village Clerk shall give notice of all meetings of the Commission, Village boards or committees, to its members and to the public by posting a notice on the designated official bulletin board of the Village. The Village Clerk shall keep the journal of these proceedings, which shall be made a part of the public record. The Village Clerk shall also be the registration official of the Village and supervisor of Village elections and shall have power and is hereby authorized to administer oaths. The Village Clerk shall be the custodian of the Village seal, the records custodian, and the agent of record.

The Village Clerk shall record and keep current all ordinances and resolutions of the Village and keep current a cross-index of all ordinances, resolutions and official records of the Village. The Village Clerk shall also perform such other duties that are required by the Charter, by ordinance or that do not conflict with the administrative duties of the Village Manager, and as the Commission may prescribe from time to time. The Village Clerk will work with the Village Manager and other department heads to ensure the effective management of the Village.

B. *Removal and Compensation.* The Village Clerk shall report to the Commission and may be removed by the Commission utilizing the same procedure as set forth for

removal of the Village Manager in Section 4.01(f). The Village Commission shall set the compensation and benefits provided to the Village Clerk.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 4.02 Village Clerk, amended by Res. No. 2006-45, Pt. G, 8-28-06, Election of 11-7-06; Res. No. 2008-26, § 1, 7-30-08, Election of 11-4-08)

(Prior Charter Section 4.03 titled Nepotism, amended by (Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

(Prior Charter Section 4.04 titled Conflict of interest, amended by (Res. No. 2000-41, 11-8-00, Election of 11-7-00)

ARTICLE V. ELECTIONS

§ 5.01 Election dates.

The general election of members of the Commission shall be held on the first Tuesday after the first Monday in November of each even-numbered calendar year. All other elections shall be known as special municipal elections. In any special election not otherwise provided for there shall be at least (thirty) 30 days' notice of the election by publication in a newspaper of general circulation in North Bay Village.

No general or special election of the Village shall be held on a national or state legal holiday. Should the first Tuesday after the first Monday in November in any even-numbered calendar year be declared such a legal holiday, then the regular election scheduled for that day shall be postponed to the first day thereafter that is not a legal holiday.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.01 was titled Time of holding elections, amended by Res. No. R91-25, § 2, 9-16-91, Election of 11-12-91; Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 5.02 Qualifications.

A. *Qualifications of Electors.* Any qualified elector in Miami-Dade County who is a bona fide resident of the Village is eligible to vote in Village elections.

B. *Qualifications for Village Commission.* Any elector of the Village who meets the requirements as set forth in Article V of this Charter shall be eligible to hold the office of Village Commissioner or Mayor. The Commission shall be the judge of the election and qualifications of its members.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.02 was titled Qualifications of electors, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 5.03 Rules and regulations, supervision, etc. of elections.

All municipal elections in the Village shall be conducted by general ballot as prescribed by this Charter and consistent with the applicable law of the State of Florida and County of Miami-Dade. Municipal elections shall be supervised by the Village Clerk with the Village Commission canvassing returns from each general election.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.03 Rules and regulations, supervision, etc. of elections, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 5.04 Commission Members—Residency requirements and terms of office.

The Village shall be governed by a Commission of five (5) members, all of whom shall be qualified electors of the Village. There shall be a Harbor Island Commissioner, a North Bay Island Commissioner, and a Treasure Island Commissioner, each of whom shall be a resident of their respective islands for a period of not less than one (1) year prior to the date of the subject candidate's initial filing of qualifying papers for the Commission and shall also be and remain during their respective terms of office, permanent residents of their respective islands; however, this shall not apply to any mere temporary relocation within the Village. The Mayor and Commissioner-at-large, the two (2) remaining positions, shall reside on any of the said islands of the Village for a period of not less than one (1) year prior to the date of the subject candidate's initial filing of qualifying papers for the Commission and shall also be and remain during their respective terms of office, permanent residents of the Village. The term of the Mayor will be for two (2) years, and commencing with the November 2002 general election, the term of each Village Commissioner will be for four years, on a staggered basis to be established as follows:

Notwithstanding any other provisions of this Charter, no later than December 15, 2000, the Village Clerk shall publicly draw lots to determine which Village Commissioners' term of office (specifically, the seat they each represent) will expire in November 2004 and which remaining two Village Commissioners' terms of office (specifically, the seat they each represent) will expire in November 2006. All subsequent Village Commissioner seats shall be elected for four (4) year terms.

All of the Commissioners and the Mayor shall be elected by the voters at large of the Village.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.04 titled Commission Members - Residency requirements and terms of office, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-34, 7-13-04, Election of 11-2-04; Res. No. 2006-45, Pt. H, 8-28-06, Election of 11-7-06; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 5.05 Nomination of Commission Members and Mayor.

A. Any citizen who can qualify for the office of Commissioner or Mayor of the Village as provided herein may be nominated for Commissioner or Mayor by a petition provided by the Village Clerk for this purpose signed by not less than fifty (50) electors and filed with the Village Clerk in accordance with dates set by the Village Commission.

B. No elector shall sign more than one nominating petition for each seat. Should an elector sign more than one petition for each seat, his signature shall be void except as to the petition first filed for each seat.

C. The signatures on the nominating petition need not all be subscribed on one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature, including the signature of the circulator, shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it. The form of nominating petition provided by the Village Clerk shall be substantially as follows:

NOMINATING PETITION

We, the undersigned electors of North Bay Village, hereby nominate (name of candidate), who resides at (address), for the office of (Commissioner island, at-large, or mayor)

(signatures) _____

(address of signer) _____

(date of signing) _____

The undersigned is the circulator of the foregoing petition containing (number) signatures. Each signature appended thereto was made in my presence and is the person whose name it purports to be. Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

(signature of circulator) _____

(street address of residence) _____

(date) _____

D. Within five (5) days after the filing of a nominating petition, the Village Clerk shall through certified United States mail, return receipt requested, notify the candidate and the person who filed the petition whether or not the petition is found to be signed by the required number of qualified electors. Notification is complete upon mailing. If a petition is found insufficient, the Village Clerk shall return it to the person who filed it with a statement certifying wherein the petition is found insufficient. Such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate, prior to the qualifying

deadline. Such petitions shall be preserved by the Village Clerk in accordance with applicable record retention requirements.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.05 Nomination of Commission members and Mayor, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 5.06 Candidacy.

A. No individual may qualify as a candidate for public office in the Village whose name appears on the same or another ballot for another office, whether federal, state, county or municipal, the term of which or part thereof runs concurrently with the office for which he seeks to qualify.

B. No individual may qualify as a candidate for public office who holds another elective office, whether state, county or municipal, the term of which or any part thereof runs concurrently with the term of office for which he seeks to qualify without resigning from such office not less than ten (10) days prior to filing for the office he intends to seek.

C. Any individuals holding elective or appointive positions including members of any and all boards, within the Village, shall be required to resign to run for any elective office within the Village. Current elected or sitting officials must submit a notice of resignation to the Village Clerk at least ten (10) calendar days before the beginning of the qualification period. Said resignation shall be effective no later than the day upon which he would assume office.

D. Upon submission of a notice of resignation, an elected or appointed sitting commissioner who fails to be elected as mayor, shall not be appointed by the Commission until at least two (2) years after the resignation.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.06 Candidacy did not have any history of amendments.)

§ 5.07 Filing fee.

A. A nonrefundable filing fee of Two Hundred and Fifty dollars ($250) must be deposited with the Village Clerk at the time each petition is presented, and upon so submitting, concurrently therewith, the sworn statement of his or her name, address, occupation and willingness to serve shall also be filed. The name of each nominee for Commissioner or Mayor, who has complied with all requirements hereinbefore prescribed, shall be printed on the ballot as a candidate for the office of Commissioner or Mayor of the Village.

B. If after filing for a particular Commission seat, an individual changes his mind and desires to run for a different Commission seat, he must first deliver written notice of his decision not to run for the original seat to the Village Clerk. He may then run for the other Commission seat after he again fully complies with the requirements

hereinbefore described, as if filing for the first time, including, but not limited to, fully complying with the requirements of a new petition, and payment of a new nonrefundable filing fee.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.07 Filing fee, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 5.08 Ballots.

All ballots used in any general or special election of the Commission held under authority of this Charter shall be without party mark or designation and without any insignia or mark of any association or organization thereon and shall be substantially in the same form as the election ballot used in all general state elections. The following additional provisions with respect to ballots used in any general or special election of the Commission shall also apply:

A. The full names of all candidates nominated for the Commission as hereinbefore provided, except those that may have withdrawn, died or become ineligible, shall be printed on the official ballots. If two (2) candidates with the same surname or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence may be placed with their names on the ballot.

B. The names of the candidates shall be arranged in the alphabetical order of their surnames in the groups for which they qualify.

C. The order of presentation of groups shall be as follows:

Mayor

Harbor Island Commissioner

North Bay Island Commissioner

Treasure Island Commissioner

At-Large Commissioner

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.08 titled Ballots did not have history of amendments.)

§ 5.09 Absentee electors.

The Village Clerk shall provide information regarding current state law requirements concerning absentee voting.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.09 Absentee electors, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 5.10 Watchers at election of Commission Members.

At each election of the Commission, any regularly nominated candidate shall be entitled, upon written application to the Village Clerk at least ten (10) days before the election, to appoint one (1) person and one (1) alternate to represent him as watcher and challenger at each polling place. Any person so appointed shall have all the rights and privileges prescribed by law for other watchers and challengers at any election in the same place, but under no circumstances shall a watcher and his alternate be allowed to remain within the voting place at the same time.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.10 Watchers at election of Commission Members did not have a history of amendments.)

§ 5.11 Hours of voting.

The polls shall open at seven o'clock a.m., (7 a.m.) and close at seven o'clock p.m. (7 p.m.).

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.11 Hours of voting did not have a history of amendments.)

§ 5.12 Election results.

The candidate receiving a majority of the votes for each Commission seat and/or the Mayor's seat shall be elected for that seat. In the event that a seat has not been won by a majority, then a run-off election of the two (2) highest vote getters shall be held fourteen (14) days after the regular election. A tie vote between the two (2) candidates in the run-off election shall be decided by a toss of a coin between those candidates the following business day after said run-off election.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.12 Election Results, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-33, 7-13-04, Election of 11-2-04; Res. No. 2006-45, Pt. I, 8-28-06, Election of 11-7-06)

§ 5.13 Canvass of returns.

The result of voting shall be certified by the Miami-Dade County Elections Department. The certification of election results shall be transmitted to the Commission at a meeting of the Commission to be held on the business day immediately following the election or, if the results have not yet been certified by Miami-Dade County Elections Department, as soon as possible thereafter. At this meeting, the Commission shall canvass the returns, and shall declare the results of the election. New officers shall be declared elected subsequent to canvass of election returns on the business day

immediately following the general election, or, if the results have not yet been certified by Miami-Dade County Elections Department, as soon as possible thereafter. At such time the new officers shall be installed and shall enter upon the discharge of their duties. If a run-off election is necessary. the officers elected in that run-off shall be installed upon their certification, subsequent to canvass of returns on the business day immediately following the run-off election or, if the results have not yet been certified by Miami-Dade County Elections Department, as soon as possible thereafter, and shall thereupon enter upon the discharge of their duties.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.13 Canvass of returns, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. J, 8-28-06, Election of 11-7-06)

§ 5.14 Village employees soliciting votes.

It shall be unlawful for any paid non-elective employees of the Village, while on duty or off duty and wearing any type of uniform or other definitive identification indicating that they are employees of the Village, to solicit votes, coerce directly or indirectly any elector or engage in any political activity in any municipal election or referendum in the Village or use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof. Any employee violating the provisions of this section shall be subject to immediate dismissal.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.14 Village employee soliciting votes, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 5.15 Initiative and referendum procedures.

A. *General.*

1. *Initiative.* The qualified voters of the Village shall have the power to propose ordinances to the Commission. If the Commission fails to adopt such an ordinance so proposed without any change in substance, then the qualified voters shall have the power to adopt or reject it at a Village election.

2. *Referendum.* The qualified voters of North Bay Village shall have power to require reconsideration by the Commission of any adopted ordinance. If the Commission fails to repeal an ordinance so reconsidered, then the qualified voters shall have the power to approve or reject it at a Village election.

B. *Commencement of proceedings.* Any five (5) qualified electors may commence initiative or referendum proceedings by filing with the Village Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to

be sent and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the Village Clerk shall, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

C. *Petitions.*

1. *Number of signatures.* Initiative and referendum petitions must be signed by qualified electors of the Village equal in number to at least ten percent (10%) of the total number of qualified electors registered to vote at the last regular Village election.

2. *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, as well as language reflecting the ability of the Petitioners' committee to withdraw the subject petition, pursuant to § 5.15 (F)(3) of this Charter.

3. *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

4. *Time for filing referendum petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the Commission of the ordinance sought to be reconsidered.

D. *Procedure for filing.* Certificate of Clerk; amendment. Within twenty (20) days after the initiative petition or referendum petition is filed, the Village Clerk shall determine whether each petition paper is in proper form according to subsections C(2) and (3) hereinabove. Within ten (10) days from determining that the petition is in proper form, the Village Clerk shall transmit the petition papers to the Miami-Dade County Department of Elections for purposes of determining whether the petition as a whole has been signed by a sufficient percentage of the Village electors. The Miami-Dade County Elections Department shall complete a certificate as to the petition's sufficiency. Such certificate shall specify if it is insufficient, and the Village Clerk shall promptly send a copy of the certificate to the petitioners' committee by registered mail, return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended one (1) time within ten (10) business days after receipt of notification; such supplementary petition shall comply with all prior requirements and within five (5) business days after it is refiled, the Village Clerk shall transmit same to the Miami-Dade County Department of

Elections for purposes of issuing a certificate as to the sufficiency of the petition as amended, whereupon the Village Clerk shall send a copy of such certificate to the petitioners' committee by registered mail, return receipt requested, as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient, the Village Clerk shall promptly present the certificate to the Commission, and the certificate shall then be a final determination as to the sufficiency of the petition.

E. *Conclusion of Referendum Process.* The referendum process shall be concluded:

(1) When the petitioners' committee withdraws the petition; or

(2) When the Commission repeals the ordinance; or

(3) After a vote of the electorate on repeal of the ordinance has been certified, and such certification has been accepted by the Commission.

F. *Action by Commission.*

1. *Action by Commission.* When an initiative or referendum petition has been finally determined sufficient by the Miami-Dade County Elections Department, the Commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If within thirty (30) days of the issuance of a certificate of a petition's sufficiency by the Miami-Dade County Elections Department, the Commission fails to either (as the case may be) adopt a proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, it shall submit the proposed or referred ordinance to the voters of the Village.

2. *Submission to voters.* The vote of the Village on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from issuance of the Miami-Dade County Elections Department's certificate as to petition's sufficiency. If no regular Village election is to be held within the period described in this subsection, the Commission shall provide for a special election. Copies of the proposed or referred ordinance shall be made available at the Village Clerk's office.

3. *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the tenth day preceding the day scheduled for a vote of the Village by filing with the Village Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings shall be terminated.

G. *Results of election.*

1. *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon acceptance by the Commission of the certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by

the Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If an initiative ordinance is voted upon by the Village electors and is defeated, it may not be brought forth for consideration as an initiative within one year from date of this election.

2. *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon the Commission's acceptance of the certification of the election results. Should a majority defeat the referendum for repeal of the ordinance, such referendum action cannot be brought up again for a period of one (1) year from the date of the election.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 5.15 Initiative and referendum procedures, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. K, 8-28-06, Election of 11-7-06)

ARTICLE VI. BOARDS

§ 6.01 Advisory boards.

The Commission may by ordinance establish advisory boards to assist the Commission or the Village. Advisory board members must be either residents of the Village, or owners of businesses located within the confines of the Village, or designees of such business owners. Advisory Board members shall serve a two (2) year term concurrent with the regular scheduled election of the Commission. A majority of the members of each advisory board must be residents of the Village. The Commission may appoint ex officio non-voting members to the board who do not meet the requirements set forth above. The members of advisory boards shall serve without compensation and may be removed at any time by a majority vote of the entire Commission. The Commission may also terminate any advisory board at any time that it deems that such board has fulfilled its purpose. Any vacancy occurring on an advisory board shall be filled within 30 days of the occurrence of the vacancy, in the same manner as the original appointment.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 6.01 Advisory boards, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 6.02 Civil service.

A. *Civil Service Board.* The Commission may by ordinance establish a civil service system and appoint the members, other than employee members, to the Civil Service Board, who are registered voters. Such ordinance shall provide the duties, responsibilities, terms of membership and conditions for removal of members from

the Civil Service Board as well as all other terms and provisions of the civil service system.

B. *Employees covered by collective bargaining agreement.* Any civil service system established by ordinance and the civil service rules and regulations adopted pursuant thereto shall not apply to nor be maintained for regular employees in the classified service who are covered by a collective bargaining agreement, unless otherwise provided in such agreement.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 6.02 Civil service did not have a history of amendments.)

§ 6.03 Planning and Zoning Board.

A. The Commission shall establish by ordinance a Planning and Zoning Board. Such ordinance shall provide the powers, duties, responsibilities, terms of membership, length of terms, and conditions for removal of members of the Planning and Zoning Board.

B. Where the Planning and Zoning Board by unanimous vote of its full membership has presented a negative recommendation to the Village Commission relating to a request for a variance or special use exception, it shall require the Village Commission to act by at least four (4) affirmative votes in order to grant such request for variance or special use exception.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 6.03 Planning and Zoning Board, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

ARTICLE VII. FINANCE AND TAXATION

§ 7.01 State Law applicable.

Matters pertaining to finance and taxation shall be governed by State law.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 7.01 State Law applicable, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 7.02 Independent audits.

At the beginning of each calendar year, or as soon thereafter as practical, the Commission shall designate one or more qualified certified public accountants, who may be the regular auditors of the Village and who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transaction of the Village government. They shall submit their report to the Commission no later than at a regularly scheduled April Commission meeting. A copy of the audit shall be made available for inspection in the office of the Village Manager. The accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the Village. Within

specifications approved by the Commission the accountants shall post-audit the books and documents kept by or under the direction of the Village Manager and any and all separate or subordinate accounts kept by any other office, department or agency of the Village government. The Commission may also designate one or more qualified certified public accountants to conduct special audits at other times, or monthly or continuing audits as it may consider in the public interest. A copy of such special audits will also be made available for public inspection.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 7.02 Independent audits, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 7.03 Preparation and submission of budget.

The Village Manager, at least sixty (60) days prior to the beginning of each fiscal year, shall submit to the Commission a budget and an explanatory budget message in the form and with the contents provided by this Charter. For such purpose, he shall obtain from the head of each office, department or agency of the Village estimates of revenue and expenditure of that office, department or agency detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all municipal projects pending, or which such department head believes should be undertaken:

A. Within the budget year, and

B. Within the five (5) next succeeding years.

In preparing the budget, the Village Manager shall review and revise the estimates as he may deem advisable.

A. *Budget message.* The budget message submitted by the Village Manager to the Commission shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the Village for the fiscal year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in costs and revenue items and shall explain any proposed major changes in financial policy.

B. *Budget for municipal improvements.* As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for municipal projects stated in the budget, the Village Manager shall include a statement of pending municipal projects and proposed new municipal projects for the fiscal year and for the five (5) fiscal years succeeding that fiscal year, together with his comments thereon and any estimates of costs prepared by him or by any other office, department or agency of the Village. The budget message shall also detail the prospective amounts for municipal projects proposed to be raised by appropriation in the budget and the

respective amounts, if any, proposed to be raised by the issuance of bonds and certificates or notes during the fiscal year or thereafter.

C. *Supporting schedules, etc.* Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and municipal projects as the Village Manager, shall believe to be useful.

D. *Scope of budget; contents.* The budget shall provide a complete financial plan for the fiscal year. It shall contain in tabular form:

1. A general summary;
2. Detailed estimates of all anticipated revenues;
3. Detailed estimates of all proposed expenditures.

E. *Anticipated revenues.* In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each item in the budget of the current fiscal year and amount actually received to the time of preparing the budget, plus receipts for the remainder of the current fiscal year estimated as accurately as possible, plus the amount received for each item in each of the two (2) prior fiscal years.

F. *Proposed expenditures.* In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the current year, and the amount actually expended to the time of preparing the budget, plus the expenditures for the remainder of the current fiscal year estimated as accurately as possible, plus the amounts expended for each item in each of the two (2) prior fiscal years.

G. *Budget and message to be public record.* The budget and budget message and all supporting schedules shall be a public record in the office of the Village Clerk open to public inspection.

H. *Notice of final budget meeting.* At the meeting of the Commission at which the budget and budget message are submitted, the Commission shall determine the place and time of the two public hearings and the final meeting on the budget and shall cause to be posted on the designated official bulletin board of the Village a notice of the places and times not less than ten (10) days prior to the dates on which the Commission will hold the meetings.

If the budget calls for any increase in taxes by the Village, the Village shall endeavor to send a notice of the date of the final budget meeting to each property owner in the Village files and also to those who submit requests to be so notified. With such notice the anticipated increase of taxes shall also be mentioned. The Village Manager shall comply with all provisions of state law relative to procedures in the event of property tax increases.

I. *Vote required to adopt.* The final budget and millage rate shall be adopted by at least three (3) affirmative votes of the Commission.

J. *Effective date; certification.* Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget as finally adopted shall be certified by the Village Manager and shall be available for inspection by any and all persons in the office of the Village Clerk.

K. *Effective date.* From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriate to the objects and purposes therein named.

L. *Adoption.* The Commission shall by resolution adopt the budget on or before the thirtieth day of September of each year. If it fails to adopt the budget by this date, the Commission, by resolution, may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of thirty (30) days and renewed by resolution each thirty (30) days with all items in it prorated accordingly, until such time as the Commission adopts a budget for the ensuing fiscal year. A resolution adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

M. *Appropriation amendments during the fiscal year.*

1. *Supplemental appropriations.* If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the Commission, by resolution, may make supplemental appropriations for the year for projects, activities or undertakings deemed necessary by the Commission up to the amount of such excess, provided, however, the resolution to expend such funds receives at least three (3) affirmative votes of the Commission.

2. *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the Village Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one (1) or more appropriations.

3. *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon its adoption by resolution.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 7.03 Preparation and submission of budget, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. L, 8-28-06, Election of 11-7-06)

§ 7.04 Monthly report of expenditures.

At the first Commission meeting of each month, the Village Manager shall present a detailed report of the expenditures for the prior month.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 7.04 Monthly report of expenditures, amended by Res. No. regarding 92-23, § 2, 9-15-92, Election of 11-3-92; Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 7.05 State and county law to apply to taxation.

The general laws of the State of Florida and the County of Miami-Dade upon the subject of taxation shall apply to and govern in the assessment, levy and collection of taxes of the Village and in return and sale of property delinquent therefor and shall also apply and govern with respect to the powers, duties and liabilities of persons and property touching and concerning such taxes, and shall have full force and effect in said Village as far as same may be applicable.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 7.05 State and county law to apply to taxation, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 7.06 Correcting assessments.

All provisions in the Charter relating to local assessment for special assessments are directory and any errors, defects or omissions in assessments, levies, sales or proceedings may be corrected at any time.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 7.06 Correcting assessments, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 7.07 Bank depositories.

A. *Designation.* It shall be the duty of the Commission to designate the bank or banks to be depositories for the funds of the Village. If there be more than one, the distribution of the several funds shall be made as directed by the Commission.

B. *Bond or Security* All Village depositories shall furnish such bond or security as required by State law.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 7.07 Bank depositories, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

ARTICLE VIII. BORROWING FOR MUNICIPAL PROJECTS

§ 8.01 State Law applicable.

Matters pertaining to borrowing for municipal projects shall be governed by State law.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 8.01 State Law applicable had no history of amendments.)

ARTICLE IX. GENERAL PROVISIONS

§ 9.01 Right of eminent domain.

The Village may exercise the right and power of eminent domain; that is, the right to appropriate property, without the owner's consent, for a public purpose.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.01 Right of eminent domain, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 9.02 Non-discrimination.

No person shall be deprived of any right because of race, religion, sex, sexual orientation, place of origin or physical handicap.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.02 was titled Charter amendments, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 9.03 Records and accounts to be open to public.

All public records and accounts of every office, department or agency of the Village shall be open to inspection as provided by state law.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.03 was titled Non-discrimination, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. M, 8-28-06, Election of 11-7-06)

§ 9.04 Bonds of officers and employees.

Any officers or employees of the Village who have check signing authority or access to Village accounts shall post bond in such amount and with such surety as may be approved by the Commission. The premiums of such bonds shall be paid by the Village.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.04 was titled Records and accounts to be open to public, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 9.05 Oath of office/employment.

Every officer and employee of the Village shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Village Clerk:

> I _____, a legal resident of the State of Florida, and being employed by or an officer of North Bay Village, Florida and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support and obey the Constitution and the laws of the United States and of the State of Florida, and that I will, in all respects, observe the provisions of the Charter and Ordinances of the Village.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.05 was titled Bonds of officers and employees, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 9.06 Scope of authority.

The Village is hereby authorized and empowered in the manner herein provided to cause any waterway within said Village to be bulkheaded; to cause groins or jetties to be constructed along the shore to protect the land area from the effects of tides and winds; to cause boardwalks or other walls or seawalls to be constructed in its public parks and upon or along any property of said Village, or in which it has a perpetual easement, or which is dedicated to said Village or the public along or near the shore; to cause any and all highways, by whatever designation they may be known, or any part thereof, to be lighted, graded, paved, repaved, macadamized and to cause curbs and gutters to be constructed thereupon, and sanitary sewers, storm sewers and other drains to be laid or constructed in any such highway, or part thereof, and/or in any right-of-way or easement granted to or acquired by said Village or any dedicated way, and to provide for the payment of the cost thereof through special assessments.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.06 was titled Oath of office/employment, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

§ 9.07 North Bay Island zoning.

Land use and future development of North Bay Island in the Village is hereby restricted to single family residential usage.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.07 was titled Scope of authority, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 9.08 Reserved.

(Prior Charter Section 9.08 was titled North Bay Island zoning, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 9.09 Insurance benefits for elected officials and the Village Manager.

North Bay Village shall not pay life, health and/or dental insurance benefits for the elected Village officials and/or their family dependents without prior approval by the electorate at a referendum.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.09 Insurance benefits for elected officials and the Village Manager, amended by Res. No. R91-28, § 2, 9-16-91, Election of 11-12-91; Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 9.10 Retirement System.

The Commission may establish and create by ordinance a retirement system for any or all groups of officers, agents or employees of the Village.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 9.10 Retirement System, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 9.11 Nepotism.

No person related up to the second degree of consanguinity or affinity to an elected or appointed Village official (department head and above) shall be eligible to hold a remunerative position with the Village. Any appointed Village official who shall knowingly make such an appointment may be deemed guilty of misfeasance or malfeasance in office and subject to removal. The person so employed may be subject to dismissal. This provision may be waived during conditions deemed as emergencies by the Village Commission.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(There was no prior Section 9.11 in previous Charter.)

§ 9.12 Conflict of interest.

Appointed officials and employees shall comply with applicable conflict of interest laws, including Florida Statutes Chapter 112, Part 3, as well as Miami-Dade County Code § 2-11.1.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(There was no prior Section 9.12 in previous Charter.)

§ 9.13 Violation.

Village officials and employees shall follow the provisions of this Charter.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(There was no prior Section 9.13 in previous Charter.)

ARTICLE X. CHARTER AMENDMENTS AND TRANSITION

§ 10.01 Revision provision.

A. This Charter of the Village must be reviewed six (6) years from November 8, 2000 and each sixth year thereafter by an Advisory Charter Review Board Appointed by the Commission with a minimum of five (5) members with at least one (1) representative from each island; any proposed revisions to the Charter must meet the approval of the qualified electors of the Village at an election to be held at the same time as the regularly scheduled municipal Commission election immediately following each sixth year Charter review.

B. It shall be the duty of the Planning and Zoning Board, in cooperation with the Village Attorney, to continuously review the provisions of the zoning regulations, the Comprehensive Master Plan and the Zoning District Map and offer recommendations for the improvement thereof to the Village Commission at maximum intervals of five years commencing in 2013.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(The prior Charter Section 10.01 was titled Title of Charter and there was no history of amendments.)

§ 10.02 Charter amendments.

A. Except with regard to Charter provisions concerning municipal boundaries, North Bay Village may adopt, amend, or revoke its Charter or abolish its existence in the following manner: The Village Commission shall, within one hundred twenty (120) days after adopting a resolution or after the certification of a petition of ten (10%) percent of the qualified electors of the municipality, draft or have drafted by a method determined by a North Bay Village ordinance, a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of North Bay Village. Unless an election occurs not less than sixty (60), nor more than one hundred twenty (120) days after the draft is submitted, the proposal shall be submitted at a special election within that time. No less than thirty (30) days prior to such election the Village Clerk shall make available a copy of the proposed amendment for examination.

B. Upon adoption of an amendment to the Charter of the Village by a majority of the electors voting in a referendum upon such amendment, the Commissioners shall have the amendment incorporated into the Charter and shall file the revised Charter with the Department of State of the State of Florida, at which time the revised Charter shall take effect.

C. The Village may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State of the State of Florida pursuant to the provision of section B.

D. The Village, by unanimous vote of the Commission, may abolish municipal departments provided for in this Charter and amend provisions or language out of the Charter which has been judicially construed to be contrary to either the state or federal constitution.

E. Any provision of the Charter which conflicts with any federal, state or county law shall automatically be changed to conform to such federal, state or county law.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(The prior Charter Section 10.02 was titled Effective date, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. N, 8-28-06, Election of 11-7-06)

§ 10.03 Ordinances and state and county law unimpaired.

Nothing in this Charter shall be so construed as to alter, abolish, affect or amend the following: (1) Any of the laws of this state now in force or which hereafter (shall) be enacted relative to towns and cities of the state, incorporated under the general law; or (2) any of the laws of Miami-Dade County; (3) any of the ordinances of the Village, now in force under the municipal government of the Village, except for those that are in conflict with the provisions of this Charter, and these conflicting ordinances are hereby repealed. All such state and county laws and all nonconflicting ordinances of the Village are hereby declared to be in full force and effect.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.03 Ordinances and state and county law unimpaired, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 10.04 Rights and privileges of officers, etc., not impaired.

Nothing contained in this Charter, except as specifically provided, shall affect or impair the rights or privileges of any officer or employee of the Village or of any office, department or agency existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the duties, responsibilities and emoluments of officers and employees of the Village. This provision shall not be construed to vest in any officer or employee any right or rights not specifically vested herein.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(The prior Charter Section 10.04 Rights and privileges of officers, etc., not impaired, has no history of amendments.)

§ 10.05 Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the Village shall continue in accordance with their terms and, to the extent applicable, the Charter of the Village as in existence at the time of their occurrence or imposition, as applicable.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.05 Pending matters, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 10.06 Contracts and public improvements.

All contracts entered into by the Village, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and Charter provisions.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.06 Contracts and public improvements has no history of amendments.)

§ 10.07 Pending suits and proceedings not affected.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the Village or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.07 Pending suits and proceedings not affected has no history of amendments.)

§ 10.08 Former acts confirmed.

All acts and proceedings of the various officers and employees of the Village before the approval of this Charter are hereby approved, confirmed and validated as of the dates the same were made or done.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.08 Former acts confirmed, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 10.09 Continuations of existing laws.

Insofar as the provisions of this Charter are the same in terms or in substance and effect as provisions of law in force when this Charter shall take effect, relating to or affecting the Village, the provisions of this Charter are intended to be not a new

enactment but a continuation of such provisions of law and this Charter shall be so construed and applied.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.09 Continuations of existing laws, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 10.10 Transition ordinances.

The Commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within sixty (60) days of the first Commission meeting under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in Article III except that transition ordinances shall be effective for up to ninety (90) days after enactment. Thereafter such ordinances may be readopted, renewed or otherwise continued only in the manner prescribed for normal ordinances in Article III.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.10 Transition ordinances has no history of amendments.)

§ 10.11 Resolving conflicts within charter.

Should there be a conflict or apparent conflict in the provisions of any one section of this Charter or between two (2) or more sections thereof, then the Village Attorney shall resolve such conflict or apparent conflict by a written ruling which shall be legal and binding unless invalidated by a court of competent jurisdiction.

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.11 Resolving conflicts within charter, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

§ 10.12 Severability clause.

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

(Res. No. 2018-75 , § 2, 7-30-18, election of 11-6-18)

(Prior Charter Section 10.12 Severability clause, amended by Res. No. 2000-41, 11-8-00, Election of 11-7-00)

(Prior Charter Section 10.13 was titled Revision provision, amended by (Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-36, 7-13-04, Election of 11-2-04; Res.

No. 2006-45, Pt. O, 8-28-06, Election of 11-7-06; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)

(Prior Charter Section 10.14 was titled Violation, amended by (Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12; Res. No. 2012-56, § 4, 11-16-12)