



City of Palm Coast Minutes

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

City Council Workshop Meeting

Mayor Michael Norris
Vice Mayor Theresa Pontieri
Council Member Charles Gambaro
Council Member Ty Miller
Council Member David Sullivan

Tuesday, May 12, 2026

9:00 AM

City Hall - Jon Netts Community Wing

City Staff

Michael McGlothlin, City Manager

Marcus Duffy, City Attorney

Kaley Cook, City Clerk

- Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- Other matters of concern may be discussed as determined by City Council.
- If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.
- In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a reasonable accommodation to participate in any of these proceedings or meeting should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.
- City Council Meetings are streamed live on YouTube at <https://www.youtube.com/@PalmCoastFL>.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while Council is in session. Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to hire a court reporter to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE: This meeting is being live streamed on the City of Palm Coast YouTube channel and audio recorded for public record and transparency.

A. CALL TO ORDER

Mayor Norris called the meeting to order at 9:00 a.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

C. ROLL CALL

Deputy City Clerk Alison Palmer called the roll. All members were present.

D. PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. And pursuant to the City Council's Meeting Policies and Procedures:

- (1) This agenda item has a thirty (30) minute limit.
- (2) Each speaker shall at the podium, provide their name and may speak for up to 3 minutes.
- (3) The Public may provide comments to the City Council relative to matters not on the agenda at

the times indicated in this Agenda. Following any comments from the public, there may be discussion by the City Council.

(4) Public speakers may address their comments to the Council as a whole, the Mayor, or to an individual Council Member

(5) When addressing the City Council on specific, enumerated Agenda items, speakers shall:

(a) make their comments concise and to the point;

(b) not speak more than once on the same subject;

(c) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;

(d) obey the orders of the Mayor or the City Council; and

(e) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.

(6) Any person who becomes disorderly or who fails to confine his or her comments to the identified subject or business, shall be cautioned by the Mayor and thereafter must conclude his or her remarks on the subject within the remaining designated time limit.

Any speaker failing to comply, as cautioned, shall be barred from making any additional comments during the meeting and may be removed, as necessary, for the remainder of the meeting.

Members of the public may make comments during the public comment portion of the meeting. Please be advised that public comment will only be permitted during the public comment portions of the agenda at the times indicated by the Chair during the meeting

Mayor Norris provided the rules and procedures of public participation.

Public participation opened at 9:02 a.m.

Jeremy Davis spoke about infrastructure, development, the City's technical manual, accountability, long-term planning, and sustainable growth.

Elizabeth Esposito discussed a proposed concrete skate park, the connection to the YMCA and several concerns about how that will work, asked if there will be room for expansion, and thanked Council for the discussion.

Lisa Sweeters spoke about the proposed skate park, discussed the hours at the Port Orange skate park, that there is nothing for young people to do here, and that it would be nice to have something like that here.

Sam Royer discussed affordable housing, the E section expansion, and distributed his proposal for affordable housing to Council, which is attached to these minutes.

Judson O'Neill advocated for a concrete skate park, discussed possible YMCA involvement, that many would not use the park because of the YMCA, and sees a lot of areas that could be utilized for a skate park.

Jeani Duarte discussed the district 4 seat, westward expansion, state funding, and the City Charter.

Mayor Norris and City Attorney Duffy cautioned Ms. Duarte that public comment is for items not on the agenda.

Peter Johnson discussed the prior meeting, his research on the comprehensive land-use plan, environmental protection, certified local governments (CLG), and expressed support for Council on

this issue.

Preston Zepp mentioned that the audience could not hear, and discussed the westward expansion and a map of historic sites in the County.

Sandra Shank spoke to say that the audience could not hear. Mayor Norris asked for staff to address.

Todd Wheatman advocated for the skate park.

Public participation closed at 9:20 a.m.

Council Member Miller thanked Mr. Royer, expressed support for the CLG and ordinance, and discussed the YMCA and the skate park.

Vice Mayor Pontieri discussed the skate park, involvement of the YMCA, and asked for consensus for an ordinance on historical preservation.

Council gave unanimous consensus for the City Attorney to begin work on the ordinance.

Vice Mayor Pontieri continued with a response to Mr. Davis on infrastructure, and to Mr. Royer on his proposal.

Council Member Sullivan provided a response to the skate park, advised a location in the northern part of the County, and shared support for historical preservation.

Council Member Gambaro shared support for historical preservation and Mr. Royer's proposal.

Mayor Norris shared appreciation for the discussion of Port Orange and the skate park.

E. PRESENTATIONS

1. PRESENTATION - HOUSING NEEDS ASSESSMENT

Mayor Norris read the title into the record.

Phong Nguyen, Planning Manager, introduced the item, and Tara Howell, Senior Planner for JBPro presented the item to Council.

Topics presented included: definitions, project overview, housing development history, community profile, current housing stock, housing costs and market conditions, existing housing gap and projected need, housing barriers and opportunities, recommended housing strategies, financing mechanisms, implementation, and next steps.

Ms. Howell, Mr. Nguyen, and Jose Papa, Senior Planner, provided a response to Council questions.

Council continued discussion of the topic including ADUs, the aging community, incentives, infill lots, market forces, government funding, short-term rentals, impact fees, in-law suites, and multiple kitchens.

Public comment:

Jeani Duarte discussed aging residents being pushed out of their homes and incentives for downsizing.

Valerie Clymer, Chair of the Affordable Housing Advisory Committee, discussed affordability and the need to do something for the workforce.

Raymond Royer agreed with the prior speaker, and discussed affordability, inflation, market crashes, and salaries.

Todd Wheatman shared appreciation for the conversation, and discussed aging, incomes, affordability, and bringing in business.

Jeff Adams discussed factors up in the air, development, affordability, costs, and square footage.

Darlene Shelley discussed affordability in Palm Coast, utility bills, water quality, that affordable housing is all around us, and asked how much the presentation cost.

Carla Amaral discussed the market, housing coming online, costs, incentives provided by Council, and asked Council to tie this to affordability and workforce housing.

Sandra Shank thanked the members of the AHAC committee, asked how much the report cost, discussed the report, and that Council is hypocritical.

Jeremy Davis discussed density, affordability, and rising costs.

Council responded to public comment and continued discussion of the topic.

Mr. Nguyen responded that the cost of the report was less than \$30,000.00.

Council provided direction for staff to look at policy suggestions for availability and affordability of housing for the aging community and if the numbers support it, for the disabled community, and to look at the LDC regarding in-law suites with a cooking unit.

Council Member Gambaro asked for consensus to accept strategies 1,2,5,7, and 8.

Council provided unanimous consensus.

Council further requested that staff come back with a chart of what strategies we have already done versus additional recommendations and highlight these in the LDC update.

2. PRESENTATION - DEVELOPMENT OPTIONS FOR DUPLEX ZONED LOTS

Mayor Norris read the title into the record.

Phong Nguyen, Planning Manager, introduced the item.

Council held discussion of the topic and requested that the item be presented without discussion of the pilot program.

Estelle Lens, Senior Planner, presented the item to Council.

Topics presented included: development options.

Ms. Lens, Mr. Nguyen, and Jacqueline Gonzalez, Site Development Coordinator I, provided a response to Council questions.

Council held discussion on the topic and gave consensus not to move forward with the pilot program.

Mayor Norris, Vice Mayor Pontieri, and Council Member Sullivan provided consensus not to move forward with the pilot program. Council Member Miller and Council Member Gambaro did not provide consensus.

Public comment:

Raymond Royer discussed his son's housing development in Texas, development beyond just homes, and affordability.

Darlene Shelley discussed mixed messages, changes in the E section, fairness to existing homeowners, and that elected officials should not sell out to developers and builders.

Jeani Duarte discussed compatibility and incompatible homes in her neighborhood.

Tony Amaral thanked Council for the conversation, asked if you don't like the idea, just tell him you don't like the idea, that this is not about compatibility, and appreciates that we are having a dialog.

Carla Amaral discussed their idea, density, affordable housing, and downsizing.

Council continued discussion of the topic.

3. PRESENTATION - FY27 HEALTH INSURANCE OPTIONS

Mayor Norris read the title into the record.

Renina Fuller, Director of Human Resources, Lisa Lynch, Human Resources Manager, and Brandon Savage, Senior Account Executive Brown & Brown, presented the item to Council.

Topics presented included: the HMO plan, proposed updates for employee health insurance, employee contributions, and My Health Onsite.

Ms. Fuller, Ms. Lynch, and Mr. Savage provided a response to Council questions.

Council provided consensus to add the HMO plan as a third option and close the PPO to new employees but allow currently enrolled members to continue on the PPO plan. Council also requested cost projections for My Health Onsite.

Public comment:

Jeani Duarte discussed staff benefits.

Council recessed at 12:20 p.m. and reconvened at 12:50 p.m.

4. PRESENTATION - STORMWATER ANNUAL UPDATE

Mayor Norris read the title into the record.

Lynn Stevens, Deputy Director of Stormwater and Engineering, and Carmelo Morales, Stormwater Engineer, presented the item to Council.

Topics presented included: Stormwater management fund and rate history, stormwater & engineering staff, stormwater service area and system, SAP objective #2, maintenance alternatives, swale summary, regrade vs. trenching, culvert cleanings, case management, pipe replacements, capital improvements, 2023 rate study update, 2019 master plan update, projects currently under construction, conclusions, and next steps.

Ms. Stevens and Mr. Morales provided a response to Council questions.

Mayor Norris asked Ms. Stevens to look into collapsed culverts on Perrotti Ln., and if the code enforcement process was followed.

Council provided unanimous consensus to approve the budget transfer and purchase of the excavator.

Public comment:

Jeani Duarte commended Stormwater, but does not like that chemicals are sprayed, would like to double the size of the Stormwater department, and do everything we can to support them.

Raymond Royer discussed his experiences, and believes we should increase the size of the stormwater department.

Darlene Shelley appreciates seeing the progress, discussed that clearcutting trees contributes to the flooding, warned of a rain event or hurricane, and flooding from impervious surfaces.

Jeremy Davis thanked staff and the field crews, shared appreciation for the transparency of the presentation, and discussed the condition of his property during the current storm event.

5. PRESENTATION - PAVEMENT MANAGEMENT PROGRAM FISCAL YEAR 2026 UPDATE

Mayor Norris read the title into the record.

Carl Cote, Director of Stormwater and Engineering, and Scott Kehoe, Traffic Engineer III presented the item to Council.

Topics presented included: City Council focus areas and priorities, pavement management history, lane miles by year and PCI, street maintenance revenue history, milling and resurfacing cost history, common global treatments used in Florida, micro-surfacing, COPC roadway network, Transmap, data collection, PCI ranges and life cycle curve, roadway

conditions, average network PCI comparison, findings and recommendations, 5-year pavement management plan, 5-year PCI projection, funding needed, status quo implications, implementation criteria, streets improvement fund, inflation, roadway impact: deferred maintenance, City work order requests, looking forward, and funding options for consideration.

Mr. Cote and Mr. Kehoe provided a response to Council questions.

Council Member Miller asked for consensus to ask staff to look at different funding options for discussion at a future workshop. Council gave unanimous consensus.

Public comment:

Jeani Duarte discussed previous Councils and road maintenance, the loop road, and the use of funds.

Council asked Mr. Cote for the full list of Transmap roads and PCIs.

Council gave unanimous consensus to move items 7 and 8 to the June 9 Workshop meeting.

6. PRESENTATION - SAP EVALUATION WORKSHOP

Mayor Norris introduced the item.

Kyle Berryhill, Interim Deputy City Manager, and Brittany Kershaw, Director of Communications & Marketing, presented the item to Council.

Topics presented included: timeline, SAP priorities update, next steps, and the Palm Coast Community Survey.

Council provided direction on the following sections:

SAP 1: Keep as priority #1

1.1 Keep

1.2 Keep

1.3 Move to operations

1.4 Keep

1.5 Move to operations

SAP 2: Move all tactics to operations

SAP 3 Keep, move to priority #2

3.1 Keep

3.2 Keep

3.3 Combine with 3.4, plan on the shelf/tools

3.5 Keep, more work to be done, request staff prepare a finalized plan and funding recommendations and return to Council for approval.

SAP 4: Keep, move to priority #3

4.1 Modify

4.2 Completed

4.3 Combine 4.3-4.5
4.6 Add language: engage with private sector
Add new tactics:
4.7 SRA 100
4.8 Downtown Urban Core

SAP 5: Keep, move to priority #4

5.2 to 5.6 Refine/focus tactics
Add new tactics to the appropriate priority:
Preserve the hard canopy
Refine the roles of Sports Alliance and PRAB

SAP 6: Keep

6.3 Completed
Add revised tactics
6.1 Palm Coast Mobile app
6.2 Smart City

SAP 7: Keep but lower priority

7.1 Completed
7.2 Keep
7.3 Keep
7.4 Keep, explore funding options
7.5 Completed
7.6 Completed
7.7 Keep, accelerate present plan

SAP 8: Keep

Add new tactic:
Explore mural

SAP 9: Keep

9.3 Modify

SAP 10: Move to operations

Add new tactic:
Look for efficiencies

SAP 11: Completed, remove

New priorities presented:

Fire service fee – keep
Hazmat response team – explore
Non-resident parking fees – remove
Dedicated grants function – keep

Council will adopt the SAP at the June 2 Business meeting.

Public comment:

Jeani Duarte asked how the fire department is funded and how the sheriff funds mental health services.

Tony Amaral shared praise for the project and the SAP workshop, and discussed 4.6 and 7.

Council provided a response to public comment.

7. PRESENTATION - PROPOSED AMENDMENTS TO CHAPTER 2 REVIEW AUTHORITY, ENFORCEMENT, AND PROCEDURES

Council provided unanimous consensus to move this item to the June 9 Workshop.

8. PRESENTATION - PROPOSED AMENDMENTS TO CHAPTER 11 TREE PROTECTION, LANDSCAPING, BUFFERS, AND IRRIGATION OF THE LAND DEVELOPMENT CODE

Council provided unanimous consensus to move this item to the June 9 Workshop.

9. ORDINANCE 2026-XX AMENDMENT TO THE CITY CHARTER

Mayor Norris read the title into the record.

City Attorney Marcus Duffy presented the item to Council.

Topics presented included: a review of the three proposed charter amendment changes.

Mr. Duffy and Ms. Kaiti Lenhart, Flagler County Supervisor of Elections, provided a response to Council questions.

Council provided consensus for Mr. Duffy to amend the draft ordinances and return to a business meeting in June for first reading.

Public comment:

Jeani Duarte discussed restoring the original charter, and the history of changes to the charter.

F. PUBLIC COMMENTS

Remainder of Public Comments is limited to three (3) minutes each.

Public comment:

Jeremy Davis discussed public participation, comments from prior meetings, and first amendment freedom of speech protection.

Jeani Duarte discussed changes to the charter and advised Council to read the packet she provided, which is attached to these minutes.

G. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Vice Mayor Pontieri discussed upcoming Fallen Officers Memorial and Touch-a-Truck events.

Council Member Miller provided a sports update.

Council Member Gambaro mentioned their good discussion and that he enjoyed the dialog.

H. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

There were none.

I. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

Mr. McGlothlin discussed the recent employee breakfast.

J. ADJOURNMENT

The meeting was adjourned at 5:37 p.m.

*Respectfully submitted by: Alison Palmer
Deputy City Clerk*



Samuel Royer
 NMLS: 525750
 (844) 725-8838 | sam@salutehomeowner.com

BUYDOWN SUMMARY

Your actual rate, payment and costs could be higher. Get an official Loan Estimate before choosing a loan.

Preparation Date: 05/12/2026 08:02 AM

Loan Amount	\$332,500.00	Loan Term	30 Years	Monthly Payment	\$1,966.86
Purchase Price	\$350,000.00	No. of Payments per Year	12	Amortization Term	360
Note Rate	5.875%				

Rate & Payment Structure

Year	Interest Rate	Note Rate Payment	Buydown Payment	Monthly Savings	# of Payments	Annual Monthly Savings
Year 1	3.875%	\$1,966.86	\$1,563.54	\$403.32	12	\$4,839.84
Year 2	4.875%	\$1,966.86	\$1,759.62	\$207.24	12	\$2,486.88

Cost Buydown must be paid by Seller Concession

Total Buydown Cost	\$7,326.72
Concession Required	2.09%

Qualifying Factors for First Responders / Teachers

1. First time home buyer
2. Serves in Flagler County, 1 year minimum (or relocating to Flagler with past experience)
 - a. Law Enforcement
 - b. Firefighting
 - c. Veteran
 - d. EMS / Paramedic
 - e. Nurse
 - f. Teacher (PreK - 12)
3. Income Limits:
 - a. Single - 80 AMI - \$69,440
 - b. Married or kids - 140 AMI - \$121,520
4. Grant (10% for down and closing)
 - a. Forgivable 20% a year over 5 years
5. First time home buyer education required

EXAMPLE of Savings:

\$300,000 build cost / \$50,000 lot (which is low) = \$350,000 acquisition cost

Non-Profit gives a 10% grant (\$35,000 in this case) for down payment, closing to be paid

Builder gives 2% seller credit for buy-down for affordability

Payment would be:

Year 1: \$2,196.73
 Year 2: \$2,392.81
 Year 3-30: \$2,600.05

Money needed from First Responder / Teacher = Zero dollars



Samuel Royer

NMLS: 525750, License Number: LO138977

(844) 725-8838 sam@salutehomeloans.com

INITIAL FEES WORKSHEET

Salute Homeowner

Your actual rate, payment and costs could be higher. Get an official Loan Estimate before choosing a loan.

Quote Number: 16298380

Preparation Date: 05/12/2026 8:27 AM EDT

Loan Purpose:	Purchase	Purchase Price:	\$350,000.00	Loan Amount:	\$332,500.00
Property Type:	Single Family (1-4 Units)	Occupancy:	Primary Residence	No. of Units:	1
Credit Score:	Estimated	ZIP / State:	32164 / Florida	Escrow:	None Waived
Product:	30 Year CONVENTIONAL Fixed	Rate / APR:	5.875% / 6.104%	Lock Period:	30 Days

Lender Fees	\$9,359.53
0.312% of Loan Amount (Points)	\$1,037.81
Originator Compensation (of total loan amount)	\$0.00
Processing Fee	\$995.00
Temporary Buydown Amount	\$7,326.72

Taxes and Other Government Fees	\$4,579.25
Recording Fees - Deed	\$35.50
Recording Fees - Mortgage	\$265.00
State Tax/Stamps - Deed	\$2,450.00
State Tax/Stamps - Mortgage	\$1,828.75
Additional Charges	\$0.00

Third Party Fees	\$4,438.20
Services You Cannot Shop For	
Appraisal Fee	\$750.00
Credit Report Fee	\$395.00
Document Preparation Fee	\$75.00
Flood Certificate Fee	\$15.00
Flood Determination Fee	\$8.00
MERS Registration Fee	\$24.95
Tax Certification Fee	\$25.00
Tax Service Fee	\$81.00
Verification Of Employment Fee	\$195.00
Services You Can Shop For	
Title - Abstract or Title Search	\$95.00
Title - Lender's Endorsement Fee	\$248.75
Title - Lender's Title Insurance	\$1,737.50
Title - Municipal Lien Search Fee	\$120.00
Title - Owner's Title Insurance (Optional)	\$112.50
Title - Recording Fee	\$5.50
Title - Settlement or Closing Fee	\$450.00
Title - Title Examination	\$100.00

Prepays and Initial Escrow Payment at Closing	\$6,055.98
Prepays	
Hazard Insurance Premium (12 Months @ \$175.00)	\$2,100.00
Mortgage Insurance Premium (0 Months @ \$58.19)	\$0.00
Prepaid Interest (19 Days @ \$54,2622)	\$1,030.98
Property Taxes (3 Months @ \$400.00)	\$1,200.00
Supp Property Insurance Premium (0 Months @ \$0.00)	\$0.00

Initial Escrow Payment at Closing	
Hazard Insurance Reserve (3 Months @ \$175.00)	\$525.00
Mortgage Insurance Reserve (0 Months @ \$58.19)	\$0.00
Property Taxes (3 Months @ \$400.00)	\$1,200.00
Supp Property Insurance Reserve (0 Months @ \$0.00)	\$0.00
Aggregate Adjustment	\$0.00

Estimated Proposed Monthly Housing Expense	
First Mortgage P&I	\$1,966.86
Other Financing P&I	\$0.00
Homeowner's Insurance	\$175.00
Property Taxes	\$400.00
Mortgage Insurance	\$58.19
TOTAL APPROXIMATED MONTHLY PAYMENT	\$2,600.05

Estimated Mortgage Proceeds:	
Downpayment/Funds from Borrower	\$17,500.00
Lender Fees	\$9,359.53
Third Party Fees	\$4,438.20
Taxes and Other Government Fees	\$4,579.25
Prepays and Initial Escrow	\$6,055.98
Estimated Total Payoffs	\$0.00
Funds Due from Borrower (A)	\$41,932.96
Lender Credits	
Lender Credits	\$0.00
Seller Credits	\$0.00
Adjustments and Other Credits	\$42,326.00
Total Credits Applied (B)	\$42,326.00
ESTIMATED CASH TO BORROWER (A - B)	\$393.04

This estimate is provided for illustrative and informational purposes only based on the initial basic loan scenario provided. This is not a loan approval or commitment to lend. Rates effective as of 05/11/2026 and are subject to change. Annual Percentage Rate (APR) is an estimate based on criteria provided. Until you lock your rate, APR and terms are subject to change or may not be available at commitment or closing.



Salute Home Loans
Company NMLS: 1075152
www.SaluteHomeLoans.com

Apply Now



2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

Charter Amendments 2018

CITY OF PALM COAST

VOTERS ONLY

City of Palm Coast - City Charter Amendment 1

Charter Amendments to Update Outdated and to Clarify Ambiguous Charter Provisions

Shall the Charter be amended (1) to remove outdated portions of the Charter (2) to replace the current legal boundary description with a general boundary statement and (3) to revise requirements for consistency with state laws

- Yes
 No

City of Palm Coast - City Charter Amendment 2

Charter Amendment to Revise the Charter Review Process to Include an Advisory Charter Committee

Shall the Charter be amended to eliminate outdated language regarding an initial Charter review, to include an appointed Advisory Charter Review Committee in the Charter Review process and to require a Charter review at least once every ten (10) years

- Yes
 No

City of Palm Coast - City Charter Amendment 3

Charter Amendment Revising How to Fill a Vacancy in the Office of a Council Member

Shall the Charter be amended to provide that a vacancy in the office of a council member be appointed within 90 days unless the vacancy occurs within 6 months of the next regularly scheduled election?

- Yes
 No

Charter Amendment 2024

Wednesday, September 10, 2025 9:15 PM

Attempt to remove safe guards

ONLY VOTERS WHO RESIDE WITHIN THE CITY LIMITS OF PALM COAST

City of Palm Coast Charter Amendment 1 CHARTER AMENDMENT TO UPDATE PROVISIONS RELATED TO CITY COUNCIL'S CONTRACTING AUTHORITY

Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limits the City's ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.

- Yes
- No

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2024/2024-SB-General.pdf>

No Charter Amendments in 2025, 2023, 2022, 2021,

2020 Sample Ballot:

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2020-General-Sample-Ballot-Web.pdf>

No Charter Amendments: 2019, 2017, 2016, 2015, 2014, 2013

2012 Sample Ballot:

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2012-general-sb-web.pdf>

No Charter Amendments: 2011

2010 COUNTY REF REMOVED

NOTICE TO THE VOTER

COUNTYWIDE REFERENDUM QUESTION NO. 1 AD VALOREM TAX FOR LOCAL ECONOMIC INVESTMENT INITIATIVE has been removed from the ballot, according to the Flagler County Board of County Commissioners Resolution No. 2010-51, adopted October 4, 2010.

ANY VOTE CAST FOR APPROVAL OR REJECTION OF THIS PUBLIC MEASURE WILL NOT BE COUNTED.

The elections site only goes to 2010

1. ~~If, for any reason other than recall or vacancy occurs in~~ **assuming** the office of Mayor, ~~the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.~~
 - ~~2.~~ ~~If, for any reason other than recall,~~ a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within ~~30~~ **90** days following the occurrence of such vacancy by majority vote of the remaining Council members. ~~If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment.~~ Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 - ~~3.~~ ~~2.~~ If, for any reason other than recall **or assuming the office of Mayor,** a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within ~~30~~ **90** days following the occurrence of such vacancy by majority vote of the remaining Council members. ~~If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment.~~ Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 - ~~4.~~ ~~3.~~ If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 - ~~4.~~ ~~4.~~ Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
 - (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
 - (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours **l** prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.
- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of

April 25, 2022

4

Duties. In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

- (a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
- (b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in Art. IV. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

- (a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.
- (b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.
- (b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:
 - 1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
 - 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
 - 3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
 - 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
 - 5. Is absent from three consecutive regular Council meetings without being excused by the Council.
- (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:
 - 1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 - 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.

changed after 2018 election with out Ballot →

April 25, 2022

- (c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
- (d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- (e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
 - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
 - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
 - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
 - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
 - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
 - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
 - (c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:
 - 1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
 - 2.

Council Seat
Contemplated →

April 25, 2022

7

In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.

- (d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:
1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
 2. The candidate whose call matches the coin toss shall be declared the winner.
- (7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Editor's note— Ordinance 2014-5, adopted February 4, 2014, added Section 2-37(e), Election Procedures; Canvass of Returns, to the Code of Ordinances, recognizing Division of Elections Opinion 95-05 and state law that where City and County elections appear on the same ballot, only the County Canvassing Board may canvass the election; providing therefore that the Flagler County Canvassing Board shall canvass the returns of all City elections held in conjunction with County elections.

Art. VIII. - City council district boundaries.

The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18; Ord. No. 2021-31, § 2, 12-7-21)

Art. IX. - General provisions.

- (1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes (F.S. ch. 166), as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.
- (2) *Charter review; schedule, Charter Review Committee.*
- (a) *Schedule.* The Charter shall be reviewed in accordance with the process outlined in Section 10(2)(b) no sooner later than April years after the creation of the City of Palm Coast on December 21, 1, 2009, 2028 and, at a minimum, every 10 years thereafter.
- (b) *Charter Review Committee.* For any Charter review, a five-member Charter Review Committee shall be appointed. Each The district Mayor and each council member shall appoint one Committee member from his or her district, and the Mayor shall appoint one. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations to the City Council no later than the April 1 before that next general election. The Palm Coast City Council shall hold a minimum

Changes with No Ballot.

of two public hearings on the any proposed changes by the City Council or the Charter Review Committee to the Charter prior to ~~making~~ determining ~~the~~ whether ~~proposed~~ to place any changes on the scheduled general election ballot.

- (3) *Initiative and referendum.* At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. ^[2] If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. This Procedure for such initiative or referendum shall be as established by ordinance.
- (4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*
 - (a) *Number of districts.* There shall be four City Council districts as described in subsection (2) of Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed. All Council district boundaries shall be based upon population data derived from the most recent decennial census.
 - (b) *Districting commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the City in any other capacity.
 - (c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:
 1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.
 2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.
 - (d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
 - (e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
 - (f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
 - (g) *Effect of enactment.*
 1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.
 2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
 3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to

April 25, 2022

Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in section 5(4). In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

(a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.

(1) The Mayor of the City of Palm Coast, Florida shall receive the annual salary of \$11,400.00.

(2) Reserved.

(3) Each member of the City Council of the City of Palm Coast, Florida not serving as Mayor, shall receive the annual salary of \$9,600.00.

(b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

(a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.

(b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:

1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
5. Is absent from three consecutive regular Council meetings without being excused by the Council.

(c)

09/10/2018

April 19, 2022
151 % raise

District 4 Seat 79 Days 43 Days 54 Days

Attachment to Minutes - Jeani Duarte #2

2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

Obstruction of Justice
 Colusion To Defraud the Citizens of
 PC.

Westward Expansion
 Vic Mayor / Developer

Wetlands Annex Loop to Denver

Gift 126 M
 to developer

/ Acct for \$ / Returned / Scrap
 False Pretense

Charter Amendment 2024

Wednesday, September 10, 2025 9:15 PM

Attempt to remove safe guards

ONLY VOTERS WHO RESIDE WITHIN THE CITY LIMITS OF PALM COAST

City of Palm Coast Charter Amendment 1 CHARTER AMENDMENT TO UPDATE PROVISIONS RELATED TO CITY COUNCIL'S CONTRACTING AUTHORITY

Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limits the City's ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.

- Yes
- No

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2024/2024-SB-General.pdf>

No Charter Amendments in 2025, 2023, 2022, 2021,

2020 Sample Ballot:

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2020-General-Sample-Ballot-Web.pdf>

No Charter Amendments: 2019, 2017, 2016, 2015, 2014, 2013

2012 Sample Ballot:

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2012-general-sb-web.pdf>

No Charter Amendments: 2011

2010 COUNTY REF REMOVED

NOTICE TO THE VOTER

COUNTYWIDE REFERENDUM QUESTION NO. 1 AD VALOREM TAX FOR LOCAL ECONOMIC INVESTMENT INITIATIVE has been removed from the ballot, according to the Flagler County Board of County Commissioners Resolution No. 2010-51, adopted October 4, 2010

ANY VOTE CAST FOR APPROVAL OR REJECTION OF THIS PUBLIC MEASURE WILL NOT BE COUNTED.

The elections site only goes to 2010

CITY OF PALM COAST GOVERNANCE & CHARTER TIMELINE

(2002–2026)

PHASE 1 — ORIGINAL STRUCTURE (PRE-2018)

- The Charter was structured in Sections (1–12).
- District boundaries were clearly defined through maps and land descriptions.
- Vacancies were resolved through mandatory elections.
- Compensation was defined within the Charter itself.

Result: A stable, voter-controlled governance system existed.

PHASE 2 — 2018 CHARTER AMENDMENTS

- On April 3, 2018, Ordinance 2018-9 approved Charter amendments.
- On **November 6, 2018**, three amendments were presented to voters.

Actual Ballot Language:

- **Amendment 1:** "Shall the Charter be amended (1) to remove outdated portions of the Charter, (2) to replace the current legal boundary description with a general boundary statement, and (3) to revise requirements for consistency with state laws."
- **Amendment 2:** "Shall the Charter be amended to eliminate outdated language regarding an initial Charter review, to include an appointed Advisory Charter Review Committee in the Charter Review process, and to require a Charter review at least once every ten (10) years."
- **Amendment 3:** "Shall the Charter be amended to provide that a vacancy in the office of a council member be appointed within 90 days unless the vacancy occurs within 6 months of the next regularly scheduled election?"
- **The ballot language did not disclose a full structural rewrite of the Charter.**
- The Charter was later described as "**replaced in its entirety.**"

Concern: Full structural replacement was not clearly disclosed to voters.

PHASE 3 — STRUCTURAL REWRITE (2019)

- On **January 24, 2019**, the Charter transitioned from **Sections to Articles**.
- The Charter was significantly **reduced in length**, from 66 to 14 pages.
- Original **Sections 1, 2, and 3 were removed entirely**.
- **Article I** (Municipal Powers) corresponds to **former Section 4**.

- Section 9 (land descriptions) was removed.
- Section 12 (transition schedule) was removed.
- Compensation \$ language was removed from the Charter.
- Internal cross-references became misaligned.
- Referenced provisions (including Section 10) became missing or non-existent.

Result:

- Loss of structural clarity.
- District definitions no longer exist within the Charter text.
- The Charter is no longer self-contained or independently verifiable.

PHASE 4 — VACANCY LANGUAGE CHANGE (2022)

- On April 25, 2022, Mayor vacancy language was changed.
- Prior language required a special election within 30 days.
- Revised language states the Vice Mayor shall assume the office.
- Council vacancy language was also modified.
- Appointment authority extended to 90 days.
- Delay provisions were introduced.

Concern: A substantive governance change occurred without voter referendum.

PHASE 5 — INTERNAL CHARTER CONFLICT

- Article IV (7)(e) allows appointment and succession of vacancies.
- Article VII requires vacancies be returned to voters through election.
- Article VII (5)(a) refers back to Article IV (7)(e).
- This creates circular and incomplete legal guidance.
- The "FILLING OF VACANCY" language and "ELECTION" requirements cannot be reconciled.
- One permits extended appointment or succession.
- The other requires elections to return vacancies to voters.
- Both provisions cannot simultaneously be true without conflict.

Result:

- The Charter contains conflicting legal requirements.
- Election enforcement is not clearly defined.

PHASE 6 — DISTRICT 4 VACANCY (2024–2026)

- On August 19, 2024, the District 4 seat became vacant.
- The vacancy occurred prior to the November 5, 2024 election.
- **Approximately 79 days remained before the election.**
- The ballot submission deadline was September 6, 2024.
- On September 17, 2024, the Council interviewed approximately 10 applicants.
- On October 1, 2024, the Council appointed a replacement (Gambaro).
- The seat was not placed on the November 2024 ballot.
- No special election was called.
- No voter participation occurred for the vacancy.
- Article IV (4)(a) grants the Mayor authority to declare an emergency situation.
- An extended appointed seat (“parasite seat”) may disrupt lawful governance and voter representation.

Court Case: 2025-CA-000269

- The Court ruled special elections were not required.
- Quo warranto was identified as the exclusive remedy.
- Plaintiff was denied standing.
- The ruling relied on a presented Charter.
- The Charter relied upon contained missing provisions and broken references.
- The ruling reflects reliance on incomplete Charter structure.
- As of April, 2026, the appointed member remains seated.

Key Issue:

- The vacancy was never returned to voters.
- Appointment extended beyond temporary purpose.
- Election requirement was not fulfilled.
- Voter representation was bypassed.

PHASE 7 — ATTEMPT TO REMOVE ELECTED MAYOR (2025)

- On April 18, 2025, a Lawson Investigation Report was issued.
- An external investigation was commissioned.
- The subject involved allegations against the sitting Mayor.
- Multiple city officials and staff were interviewed.

- The investigation referenced internal conduct issues.
- It provided options for Council action.

Concern:

- Use of an external investigation affecting elected office.
- Financial cost to taxpayers.
- Potential influence on removal of a duly elected official.

PHASE 8 — DISTRICT BOUNDARY STRUCTURE

- Pre-2018, district maps and land descriptions were defined.
- Post-2019, Article VIII provides only generalized language.
- Article IX still requires maps and descriptions. The Charter no longer provide them.

Concern: District representation cannot be independently verified.

PHASE 9 — CHARTER DEFICIENCIES

- Section 10(2)(b) is referenced but not present.
- Article references do not align with original numbering.
- Cross-references are broken or circular.
- Provisions are missing within the Charter text.
- The Charter provided to the Review Committee is incomplete.

Impact:

- The Charter is structurally defective.
- It cannot be relied upon as a complete legal framework.
- Enforcement and interpretation are ambiguous.

PHASE 10 — COMPENSATION CHANGES

- 2019, Compensation language, Mayor \$, Council \$, was removed from the Charter.
- On April 19, 2022, approximately 151% Compensation increases were approved with benefits for the Mayor and Council members.
- During 2025–2026, approximately \$120,000 increase was approved for the City Attorney along with substantial Manager/Assistant/Deputy Manager pay.
- CPI-based adjustments were introduced in proposed rewrite.
- CPI allows automatic increases without voter approval.

Concern:

- No Charter-based limits exist.
- CPI is not a voter safeguard.
- Compensation is no longer tied to referendum authority.

PHASE 11 — CURRENT CONDITIONS (2026)

- Charter provisions conflict internally.
- Vacancy election requirements are not followed.
- District boundaries are not clearly defined.
- An appointed council seat remains without election.
- Municode version dated 03/13/2026 (Page 91) does not reflect actual officials.
- Official records do not align with actual seated officials.
- The Charter version provided to the Charter Review Committee is incomplete and contains missing provisions.
- City leadership directed reliance on a Charter version that is structurally deficient.

PHASE 12 — ACCELERATED CHARTER REVIEW

- A Charter Review Committee was accelerated for year 2026.
- This occurs approximately two years before the expected 2028 cycle.
- The review is occurring while:
 - Two council seats are appointed.
 - One appointed seat remains extended beyond temporary purpose.

Concern:

- Review is conducted outside normal schedule.
- Conducted under partially appointed governing body.
- Raises concerns regarding representation, timing, and validity.

PHASE 12A — 2024 BALLOT ATTEMPT — REMOVAL OF CHARTER SAFEGUARD

- In the 2024 General Election, a Charter Amendment was placed on the ballot proposing removal of Provision 3(e).
- Provision 3(e) functions as a fiscal safeguard, requiring voter approval for certain long-term financial obligations.

- The ballot language framed the change as expanding contracting authority, including public-private partnerships and financial instruments.
- The proposal would have removed a key **voter protection mechanism over multi-year financial commitments**.
- The amendment **failed at the ballot**, and voters rejected the removal of this safeguard.

Concern:

- An attempt was made to remove a core voter-approved financial protection without full transparency of its impact.
- The effort reflects continued pressure to bypass or weaken Charter-based voter oversight.
- This attempt to change the charter was done without the required charter review process.
- This attempt was made outside of the set 10 year review schedule.

PHASE 12B — P3 GUIDELINE CONFLICT (NOVEMBER 2025)

- In November 2025, the City introduced **Public-Private Partnership (P3) Guidelines**.
- The guidelines enable structuring of projects and financing **outside traditional Charter safeguards**.
- P3 mechanisms allow segmentation and classification of obligations in ways that **may avoid triggers under Provision 3(e)**.
- **Long-term financial commitments may be undertaken through enterprise structures and phased agreements**.
- **These structures can functionally extend repayment obligations beyond Charter limits without voter referendum**.

Conflict:

- Charter §3(e) requires voter approval for certain long-term or high-value obligations.
- P3 Guidelines create a parallel framework that can **circumvent or dilute Charter-based voter protections**.

Concern:

- Administrative guidelines are being used in place of Charter authority.
- Financial obligations may be incurred without direct voter approval.
- This represents a structural conflict between Charter mandates and policy-level implementation.

PHASE 12C — 2026 UTILITY BOND APPROVAL (~\$330 MILLION)

- In **January 2026**, the City approved approximately \$330,000,000 in utility bond financing.
- The bond issuance was structured under **enterprise fund justification**.

- The obligation represents a **long-term financial commitment extending beyond standard Charter thresholds**.
- Repayment is tied to **utility rate structures and future revenue streams**.
- Utility rates had already been increased effective **April 1, 2025**, prior to bond issuance.

Conflict:

- Charter §3(e) requires voter approval for certain long-term or high-value financial obligations.
- The bond structure was treated as exempt under enterprise fund classification.
- This creates a functional bypass of voter referendum requirements tied to financial commitments.

Concern:

- A substantial financial obligation was approved without direct voter approval.
- Ratepayers may bear long-term repayment obligations including interest.
- The structure aligns with P3-style mechanisms that segment or reclassify obligations.
- This reinforces a pattern of circumventing Charter-based fiscal safeguards.

IMPACT SUMMARY

The City has transitioned from an election-driven Charter system to one containing:

- **Internal conflicts.**
- **Missing provisions.**
- **Altered governance mechanisms.**
- **A vacancy not returned to voters.**

Result: Significant governance, legal, and financial oversight concerns.

KEY FINDINGS

- **Election integrity risk exists due to failure to return vacancy to ballot.**
- **Governance risk exists due to conflicting Charter provisions.**
- **Financial oversight risk exists due to removal of compensation controls.**
- **Legal exposure exists under Florida law and constitutional provisions.**

CLOSING STATEMENT

The Charter has been altered and applied in a manner that reduces voter oversight. Internal conflicts and missing provisions persist. A vacancy remains unreturned to voters. These conditions raise substantial governance, legal, and financial concerns.

MAYOR VACANCY ISSUE

1. ORIGINAL CHARTER REQUIREMENT (PRE-CHANGE)

Exact Charter Language (Art. IV — Filling of Vacancies):

"If, for any reason **other than recall**, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and **within 30 days** following the occurrence of such vacancy, a **Special Election shall be called** as outlined in Art. VII. **The Special Election for Mayor shall be for the remainder of the unfilled term.**"

Legal Effect

- "shall assume" = temporary assumption of office
- "shall be called" = mandatory election
- "within 30 days" = fixed timing requirement

Result: Authority returns directly to the electorate.

2. ARTICLE VII (ELECTIONS) — CONFIRMING PROVISION

Exact Charter Language (Art. VII, Sec. 5(a)):

"A **special election** for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, **shall be called within 30 days**, and the City Council shall, by resolution, fix the time for holding of such election. **Such special election for Mayor shall be for the remainder of the vacant term.**"

Result: Independent and mandatory election requirement confirming voter control.

3. 2022 CHARTER LANGUAGE (APRIL 25, 2022)

Exact Observed Language (2022 Version):

"The Vice Mayor **assumes the office of Mayor,**"

Key Issue: The required language — "within 30 days following the occurrence of such vacancy, a Special Election shall be called" — is not clearly present or directly tied to the Mayor vacancy provision.

4. INTERNAL CHARTER CONFLICT

Article VII requires a mandatory special election within 30 days, while the 2022 vacancy language reflects assumption of office without a clear election requirement.

Result: Ambiguity where none previously existed.

5. EFFECT OF THE CHANGE

The revised language allows interpretation that the Vice Mayor may remain in office without an election and the vacancy may be treated as permanently filled rather than temporary.

This contradicts the original Charter structure.

6. BALLOT AMENDMENT REVIEW (2018)

Amendment 1 — cleanup and consistency; Amendment 2 — Charter Review Committee; Amendment 3 — council vacancy procedures only.

Finding: No amendment addressed Mayor vacancy procedures.

7. FINDING

The original Charter required a mandatory special election within 30 days of a Mayor vacancy. The April 25, 2022 Charter **reflects assumption of office** without a clearly stated election requirement. **No voter-approved ballot amendment authorizes this change.**

8. LEGAL SIGNIFICANCE

- Ultra vires Charter modification
- Displacement of voter authority
- Internal Charter inconsistency
- Conflict in enforceability between provisions

9. CONCLUSION

The City's Charter was materially altered to eliminate or obscure the mandatory special election requirement for a Mayor vacancy without voter approval, creating both an internal conflict and an unlawful transfer of electoral authority.

10. COUNTS

COUNT I — VIOLATION OF CHARTER SUPREMACY

The Charter is the controlling legal document of the municipality. Any material change to its substance without voter approval violates the governing authority of the Charter itself.

Authority:

- Art. VIII, § 2(b), Fla. Const.
- § 166.031, Fla. Stat.

- *City of Miami Beach v. Fleetwood Hotel, Inc.*, 261 So.2d 801 (Fla. 1972)

COUNT II — UNAUTHORIZED CHARTER AMENDMENT (ULTRA VIRES ACTION)

The removal or alteration of the mandatory special election requirement constitutes a substantive amendment made without referendum, exceeding lawful municipal authority.

Authority:

- § 166.031, Fla. Stat.
- *State ex rel. Landis v. Town of Jupiter*, 147 So. 484 (Fla. 1933)
- *City of Winter Springs v. State*, 776 So.2d 255 (Fla. 2001)

COUNT III — DISENFRANCHISEMENT OF ELECTORS

By eliminating the required special election, the electorate is deprived of its Charter-guaranteed right to select a Mayor following a vacancy.

Authority:

- Art. I, § 1, Fla. Const.
- Art. VI, Fla. Const.
- *Boardman v. Esteva*, 323 So.2d 259 (Fla. 1975)

COUNT IV — INTERNAL CHARTER CONFLICT

The inconsistency between Article IV (Vacancies) and Article VII (Elections) creates an irreconcilable conflict, rendering the Charter ambiguous and improperly applied.

Authority:

- *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So.2d 452 (Fla. 1992)
- *City of St. Petersburg v. Siebold*, 48 So.2d 291 (Fla. 1950)

COUNT V — VIOLATION OF MANDATORY ELECTION REQUIREMENTS

The use of "shall" in the original Charter language establishes a non-discretionary duty to call a special election within 30 days. Failure to preserve or enforce this requirement violates the Charter's mandatory provisions.

Authority:

- *S.R. v. State*, 346 So.2d 1018 (Fla. 1977)
- *Neal v. Bryant*, 149 So.2d 529 (Fla. 1962)

COUNT VI — IMPROPER TRANSFER OF POWER

The shift from a voter-determined replacement to internal succession improperly transfers authority from the electorate to an unelected or indirectly selected official.

Authority:

- Art. I, § 1, Fla. Const.
- Art. VIII, § 1(a), Fla. Const.

- *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919)

11. WHEREFORE (RELIEF REQUESTED)

WHEREFORE, I respectfully request an investigation and or the relief that would:

- Declare that the City's Charter requires a mandatory special election within 30 days of a Mayor vacancy, as set forth in the unaltered versions of Article IV and Article VII;
- Declare that any interpretation or application of the Charter allowing the Vice Mayor to remain in office without such election is invalid and unenforceable;
- Issue a writ of mandamus compelling the City to comply with the unaltered Charter in the event of a Vacant Mayor seat in accordance with its mandatory provisions;
- Enjoin the City from enforcing or relying upon any altered or incomplete Charter language that conflicts with any voter-approved provisions.

12. STATEMENT

The City's Charter was materially altered to eliminate or obscure the mandatory special election requirement for a Mayor vacancy without voter approval, resulting in ultra vires action, disenfranchisement of electors, and an unlawful transfer of electoral authority.

VERIFICATION

I, the undersigned Complainant, certify under penalty of perjury that the foregoing is true and correct to the best of our knowledge and belief.

Dated: _____

Jeani Duarte, Plaintiff 24 Cloverdale Ct. S. Palm Coast, Florida 32137

NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ____ day of _____, 2026, by

Jeani Duarte, who is personally known to me or has produced _____ as identification.

Notary Public, State of Florida

Print Name: _____

Commission No.: _____

UNAUTHORIZED ALTERED CHARTER LANGUAGE AND EXPIRED APPOINTED COUNCIL, STILL OCCUPIES

1. ORIGINAL CHARTER REQUIREMENT (PRE 04/25/2022 Changes)

Exact Charter Language (Pre-Change — Sept. 14, 2021):

Filling of Vacancies.

"2. If, for any reason **other than recall**, a vacancy occurs in the office of any Council seat within the **first two years** of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats."

Legal Effect

- Appointment = temporary only
- "within 30 days" = fixed appointment deadline
- "shall last until the next regularly scheduled election" = required election trigger

Result: Authority returns directly to the electorate.

2. ELECTION REQUIREMENT — CONFIRMING PROVISION

Exact Charter Language (Art. VII — Elections, Sept. 14, 2021):

"(a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.

(b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term."

Result: Independent and mandatory election requirement confirming voter control.

3. POST-CHANGE CHARTER LANGUAGE (APRIL 25, 2022)

Exact Charter Language (Post-Change — April 25, 2022):

"1. If, for any reason **other than recall or assuming the office of Mayor**, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next

regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats."

Exact Charter Language (Art. VII — Elections, April 25, 2022):

"(a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.

(b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.

(5) Schedule for special elections.

(b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections."

Key Changes:

- "within 30 days" changed to "within 90 days"
- New phrase added: "or assuming the office of Mayor"
- New exception added: "If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment"

Key Issues:

- The April 25, 2022 language reflects substantive changes to the timing and conditions of appointment (30 days → 90 days; addition of delay provision);
- The Article VII language continues to mandate that the election "shall be held during the next regularly scheduled election";
- "All other special municipal elections" still apply to Council vacancies and must be conducted "in the same manner as regular elections," reinforcing that elections—not appointments—control the outcome;
- The Charter expressly states: "Such election shall be for the remaining 2 years of the original term," confirming that the vacancy must be resolved by election, not extended appointment;
- Despite these mandatory election provisions, the seat was not placed on the ballot;
- The combined reading of Articles IV and VII still requires election, not extended appointment;
- An appointment can never supersede or replace the electorate's opportunity to vote for their next council representative.
- The structure now creates potential for delayed or extended appointments inconsistent with the original Charter framework.

4. CURRENT APPLICATION (2024–2026)

Observed Facts:

- Council Seat became vacant: **August 19, 2024**

- Approximately, **79 days before** the next regularly scheduled election.
- Appointment made: **October 1, 2024**
- General Election: **November 5, 2024**
- Seat was **NOT placed on the ballot**
- Appointed member **remains seated as of April 09 2026**
- **No election of any kind has been held** to replace the appointed member for this seat

Key Issues:

- The vacancy occurred approximately 79 days prior to the next regularly scheduled election, placing it within an active election cycle;
- The Charter requires that such appointments last only until the next regularly scheduled election;
- Despite this, the seat was not placed on the November 5, 2024 ballot;
- The appointed member continues to serve well beyond the Charter-defined temporary period;
- No election has been conducted to return the seat to the electorate.

5. INTERNAL CHARTER CONFLICT / MISAPPLICATION

The Charter requires:

- Temporary appointment; AND
- Placement on the next available ballot

However, application reflects:

- Continued appointment without election

Result: Direct conflict between Charter mandate and actual practice.

6. EFFECT OF THE CHANGE / MISAPPLICATION

The current structure allows:

- An appointed official to serve beyond temporary authority; and
- Avoidance of required voter election

This contradicts the Charter's voter-control framework.

7. BALLOT AMENDMENT REVIEW (2018)

Exact Ballot Language (Amendment 3 — Council Vacancy):

"Shall the Charter be amended to provide that a vacancy in the office of a council member be appointed within 90 days unless the vacancy occurs within 6 months of the next regularly scheduled election?"

Analysis:

- The ballot language addresses **ONLY** the timing of appointment ("within 90 days") and a narrow timing exception ("unless the vacancy occurs within 6 months of the next regularly scheduled election");
- The ballot language does **NOT** include the added Charter phrase "or assuming the office of Mayor";
- The ballot language does **NOT** alter or remove Article VII's mandate that an election "shall be held during the next regularly scheduled election";
- The ballot language does **NOT** authorize delaying the election itself or extending service beyond the next regularly scheduled election;
- The ballot language does **NOT** authorize indefinite service by appointment.

Finding: The 2018 ballot does not support or authorize the post-change language or any interpretation that permits avoiding the required election.

8. FINDING

The Charter requires temporary appointment followed by election at the next available election cycle. The 2024–2026 application reflects continued service without election.

No voter-approved ballot amendment authorizes this deviation.

9. LEGAL SIGNIFICANCE

- **Ultra vires Charter violation**
 - § 166.031, Fla. Stat. (charter amendments require voter approval)
 - Art. VIII, § 2(b), Fla. Const. (home rule subject to charter)
- **Disenfranchisement of voters**
 - Art. I, § 1, Fla. Const. (all political power inherent in the people)
 - Art. VI, Fla. Const. (right to vote)
- **Failure to follow mandatory election procedures**
 - Charter Art. VII ("shall be held during the next regularly scheduled election")
 - § 100.101, Fla. Stat. (general election framework)
- **Improper extension of appointed authority**
 - Art. VIII, § 1(a), Fla. Const. (local government by elected officials)
- **Denial of elector franchise through non-placement on ballot**

- *Boardman v. Esteve*, 323 So.2d 259 (Fla. 1975)
- **Conflict between governing provisions (Art. IV vs Art. VII)**
 - *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So.2d 452 (Fla. 1992)

10. CONCLUSION

The City failed to place a Charter-required council vacancy on the ballot, allowing an appointed official to remain in office without voter approval, in direct conflict with the Charter.

11. COUNTS

COUNT I — VIOLATION OF CHARTER SUPREMACY

Authority:

- Art. VIII, § 2(b), Fla. Const.
- § 166.031, Fla. Stat.
- *City of Miami Beach v. Fleetwood Hotel, Inc.*

COUNT II — ULTRA VIRES ACTION

Authority:

- § 166.031, Fla. Stat.
- *State ex rel. Landis v. Town of Jupiter*

COUNT III — DISENFRANCHISEMENT OF ELECTORS

Authority:

- Art. I, § 1, Fla. Const.
- Art. VI, Fla. Const.
- *Boardman v. Esteve*

COUNT IV — FAILURE TO CONDUCT REQUIRED ELECTION

Authority:

- Charter Article VII (mandatory election requirements)
- *S.R. v. State*

COUNT V — IMPROPER EXTENSION OF APPOINTED OFFICE

Authority:

- Art. VIII, Fla. Const.

COUNT VI — IMPROPER TRANSFER OF POWER

Authority:

- Art. I, § 1, Fla. Const.
- *State ex rel. Holloway v. Sheats*

12. WHEREFORE (RELIEF REQUESTED)

WHEREFORE, I respectfully request:

- A. Declaration that continued service of an appointed member without election is invalid;
- B. Mandamus compelling compliance with Charter election requirements;
- C. A public acknowledgment of the facts and findings set forth herein, including that the Charter-required election was not conducted and that such omission resulted in disenfranchisement of electors;
- D. An order declaring null and void any votes cast or actions taken by the improperly seated appointed member during the period of unlawful service, to the extent permitted by law;

13. STATEMENT

The City failed to comply with its Charter by allowing an appointed council member to remain in office without the required election, resulting in disenfranchisement and unlawful retention of office.

VERIFICATION

I certify under penalty of perjury that the foregoing is true and correct.

Dated: _____

Jeani Duarte

NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF FLAGLER

Sworn before me this ____ day of _____, 2026.

Notary Public

Nov. 13, 2025

Published in 2004 by Order of the City Council

Adopted: January 18, 2005

Effective: January 18, 2005

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P.O. Box 2235 Tallahassee, FL 32316

CURRENT OFFICIALS

of the

CITY OF

PALM COAST, FLORIDA

David Alfin

Mayor

Ed Danko—District 1

John M. Fanelli III—District 2

Nick Klufas—District 3

Eddie Branquinho—District 4

City Council Members

Nov, 13, 2025

Denise Bevan

City Manager

Neysa Borkert

City Attorney

Virginia A. Smith, MMC, CP

City Clerk

PREFACE

This Code constitutes a complete codification of the general and permanent ordinances of the City of Palm Coast, Florida.

Source materials used in the preparation of the Code were the ordinances adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the

Updated 03/13/2026

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of the

CITY OF

PALM COAST, FLORIDA

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Mayor

~~Eddie~~ Danko Miller — District 1

~~John~~ Theresa M. Carli Fanelli III Pontieri — District 2

~~Nick~~ David Klufas Sullivan — District 3

~~Eddie~~ Charles Branquinho A. Gambaro, Jr. — District 4

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Updated 03/13/2026

Denise Michael Bevan McGlothlin

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Sec. 5 (7)(e)

(b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

(a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.

(b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:

1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
2. Is convicted of a felony, or enters a plea of guilty *ornolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty *ornolo contendere* thereto, even if adjudication of guilt has been withheld;
4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
5. Is absent from three consecutive regular Council meetings without being excused by the Council.

(c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.

(d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.

(e) Filling of vacancies.

1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in section 8(5)(b). The Special Election for Mayor shall be for the remainder of the unfilled term.
2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. "Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.)"

VERSION: JUL 30, 2019 (ARCHIVE) ▾

CITY OF

08/09/2022 SUPPLEMENT 37

04/25/2022 SUPPLEMENT 36

Changes ←

09/14/2021 SUPPLEMENT 35

08/24/2020 SUPPLEMENT 34

02/14/2020 SUPPLEMENT 33

07/30/2019 SUPPLEMENT 32

01/24/2019 SUPPLEMENT 31

Nov. 6, 2018

— Election

09/10/2018 SUPPLEMENT 30

02/07/2018 SUPPLEMENT 29

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- (e) Filling of vacancies.

1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in ~~section 8(5)(b) Art. _____~~. The Special Election for Mayor shall be for the remainder of the unfilled term.

If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.

4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in ~~section 8(5)(b) Art. _____~~.

5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.

Commented [MK1]: NOTE: §5(e)(2)(3) subject to separate amendment ballot question

- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.

- (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.

- (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours prior notice of the meeting to the public, unless a declared emergency situation exists.

- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be

City Charter Amendment 2:

TITLE:

CHARTER AMENDMENT TO REVISE THE CHARTER REVIEW PROCESS TO INCLUDE AN ADVISORY CHARTER COMMITTEE.

SUMMARY:

Shall the Charter be amended to eliminate outdated language regarding an initial Charter review to include an appointed Advisory Charter Review Committee in the Charter review process, and to require a Charter review at least once every ten (10) years.

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

City Charter Amendment 3:

TITLE:

CHARTER AMENDMENT TO REVISE THE PROCESS TO FILL A VACANCY IN THE OFFICE OF ~~THE MAYOR OR OF A COUNCIL SEAT MEMBER.~~

SUMMARY:

Shall the Charter be amended to provide that ~~if a vacancy in the office of the Mayor shall be filled by the Vice Mayor eliminating the need for a special election; and if a~~ a vacancy in the office of a council ~~seat member~~ be appointed within 30 days unless the vacancy occurs within 6 months of the next regularly scheduled election?

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

City Charter Amendment 3:

TITLE:

**CHARTER AMENDMENT TO REVISE THE PROCESS TO FILL A VACANCY
IN THE OFFICE OF ~~THE MAYOR OR OF~~ A COUNCIL SEAT MEMBER.**

SUMMARY:

Shall the Charter be amended to provide that ~~(1) a vacancy in the office of Mayor shall be filled by the Vice Mayor, eliminating the need for a special election, and (2) that~~ a vacancy in the office of a council ~~seat member~~ be appointed within 30 days unless the vacancy occurs within 6 months of the next regularly scheduled election?

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

Ordinance 2018-_____

Page 3 of 5

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Page 183

City Charter Amendment 4:

____ TITLE: _____

~~CHARTER AMENDMENT TO REVISE THE CHARTER INITIATIVE AND REFERENDUM PROCESS TO COMPLY WITH STATE LAW.~~

~~SUMMARY:~~

~~Shall the Charter be amended to change the percentage of qualified electors entitled to initiate the referendum, initiative, and Charter amendment processes consistent with state law and to add a detailed process for the conduct of any such initiative and referendums;~~

~~Shall the above-described Charter Amendment be adopted?~~

____ For _____

____ Against _____

City Charter Amendment 5:

____ TITLE: _____

~~CHARTER AMENDMENT TO INCREASE THE NUMBER OF COUNCIL MEMBERS FROM FIVE (5) TO SEVEN (7).~~

~~SUMMARY:~~

~~Shall the Charter be amended to increase the number of Council Members from five (5) to seven (7) to provide for the election of a Mayor and two (2) Council members at large, and to provide for four (4) Council districts, elected at large, but with required District residency;~~

~~Shall the above-described Charter Amendment be re-stated?~~

____ For _____

____ Against _____

Proposed City Charter Amendment 1:

TITLE:

CHARTER AMENDMENT TO UPDATE OUTDATED AND TO CLARIFY AMBIGUOUS CHARTER PROVISIONS.

SUMMARY:

Shall the Charter be amended to delete obsolete sections, to replace the current legal boundary description with a general boundary statement, to establish Council salaries by resolution, and to revise requirements for consistency with state laws.

TITLE:

CHARTER AMENDMENTS TO UPDATE OUTDATED AND TO CLARIFY AMBIGUOUS CHARTER PROVISIONS.

SUMMARY:

Shall the Charter be amended (1) to ~~delete obsolete sections~~ remove outdated portions of the Charter, (2) to replace the current legal boundary description with a general boundary statement, ~~to establish Council salaries by resolution~~, and (3) to revise requirements for consistency with state laws.

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

SEE EXHIBIT "A"

2018

Proposed City Charter Amendment 3:

TITLE:

CHARTER AMENDMENT TO REVISE THE PROCESS TO FILL A VACANCY IN THE OFFICE OF ~~THE MAYOR OR~~ OF A COUNCIL SEAT MEMBER.

SUMMARY:

Shall the Charter be amended to provide that ~~(1) a vacancy in the office of Mayor shall be filled by the Vice Mayor eliminating the need for a separate section, and that~~ a vacancy in the office of a council ~~seat member~~ be appointed within 90 days?

Proposed New Language:

(e) Filling of vacancies.

~~1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor and shall serve until the next regularly scheduled election or within a term the office of the Mayor shall be declared open and an election held for the remaining two years of the original term or the regular four-year term depending on when such vacancy occurred.~~

2. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

3. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.

2018

City Charter Amendment 4:

~~TITLE:~~

~~CHARTER AMENDMENT TO REVISE THE CHARTER INITIATIVE AND REFERENDUM PROCESS TO COMPLY WITH STATE LAW~~

~~SUMMARY:~~

~~Shall the Charter be amended to change the percentage of qualified electors needed to initiate the referendum, initiative, and Charter amendment process as consistent with state law and to add a detailed process for the conduct of any such initiative and referendums.~~

Proposed New Language:

~~(2) Initiative and referendum. At least 16 percent of the qualified electors of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to the Charter. If the Council fails to adopt such ordinance or Charter amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or Charter amendment or the repeal of the adopted ordinance, on the ballot at the next general election. The procedure for such initiative or referendum shall be as established by ordinance.~~

Existing Charter Language:

(3) Initiative and referendum. At least 25 percent of the qualified electors of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to the Charter. If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment or the repeal of the adopted ordinance on the ballot at the next general election.

2018

Proposed City Charter Amendment #3

~~TITLE:~~

~~CHARTER AMENDMENT TO INCREASE THE NUMBER OF COUNCIL MEMBERS FROM FIVE (5) TO SEVEN (7).~~

~~SUMMARY:~~

~~Shall the Charter be amended to increase the number of Council Members from five (5) to seven (7) to provide for the election of a Mayor and two (2) Council members at large, and to provide for four (4) Council districts, elected at large, but with required District residency.~~

Proposed New Language:

~~Section 5. City Council.~~

~~(1) City Council: composition; qualifications for office.~~

~~(a) Composition:~~

- ~~1. There shall be a seven-member City Council consisting of six Council members and a Mayor.~~
- ~~2. There shall be four districts within the City; the boundaries of each shall be as outlined in section 9(2). These districts shall be designated as District One, District Two, District Three and District Four. One seat for each of these four District seats shall run from the district in which they live, and be elected at large; and, such Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four. The remaining two Council Members Seats Five and Six, shall be elected at large and shall live within the City boundaries.~~
- ~~3. The Mayor shall live within the City boundaries. The Mayor shall be elected at large, and be elected at large.~~

Further language will need to be added for transition from four to six Council seats (including 5b), Qualifications for office, §10(4), Adjuncts of Districts, and also be added to Section 10, Charter Review to clarify this increase in Council seats.

Existing Charter Language:

~~Sec. 5. City Council.~~

~~(1) City Council: composition; qualifications for office.~~

~~(a) Composition:~~

Charter Amendments 2018

**CITY OF PALM COAST
VOTERS ONLY**

**City of Palm Coast - City Charter
Amendment 1
Charter Amendments to
Update Outdated and to Clarify
Ambiguous Charter Provisions**

Shall the Charter be amended (1) to remove outdated portions of the Charter; (2) to replace the current legal boundary description with a general boundary statement; and (3) to revise requirements for consistency with state laws.

- Yes
 No

**City of Palm Coast - City Charter
Amendment 2
Charter Amendment to Revise
the Charter Review Process
to Include an Advisory Charter
Committee**

Shall the Charter be amended to eliminate outdated language regarding an initial Charter review, to include an appointed Advisory Charter Review Committee in the Charter Review process, and to require a Charter review at least once every ten (10) years.

- Yes
 No

**City of Palm Coast - City Charter
Amendment 3
Charter Amendment Revising
How to Fill a Vacancy in the
Office of a Council Member**

Shall the Charter be amended to provide that a vacancy in the office of a council member be appointed within 90 days unless the vacancy occurs within 6 months of the next regularly scheduled election?

- Yes
 No

CITY OF PALM COAST - CHARTER^[1]

Art. I. - Municipal powers.

NEW

The City of Palm Coast, hereinafter "City," shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. II. - Form of government.

NEW

The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Art. IV) shall be to set policy; the general duties of the Manager (described in Art. V) shall be to carry out those policies.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. III. - Corporate limits.

NEW

The corporate limits of the City shall consist of the boundaries in the initial Charter of Palm Coast filed December 31, 1999, in the Secretary of State's office, State of Florida, and, in addition thereto, all lands annexed by the City of Palm Coast, Florida, subsequent to December 31, 1999 and prior to the effective date of this Charter. All Ordinances of annexation of the City of Palm Coast heretofore adopted and as may be adopted subsequent to the effective date of this Charter are hereby incorporated herein and the lands described in such Ordinances, together with the boundaries of the City as previously described, are hereby extended to the corporate limits of the City of Palm Coast, Florida.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. IV. - City council.

NEW

(1) City Council: composition; qualifications for office.

(a) Composition.

1. There shall be a five member City Council consisting of four District members and a Mayor.
2. There shall be four districts within the City, the boundaries of which are as outlined in Article VIII. These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.

(b) Qualifications for office:

1. Each candidate for office shall be a qualified elector of the City.
2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electorate residing within the district (as identified in the most recent decennial census) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought or, Pay to the City Clerk a qualifying fee of ten percent of the salary of the office he/she seeks to run for.
 - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
3. Each individual seeking to qualify as a candidate for Mayor shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census) no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk a qualifying fee of ten percent of the Mayoral salary.
 - b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's, the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.

(2) *Terms of office.*

- (a) The term of office for each District Member shall be four years.
- (b) No Council member or Mayor may serve more than two successive four-year terms in the same seat.
- (c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.

(3) *Powers and duties of Council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.

(4) *Powers and duties of the Mayor.*

- (a) *Powers.* In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.
- (b) *Duties.* In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

- (a) *Election.* There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
- (b) *Duties.* The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as

provided for in Art. IV. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

- (a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.
- (b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.
- (b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:
 - 1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
 - 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
 - 3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
 - 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
 - 5. Is absent from three consecutive regular Council meetings without being excused by the Council.
- (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:
 - 1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 - 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.
 - 1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.
 - 2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
 - (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
 - (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.
- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. V. - Charter officers.

D&W

The designated Charter Officers shall be the City Manager and the City Attorney.

- (1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.
 - (a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.
 - (b) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written

Jan 24, 2019

4

request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.

- (c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council.
 - (d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.
 - (e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.
- (2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.
- (a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.
 - (b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.
 - (c) Power and Duties. The City Manager shall:
 - 1. Attend all meetings of the City Council.
 - 2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.
 - 3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
 - 4. Provide administrative services as required by the Mayor and the Council.
 - 5. Appoint a City Clerk to serve at his/her pleasure.
 - 6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
 - 7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
 - 8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.
 - 9. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.
 - 10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.
 - 11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.
 - 12. Sign contracts on behalf of the City to the extent authorized by the Council.
 - 13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.

Jan, 24, 2019

- (b) **Residency.** If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
- (c) **Powers and Duties.** The City Attorney shall:
1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
 2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.
 3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.
 4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VI. - Budget and appropriations.

TCW

- (1) **Fiscal year.** The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) **Budget adoption.** The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) **Appropriation amendments during the fiscal year:** Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
 - (a) **Supplemental appropriations.** If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
 - (b) **Reduction of appropriations.** If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.
 - (c) **Transfer of appropriations.** At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
 - (d) **Limitations: Effective date.** No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Jan. 24. 2019

6

- (e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VII. - Elections.

DEW

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
 - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
 - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
 - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
 - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
 - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
 - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
 - (c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:
 1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
 2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.
 - (d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:
 1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
 2. The candidate whose call matches the coin toss shall be declared the winner.

- (7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VIII. - City council district boundaries.

NEW

The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. IX. - General provisions.

NEW

- (1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes (F.S. ch. 166), as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.
- (2) *Charter review; schedule, Charter Review Committee.*
- (a) *Schedule.* The Charter shall be reviewed no sooner than 10 years after the creation of the City of Palm Coast on December 31, 1999, and thereafter it may be reviewed every 10 years.
- (b) *Charter Review Committee.* A five-member Charter Review Committee shall be appointed. Each district council member shall appoint one member from his or her district, and the Mayor shall appoint one member at large. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election. The Palm Coast City Council shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.
- (3) *Initiative and referendum.* At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. ^[2] If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. This Procedure for such initiative or referendum shall be as established by ordinance.
- (4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*
- (a)

Jan. 24, 2019

Number of districts. There shall be four City Council districts as described in subsection (2) of Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed. All Council district boundaries shall be based upon population data derived from the most recent decennial census.

- (b) **Districting commission.** By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the City in any other capacity.
- (c) **Commission report.** Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:

1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.
2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.

- (d) **Support.** It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
- (e) **Procedure.** The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
- (f) **Failure to enact ordinance.** After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
- (g) **Effect of enactment.**
1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.
 2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
 3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.
- (5) **Standards of conduct.** All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art X. - Severability

new

Jan. 24, 2019

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

[SUPPLEMENT HISTORY TABLE](#)

[CHARTER COMPARATIVE TABLE - LAWS OF FLORIDA](#)

Jan. 24, 2019

10

CITY OF PALM COAST - CHARTER^[1]

Footnotes:

-- (1) --

Editor's note— Ord. No. [2018-9](#), § 1, adopted April 3, 2018, approved proposed amendments to the Charter, which, in effect, replaced the Charter in its entirety. The former Charter had been amended by H.B. No. 527, §§ 1—2, 4—6, adopted on 5-1-02; Ord. No. 03-08, § 1, adopted on 4-15-03; Ord. No. 03-09, § 2, adopted on 5-20-03; Ord. No. 07-07, § 1, adopted on 4-3-07; Ord. No. 07-27, Exh. A, adopted on 12-18-07; Ord. No. 09-13, § 3, adopted on 6-2-09; Ord. No. 2011-9, § 2(Exh. A), adopted on 6-21-11; Ord. No. 2011-15, § 3, adopted on 8-16-11; Ord. No. 2011-03, § 2, adopted on 9-13-11; Ord. No. 2011-21, § 2, adopted on 9-13-11; Ord. No. 2013-07, § 3(Exh. A), adopted on 10-1-13; Ord. No. 2014-4, §§ 1—3, adopted on 2-4-14; Ord. No. 2014-12, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2014-13, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2015-01, § 2(Exhs. A1—4), adopted on 2-17-15; Ord. No. 2015-11, § 3(Exhs. A—D), adopted on 10-6-15; Ord. No. 2017-1, § 1(Exh. A), adopted on 1-17-17, and has been renumbered from §§ 1—12 to Arts. I—X, as set out herein.

Art. I. - Municipal powers.

The City of Palm Coast, hereinafter "City," shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. II. - Form of government.

The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Art. IV) shall be to set policy; the general duties of the Manager (described in Art. V) shall be to carry out those policies.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. III. - Corporate limits.

The corporate limits of the City shall consist of the boundaries in the initial Charter of Palm Coast filed December 31, 1999, in the Secretary of State's office, State of Florida, and, in addition thereto, all lands annexed by the City of Palm Coast, Florida, subsequent to December 31, 1999 and prior to the effective date of this Charter. All Ordinances of annexation of the City of Palm Coast heretofore adopted and as may be adopted subsequent to the effective date of this Charter are hereby incorporated herein and the lands described in such Ordinances, together with the boundaries of the City as previously described, are hereby extended to the corporate limits of the City of Palm Coast, Florida.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. IV. - City council.

(1) City Council: composition; qualifications for office.

(a) Composition.

1.

July 30, 2019

There shall be a five member City Council consisting of four District members and a Mayor.

2. There shall be four districts within the City, the boundaries of which are as outlined in Article VIII. These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
 3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.
- (b) Qualifications for office:
1. Each candidate for office shall be a qualified elector of the City.
 2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electorate residing within the district (as identified in the most recent decennial census) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought or, Pay to the City Clerk a qualifying fee of ten percent of the salary of the office he/she seeks to run for.
 - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
 3. Each individual seeking to qualify as a candidate for Mayor shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census) no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk a qualifying fee of ten percent of the Mayoral salary.
 - b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's, the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.
- (2) *Terms of office.*
- (a) The term of office for each District Member shall be four years.
 - (b) No Council member or Mayor may serve more than two successive four-year terms in the same seat.
 - (c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.
- (3) *Powers and duties of Council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.
- (4) *Powers and duties of the Mayor.*
- (a) *Powers.* In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.
 - (b) *Duties.* In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to

July 30 2019

2

accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

- (5) *The Vice-Mayor: election and duties.*
- (a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
 - (b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in Art. IV. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.
- (6) *Compensation and expenses.*
- (a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.
 - (b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.
- (7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*
- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.
 - (b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:
 - 1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
 - 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
 - 3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
 - 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
 - 5. Is absent from three consecutive regular Council meetings without being excused by the Council.
 - (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:
 - 1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 - 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
 - (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
 - (e) Filling of vacancies.
 - 1.

July 30, 2019

If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.

2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) *Organizational meeting.* The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
 - (b) *Quorum.* A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
 - (c) *Special meetings.* Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.
- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. V. - Charter officers.

The designated Charter Officers shall be the City Manager and the City Attorney.

4
4.1.30.2019

- (1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.
 - (a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.
 - (b) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.
 - (c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council.
 - (d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.
 - (e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.
- (2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.
 - (a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.
 - (b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.
 - (c) Power and Duties. The City Manager shall:
 1. Attend all meetings of the City Council.
 2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.
 3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
 4. Provide administrative services as required by the Mayor and the Council.
 5. Appoint a City Clerk to serve at his/her pleasure.
 6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
 7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
 8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.
 9. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.
 10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.
 11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.

July 30, 2019

5

12. Sign contracts on behalf of the City to the extent authorized by the Council.
 13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.
 - (b) Residency. If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
 - (c) Powers and Duties. The City Attorney shall:
 1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
 2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.
 3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.
 4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VI. - Budget and appropriations.

- (1) *Fiscal year.* The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) *Budget adoption.* The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) *Appropriation amendments during the fiscal year:* Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
 - (a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
 - (b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.
 - (c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

July 30 2019

6

- (d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- (e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
 - (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
 - (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
 - (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
 - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
 - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
 - (5) *Schedule for special elections.*
 - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
 - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
 - (6) *Determination of election to office.*
 - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
 - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
 - (c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:
 - 1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
 - 2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.
- (d)

July 30, 2019

7

The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
 2. The candidate whose call matches the coin toss shall be declared the winner.
- (7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VIII. - City council district boundaries.

The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. IX. - General provisions.

- (1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes (F.S. ch. 166), as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.
- (2) *Charter review; schedule, Charter Review Committee.*
 - (a) *Schedule.* The Charter shall be reviewed no sooner than 10 years after the creation of the City of Palm Coast on December 31, 1999, and thereafter it may be reviewed every 10 years.
 - (b) *Charter Review Committee.* A five-member Charter Review Committee shall be appointed. Each district council member shall appoint one member from his or her district, and the Mayor shall appoint one member at large. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election. The Palm Coast City Council shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.
- (3) *Initiative and referendum.* At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. ^[2] If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. This Procedure for such initiative or referendum shall be as established by ordinance.
- (4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*
 - (a)

July 30, 2019

Number of districts. There shall be four City Council districts as described in subsection (2) of Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed. All Council district boundaries shall be based upon population data derived from the most recent decennial census.

- (b) *Districting commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the City in any other capacity.
- (c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:
 - 1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.
 - 2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.

- (d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
- (e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
- (f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
- (g) *Effect of enactment.*
 - 1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.
 - 2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
 - 3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.

- (5) *Standards of conduct.* All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art X. - Severability.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

1,111 30 2019

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

[SUPPLEMENT HISTORY TABLE](#)

[CHARTER COMPARATIVE TABLE - LAWS OF FLORIDA](#)

July 30, 2019

10

CITY OF PALM COAST - CHARTER^[1]

Footnotes:

-- (1) --

Editor's note— Ord. No. [2018-9](#), § 1, adopted April 3, 2018, approved proposed amendments to the Charter, which, in effect, replaced the Charter in its entirety. The former Charter had been amended by H.B. No. 527, §§ 1—2, 4—6, adopted on 5-1-02; Ord. No. 03-08, § 1, adopted on 4-15-03; Ord. No. 03-09, § 2, adopted on 5-20-03; Ord. No. 07-07, § 1, adopted on 4-3-07; Ord. No. 07-27, Exh. A, adopted on 12-18-07; Ord. No. 09-13, § 3, adopted on 6-2-09; Ord. No. 2011-9, § 2(Exh. A), adopted on 6-21-11; Ord. No. 2011-15, § 3, adopted on 8-16-11; Ord. No. 2011-03, § 2, adopted on 9-13-11; Ord. No. 2011-21, § 2, adopted on 9-13-11; Ord. No. 2013-07, § 3(Exh. A), adopted on 10-1-13; Ord. No. 2014-4, §§ 1—3, adopted on 2-4-14; Ord. No. 2014-12, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2014-13, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2015-01, § 2(Exhs. A1—4), adopted on 2-17-15; Ord. No. 2015-11, § 3(Exhs. A—D), adopted on 10-6-15; Ord. No. 2017-1, § 1(Exh. A), adopted on 1-17-17, and has been renumbered from §§ 1—12 to Arts. I—X, as set out herein.

Art. I. - Municipal powers.

The City of Palm Coast, hereinafter "City," shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. II. - Form of government.

The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Art. IV) shall be to set policy; the general duties of the Manager (described in Art. V) shall be to carry out those policies.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. III. - Corporate limits.

The corporate limits of the City shall consist of the boundaries in the initial Charter of Palm Coast filed December 31, 1999, in the Secretary of State's office, State of Florida, and, in addition thereto, all lands annexed by the City of Palm Coast, Florida, subsequent to December 31, 1999 and prior to the effective date of this Charter. All Ordinances of annexation of the City of Palm Coast heretofore adopted and as may be adopted subsequent to the effective date of this Charter are hereby incorporated herein and the lands described in such Ordinances, together with the boundaries of the City as previously described, are hereby extended to the corporate limits of the City of Palm Coast, Florida.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. IV. - City council.

(1) City Council: composition; qualifications for office.

(a) Composition.

1.

Sept. 14, 2021

There shall be a five member City Council consisting of four District members and a Mayor.

2. There shall be four districts within the City, the boundaries of which are as outlined in Article VIII. These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
 3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.
- (b) Qualifications for office:
1. Each candidate for office shall be a qualified elector of the City.
 2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electorate residing within the district (as identified in the most recent decennial census) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought or, Pay to the City Clerk a qualifying fee of ten percent of the salary of the office he/she seeks to run for.
 - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
 3. Each individual seeking to qualify as a candidate for Mayor shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census) no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk a qualifying fee of ten percent of the Mayoral salary.
 - b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's, the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.
- (2) *Terms of office.*
- (a) The term of office for each District Member shall be four years.
 - (b) No Council member or Mayor may serve more than two successive four-year terms in the same seat.
 - (c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.
- (3) *Powers and duties of Council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.
- (4) *Powers and duties of the Mayor.*
- (a) Powers. In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.
 - (b) Duties. In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to

Sept. 14, 2021

accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

- (a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
- (b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in Art. IV. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

- (a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.
- (b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.
- (b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:
 - 1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
 - 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
 - 3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
 - 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
 - 5. Is absent from three consecutive regular Council meetings without being excused by the Council.
- (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:
 - 1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 - 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.

1.

Sept. 14, 2021

3

If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.

2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
 - (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
 - (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.
- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. V. - Charter officers.

The designated Charter Officers shall be the City Manager and the City Attorney.

4
Sept. 14, 2021

- (1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.
 - (a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.
 - (b) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.
 - (c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council.
 - (d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.
 - (e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.
- (2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.
 - (a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.
 - (b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.
 - (c) Power and Duties. The City Manager shall:
 1. Attend all meetings of the City Council.
 2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.
 3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
 4. Provide administrative services as required by the Mayor and the Council.
 5. Appoint a City Clerk to serve at his/her pleasure.
 6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
 7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
 8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.
 9. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.
 10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.
 11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.

Sept 14, 2021

5

12. Sign contracts on behalf of the City to the extent authorized by the Council.
 13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.
 - (b) Residency. If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
 - (c) Powers and Duties. The City Attorney shall:
 1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
 2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.
 3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.
 4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VI. - Budget and appropriations.

- (1) *Fiscal year.* The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) *Budget adoption.* The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) *Appropriation amendments during the fiscal year:* Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
 - (a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
 - (b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.
 - (c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
 - (d)

Sept 14, 2021

Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

- (e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
 - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
 - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
 - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
 - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
 - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
 - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
 - (c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:
 - 1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
 - 2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.
 - (d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:
 - 1.

Sept. 14, 2021

7

At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.

2. The candidate whose call matches the coin toss shall be declared the winner.

- (7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Editor's note— Ordinance 2014-5, adopted February 4, 2014, added Section 2-37(e), Election Procedures; Canvass of Returns, to the Code of Ordinances, recognizing Division of Elections Opinion 95-05 and state law that where City and County elections appear on the same ballot, only the County Canvassing Board may canvass the election; providing therefore that the Flagler County Canvassing Board shall canvass the returns of all City elections held in conjunction with County elections.

Art. VIII. - City council district boundaries.

The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. IX. - General provisions.

- (1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes (F.S. ch. 166), as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.
- (2) *Charter review; schedule, Charter Review Committee.*
- (a) *Schedule.* The Charter shall be reviewed no sooner than 10 years after the creation of the City of Palm Coast on December 31, 1999, and thereafter it may be reviewed every 10 years.
- (b) *Charter Review Committee.* A five-member Charter Review Committee shall be appointed. Each district council member shall appoint one member from his or her district, and the Mayor shall appoint one member at large. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election. The Palm Coast City Council shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.
- (3) *Initiative and referendum.* At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. ^[2] If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. This Procedure for such initiative or referendum shall be as established by ordinance.
- (4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*

Sept. 14, 2021

- (a) *Number of districts.* There shall be four City Council districts as described in subsection (2) of Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed. All Council district boundaries shall be based upon population data derived from the most recent decennial census.
- (b) *Districting commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the City in any other capacity.
- (c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:
1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.
 2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.
- The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.
- (d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
- (e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
- (f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
- (g) *Effect of enactment.*
1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.
 2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
 3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.
- (5) *Standards of conduct.* All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art X. - Severability.

Sept. 14, 2021

9

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

[SUPPLEMENT HISTORY TABLE](#)

[CHARTER COMPARATIVE TABLE - LAWS OF FLORIDA](#)

10

Sept. 14, 2021

1. If, for any reason other than recall ~~or~~ or assuming the office of Mayor, ~~the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.~~
 - ~~2.~~ 2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within ~~30~~ 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 - ~~3.~~ 2. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within ~~30~~ 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 - ~~4.~~ 3. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 - ~~5.~~ 4. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
 - (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
 - (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours] prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.
- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of

April 25, 2022

4

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.

(e) Filling of vacancies.

1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.
 2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

(a)

Sept 14, 2021

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.
1. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
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- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.

April 25, 2022

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.

(e) Filling of vacancies.

1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.
 2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

(a)

Sept 14, 2021

Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
 - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
 - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
 - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
 - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
 - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
 - (b)

Sept. 14, 2021

10

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.
1. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 2. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 3. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 4. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.

April 25, 2022

Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
 - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
 - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
 - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
 - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
 - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
 - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
 - (c)

April 25, 2022

CITY OF PALM COAST - CHARTER^[1]

Footnotes:

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Editor's note— Ord. No. [2018-9](#), § 1, adopted April 3, 2018, approved proposed amendments to the Charter, which, in effect, replaced the Charter in its entirety. The former Charter had been amended by H.B. No. 527, §§ 1—2, 4—6, adopted on 5-1-02; Ord. No. 03-08, § 1, adopted on 4-15-03; Ord. No. 03-09, § 2, adopted on 5-20-03; Ord. No. 07-07, § 1, adopted on 4-3-07; Ord. No. 07-27, Exh. A, adopted on 12-18-07; Ord. No. 09-13, § 3, adopted on 6-2-09; Ord. No. 2011-9, § 2(Exh. A), adopted on 6-21-11; Ord. No. 2011-15, § 3, adopted on 8-16-11; Ord. No. 2011-03, § 2, adopted on 9-13-11; Ord. No. 2011-21, § 2, adopted on 9-13-11; Ord. No. 2013-07, § 3(Exh. A), adopted on 10-1-13; Ord. No. 2014-4, §§ 1—3, adopted on 2-4-14; Ord. No. 2014-12, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2014-13, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2015-01, § 2(Exhs. A1—4), adopted on 2-17-15; Ord. No. 2015-11, § 3(Exhs. A—D), adopted on 10-6-15; Ord. No. 2017-1, § 1(Exh. A), adopted on 1-17-17, and has been renumbered from §§ 1—12 to Arts. I—X, as set out herein.

Art. I. - Municipal powers.

The City of Palm Coast, hereinafter "City," shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. II. - Form of government.

The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Art. IV) shall be to set policy; the general duties of the Manager (described in Art. V) shall be to carry out those policies.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. III. - Corporate limits.

The corporate limits of the City shall consist of the boundaries in the initial Charter of Palm Coast filed December 31, 1999, in the Secretary of State's office, State of Florida, and, in addition thereto, all lands annexed by the City of Palm Coast, Florida, subsequent to December 31, 1999 and prior to the effective date of this Charter. All Ordinances of annexation of the City of Palm Coast heretofore adopted and as may be adopted subsequent to the effective date of this Charter are hereby incorporated herein and the lands described in such Ordinances, together with the boundaries of the City as previously described, are hereby extended to the corporate limits of the City of Palm Coast, Florida.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. IV. - City council.

modified

- (1) City Council: composition; qualifications for office.
 - (a) Composition.
 - 1. There shall be a five member City Council consisting of four District members and a Mayor.

April 25, 2022

2. There shall be four districts within the City, the boundaries of which are as outlined in Article VIII. These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
 3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.
- (b) Qualifications for office:
1. Each candidate for office shall be a qualified elector of the City.
 2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electorate residing within the district (as identified in the most recent decennial census) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought or, Pay to the City Clerk a qualifying fee of ten percent of the salary of the office he/she seeks to run for.
 - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
 3. Each individual seeking to qualify as a candidate for Mayor shall:
 - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census) no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk a qualifying fee of ten percent of the Mayoral salary.
 - b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's, the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.
- (2) *Terms of office.*
- (a) The term of office for each District Member shall be four years.
 - (b) No Council member or Mayor may serve more than two successive four-year terms in the same seat.
 - (c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.
- (3) *Powers and duties of Council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.
- (4) *Powers and duties of the Mayor.*
- (a) Powers. In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.
 - (b)

April 25, 2022

2

Duties. In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

- (a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
- (b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in Art. IV. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

- (a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.
- (b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.
- (b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:
 - 1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
 - 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
 - 3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
 - 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
 - 5. Is absent from three consecutive regular Council meetings without being excused by the Council.
- (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:
 - 1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 - 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.

April 25, 2022

1. If, for any reason other than recall ~~or~~ or assuming a vacancy occurs in assuming the office of Mayor, ~~the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in Art. VII. The Special Election for Mayor shall be for the remainder of the unfilled term.~~
 - ~~2.~~ 2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within ~~30~~ 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
 - ~~3.~~ 3. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within ~~30~~ 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
 - ~~4.~~ 4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
 - ~~5.~~ 5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
 - (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
 - (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours of prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.
- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of

April 25, 2022

4

the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes. (Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. V. - Charter officers.

The designated Charter Officers shall be the City Manager and the City Attorney.

- (1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.
 - (a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.
 - (b) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.
 - (c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council.
 - (d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.
 - (e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.
- (2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.
 - (a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.
 - (b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.
 - (c) Power and Duties. The City Manager shall:
 1. Attend all meetings of the City Council.
 2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.
 3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
 4. Provide administrative services as required by the Mayor and the Council.
 5. Appoint a City Clerk to serve at his/her pleasure.
 6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
 7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
 8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.
 9. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.

April 25, 2022

5

10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.
 11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.
 12. Sign contracts on behalf of the City to the extent authorized by the Council.
 13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.
 - (b) Residency. If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
 - (c) Powers and Duties. The City Attorney shall:
 1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
 2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.
 3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.
 4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VI. - Budget and appropriations.

- (1) *Fiscal year.* The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) *Budget adoption.* The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) *Appropriation amendments during the fiscal year:* Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
 - (a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
 - (b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.

April 25, 2022

- (c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
- (d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- (e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
 - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
 - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
 - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
 - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
 - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
 - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
 - (c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:
 - 1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
 - 2.

April 25, 2022

7

In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.

(d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
2. The candidate whose call matches the coin toss shall be declared the winner.

(7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Editor's note— Ordinance 2014-5, adopted February 4, 2014, added Section 2-37(e), Election Procedures; Canvass of Returns, to the Code of Ordinances, recognizing Division of Elections Opinion 95-05 and state law that where City and County elections appear on the same ballot, only the County Canvassing Board may canvass the election; providing therefore that the Flagler County Canvassing Board shall canvass the returns of all City elections held in conjunction with County elections.

Art. VIII. - City council district boundaries.

modified

The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18; Ord. No. [2021-31](#), § 2, 12-7-21)

Art. IX. - General provisions.

modified

(1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes (F.S. ch. 166), as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

(2) *Charter review; schedule, Charter Review Committee.*

(a) *Schedule.* The Charter shall be reviewed in accordance with the process outlined in Section 10(2)(b) no sooner later than 10 April years after the creation of the City of Palm Coast on December 31, 1999, 2028 and, and at thereafter a it may be reviewed minimum, every 10 years thereafter.

(b) *Charter Review Committee.* A For any Charter review, a five-member Charter Review Committee shall be appointed. Each The district Mayor and each council member shall appoint one member from his or her district, and the Mayor shall appoint one Committee member at large. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for to change the City Council no later than 66 the days April 1 before the that next general election. The Palm Coast City Council shall hold a minimum

April 25 2022

of two public hearings on the any proposed changes by the City Council or the Charter Review Committee to the Charter prior to placing determining the whether proposed to place any changes on the scheduled general election ballot.

- (3) *Initiative and referendum.* At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. ^[2] If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. This Procedure for such initiative or referendum shall be as established by ordinance.
- (4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*
 - (a) *Number of districts.* There shall be four City Council districts as described in subsection (2) of Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed. All Council district boundaries shall be based upon population data derived from the most recent decennial census.
 - (b) *Districting commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the City in any other capacity.
 - (c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:
 1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.
 2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.
 - (d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
 - (e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
 - (f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
 - (g) *Effect of enactment.*
 1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.
 2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
 3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to

April 25, 2022

preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.

- (5) *Standards of conduct.* All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

Art X. - Severability.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Ord. No. [2018-9](#), § 1(Exh. A), 4-3-18)

[SUPPLEMENT HISTORY TABLE](#)

[CHARTER COMPARATIVE TABLE - LAWS OF FLORIDA](#)

April 25, 2022

10

Council Members
have any question
um regarding the
application itself
uh councilwoman
pontieri go ahead
go ahead

Former Mayor - David Alfin

Former councilman - Ed Danko

12:50 well I'm I think
we're skipping a
crucial step which
is to discuss
whether or not
we're going the
appointment route

12:56 and if so why from
a legal standpoint
I think that's
imperative to kind
of explain
particularly from a
legal

13:02 standpoint if you
could Marcus
yeah so yeah I
can happily do

13:09 that so so under
the city Charter uh
I believe it's article

13:16 4E where it says if
for any reason

Council member - Theresa Pontieri

City Attorney - Marcus Duffy

1. Vacancy Seat 4

2. Altered Vacant Mayor Seat

other than a recall
or suing the office
of Mayor a
vacancy occurs in
the office of

13:22 city council within
the first two years
of a term the office
shall be filled by
an appointment
within 90 days
following

13:28 currence of such
VY by a majority
vote the remaining
councils if said
vacancy occurs
within 6 months of
the next

13:34 schedu regular
schedule election
the remaining
council members
May delay the
appointment such
appointment shall
last

13:40 until the next
regular schedule
election at which
time the seat shall

City Attorney - Marcus Duffy
Recited the altered version

Used Altered Version

be declared open
and an election
held for the

Recite of altered version
By City Attorney - Marcus Duffy

13:46 remaining two
years of the term
so right now C
councilwoman
Hider she
resigned

13:53 with more than
two years left on
her term so uh it is
this position of my

13:59 office that uh you
as Council uh
have the position
according to the
how the

← Position of his office?

14:04 language is
written in the city
Charter to appoint
the next uh
council person for
that

- Attorney Marcus Duffy

14:10 seat

Charter Amendment 2024

Wednesday, September 10, 2023 9:15 PM

*Attempt to remove
safe guards*

ONLY VOTERS WHO RESIDE WITHIN THE CITY LIMITS OF PALM COAST

City of Palm Coast Charter Amendment 1

CHARTER AMENDMENT TO UPDATE PROVISIONS RELATED TO CITY COUNCIL'S CONTRACTING AUTHORITY

Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limits the City's ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.

Yes

No

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2024/2024-SB-General.pdf>

No Charter Amendments in 2025, 2023, 2022, 2021,

2020 Sample Ballot:

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2020-General-Sample-Ballot-Web.pdf>

No Charter Amendments: 2019, 2017, 2016, 2015, 2014, 2013

2012 Sample Ballot:

<https://www.flaglerelections.gov/Portals/Flagler/pdfs/2012-general-sb-web.pdf>

No Charter Amendments: 2011

2010 COUNTY REF REMOVED

NOTICE TO THE VOTER

COUNTYWIDE REFERENDUM QUESTION NO. 1 AD VALOREM TAX FOR LOCAL ECONOMIC INVESTMENT INITIATIVE has been removed from the ballot, according to the Flagler County Board of County Commissioners Resolution No. 2010-51, adopted October 4, 2010

ANY VOTE CAST FOR APPROVAL OR REJECTION OF THIS PUBLIC MEASURE WILL NOT BE COUNTED.

The elections site only goes to 2010

CITY OF PALM COAST CHARTER¹

PREAMBLE

We, the people of Palm Coast, Florida, acting under the Constitution and Statutes of the State of Florida, in order to give us the benefits and responsibilities of self-governance, granted to each of us the opportunity for a voice in our government, and for the health, welfare and quality of life for ourselves and future generations, to provide for honest and accountable Council/Manager government, we adopt this Charter.

Art. I. Municipal powers.

The City of Palm Coast, hereinafter "City," shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art. II. Form of government.

The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Art. IV) shall be to set goals and policy; the general duties of the Manager (described in Art. V) shall be to carry out the goals and policies of the Council.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

¹Editor's note(s)—Ord. No. 2018-9, § 1, adopted April 3, 2018, approved proposed amendments to the Charter, which, in effect, replaced the Charter in its entirety. The former Charter had been amended by H.B. No. 527, §§ 1—2, 4—6, adopted on 5-1-02; Ord. No. 03-08, § 1, adopted on 4-15-03; Ord. No. 03-09, § 2, adopted on 5-20-03; Ord. No. 07-07, § 1, adopted on 4-3-07; Ord. No. 07-27, Exh. A, adopted on 12-18-07; Ord. No. 09-13, § 3, adopted on 6-2-09; Ord. No. 2011-9, § 2(Exh. A), adopted on 6-21-11; Ord. No. 2011-15, § 3, adopted on 8-16-11; Ord. No. 2011-03, § 2, adopted on 9-13-11; Ord. No. 2011-21, § 2, adopted on 9-13-11; Ord. No. 2013-07, § 3(Exh. A), adopted on 10-1-13; Ord. No. 2014-4, §§ 1—3, adopted on 2-4-14; Ord. No. 2014-12, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2014-13, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2015-01, § 2(Exhs. A1—4), adopted on 2-17-15; Ord. No. 2015-11, § 3(Exhs. A—D), adopted on 10-6-15; Ord. No. 2017-1, § 1(Exh. A), adopted on 1-17-17, and has been renumbered from §§ 1—12 to Arts. I—X, as set out herein.

Art. III. Corporate limits.

The corporate limits of the City shall consist of the boundaries in the initial Charter of Palm Coast filed December 31, 1999, in the Secretary of State's office, State of Florida, and, in addition thereto, all lands annexed by the City of Palm Coast, Florida, subsequent to December 31, 1999 and prior to the effective date of this Charter. All Ordinances of annexation of the City of Palm Coast heretofore adopted and as may be adopted subsequent to the effective date of this Charter are hereby incorporated herein and the lands described in such Ordinances, together with the boundaries of the City as previously described, are hereby extended to the corporate limits of the City of Palm Coast, Florida.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art. IV. City council.

(1) City Council: composition; qualifications for office.

(a) Composition.

1. There shall be a five member City Council consisting of four District members and a Mayor.
2. There shall be four districts within the City, the boundaries of which are as outlined in Article VIII. These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.

(b) Qualifications for office:

1. Each candidate for office shall be a registered voter of the City.
2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:
 - a. Submit petitions supporting his/her candidacy to the Supervisor of Elections Office containing the signatures of at least 100 registered voters residing within the City (as identified in the most recent General Election Book Closing) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought or, Pay to the City Clerk a qualifying fee of 4 (four)% percent of the salary of the office he/she seeks to run for.
 - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from, and shall have resided in the district for at least one year. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates and city council members, shall reside at least 45 weeks in each year in the district.
3. Each individual seeking to qualify as a candidate for Mayor shall:
 - a. Submit petitions supporting his/her candidacy to the Supervisor of Elections Office containing the signatures of at least 400 registered voters residing within City limits (as identified in the most recent General Election Book Closing) no later than noon on the

28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk a qualifying fee of 4% percent of the Mayoral salary.

- b. At the time of qualification, each candidate for Mayor shall reside within the City limits, and shall have lived in the City for at least one year. For the length of the Mayor's term, the Mayor shall maintain residency within the City limits.

(2) *Terms of office.*

- (a) The term of office for each District Member shall be four years.
- (b) No Council member or Mayor may serve more than two four-year terms. This does not preclude an individual who had served as a council member or mayor from running for Mayor or City Councilor, respectively.
- (c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.

(3) *Powers and duties of Council.*

Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.

(4) *Powers and duties of the Mayor.*

- (a) Powers. In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.
- (b) Duties. the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized and approved by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

- (a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
- (b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in Art. IV. If the Mayor's seat is vacant, the Vice Mayor serves as Interim Mayor until a new Mayor is elected. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Salary and expenses.*

- (a) Salary. The Council members and Mayor shall receive an annual salary increase that reflects the CPI increase received by City employees. Any increase in compensation that exceeds the CPI will need to be approved through referendum.

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- (b) Expenses. The Council may provide for reimbursement of approved expenses incurred by its members while performing their official duties. Any expense that exceed 2% of a City Council member's or Mayor's salary must be approved by the City Council.
- (c) Benefits. Elected officials shall not be eligible for employee benefits, including health insurance or retirement benefits.
- (7) *Vacancies; censure; suspension; removal from office; recall; filling of vacancies.*
- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or recall of office as herein described.
- (b) Censure. The Mayor or any other Council member shall face censure as determined by a vote in the affirmative of a super majority of the Council, acting as a body, if it has been determined that he/she:
1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
 3. Is convicted of a first-degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
 4. Is found to have violated any adopted City standard of conduct or the Florida code of ethics established for public officials; or
 5. Is absent from three consecutive Council business meetings or 6 business meetings within a twelve-month (12) period without being excused by the Council.
- (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or charge against the Council member or Mayor with any crime that is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:
1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
 2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments as he/she would have been entitled to had the suspension not occurred.
- (d) Removal From Office. The Council may request the Governor of Florida to remove the Mayor or any other Council member from his/her office, as determined by a vote in the affirmative of a super majority of the Council, acting as a body, after issuing multiple censures determining that he/she:
1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;

3. Is convicted of a first-degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
 4. Is found to have violated any adopted City standard of conduct or the Florida code of ethics established for public officials; or
 5. Is absent from three consecutive Council business meetings or 6 business meetings within a twelve-month (12) period without being excused by the Council.
- (e) Recall. The registered voters of the City, following the procedures for recall established by Florida Statute, may remove the Mayor or any member of the City Council from office.
- (f) Filling of vacancies.
1. If, for any reason other than recall a vacancy occurs in the office of Mayor or any Council seat within the first two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members shall delay the appointment. Any appointments shall last until the next scheduled election in the county, be it a regular, special, or primary election, at which time the seat shall be declared open and an election held for the remainder of the original term, thus continuing the original staggering of district seats. If there is no county election within the next twelve (12) months, the Council must announce the date for a Special Election within 30 days to fill the seat.
 - 2.
 2. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Florida Statute.
 3. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least twice a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) **Organizational meeting.** The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
 - (b) **Quorum.** A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in physical attendance, unless otherwise provided by law, ordinance, or stated herein. Members must be present to vote but may contribute to discussions remotely. All actions of the City Council shall be by ordinance, resolution, or motion.
 - (c) **Special meetings.** Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours' prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with Florida Statute. The Council shall further maintain a current

codification of all ordinances. Such codification shall be recorded and be made available to the public on a continuing basis.

- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City in an executive position until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Mayor and Council, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.
- (Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art. V. Charter officers.

The designated Charter Officers shall be the City Manager and the City Attorney.

- (1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.
- (a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.
 - (b) Evaluation. Charter officers shall be evaluated on an annual basis by the City Council.
 - (c) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.
 - (d) Compensation. The compensation of the Charter Officers shall be fixed by the City Council in the Charter officer's contract.
 - (e) Filling of Vacancy. The City Council shall immediately begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney. An Acting City Manager or Acting City Attorney shall be appointed by the Council during a vacancy in office.
 - (f) Candidate for City Office. No Charter Officer shall be a qualified candidate for any elected office while holding his/her Charter Office position.
- (2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.
- (a) Qualifications. The City Manager shall be selected on the basis of experience, education, and management expertise as it pertains to running a municipal government of at least a similar size and budget to Palm Coast.
 - (b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she is encouraged to establish and maintain residency within the corporate limits of the City. At the very least, the City Manager must maintain residency within 50 miles of the City limits.
 - (c) Power and Duties. The City Manager shall:
 - 1. Attend all meetings of the City Council.

2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.
 3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
 4. Provide administrative services as required by the Mayor and the Council.
 5. Appoint a City Clerk to serve at his/her pleasure.
 6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
 7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
 8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.
 9. Prepare and submit annually a balanced budget, budget message with assumptions, and capital program to the Council.
 10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.
 11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.
 12. Sign contracts on behalf of the City to the extent authorized by the Council.
 13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar and experienced in municipal law.
 - (b) Residency. If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
 - (c) Powers and Duties. The City Attorney shall:
 1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
 2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of

City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.

3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.
4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art. VI. Budget and appropriations.

- (1) *Fiscal year.* The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) *Budget adoption.* The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) *Appropriation amendments during the fiscal year:* Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
 - (a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
 - (b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.
 - (c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
 - (d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
 - (e) Limitations to Council's Contracting Authority. Unless authorized by the registered voters of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds **\$15,000,000.00** from the General Fund.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art. VII. Elections.

(1)

(1) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(2) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.

(3) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.

(a) An election to fill a vacant council seat, as outlined in paragraph (7)(f) of Article IV, shall be held during the next special, scheduled, or primary election. Such election shall be for the remainder-2 of the original term.

(4) *Schedule for special elections.*

(a) If there is no election within one (1) year of a vacancy, a special election for the vacant position as outlined in paragraph (7)(f) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election.

(b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.

(5) *Determination of election to office.*

(a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.

(b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.

(c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:

1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.

2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.

(d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.

2. The candidate whose call matches the coin toss shall be declared the winner.

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- (6) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Editor's note(s)—Ordinance 2014-5, adopted February 4, 2014, added Section 2-37(e), Election Procedures; Canvass of Returns, to the Code of Ordinances, recognizing Division of Elections Opinion 95-05 and state law that where City and County elections appear on the same ballot, only the County Canvassing Board may canvass the election; providing therefore that the Flagler County Canvassing Board shall canvass the returns of all City elections held in conjunction with County elections.

Art. VIII. City council district boundaries.

- (1) The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council shall appoint a special commission of registered voters of the City to develop district boundaries, which may use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.
- (4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*
- (a) *Number of districts.* There shall be four City Council districts as described in subsection (2) of Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed. All Council district boundaries shall be based upon population data derived from the most recent decennial census.
- (b) *Districting commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five registered voters of the City, determined from the registration for the last statewide general election, who shall comprise the districting commission. The chosen registered voters of the City shall not be employed by the City in any other capacity.
- (c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:
1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.

2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.

- (d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
- (e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
- (f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
- (g) *Effect of enactment.*

1. The new council districts and boundaries shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.
2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four or six years, depending on the number of seats declared vacant.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18; Ord. No. 2021-31, § 2, 12-7-21)

Art. IX. General provisions.

- (1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes (F.S. ch. 166), as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.
- (2) *Charter review; schedule, Charter Review Committee.*
 - (a) *Schedule.* The Charter shall be reviewed in accordance with the process outlined in Section 9(2)(b) every 10 years at a minimum.
 - (b) *Charter Review Committee.* For any Charter review, a five-member Charter Review Committee shall be appointed. The Mayor and each council member shall appoint one Committee member. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations to the City Council no later than the April 1 before that next general election. The

Palm Coast City Council shall hold a minimum of two public hearings on any proposed changes by the City Council or the Charter Review Committee to the Charter prior to determining whether to place any changes on the scheduled general election ballot.

- (3) *Initiative and referendum.* At least 10 percent of the qualified registered voters of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter.^[2] If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance within 90 days, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. The procedure for such initiative or referendum shall be as established by ordinance.
- (4) *Standards of conduct.* All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art X. Severability.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

**CHARTER COMPARATIVE TABLE
LAWS OF FLORIDA**

This table shows the location of the sections of the basic Charter and any amendments thereto.

Laws of Fla. Chapter 1999-448	Date	Section	Section this Charter
2002-339		1-8	1-8
H. B. No. 527	5- 1-02	1	8
		2	9
		3 Rpld	10
-		4-6 Rnbd	11-13
		as	10-12
		7 Rpld	14

5:46:59 All right, we got three. Okay. All right. Four. We got any anything else? No. Public participation has not happened.

Jeani Duarte

5:47:08 No, it didn't. We did public participation on the consent.

- Theresa Pantieri

Mayer

5:47:11 Oh, final public participation. Miss Dwarte, go right ahead. Thank you, Jeannie Dwarte. Um, ← *Jeani Duarte*

5:47:20 attorney Marcus Duffy, I gave you five pieces of paper.

5:47:25 Okay. Could you please point out where on these official ballot samples

5:47:32 that it says or suggests removing the mandatory special election language in the event of a mayor vacancy?

Jeani Duarte

5:47:42 And where did we approve to substitute it with a vice mayor assuming the role

5:47:49 for the duration of the term? I'll give you a minute.

5:47:54 Once you're finished with your explanation, please pass down the paperwork to the city clerk for

Jeani filing.

Mayor 5:48:08 Are you Are you done, Mr. Dorte?

Jeani 5:48:10 No, I have follow I have two more minutes.

Mayor 5:48:13 You can stand there all you want. He's not going to do anything. He recited it. August 27th, 2024.

Jeani 5:48:20 you think that there's a special election in case of a vacancy of the mayor seat. So you guys are contradicting.

Mayor 5:48:28 So the the charter is very specific about special elections for the mayor.

Jeani 5:48:32 That's not what he recited and that's not what the current charter showing. He probably wasn't reading that portion. Mayor

Mayor 5:48:37 It's further down in the charter. But are you are you done with your comment?

Jeani 5:48:41 No, I'm not. That's actually the same altered language that was given to the charter review committee.

5:48:51 They gave me a copy, too.

Time Stamp

City Council Meeting

March 17, 2024

5:49:01 So, would you agree that the ballot, the copies of the ballots that I gave you are deceptive?

5:49:10 Where is that language that says that we removed the special election,

5:49:18 the required mandatory special election?

Where did the citizens approve that?

5:49:30 It must be deceptive and you must be lying on and remember anytime you're sitting on that dis you are under oath.

5:49:37 Every one of you are under oath every time you're sitting on that dis. I'm done now. Thank you. Thank you. Any followups, city attorney?

5:49:47 Yes. I will say this. I have been on this dis for two years now and for a year and a half, Miss Darte has pledged

5:49:56 stuff that are incorrect and she does not do her research. This has already been litigated. It is already done. Five

5:50:04 people up here have moved on. You need to do the same. And by the way, don't you dare try to come

Jecuni

Mayor

City Attorney Marcus Duffy

CITY Attorney back up here. Have a litigated. Public comment is over.

Jeani 5:50:12 This seat was litigated. Miss Dwarte. Miss Dwarte. Oh no. *Mayor*

5:50:16 You're about to be removed. You are you are out. *Mayor*

Jeani 5:50:18 I'm more than happy to be removed. Go ahead and hit your ballot or whatever. Please remove her from the chamber. Um, so like I said, mayor, *Mayor*

5:50:26 motion to adjourn. One more thing. *City Attorney Marcus Duffy*

City Attorney Marcus Duffy 5:50:29 Everything you guys have done is done legally. I am not going to keep going round and round with her on this issue. *City Attorney Marcus Duffy*

5:50:34 The charter has been followed. The charter committee followed everything.

5:50:38 This issue is closed and we are done with it. I've given my advice. I am moving on. Thank you, sir. Much to adjourn. *Mayor*

5:50:45 Motion to Mr. Cook. I got one more for you.

Thank you for contacting the City of Palm Coast - thread::zFWOA1EwHo-BhQJNxXg38wl::

1 message

City of Palm Coast <customer-service2@palmcoastgov.com>

Thu, Apr 9, 2026 at 2:58 PM

To: "jeani3d@gmail.com" <jeani3d@gmail.com>, "do_not_reply@palmcoastgov.com" <do_not_reply@palmcoastgov.com>



The City of Palm Coast has completed your request.

Attached are the records responsive to your request. Thank you.

Good afternoon Ms. Duarte,

The amendment was specific to a vacancy in the office of a Council Member and the amendment was approved via voter referendum in 2018. The election results and associated ordinance have been attached for you.

Please Click This Link

Access Public Records Files

(please note these files will only be available for 30 days from the receipt of this email)

Reference Number: 00355170

Subject:
Records Request Mayor Vacancy Language

Description:
Please see attached records request concerning changes to our Charter about Mayor Vacancy language.
Thank you,
Jeani Duarte

Please use the reference number above should you need to reach out with any questions.

[Take our Customer Service survey](#) and let us know how we did!