

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CHARTER OF THE CITY OF WEST PALM BEACH, SUBJECT TO VOTER APPROVAL, AT 3.01 "MAYOR" TO PROHIBIT OUTSIDE EMPLOYMENT AND LIMIT BUSINESS RELATIONSHIPS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 2(b), Art. VIII of the Florida Constitution, the City has the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purpose, except when expressly prohibited by law; and

WHEREAS, this City Commission of the City of West Palm Beach is authorized to amend its charter pursuant to Section 166.031, Florida Statutes;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THAT:

SECTION 1. Section 3.01 of the City Charter, titled "Mayor" is hereby amended as follows:

Sec. 3.01. - Mayor.

The chief executive officer and administrative head of the city shall be the mayor who shall be responsible for the proper administration and conduct of the executive work and affairs of the city. The mayor shall be a voting member of the city commission, only for the purpose of breaking a tie vote. The mayor shall be recognized by the courts for the purpose of serving civil process and by the governor for purposes of military law. The mayor may, with the consent of the city commission, take command of the police in case of public danger or emergency. The mayor shall, when directed to do so by the city commission, execute all instruments to which the city is a party, unless otherwise provided in this charter or by ordinance.

The mayor shall maintain an office in city hall and shall devote full time to the duties of that office. The mayor shall not have any outside employment. The mayor shall not have a financial interest in any private business entity if that private business entity, or compensation received as a result thereof, impairs the mayor's independence in judgment or performance of city duties or otherwise violates applicable ethics code regulations.

Except as specifically otherwise provided in this charter, the powers and duties of the mayor shall be to:

- (1) promote and encourage improvement of city government, encourage the economic growth of the city, and promote and develop the prosperity and social well-being of its people;
- (2) enforce the provisions of this charter, city ordinances, and all applicable laws;
- (3) direct and supervise the administration of all departments, divisions and agencies of the city government, except as otherwise provided by this charter or by law;
- (4) appoint and remove the mayor's staff who shall have such duties as the mayor shall determine;

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- (5) appoint and remove the members of boards, committees and commissions, except as required by state law to be made by the city commission as the governing body of the city;
- (6) prepare the budget annually and submit it to the city commission for approval and to be responsible for its administration after adoption;
- (7) recommend to the city commission the pay scales for the city offices and employment for the ensuing fiscal year;
- (8) fix the salaries and wages of officers and employees of the city within the applicable scales established by the city commission;
- (9) prepare and submit to the city commission, promptly after and as of the end of each fiscal year, a complete report on the finances and administrative activities of the city for that year;
- (10) keep the city commission advised, in a timely manner, of the financial condition and of the future financial, administrative, and other needs of the city, and to make recommendations relative thereto;
- (11) timely provide such other information as the city commission may collectively or individually reasonably require concerning the operations of city departments, offices and agencies that are subject to the mayor's direction and supervision;
- (12) promulgate by executive order such administrative directives and decisions, as deemed necessary and proper, all of which executive orders of a formal, general and permanent nature shall be filed with the city clerk;
- (13) prepare the agenda for city commission meetings;
- (14) initiate investigations within the city and present the findings to the city commission.

SECTION 2: The amendment contained in Section 1 of this Ordinance shall be effective and operative on March 29, 2024, provided that such amendment has been approved by the electorate of the City of West Palm Beach, Florida, voting in a referendum at a municipal election to be held on March 19, 2024, on the question of the approval or disapproval of the proposed amendment set forth in Section 1 of this Ordinance. Should the amendment be passed, it will prohibit the Mayor's ability to engage in outside employment and limit business relationships.

The form of the question on the ballot in the March 19, 2024, municipal election shall be as follows:

As to Sec. 3.01

BALLOT QUESTION:

PROHIBITING MAYOR'S OUTSIDE EMPLOYMENT AND LIMITING BUSINESS RELATIONSHIPS

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The charter requires the Mayor to devote full time to city duties but does not otherwise limit outside employment or business relationships. Should the charter be amended to prohibit the Mayor from having outside employment and limit holding a financial interest in any business entity to interests that will not impair the Mayor's independent judgment or conflict with the performance of city duties?

Yes _____

No _____

SECTION 3: Authority is hereby granted to codify the text amendments set forth in this Ordinance.

SECTION 4: This Ordinance shall take effect upon adoption.

[SIGNATURES ON FOLLOWING PAGE]

**FIRST READING THIS 18TH DAY OF SEPTEMBER, 2023.
SECOND READING AND PASSAGE THIS 2ND DAY OF OCTOBER, 2023.**



ATTEST:

X *Shaquita Edwards*

CITY CLERK
Signed by: Shaquita Lasheae Edwards

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X *Keith A. James*

PRESIDING OFFICER
Signed by: Keith A. James

**APPROVED AS TO FORM AND
LEGALITY:**

10/2/2023

X *Kimberly L. Rothenburg*

CITY ATTORNEY
Signed by: Kimberly L Rothenburg