

ORDINANCE NO. 2021-013

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AN ORDINANCE OF THE CITY OF WILTON MANORS, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF WILTON MANORS AMENDING ARTICLE IIIA ENTITLED "LEGISLATIVE" BY SPECIFICALLY REPEALING SECTION 14 ENTITLED "CITY TREASURER; POWERS AND DUTIES" IN ITS ENTIRETY, AND SECTION 22 ENTITLED "CITY COMMISSION, MAYOR, AND VICE MAYOR; TRANSITIONAL"; SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF WILTON MANORS REPEALING ARTICLE V ENTITLED "REVENUE AND TAXATION" IN ITS ENTIRETY; SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF WILTON MANORS REPEALING ARTICLE XII ENTITLED "CIVIL SERVICE" IN ITS ENTIRETY; PROVIDING FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF WILTON MANORS, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF WILTON MANORS, FLORIDA, AT THE NEXT GENERAL ELECTION OF NOVEMBER 8, 2022, AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND TIMES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Wilton Manors, Florida; and

1 **WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an
2 amendment may be submitted to a referendum vote by the City Commission of the City
3 of Wilton Manors, Florida, in an ordinance format; and

4 **WHEREAS**, the City’s Charter Review Board was created to review the
5 current Charter of the City of Wilton Manors and make recommendations as to any
6 changes; and

7 **WHEREAS**, the Charter Review Board of the City of Wilton Manors, Florida
8 has recommended amendments to Article IIIA, of the City Charter, to repeal in their
9 entirety, as obsolete, Section 14 entitled “City Treasurer; Powers and Duties”, and
10 Section 22 entitled “City Commission, Mayor, and Vice Mayor; Transitional”, and to
11 repeal in its entirety Article V, of the City Charter, entitled “Revenue and Taxation”, as
12 obsolete; and

13 **WHEREAS**, the City Commission also finds that it is in the best interest of the
14 public to repeal Article XII entitled “Civil Service” in its entirety as obsolete; and

15 **WHEREAS**, the proposed amendment to the City’s Charter shall be put before
16 the registered electors of the City in a duly called referendum at the general election on
17 November 8, 2022, to amend the City Charter to repeal, as obsolete, Article III A
18 Section 14 entitled “City Treasurer; Powers and Duties”, Section 22 entitled City
19 Commission, Mayor, and Vice Mayor; Transitional”, Article V, of the City Charter,
20 entitled “Revenue and Taxation”, and Article XII entitled “Civil Service”, in their
21 entirety; and

22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
23 **OF THE CITY OF WILTON MANORS, FLORIDA:**

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1 **Section 1.** The foregoing “WHEREAS” clauses are hereby ratified as being
2 true and correct and hereby made a specific part of this Ordinance upon adoption
3 hereof.

4 **Section 2.** Article IIIA of the Charter of the City of Wilton Manors, Section
5 14 entitled “City treasurer; powers and duties” and Section 22 entitled “City
6 commission, mayor, and vice mayor; transitional” are repealed as follows:

7 ~~Sec. 14. City treasurer; powers and duties.
8 The city treasurer shall act as treasurer of the city, tax assessor and tax collector,
9 if appropriate. The treasurer shall be the superintendent of revenues and shall perform
10 such other duties as may be prescribed by ordinance.~~

11 ~~Sec. 22. City commission, mayor, and vice mayor; transitional.
12 If this proposed amendment to Article III of the City Charter is adopted, one (1)
13 seat of the city commission as constituted on September 1, 1984 shall be abolished as
14 hereinafter said, and shall be replaced by the seat of the mayor. The mayor shall be the
15 holder of that office as constituted on September 1, 1984, and who shall continue in
16 office for the remainder of a two-year term ending with the March, 1986 elections. The
17 city commission seat to be abolished shall be the most junior, receiving the lowest vote.
18 All other city commission members shall continue in office for the unexpired portion of
19 their respective terms.~~

20
21 **Section 3.** Article V of the Charter of the City of Wilton Manors, entitled
22 “REVENUE AND TAXATION” is repealed as follows:

23 ~~Sec. 1. Real and personal property tax; power of city commission to assess.
24 [Editorially deleted.]
25 Sec. 2. Valuation for taxation; limitation.
26 (Editorially deleted.)
27 Sec. 3. Reserved.
28 Sec. 4. Tax returns—Required of real and personal property holders.
29 [Editorially deleted.]
30 Sec. 5. Same—Contents; description of property; failure to make; assessment in
31 name of reputed owner.
32 [Editorially deleted.]
33 Sec. 6. Public utility property; liability to taxation.
34 [Editorially deleted.]
35 Sec. 7. Enforcement of collection; valuation of property.
36 [Editorially deleted.]~~

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~~Sec. 8. City commission to prepare assessment roll; tax sale procedure.~~

~~Sec. 9. Retroactive tax levy.~~

~~[Editorially deleted.]~~

~~Sec. 10. Assessment roll to constitute notice of tax lien.~~

~~[Editorially deleted.]~~

~~Sec. 11. Levy for general purpose and bond interest; limitation.~~

~~[Editorially deleted.]~~

~~Sec. 12. City clerk to act as [assessor and] collector.~~

~~The city clerk shall be [the tax assessor of said city and] the tax collector unless the city commission shall employ or authorize the clerk to employ some other person or persons to act in either or both capacities. The tax collector may be one of the city commissioner of said city, or such office may be filled by some other person appointed by the city commission, in the discretion of the city commission.~~

~~Sec. 13. Assessor to make annual assessment.~~

~~[Editorially deleted.]~~

~~Sec. 14. Tax collector to collect [property and] local business taxes; authority to consolidate with county assessor and/or collector.~~

~~The tax collector shall collect all taxes imposed as local business, professional, business or other licenses, and shall deliver the same as often as shall be prescribed by ordinance to the city treasurer, taking the tax collector's receipt therefor, provided that the city is hereby authorized to consolidate its powers to levy, assess and collect taxes as granted under this section, or any part thereof, with the tax assessor's office and the tax collector's office, or both, of Broward County, Florida.~~

~~Sec. 15. Commission to act as equalization board; time and notice of hearings.~~

~~[Editorially deleted.]~~

~~Sec. 16. Date taxes become lien; assessment roll to be published or posted; tax sales.~~

~~[Editorially deleted.]~~

~~Sec. 17. Notices of levy, assessment, collection, etc.; publication requirements.~~

~~[Editorially deleted.]~~

~~Sec. 18. Consolidation with county taking authority.~~

~~[Editorially deleted.]~~

~~Sec. 19. Homestead exemption.~~

~~[Editorially deleted.]~~

37 **Section 4.** Article XII of the Charter of the City of Wilton Manors, entitled
38 “CIVIL SERVICE” is repealed as follows:

39 ~~Sec. 1. Employees within act.~~

40 ~~The members of all departments hereinafter referred to as "administrative~~
41 ~~departments" excluding department heads of the City of Wilton Manors, Florida shall~~

1 be constituted civil service employees of the said City of Wilton Manors, and shall be
2 employed, retained, governed, directed and discharged as hereinafter provided.

3 Sec. 2. Definitions.

4 For the purposes of this article, "municipality" shall be construed to mean the
5 City of Wilton Manors. The "governing authority" shall be construed to mean members
6 of the city commission who are authorized to enact laws and ordinances of the said
7 municipality and shall include only those officers who are authorized to vote on said
8 ordinances and laws. "Department head" shall be construed to mean the officer in
9 command of each "administrative department" and commonly known and designated as
10 "department head." "Seniority" shall be construed to mean the length of service in the
11 "administrative departments" of said municipality.

12 Sec. 3. Employment covered.

13 (a) — Employment included in provisions of this article. Employment included
14 in provisions of this article shall be all persons, hereinafter known as "administrative
15 employees" under classified service, excluding the "department heads." Such classified
16 employees shall be employed and advanced to any higher grade on merit and fitness
17 only, and the merit and fitness of any applicant for said "administrative departments" or
18 for the advancement therein, shall be determined by competitive examination, as
19 hereinafter provided.

20 (b) — Exempt service. The exempt service shall include the following positions
21 and offices, to wit:

22 (A) — City commission.

23 (B) — Mayor.

24 (C) — City administrator [city manager]/treasurer.

25 (D) — City clerk.

26 (E) — Department heads.

27 (F) — City attorney and assistant city attorneys.

28 (G) — Boards, committees and persons specifically excepted from classified
29 service.

30 (H) — Consultants, counsel, architects, auditors and the like rendering
31 temporary professional services for pay.

32 (e) — Classified service. The classified service shall include all positions
33 hereinbefore described "administrative employees" working under "administrative
34 departments" in the civil service covered by this article, except those specifically placed
35 in the exempt service under paragraph (b), section 3 of this article. All persons in the
36 classified service shall be subject to the civil service rules and regulations.

37 Sec. 4. Civil service board created.

38 A civil service board for said municipality is hereby created. Said board shall be
39 composed of five (5) members, three (3) members of said board to be persons of
40 different vocations, not employed by said municipality in any other capacity, official or
41 otherwise, and shall be appointed by the governing authority of said municipality, and
42 shall be so appointed in the first instance for terms of one (1), two (2) and three (3)
43 years respectively, and thereafter in each instance the term shall be for four (4) years.
44 The fourth and fifth members of said board shall be members of the "administrative
45 departments," who shall be elected to membership in said board by the vote of the
46 regular employed members of the "administrative departments." At the next regular

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1 election of the fourth and fifth members of said board, one (1) member shall be elected
2 for a one-year term and the other member shall be elected for a two-year term.
3 Thereafter, as each election falls due, the member being elected shall be elected for a
4 two-year term. The members of said board, other than said fourth and fifth members,
5 shall appoint the judges and clerks for the election of said fourth and fifth members. The
6 time for said election shall be set by the three (3) members first appointed to said board,
7 and thereafter said election shall be held on the first Tuesday after the first Monday of
8 each year. The votes shall be tabulated on the following day after said election. The
9 candidate receiving the greatest number of votes shall be declared elected. Immediately
10 after appointments and election have been made and held as above provided, said board
11 shall organize and elect one (1) of its members chief examiner, who shall act as
12 secretary to said board. The board may appoint such other assistants to the secretary as
13 may be necessary. All three (3) members of said civil service board first appointed shall
14 serve without recompense, unless otherwise provided by the governing authority. The
15 city administrator [city manager], or the manager's designee, shall be an ex officio
16 member of said board and shall have a voice in any proceedings, but not vote. All
17 members shall serve on said board without compensation.

18 Sec. 5. City commission to adopt code of rules and regulations; scope; force and
19 effect; investigations concerning enforcement; annual report.

20 The city commission shall have the power to adopt, enact and amend the code of
21 rules and regulations after having received comments and recommendations from the
22 civil service board. This code shall cover the regulations for the conduct and direction
23 of the members of the "administrative departments" and shall prescribe their duties,
24 discipline and control. Said code shall contain rules and regulations for the appointment,
25 employment, promotion and discharge of persons in all positions in the "administrative
26 departments" of said municipality, based on merit, efficiency, character and industry.
27 Also covered shall be seniority rights and appeal procedure. Said code shall have the
28 force and effect of a law on employees of said "administrative departments." Said board
29 shall make investigations concerning the enforcement and effect of this chapter [article]
30 and of its adopted code. It shall make an annual report to the governing authority.

31 Sec. 6. Governing authority to fix pay and control number of employees in each
32 grade.

33 The governing authority of said municipality shall fix the pay of all members of
34 said "administrative departments," provided that members of the same step of a grade
35 shall each receive the same pay, and that members of a higher grade shall not be paid
36 less than members of the next lower grade provided they are at the same step. The
37 governing authority of said municipality shall fix the number of members in each
38 particular grade and may increase or reduce the number of any grade, or may abolish
39 that grade.

40 **Section 5.** The Ballot Title shall be as follows:

41 REPEAL OBSOLETE ARTICLES IIIA, SECTIONS 14 AND 22, ARTICLES V AND
42 XII.

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1 **Section 10:** **Codification.** It is the intention of the City Commission of the
2 City of Wilton Manors, that upon approval by the electorate of the City at the
3 November 8, 2022, election, the provisions of Sections 2, 3, 4, and 5 of this Ordinance
4 shall become and be made a part of the Charter of the City of Wilton Manors, Florida,
5 and that the Sections of this ordinance may be renumbered, re lettered and the word
6 "Ordinance" may be changed to "Section," "Article," or such other word or phrase in
7 order to accomplish such intention. In the event the Charter change proposed by this
8 Ordinance is approved, the City Clerk or designee shall cause the amendment to be
9 incorporated into the Charter and the revised Charter shall be filed with the Department
10 of State.

11 **Section 11:** **Severability.** If any clause, section, or other part of this
12 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or
13 invalid, such unconstitutional or invalid part shall be considered as eliminated and in no
14 way affecting the validity of the other provisions of this Ordinance.

15 **Section 12:** **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or
16 parts of Resolutions in conflict herewith, be and the same are repealed to the extent of
17 such conflict.

18 **Section 12.** **Effective Date.** This Ordinance shall take effect immediately
19 upon adoption. The amended Charter as set forth in Sections 2, 3, 4, and 5 above shall
20 be effective upon approval by a majority of the electorate of the City at the November
21 8, 2022, election. In the event the Charter change proposed by this Ordinance is not
22 approved, the existing Charter shall remain in full force and effect.

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PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THIS 26th DAY OF October, 2021.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 9th DAY OF November 2021.

CITY OF WILTON MANORS, FLORIDA

By: 
SCOTT NEWTON, MAYOR

ATTEST:


FAITH LOMBARDO
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST
Reading

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK



I HEREBY CERTIFY that I have approved the form of this Ordinance.

/s/ Kerry L. Ezrol
KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND
Reading

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK

