



# MAYOR AND CITY COUNCIL: COMPENSATION ANALYSIS

*Prepared for the City Manager*

## BACKGROUND: MAYOR AND COUNCIL COMPENSATION

According to Article III, Section 3.04 of the City Charter:

"The City Council may determine the annual base salary of Councilmembers and the Mayor by ordinance and may further provide for annual automatic adjustments to the base salary so determined. No ordinance increasing the annual base salary shall become effective until the date of commencement of the terms of the Councilmembers elected at the next regular election, at which time the base salary increase shall become effective as to all the Councilmembers and the Mayor, provided that such election follows the adoption of such ordinance by at least six (6) months."

(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)

According to City Administrative Policy 13-1, established in 2013, City of Port St. Lucie Ordinance 87-31 and Ordinance 01-46 currently govern the establishment of compensation for the Mayor and City Council members. Annually by November 30, the Director of the Office of Management & Budget, with the assistance of the Finance Director, calculates the salaries of the Mayor and City Council for the year beginning October 1<sup>1</sup>. The calculation is based on the following factors:

- **Base Salary** (*as established in Ordinance 01-46*)
  - Ordinance 01-46 established the annual salary for the City Council as \$17,500 and the Mayor's annual compensation as \$30,000, effective October 1, 2003.
- **Population range and group rate** (*as established in Ordinance 87-31*). The salaries of the Mayor and City Council members shall be re-computed annually pursuant to the applicable tables as shown below and based upon population figures furnished by the University of Florida, Division of Population. Following is a breakdown of the calculation.
  - **Council Members:** Receive as salary the amount indicated, based on the population of the City. In addition, compensation shall be made for population increments over the minimum for each population group which shall be determined by multiplying the population more than the minimum for the grouping times the group rate. The current calculation utilizes the following range:

<u>Minimum</u>	<u>Maximum</u>	<u>Base Salary*</u>	<u>Group Rate</u>
100,000	199,999	\$13,500	\$0.045

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<sup>1</sup> Note: Since the adoption of this Article, departmental reorganization referencing will require an amendment.

\*Note: The base salary was amended to \$17,500 in Ordinance 01-46.

- **Mayor:** Receive as salary the amount indicated, based on the population of the City. In addition, compensation shall be made for population increments over the minimum for each population group which shall be determined by multiplying the population more than the minimum for the grouping times the group rate. Current calculation utilizes the following range:

<u>Minimum</u>	<u>Maximum</u>	<u>Base Salary</u>	<u>Group Rate</u>
100,000	199,999	\$15,000	\$0.045

\*Note: The base salary was amended to \$30,000 in Ordinance 01-46.

- **Automatic adjustments based upon on the Consumer Price Index**, all Urban Consumers (CPI-U) for the previous twelve months (as established in Ordinance 01-46)

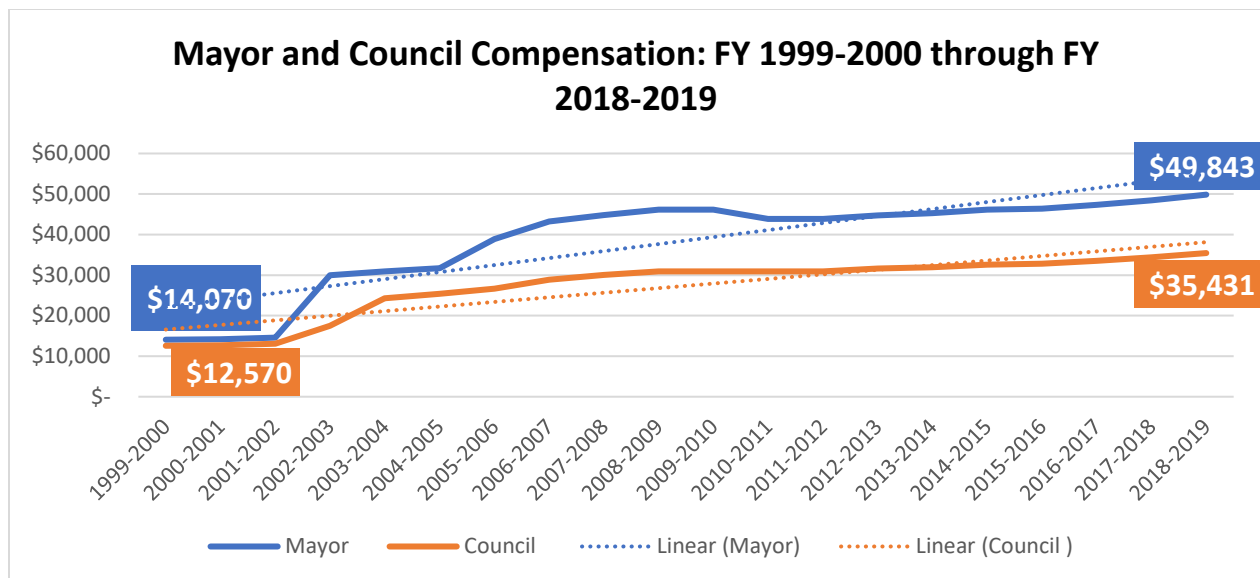
Once calculated, the OMB Director notifies the Payroll Office and the Human Resources Department to enter the adjusted salaries into the payroll system and adjust the pay plan to reflect the changes. By December 5 the Supervisor of Payroll shall notify the Mayor and Council Members of their new salary and any salary shall be retroactive to October 1. The full salary must be accepted by the Mayor and Council Members.

## COMPARATIVE ANALYSIS

To evaluate compensation for the Mayor and City Council in FY 2019-2020, the Council requested that staff *prepare a comparative analysis of salaries paid to other local governing body members in Florida. Information which Council members desire to see include: salaries and benefits of the top 20 by population local governments, salaries for comparable County governments of a similar size and complexity as the City of Port St. Lucie, top 20 local governing body salaries sorted by strong mayor and council manager forms of government and a 20-year history of PSL governing body salaries including per capita salary though the benchmark years.*

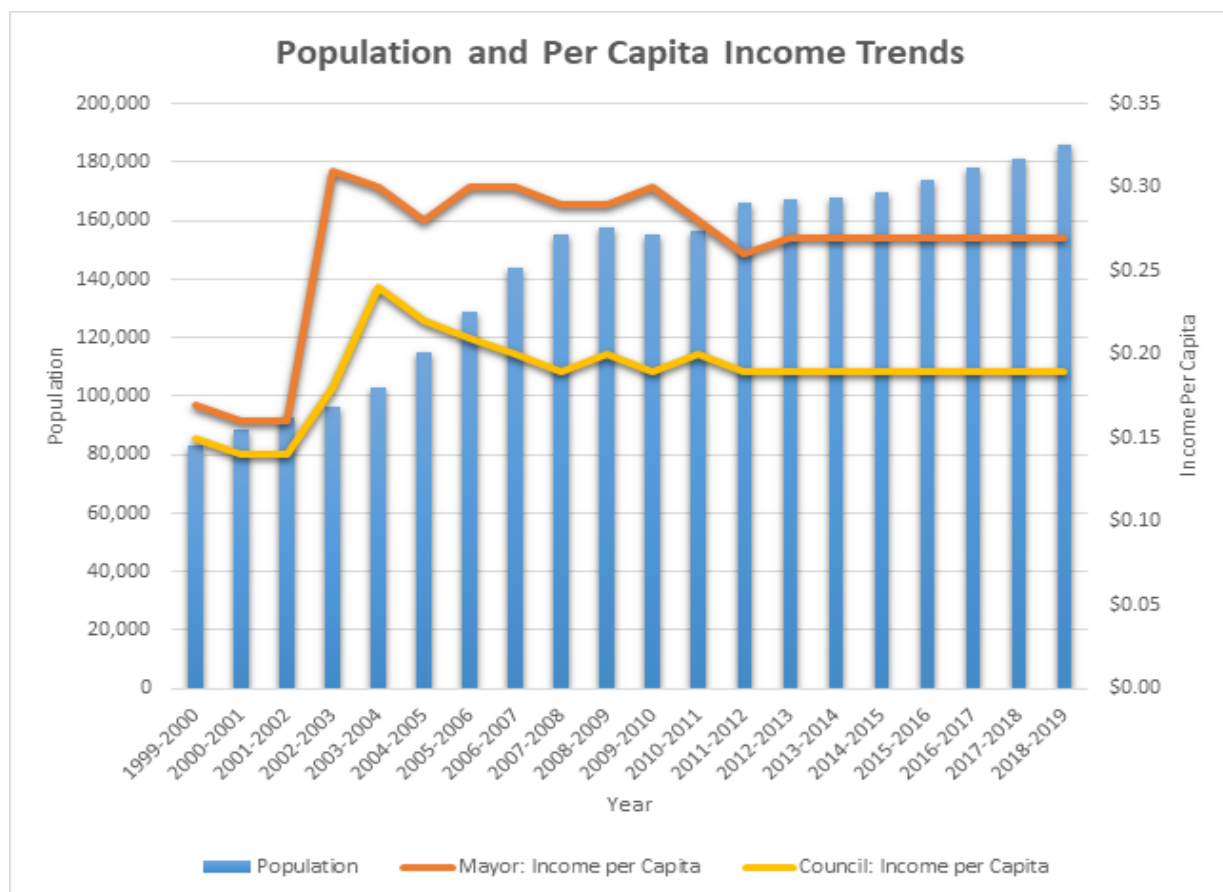
## PORT ST. LUCIE 20-YEAR COMPENSATION HISTORY

With the most recent CPI adjustment, the Mayor's annual base salary is currently \$49,843. The City Council's Salary is \$35,431. According to the Finance Department, due to the calculation utilized in Ordinance 87-31 and the specific dollar amount, rather than percentage, the City Council's salary will increase at a greater percentage than the Mayor's each year, given the different base salaries but same group rate regarding population. The following chart and table outline the salaries over a twenty-year period.



## POPULATION AND PER CAPITA INCOME TRENDS

While Port St. Lucie's population has risen, the salary per capita has stayed flat.



## Benefits

As City employees, the Mayor and City Council participate in the City's health insurance program and are enrolled in the City's retirement program. In addition, the Mayor and City Council receive mileage reimbursement for out of county travel when on City business.

## Vehicle Allowance

The Mayor and City Council began to receive a vehicle allowance in FY 2018-2019 of \$500/month. This allowance is a reinstatement of a previous policy that was suspended during the recession in FY2010-2011.

## COMPARATIVE ANALYSIS WITH OTHER LOCAL GOVERNMENTS

### Top 20 Municipalities by Population

Compensation of the Mayor and City Council varies among all Florida cities. For comparison purposes, the salaries of the following Top 20 Florida Municipalities by Population are provided and include both Council-Strong Mayor and Council-Manager forms of government, as indicated:

Municipality	County	Form of Govt.	2017 Pop.	Current Annual Salary: Mayor	Current Annual Salary: Council Member	Benefits: Mayor	Benefits: Council
1. Jacksonville	Duval	Council-Strong Mayor	891,207	Not provided	Not provided	Not provided	Not provided
2. Miami	Miami-Dade	Council-Strong Mayor	467,872	\$97,000	\$58,200	<ul style="list-style-type: none"> <li>Expense allowance: \$2,500/monthly</li> <li>Cell phone: \$300/monthly</li> <li>Vehicle allowance: \$900/monthly</li> <li>Health insurance</li> <li>Life Insurance: 2x Salary = \$194,000</li> <li>Retirement Benefits</li> </ul>	<ul style="list-style-type: none"> <li>Expense allowance: \$2,666.67/mo.</li> <li>Cell phone: \$300/mo.</li> <li>Vehicle Allowance: \$900/mo.</li> <li>Health Insurance</li> <li>No life insurance</li> <li>Retirement Benefits</li> </ul>
3. Tampa	Hillsborough	Council-Strong Mayor	373,058	\$160,742	\$46,238		
4. Orlando	Orange	Council-Strong Mayor	279,789	\$190,965	\$59,451		
5. St. Petersburg	Pinellas	Council-Strong Mayor	263,768	\$188,136	\$46,238		

Municipality	County	Form of Govt.	2017 Pop.	Current Annual Salary: Mayor	Current Annual Salary: Council Member	Benefits: Mayor	Benefits: Council
6. Hialeah	Miami-Dade	Council-Strong Mayor	236,114	\$150,000	\$17,598*	Not provided	Not provided
7. Tallahassee	Leon	Council-Manager	189,625	\$79,176 (Note: Mayor's salary is set at County Commission salary)	\$39,587	Not provided	Not provided
8. Port St. Lucie	St Lucie	Council-Manager	181,284	\$48,422	\$34,362	Not provided.	Not provided.
9. Fort Lauderdale	Broward	Council-Manager	179,063	*\$35,000 Effective in 2020, the Mayor will receive the council salary with a 1.2 multiplier. If calculate in 2019: \$82,311	*\$30,000 Effective in 2020, salaries will be calculated in 2019: \$68,593	<ul style="list-style-type: none"> <li>Expense Allowance: \$500/monthly</li> <li>Health Insurance: City pays 100% for Single Coverage</li> <li>Life Insurance 1x salary</li> <li>No retirement</li> </ul>	<ul style="list-style-type: none"> <li>Expense Allowance: \$300/mo.</li> <li>Health Insurance: City pays 100% for Single Coverage</li> <li>Life Insurance: 1x Salary = \$30,000</li> <li>No retirement</li> </ul>
10. Cape Coral	Lee	Council-Manager	175,063	\$37,444	\$33,351	Not provided	Not provided
11. Pembroke Pines	Broward	Council-Manager	163,103	\$45,800	\$23,400	<ul style="list-style-type: none"> <li>Expense allowance: \$1,596/monthly</li> <li>Vehicle allowance: \$738/monthly</li> <li>Health insurance: City pays 100% for EE, no dental</li> <li>Life insurance: 1x Salary = \$47,763.0</li> <li>Retirement</li> </ul>	<ul style="list-style-type: none"> <li>Expense allowance: \$208.33/mo.</li> <li>Vehicle allowance</li> <li>Health insurance: City pays 100% for EE and 50% of dependent coverage for health and dental</li> <li>Life Insurance</li> <li>No retirement</li> </ul>
12. Hollywood	Broward	Council-Manager	147,212	\$40,118	\$29,561	<ul style="list-style-type: none"> <li>Expense allowance: \$200/month</li> </ul>	<ul style="list-style-type: none"> <li>Expense allowance: \$200/month</li> </ul>

Municipality	County	Form of Govt.	2017 Pop.	Current Annual Salary: Mayor	Current Annual Salary: Council Member	Benefits: Mayor	Benefits: Council
						<ul style="list-style-type: none"> <li>Health insurance: City pays 100% for EE and dependent(s)</li> <li>Life insurance: \$100,000</li> <li>Retirement: Yes (FRS)</li> </ul>	<ul style="list-style-type: none"> <li>Health insurance: City pays 100% for EE and dependent(s)</li> <li>Life insurance: \$100,000</li> <li>Retirement: Yes (FRS)</li> </ul>
13. Miramar	Broward	Council-Manager	136,246	\$43,411	\$34,175	<ul style="list-style-type: none"> <li>Expense allowance of \$208.33/monthly</li> <li>Vehicle allowance</li> <li>City pays 100% for EE and 50% of dependent coverage for health and dental</li> <li>Life insurance No retirement benefits</li> </ul>	<ul style="list-style-type: none"> <li>Expense allowance of \$208.33/monthly</li> <li>Vehicle allowance</li> <li>City pays 100% for EE and 50% of dependent coverage for health and dental</li> <li>Life insurance</li> <li>No retirement benefits</li> </ul>
14. Gainesville	Alachua	Council-Manager	129,816	\$41,656	\$32,730	<ul style="list-style-type: none"> <li>Health Insurance</li> <li>Retirement Benefits</li> </ul>	<ul style="list-style-type: none"> <li>Health Insurance</li> <li>Retirement Benefits</li> </ul>
15. Coral Springs	Broward	Council-Manager	127,381	\$22,973	\$18,378	<ul style="list-style-type: none"> <li>Expense Allowance: \$266.83</li> <li>Health Insurance: City pays 90% Bundled Plan \$700/mo.</li> <li>Life Insurance: \$75,000</li> <li>No retirement plan</li> </ul>	<ul style="list-style-type: none"> <li>Expense Allowance: \$266.83/mo.</li> <li>Health Insurance: City pays 90% Bundled Plan \$700/mo.</li> <li>Life Insurance: \$75,000</li> <li>No retirement plan</li> </ul>
16. Clearwater	Pinellas	Council-Manager	113,723	\$26,795	\$22,330	Not provided	Not provided
17. Miami Gardens	Miami-Dade	Council-Manager	113,201	\$42,000*	\$12,000*	Not provided	Not provided
18. Palm Bay	Brevard	Council-Manager	110,623	Not provided	Not provided	Not provided	Not provided

Municipality	County	Form of Govt.	2017 Pop.	Current Annual Salary: Mayor	Current Annual Salary: Council Member	Benefits: Mayor	Benefits: Council
19. West Palm Beach	Palm Beach	Council-Strong Mayor	110,396	\$150,000 *	\$35,000*	Not provided	Not provided
20. Pompano Beach	Broward	Council-Manager	109,441	\$37,908	\$35,380	<ul style="list-style-type: none"> <li>Expense Allowance: \$270.83/ monthly</li> <li>Health insurance: City pays 100% EE and 50% dependent Coverage. Dental included in health.</li> <li>Life Insurance</li> <li>Retirement benefits</li> </ul>	<ul style="list-style-type: none"> <li>Vice Mayor - Expense allowance: \$245.83/ monthly</li> <li>Commissioners : Expense Allowance: \$220.83/ monthly</li> <li>City pays 100% EE and 50% dependent Coverage. Dental included in health.</li> <li>Life Insurance and Retirement benefits provide</li> </ul>

- Data was collected from the Florida League of Cities, City of Fort Lauderdale and internal research.
- \*Information was not provided in the 2017-18 CityStats Survey, 2018 research provided by the City of Fort Lauderdale.
- At the Fort Lauderdale City Commission Conference Meeting on April 16, 2019 (BUS-4, CAM# 19-0390), the City Commission recommended an increase of the compensation and benefits of the next Commission following the next election on November 3, 2020. to an annual amount that is the median family income in Broward County for City Commissioners, and that amount multiplied by 1.2 for the Mayor. The gross annual compensation shall be adjusted annually on December 1 commensurate with the median family income in Broward County, Florida, as reported by the U.S. Department of Housing and Urban Development's Median Family Income Documentation System for Fort Lauderdale, FL HUD Metro FMR Area. The Commission expense allowance shall also increase to the amount of \$750 per calendar month payable with the City's regular payroll. In addition, the Commission was to receive single coverage insurance benefits and to allow dependent insurance benefits the same as other City employees.

## Counties

The City of Port St. Lucie, while a municipality, directly serves 60% of the residents of St. Lucie County and covers a wide range of services, similar to a County. The duties of the Mayor and City Council are further described in Exhibit A and B, respectively. The City of Port St. Lucie is larger in population than neighboring counties such as Martin County and Indian River County. The salaries of St. Lucie County Commissioners total \$80,389 annually; the salary of a Martin County Commissioner is \$64,376 annually and Indian River County commissioners receive an annual salary of \$63,558. These Salaries are [set by state law](#) and a formula that is heavily based on population and other factors including base salary, group rate, annual factor and cumulative annual factor. In 1973, the Legislature authorized the salary compensation formula that was the precursor to its present form. Prior to that legislation, the authorization of changes to county officers' compensation required frequent legislative action. In expressing its intent, the Legislature determined that a uniform salary law was needed to replace the previous local law method of determining compensation, which was haphazard, preferential, inequitable, and probably unconstitutional, according to the Florida Legislature's Office of Economic and Demographic Research.

Salaries are computed utilizing the following statistics:

### Salary Computation Statistics: Elected County Constitutional Officers

*County Commissioners, s.145.031, F.S.*

Population Group Numbers	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	0	9,999	\$4,500	0.150
II	10,000	49,999	\$6,000	0.075
III	50,000	99,999	\$9,000	0.060
IV	100,000	199,999	\$12,000	0.045
V	200,000	399,999	\$16,500	0.015
VI	400,000	999,999	\$19,500	0.005
VII	1,000,000		\$22,500	0.000

## Top 20 Counties by Population

County	2017 Population	FY 2018 Annual Salary: County Commissioner
1. Miami-Dade	2,743,095	\$100,685
2. Broward	1,873,970	\$100,685
3. Palm Beach	1,414,144	\$100,685
4. Hillsborough	1,379,302	\$100,685
5. Orange	1,313,880	\$100,685
6. Pinellas	962,003	\$99,835



7. Duval	936,811	\$99,271
8. Lee	698,468	\$93,938
9. Polk	661,645	\$93,114
10. Brevard	575,211	\$91,181
11. Volusia	523,405	\$90,021
12. Pasco	505,709	\$89,625
13. Seminole	454,757	\$88,485
14. Sarasota	407,260	\$87,423
15. Manatee	368,782	\$85,165
16. Collier	357,470	\$84,406
17. Osceola	337,614	\$83,073
18. Marion	349,267	\$83,855
19. Lake	331,724	\$82,677
20. St. Lucie	297,634	\$80,389

**St. Lucie is the 20<sup>th</sup> largest County in the state of Florida in terms of population. For additional comparative data the following additional 20 counties were included that include counties of comparable population to the City of Port St. Lucie.**

County	2017 Population	Current Annual Salary: Commissioner
21. Escambia	313,381	\$81,446
22. Leon	287,899	\$79,736
23. Alachua	260,003	\$77,863
24. St. Johns	229,715	\$75,830
25. Clay	208,549	\$74,409
26. Okaloosa	195,488	\$72,927
27. Hernando	181,882	\$70,187
28. Bay	178,820	\$69,571
29. Charlotte	172,720	\$68,342
30. Santa Rosa	170,835	\$67,963
31. Martin	153,022	\$64,376
32. Indian River	148,962	\$63,558
33. Citrus	143,801	\$62,519
34. Sumter	120,700	\$57,867
35. Flagler	105,157	\$54,737
36. Highlands	150,076	\$54,129
37. Nassau	80,456	\$48,451
38. Monroe	76,889	\$47,493
39. Putnam	73,176	\$46,497

40. Walton	65,301	\$44,382
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## Options to Consider

### Options for Compensation

Following the review of this comparative data, the City Council may consider the following recommended options should the Mayor and City Council act to adjust compensation:

Option	Action	Estimated Comparable Salary
<b>1</b>	<b>Given the level of effort and complexity of the business of Port St. Lucie government, the work of the Mayor and City Council is comparable to the work of a County Commission</b> (Port St. Lucie's population is approximately sixty percent of the population of St. Lucie County). The salary of the Mayor could be set at the salary of a St. Lucie County Commissioner, which is updated annually via a formula governed by Florida statutes. The Council's salary could be set at a proportionate amount <sup>2</sup> based on the City's current population and percentage of the overall County population. For comparative purposes, it has been set at 60% .	Mayor: \$80,389 Council: \$48,233.40
<b>2</b>	<b>The City Council could consider adopting the same state formula</b> utilized to set the salaries of the County Commission and other county officials. The Mayor would receive the salary comparable to a commissioner of a similar population size. The Council's salary could be set at a proportionate amount. For comparative purposes, it has been set at 60% .	Mayor: \$70,066.79 Council: \$42,040.07

<sup>2</sup> Note: The current formula governing City Council salaries would be replaced with this action. Under this analysis, the salaries for City Council members would rise. However, the current salary of the City Council is approximately 71% of the current salary of the Mayor. The Council would need to direct a greater proportion than the current population.

Option	Action	Estimated Comparable Salary
	<p>Note: For this analysis, the salary was calculated utilizing the latest salary calculation, according to the Florida Office of Economic and Demographic Research. Key components of the formula, the Cumulative Annual Factor and Annual Factor have not yet been certified by the Department of Management Services. Typically, this annual certification occurs during the late-August to mid-September timeframe. Given the recent BEBR population of 191,903, the salary could be estimated at \$72,205.16.</p>	

### A Note on Potential Implementation

Should the Council act to change compensation, according to Section 3.04, City Charter, “no ordinance increasing the annual base salary shall become effective until the date of commencement of the terms of the Councilmembers elected at the next regular election, at which time the base salary increase shall become effective as to all of the Councilmembers and the Mayor, provided that such election follows the adoption of such ordinance by at least six (6) months. (Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04).

### Exhibits

- Exhibit A: Duties of a City Commissioner
- Exhibit B: Duties of a County Commissioner

## **EXHIBIT A – DUTIES OF MAYOR AND CITY COUNCIL**

### **SPECIFIC DUTIES OF COUNCIL SET FORTH IN CHARTER**

Vested with all legislative powers of the city. §3.01

Determine the annual base salary of councilmembers and the mayor by ordinance and may further provide for annual automatic adjustments to the base salary so determined. 3.04

Attend regular meetings at least once in every month. §3.10(a)

Call and attend special meetings. §3.10(a).

Determine its own rules by resolution and publish same 60 days after installation of each new council. §3.10(b)

Vote on ordinances and resolutions. §3.10(c)

Establish advisory committees to work on matters affecting the city, and set forth the tenure and duties of the members thereon. §3.11

Appoint and remove the city manager and executes an employment contract with the city manager. §4.02

Approve any acting city manager designated by the city manager; or revoke and appoint another officer of the city to serve in city manager's absence. §4.03.

By ordinance prescribe the form of the ballot including the method of listing candidates for city council and mayor elections and any other city election. §5.03

Appoint 10 city electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. §5.05(b)

Consider and vote on any recommended adjustment of council district boundaries. §5.05

By ordinance, create a Civil Service Board and a Civil Service Appeals Board and set forth the manner of selection of members to the Board, their qualifications, term of office, duties, and rules and regulations from which to conduct meetings. §8.01

Appoint a city attorney and assistant city attorney. §9.04

May investigate the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. §9.05

Provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. §9.06

By resolution, designate depositories for city monies and provide for proper security of all city deposits. §9.07

Provide for fidelity bonds for such employees of the city as may be considered necessary. §9.08

Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency. §9.09(a)

Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed. §9.09(b)

Levy taxes. §9.09(c)

Grant, renew or extend a franchise. §9.09(d)

Regulate the rate charged for its services by a public utility. §9.09(e)

Authorize the borrowing of money. §9.09(f)

Convey or lease or authorize the conveyance or lease of any lands of the city. §9.09(g)

Adopt ordinances proposed under the initiative power. §9.09(h)

Amend or repeal any ordinance previously adopted, except as otherwise provided with respect to repeal of ordinances reconsidered under the referendum power. §9.09(i)

At least every 10 years, provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. §9.12(b)

Protect the city by insuring against reasonable hazards. §9.13

On recommendation of the manager, may establish city departments, offices, and/or agencies in addition to those created by the charter and may prescribe the functions of all departments, offices and agencies. §10.01(a)

Approve city manager's appointment of a city treasurer. §10.01(c)

Adopt personnel rules. §10.03

Review and adopt city budget and 5-year capital program. §§11.06; 11.07

Review and adopt any supplemental, emergency, reductions of, and/or transfers of budget appropriations. §11.09

Adopt procedures for meeting, records, absences, and voting for the Planning and Zoning Board meetings and provide for removal of Planning and Zoning Board Members. §§12.03; 12.05

## **SPECIFIC DUTIES OF COUNCIL SET FORTH IN CODE OF ORDINANCES**

Appoint city committees and annually determine its necessity to the best interest of the city.  
§30.02(a)

Hold quasi-judicial hearings to apply existing policies and regulations to a specific property.  
§32.80

Annually set the salary of the city engineer. §32.36(c).

Annually set the salary and/or approve contract of employment of police chief. §32.71

Approve housing programs to be administered by the neighborhood services department.  
§32.123(b)

Establish the municipal election canvassing board. §33.15

Approves and adopts the employee safety manual and substance abuse policy. §34.01

Adopt pensions and deferred compensation plan(s) for the city's employees. §34.16

Approve non-construction related purchases at or over \$75,000 and construction related purchases at or over \$200,000. §35.03

Waive competitive bidding requirements for good cause shown. §35.04(c)

Authorize the manner of disposal for supplies, materials, or equipment over \$1,000 which it finds obsolete, unused, outmoded, unserviceable, or wasted material. §35.09

In the event of or in anticipation of a disaster, including but not limited to, a hurricane, tornado, flood, riot or other act of god, declare a state of emergency for purchasing purposes and to state the period of time such emergency is deemed to continue. §35.11

Upon application and good cause shown, waive payment of any fees requires by code. §36.02

By resolution, appoint and discharge special magistrates to preside over code compliance matters. §§37.01; 37.03; 37.04

Execute releases of any liens imposed by the special magistrate in code compliance matters.  
§37.08(a)(4)

By resolution, adopt special magistrate rules and regulations necessary to carry out the provisions of the code relating to code enforcement matters. §37.11

Prescribe the form of citations or notices to appear issued by a code compliance officer.  
§37.20(c)

Determine and declare existence of a public nuisance and provide for the abatement of same.  
§40.01

By resolution, establish a nonrefundable annual registration fee for abandoned real property.  
§42.03(3)

Impose annual solid waste services assessments. §§50.20(c); 50.21

Adopt by resolution an annual rate for which a solid waste service assessment is imposed. §50.21(h)

Establish by resolution reasonable rates for stormwater fees. §51.05

Hear appeals of utility fees invoiced against a property. §51.08

Adopt a guaranteed revenue fee for water and/or wastewater equivalent residential connection as purchased and reserved in any non-single family residential utility service agreement executed with the city. §61.15

Establish and modify the water, wastewater, and reclaimed water system rate schedule. §§61.18-61.20

Establish just and equitable rates, fees or charges to be paid to the municipality for use of the utility by each person, firm, or corporation whose premises are served. §62.02

Approve any application of mandatory water restriction surcharge. §62.09

By resolution, enlarge or reduce the service area, and offer water and/or wastewater service capacity to certain portions of said service area in advance of other portions. §63.04

Hear appeals of any denial of a hardship request to modify the terms of an existing capital charge agreement or conditions precedent to the assumption or subordination of a capital charge agreement. §63.25(b)(4)

Hear appeals of a decision of the Director of the Utility Systems Department to deny or approve a request for a variance from the restrictions on landscape irrigation. §65.07(d)

Hear appeals of any final action by the Utility Systems Department regarding wellfield protection. §67.03

Approve proposed new speed zones or changes to an existing speed zone. §71.01(b)(2)

Hear appeals regarding the animal control's decision as to whether a person may keep or maintain an animal not authorized within the city limits. §92.04(2)

Establish by resolution a reward amount and procedure for claiming reward for information leading to identification and apprehension of any person who willfully damages or destroys public or private property by use of graffiti. §95.29

Adopt amendments to the local housing assistance plan. §100.08

Revoke and reissue, after public hearing, a city occupational license of a business that violates any of the provisions of the code relating to establishments that sell alcoholic beverages. §110.09

Hear appeals of a decision by a special magistrate regarding revocation of a business tax receipt. §111.26

May authorize exemption of 50% of the business tax levied on a business located in an enterprise zone. §111.60(a)

May grant waiver to any nonprofit organization to the provisions of the code regarding peddlers and solicitors. §112.02

Revoke a permit issued to a peddler or solicitor. §112.24

Hear appeals of a decision of the police chief or licensing official denying a permit to a peddler or solicitor. §112.31

Enforce provisions of the code regarding adult entertainment establishments. §113.06

Modify fees relating to the operation and permits for an adult entertainment establishment. §§113.21(c); 113.25

Hear appeals of a suspension or revocation of a permit to operate an adult entertainment establishment. §113.29

Hear appeals of denials of a certificate of competency or disciplinary action by the contractors examining board. §§150.510; 150.520.2(k)

Adopt the comprehensive plan and amendments. §151.05

May require, as part of site plan approval, more stringent requirements on landscaping for a particular site plan. §154.01(B)

May adopt landscape guidelines which preempt ch. 154 of the code for certain areas of the city. §154.01(C).

Review requests to substitute landscaping for an architectural wall that is a required feature of a landscape buffer strip or requests to be exempt from installing the landscape buffer strip requirement. §154.12

Hear appeals of denial of a land clearing permit. §154.26

Set by resolution, an inspection fee for the building department to inspect each sign or advertising structure within the city's limits to determine compliance with the sign code. §155.03(E)

Review and approve the master sign program and any proposed revisions. §155.03(H)

Grant exceptions from the requirements for subdivision approval. §156.023

Consider and approve, approve with conditions and/or changes, or disapprove the preliminary plat. §156.038(H)

Consider and grant extensions on preliminary plat approval. §156.039

Consider and approve final plats. §156.040

Waive submission of a particular document for plats to be submitted. §156.056(C)



Approve improvements being installed following preliminary plat approval and preceding final plat approval and recording in lieu of performance bonding. §156.059(A)(2)

Make various decisions regarding standards, principles and guidelines for subdivision design. Ch. 156, Art. VI.

Consider and accept improvements dedicated to the city. §156.150

Grant special exception uses to zoning districts. Ch. 158

Consider and make decisions regarding various planning and zoning matters. Ch. 158

Review and approve site plans. §158.237

Consider applications for and make text amendments and zoning map amendments. §158.316

Serve as the Board of Zoning Appeals and consider appeals from provisions of Ch. 158. §158.335

Adopt review and revise impact fees and make various decisions regarding the same. Ch. 159

Impose residential street lighting assessments. Ch. 161

Make various decisions regarding public art. Ch. 162

### **SPECIFIC DUTIES OF MAYOR SET FORTH IN CHARTER**

Attend and preside at meetings of the council. §3.05

Represent the city in intergovernmental relationships. §3.05

Appoint with the advice and consent of the council the members of citizen advisory boards and commissions. §3.05

Present an annual state of the city message. §3.05

Appoint the members and officers of council committees, assign subject to the consent of council agenda items to committees. §3.05

Perform other duties specified by the council. §3.05

The Mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. §3.05

Call special meetings. §3.10(a)

Sets the order of business for each meeting. §3.10(b)

## **SPECIFIC DUTIES OF MAYOR SET FORTH IN CODE OF ORDINANCES**

May enlarge the time period allowed for cross-examination in quasi-judicial proceedings.  
§32.80(e)(5)

Determine if questions and evidence are relevant in quasi-judicial proceedings. §32.80(e)(7)

In the event of or in anticipation of a disaster, including but not limited to, a hurricane, tornado, flood, riot or other act of god, declare a state of emergency for purchasing purposes and to state the period of time such emergency is deemed to continue. §35.11

## **EXHIBIT B - DUTIES OF A COUNTY COMMISSIONER**

Florida law lays out a large number of specific duties for commissioners in non-charter counties. Some of the more important commission duties in Ch. 125.01 of the Florida Statutes include:

- Adopt an annual budget to control county fiscal year expenditures.
- Levy taxes and special assessments; borrow and expend money; issue bonds, revenue certificates and other obligations.
- Adopt county ordinances, resolutions, and rules of procedure, prescribing fines and penalties for violations of ordinances.
- Provide for the prosecution and defense of legal causes on behalf of the county.
- Provide and maintain county buildings.
- Prepare and enforce comprehensive plans for development of the county.
- Establish, coordinate and enforce zoning and business regulations necessary for public protection.
- Place issues on the ballot at any primary, general, or special election.
- Provide services related to the health and welfare of citizens, such as fire protection, parks and recreation, and waste collection/disposal.
- Appoint members to and create Boards, Authorities, Committees and Commissions as required by law.

Additional duties are outlined in Chapter 125 of the 2019 Florida Statutes, as listed below.

The 2019 Florida Statutes

Title XI

COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 125

COUNTY GOVERNMENT

### **125.01 Powers and duties.—**

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(a) Adopt its own rules of procedure, select its officers, and set the time and place of its official meetings.

(b) Provide for the prosecution and defense of legal causes in behalf of the county or state and retain counsel and set their compensation.

(c) Provide and maintain county buildings.

(d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. 633.206 and 633.208, and adopt and enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. 633.202.

(e) Provide hospitals, ambulance service, and health and welfare programs.

(f) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.

(g) Prepare and enforce comprehensive plans for the development of the county.

(h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

(i) Adopt, by reference or in full, and enforce housing and related technical codes and regulations.

(j) Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs.

(k)1. Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs.

2. The governing body of a county may require that any person within the county demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with county ordinance or state or federal law. For any person who will produce special wastes or biomedical waste, as the same may be defined by state or federal law or county ordinance, the county may require satisfactory proof of a contract or similar arrangement by which such special or biomedical wastes will be collected by a qualified and duly licensed collector and disposed of in accordance with the laws of Florida or the Federal Government.

(l) Provide and operate air, water, rail, and bus terminals; port facilities; and public transportation systems.

(m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.

(n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

(o) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law.

(p) Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions.

(q) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection; law enforcement; beach erosion control; recreation service and facilities; water; alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; streets; sidewalks; street lighting; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; indigent health care services; mental health care services; and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality. If ad valorem taxes are levied to provide essential facilities and municipal services within the unit, the millage levied on any parcel of property for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit. Notwithstanding any other provision of law, a county may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under s. 193.461 unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this paragraph, the term “agricultural pole barn” means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

(s) Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee and the production of official records.

- (t) Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law.
- (u) Create civil service systems and boards.
- (v) Require every county official to submit to it annually, at such time as it may specify, a copy of the official's operating budget for the succeeding fiscal year.
- (w) Perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.
- (x) Employ an independent certified public accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General.
- (y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021, associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.
- (z) Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction.

(aa) Use ad valorem tax revenues to purchase any or all interests in land for the protection of natural floodplains, marshes, or estuaries; for use as wilderness or wildlife management areas; for restoration of altered ecosystems; or for preservation of significant archaeological or historic sites.

(bb) Enforce the Florida Building Code, as provided in s. 553.80, and adopt and enforce local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c).

(cc) Prohibit a business entity, other than a county tourism promotion agency, from using names as specified in s. 125.0104(9)(e) when representing itself to the public as an entity representing tourism interests of the county levying the local option tourist development tax under s. 125.0104.

(2) The board of county commissioners shall be the governing body of any municipal service taxing or benefit unit created pursuant to paragraph (1)(q).

(3)(a) The enumeration of powers herein may not be deemed exclusive or restrictive, but is deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, including, specifically, authority to employ personnel, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property. The authority to employ personnel includes, but is not limited to, the authority to determine benefits available to different types of personnel. Such benefits may include, but are not limited to, insurance coverage and paid leave. The provisions of chapter 121 govern the participation of county employees in the Florida Retirement System.

(b) The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

(4) The legislative and governing body of a county shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. 379.101, with respect to the method of taking, size, number, season, or species. However, this subsection does not prohibit a county from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing



from real property owned by that county, nor does it prohibit the imposition of excise taxes by county ordinance.

(5)(a) To an extent not inconsistent with general or special law, the governing body of a county shall have the power to establish, and subsequently merge or abolish those created hereunder, special districts to include both incorporated and unincorporated areas subject to the approval of the governing body of the incorporated area affected, within which may be provided municipal services and facilities from funds derived from service charges, special assessments, or taxes within such district only. Such ordinance may be subsequently amended by the same procedure as the original enactment.

(b) The governing body of such special district shall be composed of county commissioners and may include elected officials of the governing body of an incorporated area included in the boundaries of the special district, with the basis of apportionment being set forth in the ordinance creating the special district.

(c) It is declared to be the intent of the Legislature that this subsection is the authorization for the levy by a special district of any millage designated in the ordinance creating such a special district or amendment thereto and approved by vote of the electors under the authority of the first sentence of s. 9(b), Art. VII of the State Constitution. It is the further intent of the Legislature that a special district created under this subsection include both unincorporated and incorporated areas of a county and that such special district may not be used to provide services in the unincorporated area only.

(6)(a) The governing body of a municipality or municipalities by resolution, or the citizens of a municipality or county by petition of 10 percent of the qualified electors of such unit, may identify a service or program rendered specially for the benefit of the property or residents in unincorporated areas and financed from countywide revenues and petition the board of county commissioners to develop an appropriate mechanism to finance such activity for the ensuing fiscal year, which may be by taxes, special assessments, or service charges levied or imposed solely upon residents or property in the unincorporated area, by the establishment of a municipal service taxing or benefit unit pursuant to paragraph (1)(q), or by remitting the identified cost of service paid from revenues required to be expended on a countywide basis to the municipality or municipalities, within 6 months of the adoption of the county budget, in the proportion that the amount of county ad valorem taxes collected within such municipality or municipalities bears to

the total amount of countywide ad valorem taxes collected by the county, or by any other method prescribed by state law.

(b) The board of county commissioners shall, within 90 days, file a response to such petition, which response shall either reflect action to develop appropriate mechanisms or shall reject such petition and state findings of fact demonstrating that the service does not specially benefit the property or residents of the unincorporated areas.

(7) No county revenues, except those derived specifically from or on behalf of a municipal service taxing unit, special district, unincorporated area, service area, or program area, shall be used to fund any service or project provided by the county when no real and substantial benefit accrues to the property or residents within a municipality or municipalities.

History.—s. 1, ch. 1882, 1872; s. 1, ch. 3039, 1877; RS 578; GS 769; s. 1, ch. 6842, 1915; RGS 1475; CGL 2153; s. 1, ch. 59-436; s. 1, ch. 69-265; ss. 1, 2, 6, ch. 71-14; s. 2, ch. 73-208; s. 1, ch. 73-272; s. 1, ch. 74-150; ss. 1, 2, 4, ch. 74-191; s. 1, ch. 75-63; s. 1, ch. 77-33; s. 1, ch. 79-87; s. 1, ch. 80-407; s. 1, ch. 83-1; s. 17, ch. 83-271; s. 12, ch. 84-330; s. 2, ch. 87-92; s. 1, ch. 87-263; s. 9, ch. 87-363; s. 2, ch. 88-163; s. 18, ch. 88-286; s. 2, ch. 89-273; s. 1, ch. 90-175; s. 1, ch. 90-332; s. 1, ch. 91-238; s. 1, ch. 92-90; s. 1, ch. 93-207; s. 41, ch. 94-224; s. 31, ch. 94-237; s. 1, ch. 94-332; s. 1433, ch. 95-147; s. 1, ch. 95-323; s. 41, ch. 96-397; s. 42, ch. 97-13; s. 2, ch. 2000-141; s. 34, ch. 2001-186; s. 36, ch. 2001-266; s. 3, ch. 2001-372; s. 20, ch. 2002-281; s. 1, ch. 2003-78; ss. 27, 28, ch. 2003-415; s. 184, ch. 2008-247; s. 2, ch. 2011-143; s. 122, ch. 2013-183; s. 1, ch. 2014-7; s. 1, ch. 2016-89.