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CITY OF BOWLING GREEN  
FORM OF CITY GOVERNMENT  
AND REVIEW OF CHARTER AND CODE

5/1/2023  
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**AGENDA**

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- Form of Government  
    Selected by Citizens of City
- Home Rule
- Charter

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**Acknowledgements, References**

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- Most of the government law I used has been taken from conferences, seminars and Westlaw.com

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## Florida Municipal Home Rule

- Prior to 1968 Florida Constitution Revision
  - Cities had only those powers granted by the legislature through statutes or special acts.
- After 1968 Florida Constitution Revision:
  - Cities now have “governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

Article VIII, section 2(b) Florida Constitution.  
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## FLORIDA'S HOME RULE

- Art. VIII, §2(B). Municipalities shall have governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and **may exercise any power for municipal purposes except as otherwise provided by law.**
- To summarize, actions by a municipality are lawful if they have a “municipal purpose” and are expressly prohibited by the constitution, or state statutes or special laws.
  - Cities in charter counties may also be limited by county ordinances.

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## Florida Municipal Home Rule

- Prior to 1968, cities had to look for legislative authority to pass an ordinance or conduct a municipal act.
- After 1968, cities need only to look for state laws prohibiting or “inconsistent with” such city actions or ordinances.
  - Such inconsistent laws are called “preemption” laws if they limit or prohibit municipal powers. Examples include regulation of guns and ammunition.
  - Other areas allow cities to act, but only if they follow the state statutes (annexation, CRAs, etc).

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## FLORIDA'S HOME RULE STATUTE

- The Florida legislature passed Section 166.021 of the Florida Statutes to implement the constitutional home rules powers. It says in relevant part:
- (1) As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.

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## FLORIDA'S HOME RULE

- (4) The provisions of this section shall be so construed as to secure for municipalities the **broad exercise of home rule powers** granted by the constitution. It is the further intent of the Legislature to extend to municipalities the **exercise of powers for municipal governmental, corporate, or proprietary purposes** not expressly prohibited by the constitution, general or special law, or county charter and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited.

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## Forms of Municipal Government

- The major forms of Florida municipal government are:
- (1) the **autocratic mayor** or "**strong mayor**" as the chief power in city government with the council having little real authority. Examples:
  - Tampa
  - Miami-Dade
  - Jacksonville
- (2) the **commission-manager** plan. AKA "Weak Mayor" form of government.\* This the form selected by the citizens of your city.

\*<https://www.britannica.com/topic/mayor-and-council-system>

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## Commission-Manager Form ("C-M")

- In the commission-mayor (C-M) form of government, the commission exercises the powers of legislation (ordinances and resolutions) of laws and broad policy of the city, while the city manager implements and administers the law and policies, and exercises administrative and executive functions of the city.
- Under C-M, the mayor is merely a ceremonial position designated to sign commission-approved contracts and grants, and to act as chairman of meetings, the authority of which can be overridden by the commission.

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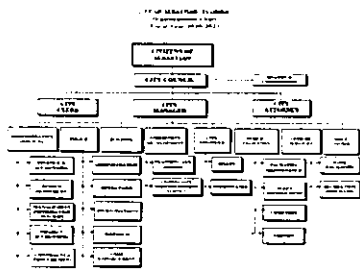
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## Typical C-M Organization



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## Limitations

- Under the C-M form, the commissioners select the mayor from their members for annual office.
- No individual commissioner (including the mayor) is authorized to act on their own to obligate or bind the city in any manner of contract, or to direct any employee to take any action or not, including the city manager. Employees answer only to city manager and city manager answers to commission as a whole.
  - Violating this limitation is often designated as a basis for removal of that commissioner from office.

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## BOWLING GREEN HOME RULE IN CHARTER

2.04

- **Sec. 1.04. - General powers of City.**
- The City shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law and this Charter.

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## BOWLING GREEN CHARTER

2.01

- **2.01-Composition of City Commission.** Five members elected at large by the electors of the City. Only qualified electors of the City shall be eligible to be members of the City Commission.
- **2.02-Election and terms.** Seats are numbered and candidates must name the seat they are seeking.
  - Four-year staggered terms
  - Forfeit office if they are no longer an "elector" or miss 3 consecutive meetings without being excused.

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## BOWLING GREEN CHARTER

2.04

- **2.04 – Mayor –** Selected from commission by commission after elections.
  - **Authority of Mayor limited.** The office of Mayor shall be a ceremonial position, except that the Mayor, or in his or her absence, the Vice Mayor, shall retain the legislative powers of a commissioner, but shall also:
    - Chair all Commission meetings, subject to the rules of order adopted by the Commission. If both the Mayor and the Vice-Mayor are absent from a meeting, the remaining members by majority vote, shall determine which among them shall chair that meeting.
    - Signs ordinances, resolutions, contracts and other documents as a purely ceremonial task after approval by the Commission.

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## BOWLING GREEN CHARTER

2.05

- 2.05 – Quorum – 3
- Meetings - Times and places by ordinance or resolution.
  - Special meetings may be held at the call of the **City Manager** or, in his or her absence, the **Interim City Manager**; any **two (2) commissioners**; the **Mayor**, or in his or her absence, the **Vice-Mayor**.
- Rules of Order -The Commission shall determine its own rules and order of business.

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## BOWLING GREEN CHARTER

2.06

- 2.06 – Compensation- Commission decides their own salary
- 2.07 – Vacancies in office. If more than six months prior to an election, then special election; if less filled by vote of the remaining commission.

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## BOWLING GREEN CHARTER

2.08

- 2.08 – Limitations on Commission and commissioners.
  - Commission shall not in any manner dictate or give orders to any non-appointed employee of the City in carrying out their official duties as an employee of the City. The Commission may make investigations into the affairs of the City and make formal recommendations to the City Manager for providing a modern efficient and economical governmental City.
  - No Commissioner shall individually dictate or give orders to any officer or employee of the City, whether appointed or not, in carrying out their official duties as an employee of the City. Violation of this prohibition shall be grounds for forfeiture of office.

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## BOWLING GREEN CHARTER

3.01 - City Manager appointed and except as provided in "limitations" serves at pleasure of Commission.

3.02 - May be removed by a vote of not less than three (3) commissioners.

No contract can prohibit removal but can provide severance in compliance with state law.

3.03 - Attorney and police chief appointed by commission and removed by not less than vote of 3.

3.04 - City manager supervises all departments of city including clerk, and except city attorney

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