

PART I - CHARTER

Footnotes:

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Editor's note— Printed herein is the Charter of the City of Green Cove Springs, Florida, as adopted by referendum authorized by Ordinance Number O-06-1980, and by referendum on July 15, 1980. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. Additions made for clarity are indicated by brackets.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; Charter amendments, F.S. § 166.031.

ARTICLE I. - POWERS

[Section 1.01.] - Definitions.

To facilitate comprehension of wording in this Charter, the following definitions should be noted:

1. The term city shall always denote the "City of Green Cove Springs."
2. The term "council" or "council member" shall always denote the five (5) members consisting of a mayor, vice-mayor, and three (3) council members.
3. Wherever "he," "his," "him," or any description of a masculine gender is utilized, it shall also be equally applicable to the female gender.
4. The term "manager" refers to the "city manager of Green Cove Springs" unless otherwise specified.
5. The terms "residency," "reside," and "resident" are used in this Charter when referring to the place where a person has his true, fixed and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning; not established for a mere special or temporary purpose, and he shall be a registered elector of the City of Green Cove Springs.

(Ord. No. O-01-2010, § 1(exh. A), 2-16-2010/4-6-2010)

Editor's note— The term(s) "corporate limits," "territorial boundaries," "city limits" or similar references shall mean the land within the boundaries of the City of Green Cove Springs.

Section 1.02. - Municipality created; corporate limits.

A municipality to be known and designated as the "City of Green Cove Springs" is hereby created, established, organized and constituted in the County of Clay and State of Florida, the territorial boundaries of which shall be as follows:

[The boundaries of the city are not printed herein but are on file in the city clerk's office.]

(Laws of Fla. ch. 21262(1941), § I; Laws of Fla. ch. 71-652, § 1; Ord. No. O-3-79, 3-6-1979; Ord. No. O-21-84, 9-25-1984; Ord. No. O-36-85, 12-3-1985; Ord. No. O-37-85, 12-3-1985; Ord. No. O-5-90, 5-15-1990; Ord. No. O-16-90, 7-17-1990; Ord. No. O-11-1991, 7-2-1991; Ord. No. O-11-1992, 4-21-1992; Ord. No. O-15-98, 7-7-1998; Ord. No. O-16-98, 7-7-1998; Ord. No. O-12-99, § 1, 3-16-1999; Ord. No. O-17-99, § 1, 5-16-1999; Ord. No. O-07-2005, 6-7-2005; Ord. No. O-08-2005, 6-7-2005; Ord. No. O-10-2006, 2-21-2006; Ord. No. O-22-2006, 7-18-2006; Ord. No. O-29-2007, 11-20-2007; Ord. No. O-30-2007, 11-20-2007; Ord. No. O-08-2008, 5-6-2008; Ord. No. O-10-2008, 6-3-2008; Ord. No. O-10-2010, 10-19-2010; Ord. No. O-02-2015, 4-7-2015; Ord. No. O-05-2015, 4-21-2015)

Section 1.03. - Powers.

The city shall have all powers granted municipalities under the constitution and general laws of the State of Florida.

The powers of the city under this Charter shall be construed liberally in favor of the city and specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article. The city shall have implied and incidental powers to exercise those powers enumerated herein or granted by general law. The city shall have perpetual succession, may sue and be sued, plead and be impleaded, and use a common seal.

Editor's note— These "Home Rule" powers are fully set forth in Chapter 166, Florida Statutes.

Section 1.031. - Nondiscrimination.

The city shall abide by all applicable nondiscrimination laws of the state and federal government.

(Ord. No. O-01-2019, § 2(Exh. A), 1-22-2019)

Section 1.04. - Intergovernmental powers.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any [one] or more states or civil divisions or agencies thereof, or the United States or any agency thereof, provided, however, any participation involving obligation by the city shall be approved by city ordinance.

State Law reference— Intergovernmental programs, F.S. ch. 163.

Section 1.05. - Debts and obligations unimpaired.

No obligation or contracts of said city, including bonds heretofore issued shall be impaired or voided by

this act, but all such debts and obligations shall continue unimpaired.

ARTICLE II. - CITY COUNCIL

Section 2.01. - General powers and duties.

All powers of the city shall be vested in the city council, hereinafter referred to as the council, except as otherwise provided by law or by this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Sec. 2.02. - Composition, qualifications and terms of office.

The council shall consist of five (5) members, elected at large by the qualified voters of the city. They shall be qualified electors, citizens of the United States and shall have resided within the corporate limits of the city for at least the one (1) year immediately prior to the date of their qualifying for office.

- (A) *Qualifying for council seat.* Any qualified elector of the city who meets the foregoing qualifications may qualify for election to a council seat by designating the seat number for which he desires to run by paying a filing fee of five (5) percent of the annual salary of a council member to the city clerk no later than 12:00 noon sixty-seven (67) days nor more than 12:00 noon seventy-one (71) days prior to the date of such election, or at such other times as may be established by City Ordinance. Any such qualified elector who provides to the city clerk a petition signed by ten (10) percent of the qualified city electors within the above prescribed period may qualify for election to a council seat without payment of said filing fee. Any qualified elector at the time of qualifying as aforesaid shall file with the city clerk a sworn statement setting forth his name, address, that he is a qualified elector, that he has resided within the corporate limits of the City of Green Cove Springs for not less than one (1) year immediately prior to the date of qualification and a willingness to serve if elected. The City Clerk shall be allowed to designate the Clay County Supervisor of Elections to receive the aforementioned qualification documents for election to a city council seat or as may be otherwise established by City Ordinance.
- (B) *Judge of qualifications.* The council shall be the judge of whether candidates have met the qualifications for election to the council, and for such purpose shall have the power to subpoena witnesses and require the production of evidence, but the decision of the council in any such case shall be subject to review by the courts.
- (C) *Terms of office.* The terms of council members shall be for three (3) years. The terms of not more than three (3) council members shall expire in the same year. The terms of council members elected at regular elections shall commence on the second regular meeting day of

May following such regular election. Notwithstanding the foregoing, the three (3) year term of office of council members shall be extended until their successor takes office on the third Tuesday of May.

(D) *Term limits.* No council member can run for re-election if, by the end of the current term of office, the council member will have served (or, but for resignation or removal would have served) for three (3) consecutive terms. After a one (1) year absence from the Council, following his third full term, a term limited former Council Member may file as a candidate.

(E) *Continued residency.* City council members, once elected, must maintain their residency within the city limits during their term of office.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-7-97, 2-18-1997/4-1-1997; Ord. No. O-01-2010, § 1(exh. A), 2-16-2010/4-6-2010; Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014; Ord. No. O-01-2015, § 2, 2-3-2015)

Section 2.03. - Oath of office.

Each council member, before entering upon the discharge of the duties of office shall take and subscribe to the following oath before some judicial officer of the state, viz:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and government of the United States and the State of Florida against all enemies, domestic or foreign, I will faithfully support and obey all Articles of the Charter and Ordinances of the City of Green Cove Springs, and I will faithfully perform all the duties of the office of council member, upon which I am about to enter, so help me God."

(Ord. No. O-01-2010, § 1(exh. A), 2-16-2010/4-6-2010)

Section 2.04. - Prohibitions.

- (A) *Holding other office.* Except where authorized by law, no council member shall hold any other city office or employment during the term for which elected to the council, and no former council member shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which elected to the council.
- (B) *Appointments and removals.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officer or employee whom the city manager or any of his subordinates are empowered to appoint.
- (C) *Interference with administration.* Except for the purpose of council inquiries and investigations authorized by section 2.18, the council and its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.05. - Organization and selection of certain officers.

After each regular or special election for council member[s], the council shall meet and elect from among their number a mayor and vice-mayor who shall perform the duties of such offices for one (1) year or until his successor is duly elected.

Section 2.06. - Mayor.

The mayor, elected as aforesaid, shall be a voting member of the council and presiding officer. He shall be recognized as head of the city government for all ceremonial purposes and for purposes of service of civil process on the city. He may succeed himself in office at the pleasure of the council. It shall be the duty of the mayor to sign all duly enacted ordinances, resolutions and documents.

Section 2.07. - Vice-mayor.

The vice-mayor, elected as aforesaid, shall perform all the duties of mayor in the event the office of mayor becomes vacant or the mayor is unable to perform any of his duties by reason of absence from city, in the event of his refusal or incapacity. A new vice-mayor shall be elected from among the remaining council members in the event the office becomes vacant.

Section 2.08. - Vacancies and forfeiture of office.

In the event any vacancy in the city council occurs within six months of a regular election by reason of death, resignation, failure to possess the requisite qualifications as described in this Charter, absence from four (4) consecutive regular meetings of the council unless such absence is excused by the council, the conviction of a felony in any court of competent jurisdiction, or for any other cause, it shall be the duty of a majority vote of the remaining qualified members of the city council to declare such office vacant and to fill the same by appointing a resident of the city who shall possess the qualifications of an elector and council member, within fourteen (14) days after such vacancy occurs and in the event of the failure, neglect or refusal of said city council to fill said vacancy, then the same may be filled by the Governor of the State of Florida, which said appointee shall serve until the expiration of the term for which he was appointed, or until his successor is duly elected. In the event of a vacancy in the office of mayor-councilman, the remaining council members shall immediately select from their own members, by majority vote, a mayor-council member. In the event a vacancy in the council occurs more than six (6) months prior to any regular election to be held in the City of Green Cove Springs, the city council shall call for a special election in accordance with the election laws of the City of Green Cove Springs, as provided in this Charter. In no event shall the council consist of more than two (2) members serving on an appointive basis.

A council member shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) is found by the council to have violated any express prohibition of this Charter, (3) is convicted of a felony or a crime involving moral turpitude, or

(4) fails to attend four (4) consecutive regular meetings of the council without being excused by the council.

Section 2.09. - Compensation.

The salary of council members, together with the manner of payment shall be established at six thousand dollars (\$6,000.00) per year payable monthly, effective October 1, 2014. The Mayor shall receive an additional one hundred dollars (\$100.00) per month for their term as Mayor commencing October 1, 2014.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-04-2007, § 1, 2-20-2007/4-3-2007; Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Editor's note— Each Council Member receives a \$6,000.00 yearly salary with the Mayor receiving an additional \$100.00 per month during his/her term.

Section 2.10. - Meetings and procedure.

- (A) *Meetings.* The council shall meet regularly at the city hall at least twice each month at such times as it may prescribe by resolution. The regular meetings shall continue on the first and third Tuesdays of each month unless otherwise designated by the council. All meetings other than regular meetings, shall be considered special meetings. A minimum of six (6) hours' written notice shall be given to all city council members for all special city council meetings. Notwithstanding the above, if there is no business pending before the city council, the mayor shall have the authority to cancel a maximum of one (1) meeting per month upon seventy-two (72) hours' notice to the city council.
- (B) *Agenda.* An agenda of all items, wherein council action may be required shall be prepared by the city manager or his designee for all council meetings. Such agenda shall be made available to the public at least twenty-four (24) hours prior to all regular city council meetings. Only matters on the agenda or matters of an emergency nature may be acted upon by the council. Justification of emergency action shall be spread upon the minutes of the meeting.
- (C) *Procedure.* The council shall determine its own rules and order of business, except as provided in this Charter, and shall provide for keeping a minute book of its proceedings. The minute book shall be public record.

The council may enact rules of procedure, and prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same.

A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise

provided in the preceding sentence and in section 2.08, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present. All voting, except on procedural motions, shall be by roll call and the ayes and nays recorded in the minute book.

(Ord. No. O-03-2002, 3-5-2002/4-2-2002)

State Law reference— Public meetings required, F.S. § 286.011.

Section 2.11. - Definitions of ordinances, resolutions and motions.

- (A) *Ordinance*. "Ordinance" means an official legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law.
- (B) *Resolution*. "Resolution" means a[n] expression of the council concerning matters of administration, expression of a temporary character, or provision for the disposition of a particular item of the administrative business of the council.
- (C) *Motion*. All actions by the council not required to be by ordinance and not taken by resolution shall be taken by motion.

State Law reference— "Ordinance" defined, F.S. § 166.041(1)(a); "resolution" defined, F.S. § 166.041(1)(b).

Section 2.12. - Action requiring an ordinance.

In addition to acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which (1) adopt or amend an administrative code or establish, alter, or abolish any city department or agency; (2) establish a rule or regulation, a violation of which carries a penalty; (3) grant, renew or extend a franchise; (4) set service or user charges for municipal services or grant administrative authority for such charges; (5) levy taxes, except as otherwise provided in section 5.05 with respect to the property tax levied by adoption of the budget; (6) authorize the borrowing of money; (7) convey or lease or authorize the conveyance or lease of any land of the city, except that the conveyance or sale of part or all of parcels A, B, C and D as described in composite Exhibit 1 attached hereto and made a part hereof, shall not be allowed by the city unless a referendum first approves said conveyance; (8) amend or repeal any ordinances previously adopted.

(Ord. No. O-04-2004, 3-2-2004/4-6-2004)

Editor's note— Exhibit 1, as attached to Ord. No. O-04-2004, is not set out herein, but is on file in the office of the city clerk.

Section 2.121. - Action requiring referendum approval.

In addition to acts required by law or by specific provisions of this Charter, the city shall not convey any portion or all of any city owned utility or service territory, including, but not limited to, water, wastewater, electric and solid waste, unless a referendum first approves said conveyance.

(Ord. No. O-01-2010, § 1(exh. A), 2-16-2010/4-6-2010)

Section 2.13. - Ordinance in general.

- (A) All ordinances and resolutions shall be introduced and passed in accordance with applicable Florida law, including, but not limited to Florida Statute 166.041.
- (B) [Reserved.]
- (C) Effective date. Except as provided in section 2.14(C) for emergency ordinances, all ordinances or resolutions passed by the council shall become effective ten (10) days after passage or as otherwise provided therein.

(Ord. No. O-12-90, 6-19-1990/8-7-1990; Ord. No. O-03-2002, 3-5-2002/4-2-2002)

State Law reference— Minimum requirements for adoption of ordinances and resolutions, F.S. § 166.041.

Section 2.14. - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money except as provided under the emergency appropriations provisions of article V of this Charter.

No emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private real property.

- (A) *Form*. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (B) *Procedure*. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four-fifths ($\frac{4}{5}$) of all council members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.
- (C) *Effective date*. Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (D)

Repeal. Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.15. - Codes of technical regulations.

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be prescribed for ordinances generally that:

- (1) The requirements of subsection (B) of section 2.13 for distribution and filing of copies of the ordinance shall be construed to include by reference copies of the code of technical regulations and amendments thereto as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and filed with the city clerk pursuant to section 2.16 of this Charter.

Copies of any adopted code of technical regulations shall be made available by the city clerk for reference by the public.

Editor's note— Subsequent to the adoption of this section, subsection (B) of section 2.13 has been amended and reserved.

Section 2.16. - Signatures and authentication.

It shall be the duty of the presiding officer and the clerk, or other person appointed by the council, to sign the original copy of each ordinance or resolution upon its final passage. The city clerk shall record in full, in a properly indexed book kept for the purpose and authenticated by his signature, this Charter and all ordinances and resolutions adopted by the council. The original copy of all ordinances and resolutions shall be filed in an appropriately bound book with a copy filed with the minutes of the meeting at which the ordinance or resolution was finally adopted.

Section 2.17. - Codification.

Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions of a general and permanent nature having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the "Green

Cove Springs City Code." Copies of the Code shall be furnished to city officers, placed in the Clay County, Florida Library and public offices for free public reference and made available for purchase by the public at a reasonable price, fixed by the council (See also [section 9.03](#)).

Editor's note— Current technology will allow the Charter to be published by electronic media.

Section 2.18. - Investigations.

The council may make investigations into the affairs of the city, any city department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The city council shall make investigations and findings regarding the qualifications of a city council member, including continued residency, upon the filing of a sworn written request by a council member. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than sixty (60) days, or both.

(Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Section 2.19. - Independent audit.

The council shall provide for an independent annual audit of all city accounts in accordance with the rules of the Auditor General of Florida, which shall include an annual examination of the financial position, the results of operations, and changes in fund balances of all the city funds for the year then ended in accordance with generally accepted auditing standards and may provide for such more frequent examinations as it deems necessary. Such examinations shall be made by a certified public accountant, or firm of such accountants, having no personal interest, direct or indirect, in the fiscal affairs of the city government, or any of its officers. No accounting firm or public accountant shall perform the audit for more than six (6) consecutive years.

The council shall secure at least three (3) proposals for such an examination from such accountants or firms for one (1) or more years. On the basis of these proposals, one (1) shall be selected to perform this examination. The selection for a particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year.

A separate management letter shall be rendered by the examining auditor setting forth deficiencies, if any, disclosed by his examination and his suggestions for improvements in internal controls. This letter shall be presented at the next regularly scheduled council meeting after its receipt. A copy of this letter shall be filed with each copy of the audit report.

The council shall cause the management letter and balance sheet for the fiscal year to be available at the Green Cove Springs Public Library and at City Hall within fourteen (14) days following receipt of the report from the auditor.

If the auditor for the State of Florida should perform such an examination and furnish such a letter, the council may accept them as satisfying the requirements of this section.

(Ord. No. O-5-96, 2-20-1996/4-2-1996)

State Law reference— Annual audit required, F.S. § 166.241.

Section 2.20. - Payment of warrants.

The city council shall pay out monies only on warrants prepared and signed either manually or by facsimile by the city manager and signed either manually or by facsimile by the finance director. Notwithstanding the foregoing, in the event of the absence of either of the above, the city clerk may sign either manually or by facsimile as the second required signature or the payment of warrants may be as otherwise specified by city ordinance.

(Ord. No. O-12-90, 6-19-1990/8-7-1990)

ARTICLE III. - CITY MANAGER

Section 3.01. - Appointment.

There shall be a city manager who shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs. He shall be appointed by a concurring vote of at least three (3) of the five (5) council members under a maximum three (3) year written contract.

(Ord. No. O-01-2010, § 1(exh. A), 2-16-2010/4-6-2010)

Section 3.012. - City manager dwelling.

The city manager shall maintain a dwelling within the boundaries of the city's utility service area within six (6) months of being appointed by the council. Such location requirement shall not prohibit the city manager from owning homestead property elsewhere.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Section 3.02. - Qualifications.

The manager shall possess a bachelor's degree in public administration, management, engineering or a related field from an accredited college or university. The manager will also be required to document at least three (3) years' demonstrated management experience as a city or county government chief executive

officer, an assistant city manager or deputy city manager or in a senior management position with a like size organization and significant work in the public sector. A master's degree may be substituted for one (1) year of the required experience.

(Ord. No. O-12-90, 6-19-1990/8-7-1990; Ord. No. O-5-96, 2-20-1996/4-2-1996)

Section 3.03. - Investigation.

A thorough background investigation shall be conducted by the city council, including former employment, references, credit check and criminal identification check prior to offer of employment. A written report shall be prepared and shall be permanently filed in the city records.

(Ord. No. O-5-96, 2-20-1996/4-2-1996)

Section 3.04. - Bonding.

The city manager shall be bonded for not less than two hundred fifty thousand (\$250,000.00) dollars for the faithful performance of the duties of his office. The premium of such bond shall be paid by the city.

(Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Section 3.05. - Removal.

The council may remove the manager by a concurring vote of at least four (4) council members and upon demand by the manager, a public hearing shall be held prior to a vote to remove the manager. The members of the council voting for removal shall state their reasons for the record.

(Ord. No. O-5-96, 2-20-1996/4-2-1996)

Section 3.06. - Compensation.

The compensation of the city manager shall be fixed by the council and shall not be reduced during his tenure without his consent.

Section 3.07. - Acting city manager.

In the absence of the city manager and assistant city manager, by letter filed with the council, the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during their temporary absence or disability. During such absence or disability, the council, by a majority of its members, may revoke such designation at any time and appoint another qualified administrative officer of the city to serve until the manager shall return or his disability shall cease.

(Ord. No. O-03-2002, 3-5-2002/4-2-2002)

Section 3.08. - Powers and duties.

The power and authority of the city manager is expressly limited to that described herein and he shall not enter into any agreements, negotiations or other arrangements with any groups, organizations, governmental bodies or individuals requiring policy-making decisions by the council without the prior knowledge and approval of the council.

The city manager shall:

- A. Appoint, and when he deems it necessary for the good of the city, suspend or remove all city employees and appointed administrative officers provided for by or under this Charter, except as otherwise prohibited by state or federal law. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates (except as otherwise provided by this Charter or by state or federal law) in that officer's department, office or agency;
- B. Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by state or federal law;
- C. Attend all council meetings and shall have the right to take part in discussion but may not vote;
- D. Enforce all laws, provisions of this Charter and acts of the council subject to enforcement by him or by officers subject to his direction and supervision;
- E. Prepare and submit the annual budget, budget message and budget ordinance. Prepare and submit a five-year capital program, which shall enumerate the projected improvements and projects in an order of priority, the proposed source of financial support in relationship to each enumeration. Projected costs shall be expressed in terms of dollar amounts, millage when ad valorem tax is proposed, or percentage of the revenue source proposed as support;
- F. Submit to the council and make available to the public a complete report on the finances and administrative activities of the city no less than every three (3) months as well as each fiscal year end or as requested by City Council;
- G. Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded. Expenditures of over twenty-five thousand dollars (\$25,000.00) shall be approved by the city council. The city manager may authorize expenditures of up to twenty-five thousand dollars (\$25,000.00) provided the same are budgeted expenditures, but the city council shall have the authority to set a lesser amount for the maximum authorized expenditure by the city manager;
- H.

Make such other reports as the council may require concerning the operations of the city departments, offices and agencies subject to his direction and supervision;

- I. Keep the council fully and continuously advised as to the financial condition and future needs of the city and make recommendations to the council concerning the affairs of the city as he deems desirable;
- J. Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances with approval of city council;
- K. Perform such other duties as are specified in this Charter or may be required by the council not inconsistent with this Charter;
- L. The manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council;
- M. See that all terms and conditions of any public utility franchise are faithfully kept and performed and to report any violations of the terms and conditions of any utility franchise to the city council and to the city attorney;
- N. Supervise the issuance of city licenses and collect all special assessments, license fees and other revenues of the city and receive all monies due the city from county, state and federal governments. Also, to pursue and obtain these monies made available to the city from state and federal grants and similar sources;
- O. Maintain a general accounting system for the city government and each of its offices, departments, and agencies and exercise financial budgetary control over same;
- P. Obtain competitive bids as so prescribed in the Charter, city ordinance, or state law;
- Q. In the event of war, riot, civil commotions, operational disasters, public health and safety disasters or natural disasters, the city manager may authorize reasonable and necessary emergency expenditures and during such emergency the city manager shall be temporarily recognized as head of the city government. The city council shall thoroughly review all such emergency expenditures within a reasonable time thereafter.

(Ord. No. O-12-90, 6-19-1990/8-7-1990; Ord. No. O-03-2002, 3-5-2002/4-2-2002; Ord. No. O-04-2007, § 1, 2-20-2007/4-3-2007; Ord. No. O-03-2014, § 2(Exh. A), 2-18-2014/4-1-2014; Ord. No. O-01-2019, § 2(Exh. A), 1-22-2019)

ARTICLE IV. - GENERAL ADMINISTRATION

Section 4.01. - General provisions.

- A. *Creation of departments.* The council may establish city departments, offices or agencies in addition to those created by this Charter and presently existing and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically provides, assigned to any other.
- B. *Direction by manager.* All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of council, the city manager may serve as head of one or more such departments, offices or agencies or may appoint one person as head of two (2) or more of them.

Section 4.02. - City clerk.

The city council shall appoint an officer of the city who shall have the title of city clerk. He shall be under the administrative direction and control of the city manager who shall also evaluate the city clerk annually. He shall give notice of the meetings of the city council; shall keep the journal of its proceedings; shall authenticate, by his signature, and record in full in a book kept for that purpose, all ordinances and resolutions. He shall attest to and countersign by his signature all contracts, bonds and other instruments as required by law; shall perform the duties of registration officer and shall perform any other duties required by this Charter. The city clerk may appoint deputies to carry out requirements of this office at the discretion of the city manager.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-01-2019, § 2(Exh. A), 1-22-2019)

Section 4.03. - City attorney.

The council shall appoint an officer of the city who shall have the title of city attorney. The compensation of the city attorney shall be fixed by the council. He shall act as legal adviser to and attorney for the council, the city manager, and all city departments, offices and agencies. He shall represent the city in all legal proceedings (unless the city is represented by an attorney where provided without charge to the city), and shall perform any other professional duties prescribed by this Charter, ordinance, or by action of the council. He shall be a lawyer admitted to practice before all courts of the State of Florida and the federal district court. Such attorney shall be a resident or have an office within the city. The city shall have the power to employ an additional attorney for a particular case or matter when it deems necessary.

ARTICLE V. - FINANCIAL PROCEDURES

Footnotes:

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State Law reference— *Municipal borrowing, F.S. § 166.101 et seq.; municipal finance and taxation, F.S. § 166.201 et seq.*

Section 5.01. - Fiscal year.

The fiscal year of the city shall begin on the first day of October and end on the last day of September.

State Law reference— Fiscal year mandated, F.S. § 166.241(2).

Section 5.02. - Submission of budget and budget message.

On or before the first day of August of each year, the city manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

Section 5.03. - Budget message.

The city manager's message shall explain the budget, both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the city manager deems desirable.

Section 5.04. - Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and except as required by law or this Charter, shall be in such form as the city manager deems desirable or the council may require. In organizing the budget, the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate section:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, when practicable, and the proposed method of financing each such capital expenditure; and
- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to

the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

Section 5.05. - Council action on budget.

- A. *Notice of hearings and advertising for public hearings.* All notices to the public of dates, times and place of public hearing on the proposed millage and budget shall comply with Florida Statutes. F.S. § 200.065, as amended from time to time, shall govern the timeframes, method, and type of advertising for the budget and millage.
- B. *Amendment before adoption.* After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- C. *Adoption.* The council by resolution shall adopt the budget on or before the last day of September of the fiscal year currently ending. F.S. § 200.065, as amended from time to time, shall govern what happens if council fails to adopt the budget. The city has the option to adopt the budget by resolution.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Section 5.06. - Capital program.

- A. *Submission to council.* The city manager shall prepare and submit to the council a five-year capital program, or revision or extension thereof, on or before the first day of August of the current fiscal year. The operating budgets and capital budgets should be prepared simultaneously.
- B. *Contents of capital program.* The capital program shall include:
 - (1) A clear, general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, known revenue sources, method of financing and recommended time schedules for each such improvement;
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
 - (5) The five-year capital program shall enumerate the projected improvements and projects in order of priority.

The above information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-04-2007, § 1, 2-20-2007/4-3-2007; Ord. No. O-01-2010, § 1(exh. A), 2-16-2010/4-6-2010; Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Section 5.07. - Council action on capital program.

A. *Notice and hearing.* A public hearing shall be held. The council shall publish in one or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public.
- (2) The advertising timeframes shall be the same as the budget and millage advertising requirements.
- (3) Said notice shall advise that interested parties may appear at the hearing and be heard with respect to the proposed capital program.

B. *Adoption.* The council, by resolution, shall adopt the capital program with or without amendment after the public hearing and on or before the last day of September of the current fiscal year.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-03-2002, 3-5-2002/4-2-2002; Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Section 5.08. - Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public in the office of the city manager and other suitable places in the city.

State Law reference— Public records, F.S. § 286.011.

Section 5.09. - Amendments after adoption.

- A. *Supplemental appropriations.* If, during the fiscal year, the city manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the council by resolution may make supplemental appropriations for the year up to the amount of such excess.
- B. *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 2.14. To the extent that there are no available unappropriated revenues to meet such appropriations, the council

may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, and renewals of any fiscal year shall be paid not later than the last day of the fiscal year.

- C. *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, he shall report in writing to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose, it may, by resolution, reduce one (1) or more appropriations.
- D. *Transfer of appropriations.* The council may, by resolution, provide that at any time during the fiscal year, the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the city manager, the council may, by resolution, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- E. *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(Ord. No. O-12-90, 6-19-1990/8-7-1990; Ord. No. O-5-96, 2-20-1996/4-2-1996)

Section 5.10. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if after the current fiscal year has passed without any disbursement from or encumbrance of the appropriation.

(Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014)

Section 5.11. - Administration of budget.

- A. *Work programs and allotments.* At such time as the city manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The city manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may

revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 5.09.

- B. *Payments and obligations prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it become[s] due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

ARTICLE VI. - BOARDS, PLANNING AND ZONING

Footnotes:

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State Law reference— *Community Planning Act of 1975, F.S. § 163.3161 et seq.*

Section 6.01. - City planning and zoning board.

There shall be a city planning and zoning board consisting of five (5) members appointed by the council from among the qualified voters of the city and a representative of the school district appointed by the school board as a nonvoting member. Members of the board shall hold no other city office. The members shall be appointed for terms concurrent with the council seat terms provided for in section 2.02 (C).

- A. *Planning.* The planning and zoning board shall propose to the council, and may from time to time modify, a comprehensive plan, setting forth in graphic and textual form policies to govern the future physical development of the city. Such plan may cover the entire city and all of its functions and services or may consist of a combination of plans governing specific functions and services of specific geographic areas which together cover the entire city and all of its functions and services. Upon receipt of the plan, the council shall hold public hearings on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by

ordinance with or without amendment. The comprehensive plan shall serve as a guide to all future councils concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

- B. *Zoning*. In accordance with the comprehensive plan, the council shall adopt, by ordinance, a zoning code. The planning and zoning board, sitting as a zoning board, shall conduct public hearings on all requests for zoning changes as provided in the zoning code, and shall render recommendations on such requests to the city council who shall make the final decision thereon.

State Law reference— Local planning agencies, F.S. § 163.3174.

Section 6.02. - Appointment of board members; vacancies.

- A. *Appointment*. Candidates for appointment to the planning and zoning board shall be nominated by a council member by motion, and such nominee shall be approved by a majority of the members of the council and the name of the nominator shall be recorded in the minutes of the council meeting.
- B. *Vacancies*. Vacancies occurring on boards shall be filled within sixty (60) days by the council in the same manner as initial appointments.

Section 6.03. - Appeals.

The council shall have authority to hear appeals from decisions of the planning and zoning board according to rules and conditions adopted by the council.

ARTICLE VII. - NOMINATIONS AND ELECTIONS

Footnotes:

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State Law reference— *Electors and elections, F.S. tit. IX.*

Section 7.01. - Electors.

Any person who is a resident of the city and who has qualified as an elector of the state, and who registers in the procedural manner prescribed by general law and ordinance of the city shall be an elector of the city.

State Law reference— Similar provisions, F.S. § 166.032.

Section 7.02. - Nonpartisan elections.

All nominations and elections for the office of city councilman shall be conducted on a nonpartisan basis without regard for political party affiliation. No designation of political party affiliation of any nominee shall appear on any campaign literature, nomination petition or ballot.

Section 7.03. - Nominations.

Candidates for the office of city council shall qualify for such office in the manner prescribed in this Charter in section 2.02.

Section 7.04. - Procedures.

The council, by ordinance, shall prescribe rules and regulations for the conduct of elections including the form of the ballot and the method of listing candidates for city council elections.

Section 7.05. - Elections.

- A. *Multiple candidates.* When more than two (2) persons qualify as candidates for the office of city council for any of the designated seats to be filled, the persons so qualified shall be voted upon at a regular election to be held on the second Tuesday in April. Provided that one candidate does not receive a majority (50 percent plus one) of the votes cast, the two (2) persons receiving the highest number of votes cast for each such designated seat shall be declared candidates for such designated seat and shall be voted upon at a runoff city election to be held on the second Tuesday in May. The person receiving the highest number of votes cast at such runoff city election shall be declared elected. If only two (2) candidates qualify for a designated seat or one candidate in the regular election received a majority of the votes cast for a designated seat, the candidate receiving a majority of the votes cast for the designated seat shall be declared elected without the necessity of being voted upon in a runoff city election.
- B. *Single candidate.* In the event not more than one person qualifies as a candidate, either for ballot listing or as a write-in candidate, for a designated seat on the city council to be filled at an election, that seat shall not be listed on the regular or runoff city election ballot and such candidate shall be declared elected.
- C. *Re-opening of qualifying [period].* In the event of a vacancy in candidacy caused by death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two (2) candidates for an office, the city council shall re-open the qualifying period for up to five (5) days in order to allow other qualified candidates to run for such office.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-03-2014, § 2(exh. A), 2-18-2014/4-1-2014; Ord. No. O-01-2015, § 1, 2-3-2015)

Section 7.06. - Ballots for ordinances and charter amendments.

An ordinance or a Charter amendment to be voted on by the electors of the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such questions shall appear, in the following order, the word "For" ["Yes"] and also the word "Against" ["No"] with a blank square after each for the placing of the symbol "X" to indicate the voter's choice or with levers opposite "For" ["Yes"] and "Against" ["No"] if voting machines are used.

Editor's note— The language in brackets [] is included to conform to the provisions of F.S. § 101.161(1).

Section 7.07. - Judge of own elections.

The council shall be the judge of the election and qualifications of its own council members, subject to review by the courts. The council shall compose the canvassing board for the purpose of canvassing the returns of any general or special election. Such canvassing board shall meet at the city hall, or other place as designated by the council, no later than ten o'clock in the forenoon on the day immediately succeeding the day of the elections, and proceed to canvass the returns, and declare the result thereof. The city council may appoint an additional person to serve on the canvassing board if necessary, and said member shall be a constitutional officer or elected official of Clay County. Notwithstanding the foregoing to the contrary, the council may select an alternate canvassing board made up of no less than three (3) members, plus alternates as necessary, who shall be elected officials of Clay County including, but not limited to, judges and constitutional officers.

(Ord. No. O-5-96, 2-20-1996/4-2-1996; Ord. No. O-04-2007, § 1, 2-20-2007/4-3-2007; Ord. No. O-01-2016, § 1, 1-26-2016/4-11-2017)

Section 7.08. - Canvass of returns.

The polls shall open at 7 o'clock a.m. and shall close at 7 o'clock p.m. The results of the voting at each polling place, when ascertained, shall be certified by return in duplicate, signed by the clerk and a majority of the inspectors of election, one copy being delivered by such clerk and inspectors to the mayor and the other to the city clerk, both of whom shall transmit such returns to the city council at a meeting to be held not later than ten o'clock in the forenoon on the day immediately succeeding the day of an election. At such meeting, the city council shall canvass the returns, and the candidate for office who shall have received the greatest number of votes cast in the final election shall be by the council declared elected. In the elections where no candidate receives a majority of the vote cast, the council shall certify the names of the candidates

who are entitled to have their names placed on the second ballot. The city clerk shall, if requested by any elected candidate, furnish a certificate of election to such person. Notwithstanding the foregoing to the contrary, the City Council may modify the makeup of the canvassing board as authorized in section 7.07 herein, and change the dates, times and method by which the successful candidate is declared elected.

(Ord. No. O-01-2016, § 2, 1-26-2016/4-11-2017)

Section 7.09. - [Application of general laws.]

If no provision is made by this Charter or by ordinance to cover any aspect of any city election, then the general laws of the State of Florida shall govern such city elections as near as they can be made to apply.

ARTICLE VIII. - INITIATIVE, REFERENDUM AND RECALL

Section 8.01. - General authority.

- A. *Initiative.* The qualified voters of the city shall have power to propose ordinances to the council, and if the council fails to adopt an ordinance so proposed without any change in substance, then such proposed ordinance may be adopted or rejected as provided by law at a city election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- B. *Referendum.* The qualified voters of the city shall have power to require reconsideration of the council of any adopted ordinance, and, if the council fails to repeal an ordinance so reconsidered, then qualified electors may adopt or reject it at a city election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

State Law reference— Referendum measures generally, F.S. § 101.161.

Section 8.02. - Commencement of proceedings, petitions' committee; affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance sought to be reconsidered.

Within ten (10) days after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 8.03. - Petitions.

- A. *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifteen (15) percent of the total number of qualified voters registered to vote at the last regular city election.
- B. *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Such signature[s] shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- C. *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- D. *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

Section 8.04. - Procedure after filing.

- A. *Certificate of clerk; amendment.* Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in section 8.03. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the [city] clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (B) and (C) of section 8.03, and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of any original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (B) of this section within the time required, the clerk shall promptly present his certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.
- B.

Council review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

- C. *New petition.* A final determination of insufficiency shall not prejudice the filing of a new petition for the same purpose.
- D. *Costs.* The cost of checking the names on a petition against the list of registered voters shall be borne by the petitioners' committee.

Section 8.05. - Action on petitions.

- A. *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in article II or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.
- B. *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one hundred eighty (180) days from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time at such regular election, except that the council may, in its discretion, provided for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- C. *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the date scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings therein shall be terminated.

Section 8.06. - Results of election.

- A. *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

- B. *Referendum*. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 8.07. - Recall.

The qualified voters of the city shall have the power to remove from office any elected official of the city in accordance with general laws of the state.

State Law reference— Municipal recall procedures, F.S. § 100.361.

ARTICLE IX. - GENERAL PROVISIONS

Section 9.01. - Severability.

If any provision of the Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter or its provisions to other persons or circumstances shall not be effected [affected] thereby.

Section 9.02. - Conflicting ordinances.

All ordinances insofar as they conflict with or are inconsistent with the provisions of the Charter shall be and the same are hereby repealed.

Section 9.03. - Continuation in force of nonconflicting ordinances; repeal of uncodified ordinances.

All ordinances now in force which are not in conflict with the provisions of this Charter shall remain in force. However, all such ordinances of a general and permanent nature which are not included in the Green Cove Springs City Code, as provided in section 2.17, shall be automatically repealed on the effective date of said code.

Section 9.04. - Charter amendments and revisions; filing of same with original.

The Charter or any portion thereof may be amended or revised in accordance with the general laws of the state. Any amendments or revisions shall be filed, together with the original of this Charter, in the office of the city clerk.

State Law reference— Charter amendments, F.S. § 166.031.

Section 9.05. - Standards of ethics.

The general laws of the state governing the standards of conduct of public officers and employees apply to all elected officials, public officers and employees of the city. In addition, the council may, by ordinance, establish a code of ethics supplemental to general law for such officials, officers and employees.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Section 9.06. - Numbering of council seats.

The council shall permanently designate by a number one (1) through five (5) each council seat prior to the first general election after adoption of this Charter.

ARTICLE X. - TRANSITIONAL PROVISIONS

Section 10.01. - Pending matters.

All rights, claims, liabilities, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this revised and amended Charter, and in each case, shall be maintained, carried on or dealt with by the city department, office or agency appropriate hereunder.

Section 10.02. - Officers and employees.

Nothing in the revised and amended Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are officers or employees at the time of its adoption.

ARTICLE XI. - CHARTER REVIEW

Section 11.01. - Mandatory.

At least once each five (5) years the city council shall cause a review to be made of the entire city Charter. Such review shall be made by registered electors of the city.

(Ord. No. O-12-90, 6-19-1990/8-7-1990; Ord. No. O-04-2007, § 1, 2-20-2007/4-3-2007)

ARTICLE XII. - CHARTER AMENDMENTS

Section 12.01. - Procedure.

This Charter may be amended in accordance with the general laws of the State of Florida.

(Ord. No. O-12-90, 6-19-1990/8-7-1990)

Section 12.02. - Separate vote on each proposed change.

The city shall be allowed to place more than one (1) proposed change on the referendum and the electors shall be allowed to vote separately on each proposed change.

(Ord. No. O-12-90, 6-19-1990/8-7-1990)

Editor's note— Ord. No. O-12-90, adopted June 19, 1990, amended the Charter by adding provisions designated as §§ 11.01, 12.01 and 12.02 pertaining to charter review and amendment. In order to conform to established format, § 11.01 has been included under Art. XI, and §§ 12.01, 12.02 have been placed under Art. XII by the editor. Such sections were approved by the electorate at a referendum held Aug. 7, 1990.

ARTICLE XIII. - MISCELLANEOUS

Section 13.01. - Prohibition against closing certain streets and alleys.

The city shall hold title in perpetuity to all city streets and alleys terminating on the St. Johns River and Governor Creek.

(Ord. No. O-2-84, 2-21-1984/4-2-1985)