

ARTICLE III. - CITY COUNCIL

Section 301. - Composition; eligibility; districts; election and terms of office.

- (a) *Composition.* There shall be a city council of five (5) members elected by the qualified voters of the city. The council positions are as follows: Mayor-councilmember; councilmember, District 10; councilmember, District 12; councilmember, District 13; and councilmember, District 14.
- (b) *Eligibility.* Only qualified voters who have resided in the city for a minimum of one (1) year prior to qualifying as a candidate for election to a seat on the city council, and are eighteen (18) years of age or older, shall be eligible to hold office, and all council members, except the mayor, shall have resided in the district which they represent at least one (1) year prior to the time they qualify for office.
- (c) *Districts.* The several districts of the city are defined as follows:
- (1) District 10 shall consist of and embrace all of the territory or area of the City lying and being North of each SE Putnam Street, SE Knox Street and SW Knox Street and lying and being East of Main Boulevard beginning at the intersection of SW Main Boulevard with SW Knox Street and extending North to the City limits. Main Boulevard, as located on the effective date of this ordinance, is also designated as U.S. Highway 41.
- (2) District 12 shall consist of and embrace all of the territory or area of the City lying and being North of both West Duval Street and West U.S. Highway 90 starting at the intersection of West Duval Street with Main Boulevard and lying West of NW Main Boulevard. West Duval Street, as located on the effective date of this ordinance, is also designated as West Highway 90.
- (3) District 13 shall consist of and embrace all of the territory or area of the City lying and being in the following tracts:
- Tract One of District 13 shall consist of and embrace all of the territory or area of the City lying and being West of SW Sisters Welcome Road and lying South of U.S. Highway 90, LESS AND EXCEPT all of the area of the City in Quail Heights, a subdivision as per plat recorded in Plat Book 3 Page 104, public records of Columbia County, Florida.
- Tract Two of District 13 shall consist of and embrace all of the territory or area of the City lying and being North of each SW St. Margaret Drive, and Margaret Road extending to the intersection of SW Sisters Welcome Road and the South line of the NE $\frac{1}{4}$ of Section 1, Township 4 South, Range 16 East (the "SW Corner of Tract s") and lying East of that portion of SW Sisters Welcome Road from the Southwest Corner of Tract 2 to U.S. Highway 90 and lying South of both SW Baya Drive and West U.S. Highway 90 and lying West of SW Main Boulevard.
- (4) District 14 shall consist of and embrace all of the territory or area of the City lying and being in the following tracts:
- Tract One of District 14 shall consist of and embrace all of the territory or area of the City lying and being East of SW Main Boulevard starting at the intersection of SW Main Boulevard with SW Knox Street and lying South of SE Putnam Street, SE Knox Street and SW Knox Street.
- Tract Two of District 14 shall consist of and embrace all of the territory or area of the City lying and being South of West Duval Street to its intersection with SW Baya Drive and lying North of SW Baya Drive to its intersection with SW Main Boulevard and lying West of SW Main Boulevard to its intersection with West Duval Street and SW Main Boulevard.

Tract Three of District 14 shall consist of and embrace all of the territory or area of the City lying and being South of each SW St. Margaret Drive and Margaret Road from its intersection with SW Main Boulevard and extending West along each SW St. Margaret Drive and Margaret Road as extended along the South line of the NE $\frac{1}{4}$ of Section 1, Township 4 South, Range 16 East, and lying East of SW Sisters Welcome Road, and lying West of SW Main Boulevard.

Tract Four of District 14 shall consist of and embrace all of the territory or area of the City located and being in Quail Heights, a subdivision as per plat recorded in Plat Book 3, page 104, public records of Columbia County, Florida.

A map identifying Districts 10, 12, 13, and 14 is attached to this ordinance as Exhibit "A" for illustrative purposes only and is on file in the Office of the City Clerk.

(d) *Election and terms.*

- (1) The regular election of the city councilmembers shall be held on the same day established by the State of Florida for the first state primary election.
- (2) The mayor-councilmember and the councilmembers from Districts twelve (12) and thirteen (13) shall be elected in 1978 for a two-year term. In 1980 and every four (4) years thereafter, the mayor-councilmember and councilmembers from Districts twelve (12) and thirteen (13) shall be elected for four-year terms. The councilmembers from Districts ten (10) and fourteen (14) shall be elected in 1978 and every four (4) years thereafter for four-year terms.
- (3) The mayor-councilmember shall be elected at large by all the electors of the city. The councilmembers from Districts ten (10), twelve (12), thirteen (13) and fourteen (14) shall be elected by the electors residing within their respective districts.

- (e) *Revisions of districts.* In October 2005, and at least every five (5) years thereafter, the council shall review the boundaries of the four (4) separate districts of the city as established by Section 30 (c), for the purpose of determining the number of registered voters in each of the separate districts. Following each such review, the council may, in its discretion, by ordinance, redefine the boundaries of each of the separate districts to insure that each has approximately the same number of registered voters.

(Ord. No. A-389, § 1(B), 5-15-78; Ord. No. A-390, § 1, 5-15-78; Ord. No. A-496, § 1, 8-16-82; Ord. No. 92-716, § 1, 7-6-92; Ord. No. 2002-957, § 1(a), 7-15-02; Ord. No. 2010-2003, § 1, 6-21-10; Res. No. 2010-116, § 1, 11-3-10; Ord. No. 2013-2034, § 1, 5-20-13)

Section 302. - General powers and duties.

- (a) All powers of the city shall be vested in the city council, to be also known as "council," except as provided by law or this Charter.
- (b) Three (3) councilmembers shall be considered a quorum and may carry out all functions according to law as if all members were present.
- (c) At the first council meeting after each regular city election and annually thereafter, the council shall elect one of its members as vice-mayor. The mayor shall preside at meetings of the council and shall be considered a member of the council, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents and agreements with other governmental entities or certifications to other governmental entities. He shall annually prepare a state of the city message, prepare an annual budget message, set forth the agenda for all meetings of the council, name committees of the council and appoint members of the city

boards with the approval of the council. He shall have no other administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor. In case of the death, resignation or removal of the mayor, the vice-mayor shall serve as mayor until the next regular or special election when the office shall be filled. In case of the death, resignation or removal of the vice-mayor or his assumption of the office of mayor, the council shall elect one of its members to serve the unexpired term of the vice-mayor.

- (d) The council shall have the authority by ordinance to set the annual salary of the mayor, councilmembers and its members.

(Ord. No. A-444, § 1, 2-18-80)

Section 303. - Prohibitions.

- (a) *Holding other office except as authorized by law.* No councilmember shall hold any other city office or employment (other than mayor or vice-mayor) during the term for which he is elected to office.
- (b) *Appointment and removals.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (c) *Interference with administration.* Except for the purpose of inquiries and investigations, the council or 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. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this Charter, however, that recommendations for improvement in city government operations by individual councilmembers be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

Section 304. - Vacancies, forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a councilmember shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared only by the remaining members of the council.
- (b) *Forfeiture of office.* The council shall declare a council seat forfeited if the council by majority vote finds that a council member:
 - (1) Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter, or by law;
 - (2) Violates any express prohibition of this Charter;
 - (3) Is absent from three (3) consecutive regular meetings of the council without being excused by the council;
 - (4) Is guilty of committing a felony;
 - (5) Is guilty of engaging in conduct which violates acceptable

standards of moral behavior where such conduct involves moral turpitude or would constitute a crime under the laws of Florida, or if such conduct was engaged in by a judge of any of the state courts would cause such judge to be removed from office.

(c) *Filling of vacancies.* A vacancy in the office of mayor-councilmember should be filled as follows:

- (1) If more than eight (8) months remain in the term of office, the council shall schedule a special election to be held not sooner than sixty (60) days nor more than ninety (90) days following the occurrence of the vacancy.
- (2) If less than eight (8) months remain in the term of office, the council shall, within sixty (60) days from the date the vacancy occurred, by a majority vote of the remaining members, choose a successor to serve said unexpired term of the vacated council seat. If the vacated seat is that of the vice-mayor, upon appointment or election of the new councilmember, whichever first occurs, the council shall elect one of their members to hold the position so vacated. Under no circumstances shall the service of the vice-mayor in the capacity of mayor during an interim vacancy in the office of mayor be deemed to create a vacancy in the council seat occupied by said vice-mayor. A vacancy in the office of councilmembers other than mayor shall be filled as follows:

- (1) If more than two (2) years and sixty (60) days remain in the term of office, the council shall forthwith call a special election to be held at the next regular city election where said seat shall be filled for the remaining term.
- (2) If less than two (2) years and sixty (60) days remain in the term of office, the council shall within sixty (60) days from the date the vacancy occurred, by a majority vote of the remaining members, choose a successor to serve said unexpired term of the vacated council seat.

If the vacated seat is that of the vice-mayor, upon appointment or election of the new councilmember, whichever first occurs, the council shall elect one of their members to hold the position so vacated.

(d) *Extraordinary vacancies.* In the event that all members of the council are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim council that shall call a special election to be held not sooner than sixty (60) days nor more than ninety (90) days following the appointment of the interim council. Said interim council may, by emergency ordinance, establish procedures for said election, where in their opinion, the same are necessary to effectuate the intention of this Charter.

(Ord. No. A-444, § 1, 2-18-80; Ord. No. A-496, § 1, 8-16-82; Ord. No. 2002-957, § 1(b), 7-15-2002)

Section 305. - Judge of qualifications.

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

Section 306. - Duties of the city clerk.

The council shall appoint a city clerk. The city clerk shall give notice of council meetings to its members and the public and shall keep the journal of its proceedings which shall be public record, and perform such other duties as the council may from time to time assign.

Section 307. - Investigations.

The council may make investigations into 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. 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 punished by a fine or imprisonment or both.

Section 308. - Independent audit.

The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may designate such accountant or firm annually or for a period not exceeding three (3) years provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

Section 309. - Procedure.

- (a) *Meetings.* The council shall meet regularly at least once in every month, or such times and places as the council may prescribe by law. Special or emergency meeting may be held on the call of either the mayor, vice-mayor, city manager, or three or more members of the city council and, whenever practicable, upon no less than twelve (12) hours written notice to each member of the council.
- (b) *Rules and journal.* The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (c) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Three (3) members 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 this Charter shall be valid or binding unless adopted by the affirmative vote of the majority of the entire councilmembers.

(Ord. No. 2002-957, § 1(c), 7-15-2002)