

By Senator Burt

16-1068-02

See HB 955

1 A bill to be entitled
2 An act relating to the City of Lake Helen,
3 Florida; codifying, reenacting, and amending
4 the Charter of the City of Lake Helen;
5 providing a short title; providing for a
6 Florida municipal corporation, the City of Lake
7 Helen, Florida, to continue in existence with
8 the same boundaries as are in effect on the
9 effective date of this act; providing for
10 municipal powers; providing for the composition
11 of a City Commission, including a Mayor and
12 four City Commissioners representing four City
13 Commission zones with all elected at large;
14 providing for qualifications for office;
15 providing for election to office; providing for
16 terms of office; providing for powers and
17 duties of the City Commission; providing for
18 the powers and duties of the Mayor and Vice
19 Mayor; providing for compensation and expenses;
20 providing for vacancies, forfeiture of office,
21 suspension, recall, and the filling of
22 vacancies; providing for public meetings,
23 quorums, and public records; providing for a
24 limitation on employment; providing for the
25 City Administrator and City Attorney as charter
26 officers; providing for qualifications, powers
27 and duties of charter officers; providing for
28 budgets and appropriations; providing for
29 electors and elections; providing for the
30 amendment of the City Charter; providing for
31 standards of conduct; providing for the

1 preservation of ordinances; providing for the
2 rights of officers and employees; providing for
3 pending matters; providing for a saving clause;
4 providing for severability; providing an
5 effective date.

6
7 WHEREAS, the historic City of Lake Helen, Florida, was
8 incorporated in 1888 and is commonly referred to as "the Gem
9 of Florida;" and

10 WHEREAS, the city charter of the City of Lake Helen,
11 Florida, which currently governs the city, is set forth, in
12 large part, in chapter 22364 (1943), Laws of Florida, and

13 WHEREAS, the 1943 city charter has been amended
14 numerous times by the Legislature, such as in chapters 29223
15 (1953), 30915 (1955), 59-1473, 59-1474, and 63-1511, Laws of
16 Florida, and at one referendum election, and

17 WHEREAS, it is in the best interest of the citizens of
18 the City of Lake Helen to have a contemporary city charter
19 that reflects the home rule powers of municipalities as set
20 forth in the Constitution of the State of Florida and the
21 Florida Statutes, and

22 WHEREAS, it is in the best interest of the citizens of
23 the State of Florida to have the seminal and foundational
24 documents establishing local governments to be found in a
25 single document rather than a multiplicity of legislative acts
26 and actions and the citizens of the City of Lake Helen would
27 benefit from having a modern charter in a unified document,

28 NOW, THEREFORE,

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30 Be It Enacted by the Legislature of the State of Florida:

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1 Section 1. Pursuant to chapter 97-255, Laws of
2 Florida, this act constitutes the codification of all special
3 acts relating to the City of Lake Helen, Volusia County. It is
4 the intent of the Legislature in enacting this law to provide
5 a single, comprehensive special act charter for the City of
6 Lake Helen, including all current legislative authority
7 granted to the city by its several legislative enactments and
8 any additional authority granted by this act. It is further
9 the intent of this act to preserve all municipal authority.

10 Section 2. Chapters 5510 (1905), 9006 (1921), 9811
11 (1923), 11584 (1925), 11585 (1925), 14169 (1929), 14611
12 (1929), 15296 (1931), 18639 (1937), 22364 (1943), 29223
13 (1953), 30915 (1955), 59-1473, 59-1474, and 63-1511, Laws of
14 Florida, relating to the City of Lake Helen, Volusia County,
15 are codified, reenacted, amended, and repealed as herein
16 provided.

17 Section 3. The City of Lake Helen is re-created and
18 the charter for the city is re-created and reenacted to read:

19 SECTION 1. Short title.--This act, together with any
20 future amendments thereto, shall be known and may be cited as
21 the "City of Lake Helen Charter," hereinafter referred to as
22 the "Charter."

23 SECTION 2. Body corporate; continuous existence.--

24 (A) The incorporated municipality of the City of Lake
25 Helen, now existing, shall continue to be the body corporate
26 and municipal corporation under the name of the City of Lake
27 Helen and, as such, shall have perpetual succession.

28 (B) The codes, ordinances, policies, and actions, of
29 whatever type or nature, of the City of Lake Helen shall carry
30 forward after the effective date of this act and said codes,
31 ordinances, policies, and actions are ratified and affirmed.

1 SECTION 3. Boundaries.--
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3 The East 1/2 of Sections 25 and 36, Township 17
4 South, Range 30 East; all of Sections 30 and
5 31, Township 17 South, Range 31 East; the West
6 1/2 of Sections 29 and 32, Township 17 South,
7 Range 31 East;
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9 and
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11 the Southeast 1/4 of the Southwest 1/4 of the
12 Southwest 1/4 of Section 19, Township 17 South,
13 Range 31 East, except the East 210 feet of the
14 South 1/2 thereof;
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16 and
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18 the South 660 feet of the West 330 feet of the
19 Southwest 1/4 of the Southwest 1/4 of the
20 Southeast 1/4 of Section 19, Township 17 South,
21 Range 31 East;
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23 and
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25 the South 405 feet of the West 285 feet of the
26 North 1/2 of the Southwest 1/4 of the Southeast
27 1/4 of Section 19, Township 17 South, Range 31
28 East;
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30 and
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1 the North 1/2 of Government Lot 2, Section 4,
2 Township 18 South, Range 31 East, except the
3 North 5 chains of the East 1/2 thereof;
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5 and
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7 the North 3/4 of the West 1/2 of the South 1/2
8 of Government Lot 2, Section 4, Township 18
9 South, Range 31 East;
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11 and
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13 the East 997.13 feet of the North 1/2 of
14 Government Lot 3, Section 4, Township 18 South,
15 Range 31 East;
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17 and
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19 the West 170 feet of the East 518 feet of the
20 North 258 feet of the Northeast 1/4 of the
21 Northeast 1/4 of Section 5, Township 18 South,
22 Range 31;
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24 and
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26 the East 171 feet of the West 1/2 of the North
27 1/2 of Government Lot 1, Section 4, Township 18
28 South, Range 31 East;
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1 the South 322 feet of the Northeast 1/4 of
2 Government Lot 1, Section 4, Township 18 South,
3 Range 31 East, except the East 40 feet thereof;
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5 and
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7 the East 705.61 feet of the South 1/2 of
8 Government Lot 1, Section 4, Township 18 South,
9 Range 31 East, except the South 643.02 feet
10 thereof;
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14 the South 643.02 feet of the South 1/2 of
15 Government Lot 1, Section 4, Township 18 South,
16 Range 31 East, except the East 677.58 feet
17 thereof;
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19 and
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21 the South 1/2 of Government Lot 1, Section 4,
22 Township 18 South, Range 31 East, except the
23 South 643.02 feet thereof and except the East
24 1059.03 feet thereof;
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26 and
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28 the East 1/2 of the North 1/4 of the South 1/2
29 of Government Lot 2, Section 4, Township 8
30 South, Range 31 East;
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1 and

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3 the East 340 feet of the South 3/4 of the South
4 1/2 of Government Lot 2, Section 4, Township 18
5 South, Range 31 East;

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7 and

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9 the South 1/2 of Government Lot 2, Section 4,
10 Township 18 South, Range 31 East, lying
11 southerly and easterly of the centerline of
12 Deer Run Court, except the East 340 feet
13 thereof;

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15 and

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17 the North 563.83 feet of the North 1/2 of
18 Government Lot 7, Section 4, Township 18 South,
19 Range 31 East, lying easterly of the centerline
20 of Lake Helen-Osteen Road, except that portion
21 of the north 115.50 feet of the West 810.00
22 feet of the North 1/2 of said Government Lot 7,
23 lying easterly of the centerline of Lake
24 Helen-Osteen Road;

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26 and

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28 the West 165 feet of the West 1/2 of the North
29 1/2 of Government Lot 1, except that part in
30 existing roads, Section 4, Township 18 South,
31 Range 31 East;

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and

the East 665.06 feet of the South 327 feet of
the Southeast 1/4 of the Southwest 1/4 of
Section 19, Township 17 South, Range 31 East,
Public Records of Volusia County, Florida.
Subject to a 25.00 foot roadway along East
boundary.

SECTION 4. Municipal powers.--The city, as a body
corporate and politic, shall have all powers of a municipality
existing under the constitution and laws of the state, as
fully and completely as though such powers were specifically
enumerated in this Charter, unless otherwise specifically
prohibited by or contrary to the provisions of this Charter.
The city shall have all governmental, corporate, and
proprietary powers necessary to enable it to conduct municipal
government, perform municipal functions, and render municipal
services, and may exercise any power for municipal purposes
unless expressly prohibited by law. The powers of the city
shall be liberally construed in favor of the city.

SECTION 5. City commission; composition;
qualifications for office; elections.--

(A) Composition:

(1) There shall be a five-member City Commission
consisting of the Mayor and four City Commissioners
representing zones within the city.

(2) The four zones within the city shall maintain the
boundaries which are in effect on the effective date of this
Charter. After each decennial census, and at such other times

1 as the City Commission may deem advisable, the City Commission
2 shall divide the city into zones of contiguous property as
3 nearly equal in population as is practicable.

4 (3) The Mayor and Commission shall run for office at
5 large and be elected at large.

6 (B) Qualifications for office:

7 (1) Each candidate for office shall be a qualified
8 elector of the city.

9 (2) Each candidate for office shall have resided in
10 the city for a minimum of 6 months immediately prior to
11 qualifying.

12 (3) Each individual seeking to qualify as a candidate
13 for one of the four seats on the City Commission must live in
14 the zone for which he or she is seeking election.

15 (4) Each candidate for office shall file the
16 appropriate papers and pay the required fees during normal
17 office hours on any business day during the qualifying period.
18 Each candidate for the office of Mayor must pay to the city
19 treasury a qualifying fee as established by ordinance, an
20 election assessment fee currently governed by section 99.093,
21 Florida Statutes, and file a petition containing the
22 signatures of at least 25 qualified electors of the city with
23 the City Clerk or designee, on or before the qualifying date.
24 Each candidate for City Commissioner from the respective zones
25 must pay to the city treasury a qualifying fee as established
26 by ordinance, an election assessment fee currently governed by
27 section 99.093, Florida Statutes, and file a petition
28 containing the signatures of at least 15 qualified electors
29 with the City Clerk or designee, on or before the end of the
30 qualifying period.

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1 (C) The names of all candidates and the offices for
2 which they have filed shall be received by the Volusia County
3 Supervisor of Elections from the City Clerk or designee by the
4 date and time mandated by the Volusia County Supervisor of
5 Elections.

6 (D) The election of the Mayor and City Commissioners
7 shall be held in accordance with the uniform election dates
8 for municipal elections as provided by special acts of the
9 Legislature applicable to Volusia County.

10 (E) A newly elected Mayor or City Commissioner shall
11 take office at the first regular City Commission meeting
12 following his or her election after taking the oath of office.

13 (F) The Mayor and City Commissioners may succeed
14 themselves.

15 (G) The City Commission shall be the judge of the
16 election and qualifications of its own members, subject to
17 judicial review.

18 SECTION 6. Terms of office.--

19 (A) The term of office for the terms of the Mayor and
20 each City Commissioner shall be 2 years.

21 (B) The Mayor and each City Commissioner shall remain
22 in office until his or her successor is elected and assumes
23 the duties of the position.

24 (C) The staggered terms of office in effect on the
25 effective date of this Charter shall continue to be in effect.
26 The Mayor and the City Commissioners from odd-numbered zones
27 one and three shall be elected in odd-numbered years. The City
28 Commissioners from even-numbered zones two and four shall be
29 elected in even-numbered years.

30 SECTION 7. Powers and duties of commission.--

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1 (A) The form of government of the City of Lake Helen
2 shall be the commission form of government whereby the City
3 Commission is the head of city government.

4 (B) Except as otherwise prescribed herein or provided
5 by law, all managerial, executive, legislative, and police
6 powers of the city shall be vested in the City Commission,
7 including, but not limited to, the following:

8 (1) Enacting ordinances, establishing public policy,
9 and providing general direction for staff actions.

10 (2) Reviewing and approving all policy and procedure
11 manuals.

12 (3) Retaining responsibility for all hiring and
13 terminating employees; evaluations in writing, the City
14 Administrator's job performance at the end of an initial
15 6-month probationary period and at least yearly thereafter.

16 (4) Reviewing and approving all administrative
17 recommendations for staff promotions, demotions, position
18 classifications and reclassifications, and wage and salary
19 increases.

20 (5) Approving payment of bills and contracts at City
21 Commission meetings.

22 (C) The City Commission shall provide for the exercise
23 of its powers and for the performance of all duties and
24 obligations imposed on the city by ordinance, resolution,
25 motion, policy directive, or other appropriate action and may
26 delegate such powers as it deems advisable to the City
27 Administrator or the City Attorney.

28 (D) The City Commission shall create and appoint a
29 Personnel Review Board and a Planning and Land Development
30 Regulation Commission.

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1 (E) The City Commission shall adopt a purchasing
2 policies and procedures manual and a personnel policies and
3 procedures manual.

4 (F) Individual City Commissioners shall not directly
5 supervise or demand performance from any specific city
6 employee. All requests from City Commissioners for written
7 information or performance of tasks by city employees shall be
8 directed to the City Administrator who shall work with the
9 appropriate department head to fulfill the request for
10 information or performance.

11 SECTION 8. Powers and duties of the Mayor and Vice
12 Mayor.

13 (A) The Mayor shall be a member of the City Commission
14 and, in addition to the regular powers invested in any City
15 Commissioner, the Mayor shall be recognized by the Governor
16 for purposes of military law; have the power to declare an
17 emergency; execute city contracts, unless such execution is
18 delegated to the City Administrator, deeds, and other
19 documents; and represent the city in all agreements with other
20 governmental entities and provide certifications to other
21 governmental entities that the City Commission has approved.
22 The Mayor shall preside at meetings of the City Commission and
23 be recognized as the head of city government for all
24 ceremonial occasions and purposes. For the purposes of votes
25 by the City Commission and actions by the City Commission, the
26 Mayor shall be considered, in every respect, as part of the
27 City Commission.

28 (B) The Vice Mayor shall be appointed or elected at
29 each organizational meeting of the City Commission as set
30 forth in this subsection. If a City Commissioner is sitting on
31 the Commission who has seniority over all other Commissioners,

1 that Commissioner shall be appointed to serve as Vice Mayor.
2 If two or more Commissioners have equal seniority and the
3 second or all other Commissioners having equal seniority
4 decline consideration for the position of Vice Mayor, thereby
5 leaving only a single Commissioner with seniority to so serve,
6 then the position shall be filled by the remaining
7 Commissioner with seniority. If, however, there are two or
8 more Commissioners with equal seniority and, after acts of
9 declination, if any, there remains more than one Commissioner
10 with equal seniority, then the position of Vice Mayor shall be
11 filled by election of the City Commission with the position
12 being open to all Commissioners having equal seniority. The
13 Vice Mayor shall act as Mayor during the absence or disability
14 of the Mayor. In all instances, the Vice Mayor shall be
15 elected by the affirmative vote of the majority of the City
16 Commission.

17 (C) The Vice Mayor shall have the same powers and
18 duties as any other City Commissioner, except that he or she
19 shall serve as acting Mayor during the absence or disability
20 of the Mayor and, during such period, shall have the same
21 powers and duties as the Mayor. In the absence of the Mayor
22 and Vice Mayor, the remaining City Commissioners shall elect a
23 City Commissioner to serve as acting Mayor.

24 (D) In the event that the office of Mayor shall become
25 vacant with less than 1 year remaining in the term, the Vice
26 Mayor shall serve as Mayor for the remainder of the term and
27 the vacancy in his or her office shall be filled as provided
28 in the Charter.

29 SECTION 9. Compensation and expenses.--

30 (A) The Mayor and City Commissioners shall continue to
31 receive the salary in effect on the date that this Charter

1 becomes effective. Thereafter, they shall receive compensation
2 as established by adoption of a resolution adjusting pay
3 scales. The salaries of the Mayor, Vice Mayor, and City
4 Commissioners may be different at the determination of the
5 City Commission, but all salaries for City Commissioners not
6 -serving as Vice Mayor shall be equal.

7 (B) The Mayor and City Commissioners may be reimbursed
8 for actual expenses incurred while performing their official
9 duties in accordance with provisions of the Florida Statutes
10 or city resolution.

11 SECTION 10. Vacancies; forfeiture of office;
12 suspension; recall; filling of vacancies.--

13 (A) A vacancy in the office of Mayor or of a City
14 Commission seat shall occur upon any of the following: upon
15 the death of the incumbent; removal from office as authorized
16 by law; resignation; election or appointment to other public
17 office which creates dual office holding; judicially
18 determined incompetence; or forfeiture of office.

19 (B) The Mayor or a City Commissioner shall forfeit his
20 or her office upon determination by the City Commission,
21 acting as a body, that he or she:

22 (1) Lacks at any time, or fails to maintain during his
23 or her term of office, any qualification for the office
24 prescribed by this Charter or otherwise required by law. For
25 the length of his or her term, a City Commissioner shall
26 maintain residency within the boundaries of the zone from
27 which he or she ran for office. City Commissioners shall
28 reside at least 45 weeks of each year in the zone in which
29 they live.

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1 (2) Is convicted of a felony, or enters a plea of
2 guilty or nolo contendere to a crime punishable as a felony,
3 even if adjudication of guilt has been withheld.

4 (3) Is convicted of a first degree misdemeanor arising
5 directly out of his or her official conduct or duties or
6 enters a plea of guilty or nolo contendere thereto, even if
7 adjudication of guilt has been withheld.

8 (4) Is found to have violated any standard of conduct
9 or code of ethics established by law for public officials and
10 has been suspended from office by the Governor, unless
11 subsequently reinstated as provided by law.

12 (5) Is absent from not less than three consecutive,
13 regular meetings of the City Commission unless such series of
14 absences, or any one of the absences, is excused by the City
15 Commission by adoption of a resolution setting forth the fact
16 of such excused absence or absences, thereby making the total
17 of consecutive and unexcused absences less than three.

18 (6) Is found by a vote of the City Commission to have
19 abandoned his or her office as a result of extensive absences.

20 (C)(1) The Mayor or any City Commissioner shall be
21 suspended from office by the City Commission acting as a body
22 upon return of an indictment or issuance of an information
23 charging the Mayor or a City Commissioner with any crime which
24 is punishable as a felony or with any crime arising out of his
25 or her official conduct or duties which is punishable as a
26 misdemeanor.

27 (2) During the period of suspension, the Mayor or the
28 City Commissioner shall not perform any official act, duty, or
29 function or receive any allowance, emolument, or privilege of
30 office.

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1 (3) If the Mayor or a City Commissioner is
2 subsequently found not guilty of the charge, or if the charge
3 is otherwise dismissed or altered so that suspension would no
4 longer be required as provided herein, the suspension shall be
5 lifted by the City Commission and the Mayor or City
6 Commissioner shall be entitled to receive full back allowances
7 and such other emoluments as he or she would have been
8 entitled to had the suspension not occurred.

9 (D) The electors of the city, following the procedures
10 for recall established by state law, may remove the Mayor or
11 any City Commissioner from office.

12 (E)(1) If, for any reason other than a recall, a
13 vacancy occurs in the office of Mayor within the first year of
14 a term, the Vice Mayor shall assume the position of Mayor and,
15 within 30 days following the occurrence of such vacancy, a
16 special election for Mayor shall be held to elect a Mayor for
17 the remainder of the unfilled term.

18 (2) If, for any reason other than a recall, a vacancy
19 occurs in the office of Mayor or any City Commission seat
20 within the last year of a term, the office shall be filled for
21 the remainder of the term by appointment within 30 days
22 following the occurrence of such vacancy by majority vote of
23 the remaining City Commission members.

24 (3) If, for any reason other than a recall, a vacancy
25 occurs in the office of any City Commission seat within the
26 first year of a term, the office shall be filled by
27 appointment within 30 days following the occurrence of such
28 vacancy by majority vote of the City Commission and such
29 appointment shall expire when a City Commissioner is elected
30 and he or she is seated in accordance with this Charter.

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1 (4) If a vacancy occurs as a result of a recall
2 petition, such vacancy will be filled by special election as
3 provided in state law.

4 (5) Before a person is appointed to fill a vacant seat
5 on the City Commission, he or she must meet all qualifications
6 for office.

7 SECTION 11. City Commission meetings; organizational
8 meeting; quorum; special meeting.--

9 (A) The City Commission shall meet regularly at least
10 once a month. All meetings shall be subject to notice and
11 other requirements of law applicable to public meetings.

12 (B) The newly elected Commissioners shall be
13 installed, if elected in the regular biennial election on the
14 first Thursday after the first Monday following the regular
15 biennial election or, if any Commissioner is elected to fill a
16 vacancy, at the next meeting of the City Commission following
17 the election, which meeting must be held not later than 1 week
18 following such election. Installation into office is to be
19 made by the City Commission and consists of declaring election
20 results, administering the oath of office, and receiving a
21 bond from the Commissioners elected, if required by ordinance.
22 The oath of office may be administered by any member of the
23 City Commission or by any judicial officer or notary public of
24 the state and shall be in substantially the following form:

25 "I, _____, do solemnly swear (or affirm) that I will
26 support, protect, and defend the Constitution and Government
27 of the United States and of the State of Florida against all
28 enemies, domestic or foreign, and that I will bear true faith,
29 loyalty, and allegiance to the same, and that I am entitled to
30 hold office under the Constitution; that I will faithfully
31 perform all duties of the office of _____ of

1 the City of Lake Helen, on which I am about to enter, so help
2 me God." The City Commission shall elect the Vice Mayor at the
3 organizational meeting after elected or reelected Mayor/City
4 Commissioners are inducted into office.

5 (C) A majority of the City Commission shall constitute
6 a quorum. No action of the City Commission shall be valid
7 unless adopted by an affirmative vote of the majority of the
8 City Commission that is in attendance, unless otherwise
9 provided by law or ordinance or as stated herein. Tie votes
10 shall result in the motion failing. All actions of the City
11 Commission shall be accomplished by ordinance, resolution, or
12 motion, although the City Commission may express its consensus
13 in other appropriate ways.

14 (D) Special meetings may be held at the call of the
15 Mayor or, in the absence of the Mayor, at the call of the Vice
16 Mayor. Special meetings may also be called upon the request of
17 a majority of the City Commissioners. No less than 24 hours'
18 prior notice of the meeting shall be given to the public,
19 unless a declared emergency situation exists.

20 SECTION 12. City records.--All city public records
21 shall be maintained in accordance with state law. All
22 ordinances or resolutions of the City Commission shall be
23 executed by the Mayor or, in the Mayor's absence, by the Vice
24 Mayor or, in the absence of both, by the acting Mayor, and
25 attested to by the City Administrator.

26 SECTION 13. Limit of employment of commission members.
27 Neither the Mayor nor City Commissioners shall be in the
28 employment of the city while in office, nor shall any former
29 Mayor or City Commissioner be employed by the city until after
30 the expiration of 1 year after the time of leaving office.

31 SECTION 14. Charter officers.--

1 (A) The City Administrator and the City Attorney shall
2 be charter officers.

3 (B) The City Administrator shall be a full-time
4 employee of the City Commission subject to the city's
5 personnel policies and procedures manual.

6 (C) The City Attorney shall be appointed by a majority
7 vote of the full City Commission and shall serve at the
8 pleasure of the City Commission.

9 (D) The City Attorney may be removed from office only
10 by a majority vote of the full City Commission.

11 (E) The compensation of the charter officers shall be
12 fixed by the City Commission.

13 (F) Charter officers may not be candidates for any
14 elected office while holding a charter office position.

15 SECTION 15. City Administrator qualifications; powers
16 and duties.--

17 (A) The City Administrator shall fulfill the role of
18 functioning administrative officer of the city serving under
19 the direction and managerial control of the City Commission.

20 (B) The City Administrator shall be selected on the
21 basis of education, experience, expertise, and management
22 ability as it pertains to administrating municipal government.

23 (C) The City Administrator shall:

24 (1) Direct and supervise the administration of all
25 departments, offices, and agencies of the city, except as
26 otherwise provided by this Charter or by law.

27 (2) Prepare department head probationary and annual
28 performance evaluations and recommend promotions, demotions,
29 position classifications, reclassifications, and wage and
30 salary adjustments to the City Commission for review and
31 approval.

1 (3) Prepare the agenda and attend City Commission
2 meetings, take part in discussion, and furnish information as
3 requested by the City Commission.

4 (4) See that all laws and provisions of the Charter
5 and policies, resolutions, and acts of the City Commission,
6 subject to enforcement by the City Administrator or by others
7 under his or her direction and supervision, are faithfully
8 executed.

9 (5) Prepare and submit the annual budget, budget
10 message, and capital program to the Commission.

11 (6) Administer financial transactions of the city,
12 including investments, withdrawals, and expenditures in
13 accordance with city investment policies and the adopted city
14 budget.

15 (7) Keep the Commission fully apprised as to the
16 financial condition and future needs of the city and make
17 recommendations to the City Commission concerning the affairs
18 of the city.

19 (8) Coordinate with both elected officials and city
20 staff of neighboring cities and counties on items that are of
21 mutual concern or items that require an exchange of
22 information.

23 (9) Coordinate with the City Attorney and City
24 Commission on city legal matters.

25 (10) Upon City Commission approval, cosign contracts
26 on behalf of the city pursuant to the provisions of
27 ordinances, resolutions, or motions.

28 (11) Prepare or administer the preparation of city
29 policies and procedure manuals, ordinances, and similar
30 materials for City Commission review and approval.

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1 (12) Review employee disciplinary actions taken by
2 subordinate staff and take final administrative action prior
3 to initiation of review by the City Personnel Review Board and
4 the City Commission.

5 (13) Perform the duties of City Planner, to include,
6 but not be limited to:

7 (a) Preparing the agenda and attending meetings of the
8 Planning and Land Development Regulation Commission, taking
9 part in discussions, and furnishing information as requested
10 by the Planning and Land Development Regulation Commission.

11 (b) Reviewing and preparing staff reports related to
12 site plans, variances, road vacations, subdivision plats, code
13 amendments, comprehensive plan amendments, annexations, and
14 other matters relating to land use and development and growth
15 management.

16 (c) Interpreting city land development regulations,
17 other city codes and ordinances relating to land development,
18 and the City Comprehensive Plan.

19 (d) Researching, analyzing, and preparing special
20 studies, ordinances, code amendments, and comprehensive plan
21 amendments for the city.

22 (e) Representing the city on planning-related matters
23 and coordinating such representation with the City Commission.

24 (14) Perform the duties of City Clerk during any
25 period of time when appointed by the City Commission to do so.
26 Such duties may include, but are not limited to:

27 (a) Processing and maintaining all official city
28 documents and records and ensuring that all actions of the
29 City Commission are recorded.

30 (b) Supervising the preparation and indexing of
31 minutes.

1 (c) Preparing reports and maintaining various property
2 files.

3 (d) Overseeing bid preparation or preparing bids, and
4 attending bid openings and processing procurement information.

5 (e) Processing and signing all purchase orders and
6 checks.

7 (f) Preparing and administering oaths of office.

8 (g) Administering the operations of the city cemetery.

9 (h) Maintaining personnel folders and retaining
10 records as required.

11 (i) Performing the duties of City Treasurer.

12 (j) Performing such other City Clerk-related duties as
13 required by the City Commission.

14 (15) Perform such other administrative duties and
15 responsibilities as may be required by the City Commission.

16 (16) Designate an acting City Administrator to act on
17 his or her behalf in his or her absence, except in the
18 performance of the duties of City Clerk. The City Commission
19 shall appoint an individual to perform the duties of City
20 Clerk in the City Administrator's absence.

21 SECTION 16. City Attorney; qualifications; powers and
22 duties.

23 (A) The City Attorney shall be the chief legal officer
24 and advisor of the city. The City Attorney may either be
25 retained in house, or be retained part time under contract.

26 (B) The City Attorney shall be a member in good
27 standing of The Florida Bar.

28 (C) The City Attorney shall:

29 (1) Serve as chief advisor to the City Commission, the
30 City Administrator, and all city departments, offices,
31 advisory boards, and agencies.

1 (2) Attend all City Commission meetings, unless
2 excused by the City Commission, and perform such professional
3 duties as may be required by law or by the City Commission in
4 furtherance of the law.

5 (3) Engage in litigation on behalf of the City
6 Commission pursuant to its direction.

7 (4) Appoint assistants to assist in the provision of
8 legal services to the city.

9 SECTION 17. Budget and appropriations.--

10 (A) The City Commission shall adopt a budget and set
11 tax rates in accordance with state law.

12 (B) The City Commission shall have all powers of local
13 government vested in it by state law relative to fiscal
14 processes and procedures.

15 (C) The City Commission shall adopt a financial policy
16 at such times as it deems appropriate to provide for financial
17 management policies of the city.

18 (D) The City Commission shall enact a purchasing code
19 to regulate the procurement of goods and services.

20 SECTION 18. Electors and elections.--

21 (A) Any person who is a resident of the city, who has
22 qualified as an elector of this state, and who registers in
23 the manner prescribed by law shall be an elector of the city.

24 (B) All elections for city elective offices shall be
25 conducted on a nonpartisan basis without any designation of
26 political party affiliation.

27 (C) Any person who wishes to become a candidate for a
28 city elective office shall qualify in accordance with state
29 law and this Charter with the City Clerk no sooner than 45
30 calendar days nor later than 35 calendar days prior to the
31 second Tuesday in September of each odd-numbered year.

1 (D) The regular city election shall be the first
2 Tuesday after the first Monday in November of each
3 odd-numbered year. Such city elections shall be general city
4 elections. If there are more than two candidates who qualify
5 for any office, a primary city election shall be held on the
6 date set forth in the special acts, or other applicable law,
7 governing municipal elections in Volusia County.

8 (E)(1) All other special elections shall be held in
9 the same manner as regular elections and the City Commission
10 shall, by resolution, fix the time for holding such elections.

11 (2) In case three or more vacancies exist
12 simultaneously in the City Commission, the remaining
13 Commissioner or Commissioners shall provide for filling such
14 vacancies by calling a special election, which they are hereby
15 authorized to do, in the event such vacancies exist more than
16 6 months before the next regular biennial election. In the
17 event such three or more vacancies exist simultaneously less
18 than 6 months prior to the next regular biennial election, the
19 remaining City Commissioner or City Commissioners shall fill
20 such vacancies by appointment for the remainder of the
21 unexpired terms. In the event there are two remaining
22 Commissioners and they cannot agree upon appointments within
23 10 days after said three or more vacancies occur, then it
24 shall be their duty to call a special election to fill such
25 vacancies. In the event there are five simultaneous vacancies
26 with regard to the Mayor and all City Commissioners, the City
27 Administrator, or in the event of the office of the City
28 Administrator being vacant, or in the event of his or her
29 inability or refusal to act, then the City Attorney shall have
30 the power to call a special election to fill the vacancy or
31 vacancies in the office of Mayor and City Commissioner.

1 (F)(1) If only one candidate qualifies for an office,
2 that candidate shall be deemed to be elected and shall not be
3 placed on either the general or the primary ballot.

4 (2) If a primary city election is held and any
5 candidate for an office receives a majority of the votes cast
6 in the primary election for the office, he or she shall be
7 deemed to be elected to that office and the office will not be
8 subject to an election at the general city election.

9 (3) If no single candidate for an office receives a
10 50-percent plus one majority of the votes cast in the city
11 primary election for that office, the two candidates for the
12 office receiving the highest vote in the primary city election
13 shall run against one another in the general city election.

14 (4) In any primary election in which there is a tie
15 for first place for election to an office, the name of each
16 such candidate shall be placed on the city's general election
17 ballot for the office.

18 (5) In any primary election in which there is a tie
19 for second place for election to an office and the candidate
20 placing first did not receive a majority of the votes cast for
21 such office, the name of the candidate placing first and the
22 name of each candidate tying for second place shall be placed
23 on the city's general election ballot.

24 (6) The candidate receiving the highest number of
25 votes cast for the office in the city's general election shall
26 be elected to such office. If the vote at the general city
27 election results in a tie, the outcome shall be determined by
28 lot as follows:

29 (a) At the City Commission's organizational meeting,
30 the Supervisor of Elections of Volusia County or the City
31 Administrator shall toss a coin. Prior to the toss, in

1 alphabetical order, the two candidates shall call the coin
2 with one candidate choosing "heads" and one candidate choosing
3 "tails."

4 (b) The candidate whose call matches the coin toss
5 shall be declared elected to the office.

6 (G) The results of elections shall be canvassed by the
7 city or county canvassing board or in accordance with the
8 Florida Election Code. The City Commission may enact
9 appropriate ordinances to provide for city elections
10 consistent with the provisions of state law.

11 SECTION 19. Charter amendment.--

12 (A) This Charter may be amended in accordance with the
13 provisions of the Municipal Home Rule Powers Act, chapter 166,
14 Florida Statutes, as the same may be amended from time to
15 time, or as may otherwise be provided by general law. The
16 form, content, and certification of any petition to amend
17 shall be established by ordinance.

18 (B) A Charter Review Committee may be appointed at any
19 time by the City Commission. Each zone Commission member shall
20 appoint one member from his or her zone, and the Mayor shall
21 appoint one member at large. The committee shall complete its
22 work and present any recommendations for change within the
23 time period as prescribed by the City Commission. The City
24 Commission may act on the proposed changes to the Charter and
25 place the proposed changes on the next scheduled general
26 election ballot if it concurs with the proposals.

27 SECTION 20. Standards of conduct.--All elected
28 officials, appointed officials, and employees of the city
29 shall be subject to the standards of conduct for the public
30 officers and employees established in state law. In addition,
31 the City Commission may, by ordinance, establish a

1 supplemental code of ethics for the city, which may in no case
2 diminish the provisions of state law.

3 SECTION 21. Ordinances preserved.--All ordinances in
4 effect upon the adoption of this Charter, to the extent not
5 inconsistent with it, shall remain in force until repealed or
6 changed as provided herein.

7 SECTION 22. Rights of officers and employees.--

8 (A) Nothing in this Charter except as otherwise
9 specifically provided shall affect or impair the rights or
10 privileges of persons who are officers or employees of the
11 City of Lake Helen at the time of adoption.

12 (B) All officers heretofore elected or appointed and
13 holding office in the City of Lake Helen shall continue to
14 hold their respective offices and to discharge the duties
15 thereof until their successors are elected and qualified.

16 SECTION 23. Pending matters; savings clause.--

17 (A) All rights, title, claims, actions, orders,
18 contracts, ownership of property, uncollected taxes, dues,
19 judgments, decrees, legal or administrative proceedings
20 involving the City of Lake Helen, and all property and
21 property rights of every nature whatever held or owned by the
22 City of Lake Helen shall continue except as modified pursuant
23 to the provisions of this Charter.

24 (B) No obligation or contract of the said municipality
25 of any nature whatever, including outstanding indebtedness and
26 bonds heretofore issued, shall be impaired or avoided by this
27 act, but all debts and obligations of the City of Lake Helen
28 shall pass to and be binding upon the municipality hereby
29 organized and created.

30 Section 4. If any provision of this act or the
31 application thereof to any person or circumstances is held

1 invalid, the invalidity shall not affect other provisions or
2 applications this act which can be given effect without the
3 invalid provision or application and to this end the
4 provisions of this act are declared severable.

5 Section 5. Chapters 5510 (1905), 9006 (1921), 9811
6 (1923), 11584 (1925), 11585 (1925), 14169 (1929), 14611
7 (1929), 15296 (1931), 18639 (1937), 22364 (1943), 29223
8 (1953), 30915 (1955), 59-1473, 59-1474, and 63-1511, Laws of
9 Florida, are repealed.

10 Section 6. This act shall take effect upon becoming a
11 law.

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