

1 A bill to be entitled
2 An act relating to Marion County; creating the City of
3 Marion Oaks; providing powers and form of government;
4 providing corporate boundaries; providing for a city
5 council; providing powers, duties, eligibility,
6 compensation, and terms of council members; providing for
7 a mayor and deputy mayor and specifying powers and duties
8 thereof; prohibiting dual officeholding; specifying
9 grounds for forfeiture of office; providing for the
10 filling of vacancies; providing meeting requirements;
11 providing for the appointment, qualifications, and
12 compensation of a city manager and acting city manager;
13 providing powers and duties; providing for the creation of
14 additional departments, offices, and agencies to be
15 directed by the city manager; specifying a merit principle
16 and grievance process for officers and employees;
17 providing for the appointment and removal of a city
18 attorney and city clerk; providing duties; providing for
19 the financial management of the city, including a fiscal
20 year and submission of a budget; specifying budget
21 requirements; providing statutory requirements for budget
22 action and amendment; providing for administration and
23 oversight; requiring a capital program; providing for
24 audits; providing for city elections; providing city
25 council districts; providing for the appointment, terms,
26 compensation, and duties of a districting committee;
27 providing districting plan criteria; providing effect of
28 district enactment; providing requirements for initial

29 | election of mayor and council members; authorizing
30 | registered electors to propose initiatives, referenda, and
31 | recall of officers; providing requirements for content,
32 | circulation, and filing of petitions; providing for a
33 | petitioners' committee; providing for council review of
34 | petitions under certain circumstances; providing for the
35 | suspension of ordinances under reconsideration; providing
36 | procedures for consideration of proposed initiative
37 | ordinances or reconsideration of referred ordinances;
38 | providing for elections with respect thereto; providing
39 | ethics requirements for officers and employees; providing
40 | for charter review and amendment; providing for creation
41 | and establishment of the city; providing for the initial
42 | election of the mayor and council members; providing for
43 | initial expenses, transitional ordinances and resolutions,
44 | and continuation of certain revenue sources and municipal
45 | services; authorizing city participation in state shared
46 | revenue programs and receipt of local option fuel tax
47 | revenues; requiring sharing of specified revenues with
48 | Marion County; providing severability; providing for a
49 | referendum; providing effective dates.

50 |
51 | WHEREAS, we, the people of the City of Marion Oaks,
52 | Florida, under the constitution and laws of the United States of
53 | America and the State of Florida, in order to provide the
54 | benefits of local government responsive to the will and values
55 | of our citizens, do hereby adopt this charter to define the
56 | powers and structure of our government, and

57 WHEREAS, by this action, we secure the benefits of home
 58 rule and affirm the values of representative democracy,
 59 professional management, visionary leadership, citizen
 60 participation, and regional cooperation, and

61 WHEREAS, we believe in an open, responsive government that
 62 provides efficient services which meet the needs of the people,
 63 that abides by the highest ethical standards, and that operates
 64 as a careful steward of the human, fiscal, and natural resources
 65 of our city, NOW, THEREFORE,

66
 67 Be It Enacted by the Legislature of the State of Florida:
 68

69 Section 1. Creation; powers of the city; form of
 70 government.—

71 (1) CREATION.—This act shall be known and may be cited as
 72 the "City of Marion Oaks Charter," hereinafter referred to as
 73 the "charter," and the City of Marion Oaks is hereby created and
 74 established.

75 (2) POWERS OF THE CITY.—The city shall have all powers
 76 possible for a city to have under the constitution and laws of
 77 this state as fully and completely as though they were
 78 specifically enumerated in this charter.

79 (3) CONSTRUCTION.—The powers of the city under this
 80 charter shall be construed liberally in favor of the city, and
 81 the specific mention of particular powers in the charter shall
 82 not be construed as limiting in any way the general power
 83 granted in this section.

84 (4) INTERGOVERNMENTAL RELATIONS.—The city may participate
 85 by contract or otherwise with any governmental entity of this
 86 state or any other state or states or the United States in the
 87 performance of any activity which one or more of such entities
 88 have the authority to undertake.

89 (5) FORM OF GOVERNMENT.—The city shall have a council-
 90 manager form of government as defined in sections 2 and 3.

91 (6) CORPORATE BOUNDARIES.—The corporate boundaries of the
 92 city shall be as follows:

93
 94 A subdivision as recorded in Plat Book "O" at Pages
 95 001, 019, 036, 053, 081, 107, 140, 154, 164, 194, 214,
 96 225 and Plat Book "H", at Page 131 of the Public
 97 Records of Marion County, Florida.

98
 99 Notwithstanding those boundaries defined by this recorded
 100 subdivision's boundaries, all properties contained within the
 101 northernmost, southernmost, easternmost, and westernmost
 102 boundaries of this subdivision as recorded, and as illustrated
 103 on the map of the proposed City of Marion Oaks contained within
 104 the Municipal Incorporation Feasibility Study for the proposed
 105 City of Marion Oaks, shall be incorporated into and included
 106 within the City of Marion Oaks. Nothing within this charter for
 107 the City of Marion Oaks, Florida, or the associated municipal
 108 incorporation feasibility study shall be construed as exempting
 109 or excluding any properties contained within these boundaries
 110 from being incorporated into the City of Marion Oaks.

111 Section 2. City council.—

112 (1) GENERAL POWERS AND DUTIES.—All powers of the city
 113 shall be vested in the city council, except as otherwise
 114 provided by law or this charter, and the council shall provide
 115 for the exercise thereof and for the performance of all duties
 116 and obligations imposed on the city by law.

117 (2) ELIGIBILITY; TERMS; COMPOSITION.—

118 (a) Eligibility.—Only registered electors of the county
 119 who have resided within the city boundaries for 12 consecutive
 120 months prior to the date of qualifying shall be eligible to hold
 121 the office of council member. Council members must maintain
 122 residency and voter registration during their entire terms of
 123 office.

124 (b) Terms.—With the exception of the initial election as
 125 provided in subsection (3) of section 6, the term of office of
 126 council members shall be 4 years.

127 (c) Composition.—There shall be a city council composed of
 128 four members elected by the registered electors of the city at
 129 large in accordance with the provisions of section 6. Not more
 130 than one council member shall reside in each district.

131 (3) MAYOR.—

132 (a) Eligibility.—Only a registered elector of the county
 133 who has resided within the city boundaries for 12 consecutive
 134 months prior to the date of qualifying shall be eligible to hold
 135 the office of mayor. The mayor must maintain residency and voter
 136 registration during his or her entire term of office.

137 (b) Election.—At each regular election, with the exception
 138 of the initial election as provided in subsection (3) of section

139 6, the registered electors of the city shall elect a mayor at
 140 large for a term of 4 years.

141 (c) Powers and duties.—The mayor shall be a voting member
 142 of the city council and shall attend and preside at meetings of
 143 the council, represent the city in intergovernmental
 144 relationships, present an annual state of the city message, and
 145 perform other duties specified by the council. The mayor shall
 146 be recognized as head of the city government for all ceremonial
 147 purposes and by the Governor for purposes of military law but
 148 shall have no administrative duties.

149 (4) DEPUTY MAYOR.—At the first regular meeting after the
 150 swearing in of new council members, the council shall elect from
 151 among its members a deputy mayor who shall serve for a period of
 152 2 years. The deputy mayor shall act as mayor during the absence
 153 or disability of the mayor.

154 (5) COMPENSATION AND EXPENSES.—

155 (a) Salary.—The council may determine the annual salary of
 156 the mayor and council members by ordinance, but no ordinance
 157 increasing such salary shall become effective until the date of
 158 commencement of the new terms of the mayor and council members
 159 elected at the next regular election. The annual salaries of the
 160 mayor and council members shall increase or decrease annually
 161 based on the Consumer Price Index for All Urban Consumers,
 162 published by the Bureau of Labor Statistics of the United States
 163 Department of Labor, not to exceed 3 percent of the annual
 164 salary.

165 (b) Per diem.—The mayor and council members shall receive
 166 reimbursement for council-approved expenses in accordance with

HB 805

2010

167 applicable law, or as may be otherwise provided by ordinance,
168 for authorized travel and per diem expenses incurred in the
169 performance of their official duties.

170 (6) PROHIBITIONS.—

171 (a) Holding other office.—Except where authorized by law,
172 the mayor and council members shall not hold any other elected
173 public office during the term for which they were elected to the
174 council. Neither the mayor nor any council member shall hold any
175 other city office or employment during the term for which he or
176 she was elected. No former council member or mayor shall hold
177 any compensated appointive office or employment with the city
178 until 1 year after the expiration of the term for which he or
179 she was elected. Nothing in this subsection shall be construed
180 to prohibit the council from selecting any current or former
181 elected official to represent the city on the governing board of
182 any regional or other intergovernmental agency.

183 (b) Appointments and removals.—Neither the mayor nor any
184 member of the city council shall in any manner control or demand
185 the appointment or removal of any city administrative officer or
186 employee whom the city manager or any subordinate of the city
187 manager is empowered to appoint, but the mayor and council
188 members may express their views and fully and freely discuss
189 with the city manager anything pertaining to appointment and
190 removal of such officers and employees.

191 (c) Interference with administration.—Except for the
192 purpose of inquiries, and investigations under subsection (9),
193 the mayor, the council, and the council's members shall deal
194 with city officers and employees who are subject to the

195 direction and supervision of the city manager solely through the
 196 city manager, and neither the mayor, the council, nor the
 197 council's members shall give orders to any such officer or
 198 employee, either publicly or privately.

199 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
 200 VACANCIES.—

201 (a) Vacancies.—The office of a council member or the mayor
 202 shall become vacant upon the member's or mayor's death,
 203 resignation, removal from office, or forfeiture of office in any
 204 manner authorized by law.

205 (b) Forfeiture of office.—A council member or the mayor
 206 shall forfeit that office if the council member or mayor:

- 207 1. Fails to meet the residency requirements;
- 208 2. Violates any express prohibition of this charter;
- 209 3. Is convicted of a crime involving moral turpitude; or
- 210 4. Fails to physically attend three consecutive regular
 211 meetings of the council without being excused by the council.

212 (c) Filling of vacancies.—A vacancy in the city council
 213 shall be filled for the remainder of the unexpired term, if any,
 214 at the next regular election. If the next regular election
 215 occurs within 60 days after the date the vacancy occurred, the
 216 seat shall remain vacant until filled by a vote of the electors.
 217 If the election occurs more than 60 days after the date the
 218 vacancy occurred, the city council, by a majority vote of all
 219 its remaining members, shall appoint a qualified person to fill
 220 the vacancy until the election occurs. If the council fails to
 221 do so within 30 days following the occurrence of the vacancy,
 222 the city clerk shall call a special election to fill the

HB 805

2010

223 vacancy. This election shall be held not sooner than 90 days and
224 not later than 120 days following the occurrence of the vacancy
225 and shall be governed by law. Notwithstanding any quorum
226 requirements established herein, if at any time the membership
227 of the council is reduced to fewer than three members, the
228 remaining members may, by unanimous vote, appoint additional
229 members to raise the membership to a minimum of three.

230 (8) JUDGE OF QUALIFICATIONS.—The city council shall be the
231 judge of the election and qualifications of its members and of
232 the grounds for forfeiture of their office. A member charged
233 with conduct constituting grounds for forfeiture of office shall
234 be entitled to a public hearing on demand, and notice of such
235 hearing shall be published in a newspaper of general circulation
236 in the city at least 1 calendar week in advance of the hearing.

237 (9) INVESTIGATIONS.—The city council may make
238 investigations into the affairs of the city and the conduct of
239 any city department, office, or agency.

240 (10) PROCEDURES.—

241 (a) Meetings.—The council shall meet regularly at least
242 once every month at such times and places as the council may
243 prescribe by rule. Special meetings may be held at the call of
244 the mayor or two or more council members and, whenever
245 practicable, upon no less than 48 hours' notice to each member.

246 (b) Emergency meetings.—The mayor or any two or more
247 members of the council may convene an emergency council meeting
248 upon reasonable notice of such meeting given to each council
249 member. The first order of business at an emergency council
250 meeting shall be the determination, by affirmative vote of at

HB 805

2010

251 least three members of the council, that an emergency situation
252 involving health, safety, or public welfare warranting council
253 action exists. Only matters relating to the emergency may be
254 considered at the emergency meeting, and any action taken at
255 such meeting must be approved by at least three members of the
256 council, except for emergency ordinances, which shall be adopted
257 in accordance with state law.

258 (c) Rules and minutes.—The city council shall determine
259 its own rules and order of business and shall provide for
260 keeping a record of its proceedings in accordance with Florida
261 law.

262 (d) Quorum.—Three members of the council shall constitute
263 a quorum. No action of the council shall be valid or binding
264 unless adopted by the affirmative vote of three or more members
265 of the council.

266 (11) ORDINANCES IN GENERAL.—All ordinances, including
267 emergency ordinances, shall be adopted pursuant to section
268 166.041, Florida Statutes, as it may be amended from time to
269 time. Every adopted ordinance shall become effective as provided
270 in the body of the ordinance.

271 Section 3. City manager.—

272 (1) APPOINTMENT; QUALIFICATIONS; COMPENSATION.—The city
273 council, by a supermajority vote of its total membership, shall
274 appoint a city manager for an indefinite term and fix the city
275 manager's compensation. The city manager shall be appointed
276 solely on the basis of education and experience in the accepted
277 competencies and practice of local government management. The
278 city manager need not be a resident of the city or state at the

279 time of appointment but may reside outside the city while in
 280 office only with the approval of the council.

281 (2) REMOVAL.—If the city manager declines to resign at the
 282 request of the city council, the city council may suspend the
 283 city manager by a resolution approved by a supermajority of the
 284 total membership of the city council. Such resolution shall set
 285 forth the reasons for suspension and proposed removal. A copy of
 286 such resolution shall be served immediately upon the city
 287 manager. The city manager shall have 15 days in which to reply
 288 thereto in writing and, upon request, shall be afforded a public
 289 hearing, which shall occur not earlier than 10 days nor later
 290 than 15 days after such hearing is requested. After the public
 291 hearing, if one is requested, and after full consideration, the
 292 city council, by a supermajority vote of its total membership,
 293 may adopt a final resolution of removal. The city manager shall
 294 continue to receive full salary until the effective date of a
 295 final resolution of removal.

296 (3) ACTING CITY MANAGER.—By letter filed with the city
 297 clerk, the city manager shall designate a city officer or
 298 employee to exercise the powers and perform the duties of city
 299 manager during the city manager's temporary absence or
 300 disability. The city council may revoke such designation at any
 301 time and appoint another officer or employee of the city to
 302 serve until the city manager returns.

303 (4) POWERS AND DUTIES OF CITY MANAGER.—The city manager
 304 shall be the chief executive officer of the city, responsible to
 305 the council for the management of all city affairs placed in the

306 city manager's charge by or under this charter. The city manager
307 shall:

308 (a) Appoint and suspend or remove all city employees and
309 appointive administrative officers provided for, by, or under
310 this charter, except as otherwise provided by law, this charter,
311 or personnel rules adopted pursuant to this charter. The city
312 manager may authorize any administrative officer subject to the
313 city manager's direction and supervision to exercise these
314 powers with respect to subordinates in that officer's
315 department, office, or agency.

316 (b) Direct and supervise the administration of all
317 departments, offices, and agencies of the city, except as
318 otherwise provided by this charter or by law.

319 (c) Attend all city council meetings. The city manager
320 shall have the right to take part in discussion but shall not
321 vote.

322 (d) See that all laws, provisions of this charter, and
323 acts of the city council subject to enforcement by the city
324 manager or by officers subject to the city manager's direction
325 and supervision are faithfully executed.

326 (e) Prepare and submit the annual budget and capital
327 program to the city council and implement the final budget
328 approved by the council to achieve the goals of the city.

329 (f) Submit to the city council, and make available to the
330 public, a complete report on the finances and administrative
331 activities of the city as of the end of each fiscal year.

332 (g) Make such other reports as the city council may
333 require concerning operations.

334 (h) Keep the city council fully advised as to the
 335 financial condition and future needs of the city.

336 (i) Make recommendations to the city council concerning
 337 the affairs of the city and facilitate the work of the city
 338 council in developing policy.

339 (j) Provide staff support services for the mayor and
 340 council members.

341 (k) Assist the council in developing long-term goals for
 342 the city and strategies to implement these goals.

343 (l) Encourage and provide staff support for regional and
 344 intergovernmental cooperation.

345 (m) Promote partnerships among council, staff, and
 346 citizens in developing public policy and building a sense of
 347 community.

348 (n) Perform such other duties as are specified in this
 349 charter or may be required by the city council.

350 Section 4. Departments, offices, and agencies.-

351 (1) GENERAL PROVISIONS.-

352 (a) Creation of departments.-The city council may
 353 establish city departments, offices, or agencies in addition to
 354 those created by this charter and may prescribe the functions of
 355 all departments, offices, and agencies. No function assigned by
 356 this charter to a particular department, office, or agency may
 357 be discontinued or, unless this charter specifically so
 358 provides, assigned to any other.

359 (b) Direction of city manager.-All departments, offices,
 360 and agencies under the direction and supervision of the city

361 manager shall be administered by an officer appointed by and
 362 subject to the direction of the city manager.

363 (2) PERSONNEL SYSTEM.—

364 (a) Merit principle.—All appointments and promotions of
 365 city officers and employees shall be made solely on the basis of
 366 merit and fitness demonstrated by a valid and reliable
 367 examination or other evidence of competence.

368 (b) Grievance process.—The city council shall establish
 369 and maintain a written grievance process for all city employees.

370 (3) CITY ATTORNEY.—

371 (a) Appointment and removal.—There shall be a city
 372 attorney appointed by the city council. The city attorney shall
 373 be appointed and may be removed by a simple majority vote of the
 374 entire city council.

375 (b) Role.—The city attorney shall serve as chief legal
 376 adviser to the council, the city manager, and all city
 377 departments, offices, and agencies; shall represent the city in
 378 legal proceedings; and shall perform any other duties prescribed
 379 by state law, this charter, or ordinance.

380 (4) CITY CLERK.—

381 (a) Appointment and removal.—There shall be a city clerk
 382 appointed and removed by the city manager, subject to
 383 confirmation by a majority vote of the entire city council.

384 (b) Duties.—The city clerk shall give notice of council
 385 meetings to council members and the public, keep the journal of
 386 the council's proceedings, and perform such other duties as are
 387 assigned by this charter, the city manager, or state law.

388 Section 5. Financial management.—

389 (1) FISCAL YEAR.—The fiscal year of the city shall begin
390 on the first day of October and end on the last day of
391 September.

392 (2) SUBMISSION OF BUDGET.—On or before the first day of
393 August of each year, the city manager shall submit to the city
394 council a budget for the ensuing fiscal year and an accompanying
395 message.

396 (3) BUDGET MESSAGE.—The city manager's message shall
397 explain the budget both in fiscal terms and in terms of the work
398 programs, linking those programs to organizational goals and
399 community priorities. It shall outline the proposed financial
400 policies of the city for the ensuing fiscal year and the impact
401 of those policies on future years. It shall describe the
402 important features of the budget; indicate any major changes
403 from the current year in financial policies, expenditures, and
404 revenues together with the reasons for such changes; summarize
405 the city's debt position, including factors affecting the
406 ability to raise resources through debt issues; and include such
407 other material as the city manager deems desirable.

408 (4) BUDGET.—The budget shall provide a complete financial
409 plan of all city funds and activities for the ensuing fiscal
410 year and, except as required by law or this charter, shall be in
411 such form as the city manager deems desirable or the city
412 council may require for effective management and an
413 understanding of the relationship between the budget and the
414 city's strategic goals. The budget shall begin with a clear
415 general summary of its contents; shall show in detail all
416 estimated income, indicating the proposed property tax levy and

417 all proposed expenditures, including debt service, for the
418 ensuing fiscal year; and shall be so arranged as to show
419 comparative figures for actual income and expenditures of the
420 preceding fiscal year. It shall indicate in separate sections:

421 (a) The proposed goals and expenditures for current
422 operations during the ensuing fiscal year, detailed for each
423 fund by department or other organizational unit and by program,
424 purpose, or activity; the method of financing such expenditures;
425 and methods to measure outcomes and performance related to the
426 goals.

427 (b) The proposed longer-term goals and capital
428 expenditures during the ensuing fiscal year, detailed for each
429 fund by department or other organizational unit when
430 practicable; the proposed method of financing each such capital
431 expenditure; and methods to measure outcomes and performance
432 related to the goals.

433 (c) The proposed goals, anticipated income, and expense,
434 profit, and loss for the ensuing year for each utility or other
435 enterprise fund or internal service fund operated by the city
436 and methods to measure outcomes and performance related to the
437 goals. For any fund, the total of proposed expenditures shall
438 not exceed the total of estimated income plus carried-forward
439 fund balance exclusive of reserves.

440 (5) CITY COUNCIL ACTION ON BUDGET.—The city council shall
441 adopt an annual budget in accordance with all applicable state
442 statutory provisions, including, but not limited to, sections
443 166.241, 200.001, 200.065, and 200.068, Florida Statutes, as
444 they may be amended from time to time.

HB 805

2010

445 (6) AMENDMENTS AFTER ADOPTION.—Budget amendments after
446 adoption of an annual budget shall be processed according to
447 sections 166.241, 200.065, and 218.503, Florida Statutes, as
448 they may be amended from time to time.

449 (7) ADMINISTRATION AND FIDUCIARY OVERSIGHT.—The city
450 council shall provide by ordinance the procedures for
451 administration and fiduciary oversight of the budget.

452 (8) CAPITAL PROGRAM.—The city manager shall prepare and
453 submit to the city council a multiyear capital program in
454 compliance with state law.

455 (9) INDEPENDENT AUDIT.—

456 (a) The city council shall provide for an independent
457 annual audit of all city accounts and may provide for more
458 frequent audits as it deems necessary. An independent certified
459 public accountant or firm of such accountants shall make such
460 audits. Such audits should be performed in accordance with
461 generally accepted auditing standards and generally accepted
462 governmental auditing standards.

463 (b) The council shall, using competitive bidding,
464 designate such accountant or firm annually, or for a period not
465 exceeding 3 years, but the designation for any particular fiscal
466 year shall be made no later than 30 days after the beginning of
467 such fiscal year. The standard for independence is that the
468 auditor must be capable of exercising objective and impartial
469 judgment on all issues encompassed within the audit engagement.
470 No accountant or firm may provide any other services to the city
471 during the time it is retained to provide independent audits to
472 the city. The city council may waive this requirement by a

473 majority vote at a public hearing. If the state makes such an
 474 audit, the council may accept it as satisfying the requirements
 475 of this subsection.

476 Section 6. Elections.—

477 (1) CITY ELECTIONS.—

478 (a) Regular elections.—The regular election for the city
 479 shall be held on the first Tuesday after the first Monday in
 480 November in each even-numbered year, in conjunction with state
 481 and federal elections.

482 (b) Conduct of elections.—The provisions of the general
 483 election laws of the state shall apply to elections held under
 484 this charter. Candidates shall run for office without party
 485 designation.

486 (2) COUNCIL DISTRICTS; ADJUSTMENT.—

487 (a) Number of districts.—There shall be four city council
 488 districts.

489 (b) Districting committee; composition; appointment;
 490 terms; vacancies; compensation.—

491 1. There shall be a districting committee consisting of
 492 five members, with at least one member residing in each district
 493 of the city.

494 2. No member of the committee shall be employed by the
 495 city or hold any other elected or appointed position with the
 496 city.

497 3. The city council shall appoint the committee no later
 498 than 1 year and 5 months before the first general election of
 499 the city council after each federal decennial census. The

500 committee's term shall end upon adoption of a districting plan
 501 as set forth in paragraph (c).

502 4. In the event of a vacancy on the committee by death,
 503 resignation, or otherwise, the city council shall appoint a new
 504 member who resides in the same district as his or her
 505 predecessor to serve the balance of the term remaining.

506 5. No member of the districting committee shall be removed
 507 from office by the city council except for cause and upon notice
 508 and hearing.

509 6. The members of the committee shall serve without
 510 compensation.

511 7. The committee may hire or contract for necessary staff
 512 assistance and may require agencies of city government to
 513 provide technical assistance. The committee shall have a budget
 514 as provided by the city council.

515 (c) Powers and duties of committee; hearings, submissions,
 516 and approval of plan.-

517 1. Following each decennial census, the committee shall
 518 consult the city council and shall prepare a plan for dividing
 519 the city into districts for the election of council members. In
 520 preparing the plan, the committee shall be guided by the
 521 criteria set forth in paragraph (d). The report on the plan
 522 shall include a map and description of the districts
 523 recommended.

524 2. The committee shall hold one or more public hearings
 525 not less than 1 month before it submits the plan to the city
 526 council. The committee shall make its plan available to the

HB 805

2010

527 public for inspection and comment not less than 1 month before
528 its public hearing.

529 3. The committee shall submit its plan to the city council
530 not less than 1 year before the first general election of the
531 city council after each decennial census.

532 4. The plan shall be deemed adopted by the city council
533 unless disapproved within 3 weeks by the vote of the majority of
534 all members of the city council. If the city council fails to
535 adopt the plan, it shall return the plan to the committee with
536 its objections and with the objections of individual members of
537 the council.

538 5. Upon rejection of its plan, the committee shall prepare
539 a revised plan and shall submit such revised plan to the city
540 council no later than 9 months before the first general election
541 of the city council after the decennial census. Such revised
542 plan shall be deemed adopted by the city council unless
543 disapproved within 2 weeks by the vote of a supermajority of all
544 of the members of the council and unless, by a vote of a
545 supermajority of all of its members, the city council votes to
546 file a petition with the Circuit Court of Marion County for a
547 determination that the plan fails to meet the requirements of
548 this charter. The city council shall file its petition no later
549 than 10 days after its disapproval of the plan. Upon a final
550 determination upon appeal, if any, that the plan meets the
551 requirements of this charter, the plan shall be deemed adopted
552 by the city council and the committee shall deliver the plan to
553 the city clerk. The plan delivered to the city clerk shall
554 include a map and description of the districts.

HB 805

2010

555 6. If in any year population figures are not available at
556 least 1 year and 5 months before the first general election
557 following the decennial census, the city council may, by
558 ordinance, shorten the time periods for districting committee
559 action in subparagraphs 2., 3., 4., and 5.

560 (d) Districting plan; criteria.—In preparation of its plan
561 for dividing the city into districts for the election of council
562 members, the committee shall apply the following criteria which,
563 to the extent practicable, shall be applied and given priority
564 in the order in which they are herein set forth.

565 1. Districts shall be equal in population except where
566 deviations from equality result from the application of the
567 provisions hereinafter set forth, but no such deviation may
568 exceed 5 percent of the average population for all city council
569 districts according to the figures available from the most
570 recent census.

571 2. Districts shall consist of contiguous territory.

572 3. Consistent with the foregoing provisions, the aggregate
573 length of all district boundaries shall be as short as possible.

574 (e) Effect of enactment.—The new city council districts
575 and boundaries as of the date of enactment shall supersede
576 previous council districts and boundaries for all purposes of
577 the next regular election, including nominations. The new
578 districts and boundaries shall supersede previous districts and
579 boundaries for all other purposes as of the date on which the
580 council members elected at that regular election take office.

581 (3) FIRST ELECTION; TERMS OF OFFICE.—The first election
582 under this charter shall be held on November 2, 2010, at which

583 time the mayor shall be elected for a 2-year term of office. The
 584 two council member candidates receiving the greatest number of
 585 votes shall be elected to 4-year terms of office. The next two
 586 council member candidates receiving the greatest number of votes
 587 shall be elected to 2-year terms of office. Commencing at the
 588 next regular election and at all subsequent regular elections,
 589 all council members shall be elected for terms of 4 years.

590 (4) TAKING OFFICE.—The first city council shall take
 591 office upon certification of the election results. Subsequently,
 592 newly elected officials shall take office at the next regular
 593 council meeting following certification of the election results.

594 (5) INITIATIVE; CITIZEN REFERENDUM; RECALL.—

595 (a) General authority.—

596 1. Initiative.—The registered electors of the city shall
 597 have the power to propose ordinances to the council and, if the
 598 council fails to adopt an ordinance so proposed without any
 599 change in substance, to adopt or reject it at a city election,
 600 provided that such power shall not extend to the budget or
 601 capital program or any emergency ordinance or ordinance relating
 602 to appropriation of money, levy of taxes, or salaries of city
 603 officers or employees.

604 2. Referendum.—The registered electors of the city shall
 605 have the power to require reconsideration by the council of any
 606 adopted ordinance and, if the council fails to repeal an
 607 ordinance so reconsidered, to approve or reject it at a city
 608 election, provided that such power shall not extend to the
 609 budget or capital program or any emergency ordinance or

HB 805

2010

610 ordinance relating to appropriation of money, levy of taxes, or
611 salaries of city officers or employees.

612 3. Recall.—The registered electors of the city shall have
613 the power to remove from office any elected official of the city
614 in accordance with state law.

615 (b) Commencement of proceeding; petitioners' committee;
616 affidavit.—Any five registered electors of the city may commence
617 initiative or referendum proceedings by filing with the city
618 clerk an affidavit stating that they will constitute the
619 petitioners' committee and will be responsible for circulating
620 the petition and filing it in proper form; specifying a
621 committee chair; stating their names and addresses and
622 specifying the address to which all notices to the committee are
623 to be sent; and setting out in full the proposed initiative
624 ordinance or citing the ordinance sought to be reconsidered.
625 Promptly after the affidavit of the petitioners' committee is
626 filed, the clerk may, at the committee's request, issue the
627 appropriate petition blanks to the petitioners' committee at the
628 committee's expense.

629 (c) Petitions.—

630 1. Number of signatures.—Initiative or referendum
631 petitions must be signed by registered electors of the city
632 equal in number to at least 10 percent of the total number of
633 registered electors who voted in the last regular election.

634 2. Form and content.—All papers of a petition shall be
635 uniform in size and style and shall be assembled as one
636 instrument for filing. Each signature shall be executed in ink
637 or indelible pencil and shall be followed by the address of the

638 person signing, the date, and the person's voting precinct. A
 639 petition shall contain or have attached thereto throughout its
 640 circulation the full text of the ordinance proposed or sought to
 641 be reconsidered.

642 3. Affidavit of circulator.—Each paper of a petition shall
 643 have attached to it when filed an affidavit executed by the
 644 circulator thereof stating that he or she personally circulated
 645 the paper, the number of signatures thereon, that all the
 646 signatures were affixed in his or her presence, that he or she
 647 believes them to be the genuine signatures of the persons whose
 648 names they purport to be, and that each signer had an
 649 opportunity before signing to read the full text of the
 650 ordinance proposed or sought to be reconsidered.

651 4. Time for filing.—Referendum petitions must be filed
 652 within 30 days after adoption by the council of the ordinance
 653 sought to be reconsidered.

654 (d) Procedure after filing.—

655 1. Certificate of clerk; amendment.—Within 20 days after
 656 the initiative petition is filed, the city clerk shall complete
 657 a certificate as to its sufficiency, specifying, if it is
 658 insufficient, the particulars wherein it is defective and shall
 659 promptly send a copy of the certificate to the petitioners'
 660 committee by registered mail. A petition certified insufficient
 661 for lack of the required number of valid signatures may be
 662 amended once if the petitioners' committee files a notice of
 663 intention to amend it with the clerk within 2 days after
 664 receiving the copy of the certificate and files a supplementary
 665 petition with additional papers within 10 days after receiving

HB 805

2010

666 the copy of the certificate. Such supplementary petition shall
667 comply with the requirements of subparagraphs (c)2. and (c)3.;
668 and, within 5 days after it is filed, the clerk shall complete a
669 certificate as to the sufficiency of the petition as amended and
670 promptly send a copy of such certificate to the petitioners'
671 committee by registered mail as in the case of an original
672 petition. If a petition or amended petition is certified
673 sufficient, or if a petition or amended petition is certified
674 insufficient and the petitioners' committee does not elect to
675 amend or request council review under subparagraph 2. within the
676 time required, the clerk shall promptly present the certificate
677 to the council and the certificate shall then be a final
678 determination as to the sufficiency of the petition.

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

689 (e) Suspension of effect of ordinance.—When a referendum
690 petition is filed with the city clerk, the ordinance sought to
691 be reconsidered shall be suspended from taking effect. Such
692 suspension shall terminate when:

693 | 1. There is a final determination of insufficiency of the
 694 | petition;

695 | 2. The petitioners' committee withdraws the petition;

696 | 3. The council repeals the ordinance; or

697 | 4. The result of a vote of the registered electors of the
 698 | city on the ordinance has been certified.

699 | (f) Action on petitions.—

700 | 1. Action by council.—When an initiative or referendum
 701 | petition has been finally determined sufficient, the council
 702 | shall promptly consider the proposed initiative ordinance in the
 703 | manner provided by state law or reconsider the referred
 704 | ordinance by voting its repeal. If the council fails to adopt a
 705 | proposed initiative ordinance without any change in substance
 706 | within 60 days or fails to repeal the referred ordinance within
 707 | 30 days after the date the petition was finally determined
 708 | sufficient, it shall submit the proposed or referred ordinance
 709 | to the registered electors of the city.

710 | 2. Submission to registered electors of proposed or
 711 | referred ordinances.—The vote of the registered electors of the
 712 | city on a proposed or referred ordinance shall be held not less
 713 | than 30 days and not later than 1 year after the date of the
 714 | final council vote thereon. If no regular election is to be held
 715 | within the period prescribed in this subparagraph, the council
 716 | shall provide for a special election; otherwise, the vote shall
 717 | be held at the same time as such regular election, except that
 718 | the council may, in its discretion, provide for a special
 719 | election at an earlier date within the prescribed period. Copies

720 of the proposed or referred ordinance shall be made available at
 721 the polls.

722 3. Withdrawal of petitions.—An initiative or referendum
 723 petition may be withdrawn at any time prior to the 15th day
 724 preceding the day scheduled for a vote of the registered
 725 electors of the city by filing with the city clerk a request for
 726 withdrawal signed by at least two-thirds of the petitioners'
 727 committee. Upon the filing of such request, the petition shall
 728 have no further force or effect and all proceedings thereon
 729 shall be terminated.

730 (g) Results of election.—

731 1. Initiative.—If a majority of the registered electors
 732 voting on a proposed initiative ordinance vote in its favor, it
 733 shall be considered adopted upon certification of the election
 734 results and shall be treated in all respects in the same manner
 735 as ordinances of the same kind adopted by the council. If
 736 conflicting ordinances are approved at the same election, the
 737 one receiving the greatest number of affirmative votes shall
 738 prevail to the extent of such conflict.

739 2. Referendum.—If a majority of the registered electors
 740 voting on a referred ordinance vote against it, it shall be
 741 considered repealed upon certification of the election results.

742 Section 7. Ethics.—All elected officials and employees of
 743 the city shall be subject to the standards of conduct for public
 744 officers and employees provided in part III of chapter 112,
 745 Florida Statutes.

746 Section 8. Charter review and amendment.—

HB 805

2010

747 (1) CHARTER REVIEW.—The charter shall be reviewed no later
748 than 3 years after the date the city was established. After the
749 initial review, the charter shall be reviewed no later than
750 every 8 years. The city council shall appoint an advisory
751 committee consisting of no more than 11 and no fewer than 7
752 citizens to review the charter. This committee shall be
753 appointed at least 9 months before the next scheduled election.

754 (2) CHARTER AMENDMENT.—The charter may be amended in
755 accordance with Florida law.

756 Section 9. Transition.—

757 (1) CREATION AND ESTABLISHMENT OF CITY.—For the purpose of
758 compliance with general law relating to the assessment and
759 collection of ad valorem taxes, the City of Marion Oaks is
760 hereby created and established, effective when approved by the
761 vote of the registered electors at the August 24, 2010, special
762 election and filed with the Secretary of State in the manner
763 prescribed by law.

764 (2) INITIAL ESTABLISHMENT OF COUNCIL DISTRICTS.—The
765 initial council districts shall be established by the Marion
766 County Supervisor of Elections in compliance with paragraphs
767 (2) (a) and (d) of section 6 for the first election of the city
768 council in 2010.

769 (3) INITIAL ELECTION OF MAYOR AND COUNCIL MEMBERS.—The
770 Marion County Supervisor of Elections shall call a special
771 election for the election of the four council members and the
772 mayor to be held on November 2, 2010. The mayor shall be elected
773 for a 2-year term of office. The two council member candidates
774 receiving the greatest number of votes shall be elected to 4-

HB 805

2010

775 year terms of office. The next two council member candidates
776 receiving the greatest number of votes will be elected to 2-year
777 terms of office.

778 (4) INITIAL EXPENSES.—The city council, in order to
779 provide moneys for the expenses and support of the city, shall
780 have the power to borrow money necessary for the operation of
781 city government until such time as a budget is adopted and
782 revenues are raised in accordance with the provisions of this
783 charter.

784 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—The city
785 council shall adopt ordinances and resolutions required to
786 effect the transition. Ordinances adopted within 60 days after
787 the first regular council meeting may be passed as emergency
788 ordinances. These transitional ordinances shall be effective for
789 no longer than 90 days after adoption and thereafter may be
790 readopted, renewed, or otherwise continued only in the manner
791 normally prescribed for ordinances.

792 (6) REVENUE SOURCE TRANSITION.—Until otherwise modified by
793 the council, all municipal taxes and fees, including
794 communications services taxes, imposed within the city
795 boundaries by the county as the municipal government for
796 unincorporated Marion County, which taxes and fees are in effect
797 on the date of adoption of this charter, shall continue at the
798 same rate and under the same conditions as if those taxes and
799 fees had been adopted and assessed by the city.

800 (7) CONTINUITY OF SERVICES.—To ensure that there is no
801 discontinuity in the provision, level, or quality of municipal
802 service delivery to the proposed city, and until such time as

HB 805

2010

803 the city may enter into interlocal agreements with Marion County
804 regarding provision of municipal services, all municipal
805 services currently provided by Marion County shall continue at
806 the service levels existing at the time of municipal
807 incorporation. All federal, state, grant, and other funding
808 sources existing prior to the time the city is incorporated
809 shall continue to be applied in the manner and at the level
810 anticipated and projected by the Marion County budget prior to
811 the incorporation of the city. The future cost and level of
812 municipal services delivery provided to the city by Marion
813 County beyond the 2010-2011 fiscal year shall be negotiated and
814 determined through an interlocal agreement between the city and
815 appropriate representatives of Marion County.

816 (8) STATE SHARED REVENUES.—The city shall be entitled to
817 participate in all shared revenue programs of the state,
818 effective immediately following the ratification of the
819 incorporation referendum. The provisions of section 218.23,
820 Florida Statutes, shall be waived for the purpose of eligibility
821 to receive revenue sharing funds from the date of referendum
822 ratification through the end of state fiscal year 2010-2011. The
823 provisions of section 218.26(3), Florida Statutes, shall be
824 waived through state fiscal year 2010-2011, and the
825 apportionment factors for municipalities and counties shall be
826 recalculated pursuant to section 218.245, Florida Statutes. The
827 initial population estimates for calculating eligibility for
828 shared revenues shall be determined by the University of Florida
829 Bureau of Economic and Business Research as of the effective
830 date of this charter. Should the bureau be unable to provide an

HB 805

2010

831 appropriate population estimate (the initial population at the
832 level of 15,000 as projected in the incorporation feasibility
833 study), the Marion County Planning Division estimate shall be
834 used.

835 (9) FUEL TAX REVENUES.—Notwithstanding the requirements of
836 section 336.025, Florida Statutes, to the contrary, the city
837 shall be entitled to receive local option fuel tax revenues upon
838 ratification of the referendum results establishing Marion Oaks
839 as an incorporated municipality in accordance with the
840 interlocal agreements with Marion County.

841 (10) SHARED REVENUES.—Beginning in the 2010-2011 fiscal
842 year, Marion County shall distribute to the city, from taxes,
843 franchise fees, and ad valorem taxes, which include
844 communication services taxes, revenues collected within the
845 municipal boundaries of the city. This calculation shall be
846 based upon the population projection of 15,000 residents for the
847 city as estimated for the feasibility study in anticipation of
848 the year 2010 census.

849 Section 10. Severability.—If any section or part of a
850 section of this charter is held invalid by a court of competent
851 jurisdiction, such holding shall not affect the remainder of
852 this charter nor the context in which such section or partial
853 section so held invalid may appear, except to the extent that an
854 entire section or a partial section may be inseparably connected
855 in meaning and effect with the section or partial section to
856 which such holding shall directly apply.

857 Section 11. This act shall take effect only upon its
858 approval by a majority vote of those registered electors

HB 805

2010

859 | residing within the proposed corporate limits of the proposed
860 | City of Marion Oaks, as described in subsection (6) of section
861 | 1, voting in a referendum election to be called by the Marion
862 | County Supervisor of Elections and to be held on August 24,
863 | 2010, in accordance with the provisions of law relating to
864 | elections currently in force, except that this section shall
865 | take effect upon becoming a law.