

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Local Government Affairs
2 Subcommittee
3 Representative O'Toole offered the following:

Amendment

Remove everything after the enacting clause and insert:

7 Section 1. Chapter 57-1944, Laws of Florida, relating to
8 the City of Webster, is codified, reenacted, amended, and
9 repealed as provided in this act.

10 Section 2. The charter of the City of Webster is re-
11 created and reenacted to read:

12 Section 1. Short title.—This act, together with any future
13 amendments thereto, shall be known and may be cited as the
14 "Charter of the City of Webster," hereinafter referred to as the
15 "charter."

16 Section 2. Body corporate; continuous existence.—

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17 (1) The incorporated municipality of the City of Webster,
18 now existing, shall continue to be a body corporate and a
19 municipal corporation within Sumter County under the name of the
20 city, and as such, shall have perpetual succession and existence
21 in accordance with general law.

22 (2) The codes, ordinances, policies, and actions, of
23 whatever type or nature, of the City of Webster shall carry
24 forward after the effective date of this act insofar as
25 consistent with this act and the said codes, ordinances,
26 policies, and actions are ratified and affirmed.

27 Section 3. Boundaries.—The boundaries and corporate limits
28 existing at the time of the adoption of this charter may be
29 amended as provided by general law. The boundaries are described
30 as follows:

31
32 The South 1/2 of the Northeast 1/4 and the East 1/2 of the
33 Southeast 1/4 of Section 36, Township 21 South, Range 22 East,
34 Sumter County, Florida; and the Southwest 1/4 of the West 1/2 of
35 the Southeast 1/4 of Section 31, Township 21 South, Range 23
36 East, Sumter County, Florida; and the East 1/2 of the Northeast
37 1/4 of Section 1 Township 22 South, Range 22 East, Sumter
38 County, Florida; and the West 1/2 of the Northeast 1/4 of
39 Section 6, Township 22 South Range 23 East, Sumter County,
40 Florida.

41
42 TOGETHER WITH:

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43
44 The South-1/2 of the Northeast -1/4; and the East-1/2 of the
45 Southeast-1/4; and the East-1/2 of the Southeast-1/4 of the of
46 the Northwest-1/4 all being in Section 36, Township 21 South,
47 Range 22 East, Sumter County, Florida.

48
49 And

50
51 The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of
52 Section 31, Township 21 South, Range 23 East, Sumter County,
53 Florida.

54
55 And

56
57 The East 1/2 of the Northeast-1/4 of Section 1, Township 22
58 South, Range 22 East, Sumter County, Florida.

59 And

60
61 The West-1/2 of the Northeast-1/4; and the Northwest-1/4 of
62 Section 6, Township 22 South, Range 23 East, Sumter County,
63 Florida.

64
65 TOGETHER WITH:
66

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67 The South-1/2 of the Northeast-1/4 and the East-1/2 of the
68 Southeast-1/4 of Section 36, Township 21 South, Range 22 East,
69 Sumter County, Florida.

70

71 And

72

73 The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of
74 Section 31, Township 21 South, Range 23 East, Sumter County,
75 Florida.

76

77 And

78

79 The East-1/2 of the Northeast-1/4 of Section 1, Township 22
80 South, Range 22 East;

81

82 W-1/2 of the NE-1/4 and the NW-1/4 of Section 6, Township 22
83 South, Range 23 East;

84

85 And

86

87 The East-1/2 of the Southeast-1/4 of the Northwest-1/4, Section
88 36, Township 21 South, Range 22 East, Sumter County, Florida.

89

90 And

91

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92 All that portion of the East-1/4 of Section 31, Township 21
93 South, Range 23 East, Sumter County, Florida, lying Southerly of
94 the abandoned Seaboard Coastline Railroad right of way and
95 Northerly of County Road Number 478, LESS beginning 264 feet
96 East of the Southwest corner of the Southeast-1/4 of the
97 Southeast-1/4 of said Section, from thence run North 165 feet,
98 then run East 132 feet, thence run South 165 feet, thence run
99 West 132 feet to a Point of Beginning.

100
101 TOGETHER WITH:

102
103 Lot 12, Block A, BAYS SUBDIVISION, as recorded in Plat Book 4,
104 Page 46, Public Records of Sumter County.

105
106 TOGETHER WITH:

107
108 The North 435.00 feet of the South 870 feet of the West 3/4 of
109 the Northwest 1/4 of the Northeast 1/4 of Section 1 Township 22
110 South, Range 22 East, Sumter County, Florida.

111
112 TOGETHER WITH:

113
114 Parcel Number: Q31-002, that is, begin at the Northwest corner
115 of the Southwest-1/4 of the Northwest-1/4 of Section 31,
116 Township 21 South, Range 23 East, Sumter County, Florida, and

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117 run thence East 420 feet, thence South 210 feet, thence West 420
118 feet, thence North 210 feet to the Point of Beginning.

119
120 TOGETHER WITH:

121
122 Parcel Number S01-078, that is the South 435.00 feet of the West
123 3/4 of the Northwest-1/4 of the Northeast-1/4 of Section 1,
124 Township 22 South, Range 22 East, Sumter County, Florida; LESS
125 that portion platted as Tract 5, 6, and 7 Rodgers' Subdivision
126 as recorded in Plat Book 4, Page 47 of the Public Records of
127 Sumter County, Florida.

128
129 TOGETHER WITH:

130
131 The West 3/4 of the Northwest 1/4 of the Northeast 1/4, LESS the
132 North 221.51 feet of the West 257.47 feet and the South 870.00
133 feet thereof of Section 1, Township 22 South, Range 22 East,
134 Sumter County, Florida; LESS that portion platted as Tracts 5,
135 6, 7 Rodgers' Subdivision as recorded in Plat Book 4, Page 47 of
136 the Public Records of Sumter County, Florida.

137
138 Section 4. Municipal powers.-

139 (1) The city, as a body corporate and politic, has all
140 powers of a municipality existing under the Constitution and
141 laws of the State of Florida, as fully and completely as though
142 such powers were specifically enumerated in this charter, unless

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143 otherwise specifically prohibited by or contrary to the
144 provisions of this charter.

145 (2) Without limiting the generality of subsection (1), the
146 city has all governmental, corporate, and proprietary powers
147 necessary to enable it to conduct municipal government, perform
148 municipal functions, and render municipal services, and may
149 exercise any power for municipal purposes under the home rule
150 powers of municipalities as set forth in the Constitution of the
151 State of Florida and general law.

152 (3) The city has all planning and land use regulatory
153 powers of a municipality with regard to all lands located within
154 the city limits of the city.

155 (4) The powers of the city shall be liberally construed in
156 favor of the city.

157 Section 5. City council; composition; qualifications for
158 office.-

159 (1) COMPOSITION OF THE CITY COUNCIL.-

160 (a) There shall be a five-member city council consisting
161 of the mayor and four city council members.

162 (b) The mayor and city council members shall run for
163 office at large and be elected at large.

164 (2) QUALIFICATIONS FOR OFFICE.-

165 (a) Each candidate for office shall be a qualified elector
166 of the city.

167 (b) Each candidate for office must have resided in the
168 city continuously for a minimum of 12 months immediately before

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169 qualifying. A resident, for the purpose of qualifying for
170 office, and while maintaining office, shall be a person whose
171 principal place of physical residence is in the city.

172 (c) The charter officers of the city manager and city
173 attorney may not be candidates for any elected office while
174 holding a charter officer position.

175 Section 6. City elections.—

176 (1) ELECTION PROCEDURE.—All elections shall be held in
177 accordance with the provisions of the state election code except
178 as otherwise provided by this charter, or by the present or
179 future ordinances of the city.

180 (2) REGISTRATION OF ELECTORS.—A citizen of the United
181 States who has resided within the city for a period of at least
182 30 days shall be eligible to register as a city elector so long
183 as residency is maintained. Registration shall be permanent and
184 in conformity with general law.

185 (3) CANVASSING AND QUALIFICATION.—

186 (a) Unless a majority of the city council votes to use the
187 supervisor of elections for qualifying of candidates and
188 conducting the election and the county canvassing board for
189 canvassing the election, the city council shall conduct the
190 election and has authority to determine the qualification of its
191 members, subject to review by the courts.

192 (b) If the city council has not authorized the county
193 canvassing board to canvass the election, at the time that the
194 city council meets to canvass the results of an election, a

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195 registered elector of the city is entitled to file with the city
196 council an affidavit setting out the facts showing that a
197 candidate has violated the provisions of this charter as to the
198 manner of his or her election, or is otherwise unqualified to
199 hold office, and the city council shall take proof at such
200 meeting and declare the results.

201 (c) The city council may by ordinance authorize the
202 supervisor of elections to provide for qualifying for candidates
203 and conduct the election and for the county canvassing board to
204 canvass the election. If the city council provides the
205 supervisor of elections and the county canvassing board with
206 such authority, then the supervisor of elections is responsible
207 for the qualifying of candidates and conducting the election and
208 the county canvassing board shall canvass the election. Once an
209 ordinance is enacted authorizing the transfer of these
210 responsibilities, the supervisor of elections and the county
211 canvassing board shall retain this authority at all subsequent
212 elections unless the city council enacts a subsequent ordinance
213 transferring such responsibility back to the city. Such
214 ordinance must be enacted and provided to the supervisor of
215 elections and county canvassing board at least 1 year before the
216 next general election.

217 Section 7. Terms of office.-

218 (1) The term of office for the mayor and each city council
219 member is 4 years. Consecutive terms are limited to two full 4-
220 year terms with a minimum of a 1-year period of time out of

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221 office before being allowed to run for the city council
222 subsequently.

223 (2) The mayor and each city council member shall remain in
224 office until his or her successor is elected and assumes the
225 duties of the position.

226 (3) The terms of office in effect on the effective date of
227 this charter shall continue to be in effect and elections shall
228 occur accordingly.

229 (4) The mayor and city council members may succeed
230 themselves.

231 Section 8. Powers and duties of city council.—

232 (1) The form of government of the City of Webster shall be
233 the council-manager form of government whereby the mayor and
234 city council are collectively the head of city government with
235 regard to policy with a city manager serving in the role of
236 chief administrative officer as set forth in this charter. The
237 city attorney shall be the only charter officer aside from the
238 mayor and city council and the city manager.

239 (2) Except as otherwise prescribed in this charter or
240 provided by general law, all policy setting, legislative, and
241 police powers of the city are vested in the mayor and city
242 council, including, but not limited to, the following:

243 (a) Enacting ordinances under the police power, land
244 development regulatory power, and other home rule powers
245 pertinent to municipalities.

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246 (b) Establishing public policy and providing general
247 direction for administrative actions.

248 (c) Reviewing and approving all policy manuals relating to
249 the operations and administration of city government.

250 (d) Reviewing and approving all administrative
251 recommendations for staff classifications and reclassifications,
252 and wages and salaries.

253 (e) Approving contracts and other fiscal matters relating
254 to the operations of city government except as may be delegated
255 to the city manager.

256 (f) Creating city departments and offices and establishing
257 and funding positions for the operation and administration of
258 such departments and offices as deemed necessary.

259 (g) Creating and appointing members to boards,
260 commissions, committees, task forces, and such other bodies as
261 deemed necessary.

262 (3) The city council shall provide for the exercise of its
263 powers and for the performance of all duties and obligations
264 imposed on the city by general law by means of ordinance,
265 resolution, motion, policy directive, or other appropriate
266 action.

267 (4) The city council shall adopt a purchasing policies
268 manual and a personnel policies manual.

269 (5) Neither the city council nor any of its members shall
270 dictate the appointment of any person to office or employment by
271 the city manager or in any manner prevent the city manager from

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272 using his or her own judgment in selecting those officers or
273 employees which he or she is entitled to appoint or select under
274 the provisions of this charter. Except for the purposes of
275 inquiry and information, the city council and its members shall
276 deal with the administrative service solely through the city
277 manager and neither the city council nor any member thereof
278 shall give orders to the subordinates of the city manager,
279 either publicly or privately.

280 Section 9. Powers and duties of the mayor and mayor pro
281 tempore.-

282 (1) MAYOR.-The mayor shall be a member of the city council
283 and is considered, in every respect, as part of the city council
284 for the purposes of votes and actions by the city council. In
285 addition to the regular powers invested in any city council
286 member, the mayor shall:

287 (a) Be recognized by the Governor for purposes of military
288 law and have the power to declare an emergency.

289 (b) Preside at meetings of the city council and be
290 recognized as the head of city government for all ceremonial
291 occasions and purposes, but has no administrative duties except
292 as to carry out the responsibilities provided in this charter.

293 (c) Execute city contracts, deeds, and other documents
294 unless delegated to the city manager.

295 (d) Have the power to represent the city in all agreements
296 with other governmental entities and provide certifications to

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297 other governmental entities that the city council has approved
298 unless such powers are delegated to another city official.

299 (e) Coordinate with both elected officials and city staff
300 of neighboring cities and counties on items that are of mutual
301 concern or items that require an exchange of information.

302 (f) Coordinate with the city manager, city attorney, and
303 city council on city legal matters.

304 (2) MAYOR PRO TEMPORE.—At the first regular meeting after
305 each regular municipal election, at which newly elected city
306 council members assume their duties of office, the five city
307 council members shall, by majority vote of the city council,
308 select a city council member, exclusive of the mayor, to act as
309 mayor pro tempore. In addition to the regular powers invested in
310 any city council member, the mayor pro tempore shall:

311 (a) Have all the powers and duties of the mayor in the
312 absence from the city of the mayor or his or her inability to
313 act, whether by reason of his or her death, resignation,
314 impeachment, mental or physical sickness, or for any other
315 reason, and the city clerk certifies as to the absence from the
316 city of the mayor or his or her inability to act, upon demand,
317 when the mayor is so absent from the city or unable to act; and

318 (b) Serve as acting mayor during the absence or disability
319 of the mayor, and during such period, has the same powers and
320 duties as the mayor.

321 (3) ALTERNATIVE TO FILLING VACANCY.—In the absence of the
322 mayor and the mayor pro tempore, the remaining city council

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323 members shall elect a city council member to serve as acting
324 mayor.

325 Section 10. Compensation and expenses.-

326 (1) The mayor and city council members shall continue to
327 receive the salary in effect for their positions on the date
328 that this charter becomes effective. Thereafter, they shall
329 receive compensation as established by adoption of an ordinance
330 which adjusts that salary, but an ordinance increasing such
331 salary may not take effect until after the next regular city
332 election. The salaries of the mayor and city council members may
333 be different at the determination of the city council, but all
334 salaries for city council members not serving as mayor shall be
335 equal.

336 (2) The mayor and city council members shall be reimbursed
337 for actual expenses incurred while performing their official
338 duties in accordance with provisions of general law or
339 resolution adopted by the city council.

340 Section 11. Vacancies; forfeiture of office; suspension;
341 recall; filling of vacancies.-

342 (1) VACANCIES.-A vacancy in the office of mayor or of a
343 city council member shall occur upon the death of the incumbent,
344 removal from office as authorized by general law, resignation,
345 election or appointment to another public office which creates
346 dual officeholding, judicially determined incompetence, or
347 forfeiture of office.

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348 (2) FORFEITURE OF OFFICE.—The mayor or a city council
349 member shall forfeit his or her office upon determination by the
350 vote of four members of the entire city council, acting as a
351 body, that he or she has committed any of the following acts:

352 (a) Lacks at any time, or fails to maintain during his or
353 her term of office, any qualifications for the office prescribed
354 by this charter or otherwise required by law.

355 (b) Is convicted of a felony, or enters a plea of guilty
356 or nolo contendere to a crime punishable as a felony, even if
357 adjudication of guilt is withheld.

358 (c) Is convicted of a first degree misdemeanor arising
359 directly out of his or her official conduct or duties or enters
360 a plea or guilty or nolo contendere thereto, even if
361 adjudication of guilt is withheld.

362 (d) Is found to have violated any standard of conduct or
363 code of ethics established by law for public officials and has
364 been suspended from office by the Governor, unless subsequently
365 reinstated as provided by general law.

366 (e) Is absent from three or more regular meetings of the
367 city council in a consecutive 6-month period, unless such series
368 of absences, or any one of the absences, is excused by the city
369 council by adoption of a resolution setting forth the fact of
370 such excused absence or absences, thereby making the total of
371 consecutive and unexcused absences less than three.

372 (3) SUSPENSION FROM OFFICE.—

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373 (a) The mayor or a city council member shall be suspended
374 from office by the city council acting as a body upon return of
375 an indictment or issuance of an information charging the mayor
376 or a city council member with any crime that is punishable as a
377 felony or with any crime arising out of his or her official
378 conduct or duties which is punishable as a misdemeanor.

379 (b) During the period of suspension, the mayor or the city
380 council member shall not perform any official act, duty, or
381 function, or receive any allowance, emolument, or privilege of
382 office.

383 (c) If the mayor or a city council member is subsequently
384 found not guilty of the charge, or if the charge is otherwise
385 dismissed or altered so that suspension would no longer be
386 required as provided in this charter, the suspension shall be
387 lifted by the city council and the mayor or city council member
388 is entitled to receive full back allowances and such other
389 emoluments as he or she would have been entitled to had the
390 suspension not occurred.

391 (4) RECALL.—The electors of the city, after following the
392 procedures for recall established by general law, may remove the
393 mayor or any city council member from office.

394 (5) FILLING OF VACANCIES.—

395 (a) If, for any reason other than recall, a vacancy occurs
396 in the office of mayor within the first three years of a term,
397 the mayor pro tempore shall assume the position of mayor, and
398 within 30 days after the occurrence of such vacancy, a special

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399 election for mayor shall be held to elect a mayor for the
400 remainder of the unfilled term.

401 (b) In the event that the office of mayor becomes vacant
402 with less than 1 year remaining in the term, the mayor pro
403 tempore shall serve as mayor for the remainder of the term of
404 the mayor and the vacancy in his or her office shall be filled
405 as provided in the charter for the remainder of his or her term.

406 (c) If, for any reason other than recall, a vacancy occurs
407 in the office of a city council seat, other than mayor, within
408 the last year of a term, the office shall be filled for the
409 remainder of the term by appointment within 30 days after the
410 occurrence of such vacancy by majority vote of the remaining
411 city council members.

412 (d) If, for any reason other than recall, a vacancy occurs
413 in the office of a city council seat within the first three
414 years of a term, the office shall be filled by appointment
415 within 30 days after the occurrence of such vacancy by majority
416 vote of the city council and such appointment shall expire when
417 a city council member is elected and he or she is seated in
418 accordance with this charter.

419 (e) If a vacancy occurs as a result of a recall petition,
420 such vacancy will be filled by special election as provided in
421 general law.

422 (f) Before a person is appointed to fill a vacant seat on
423 the city council, he or she must meet all qualifications for
424 office.

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425 Section 12. City council meetings; organizational meeting;
426 quorum; special meeting.-

427 (1) The city council shall meet regularly at least once a
428 month. All meetings are subject to notice and other requirements
429 of law applicable to public meetings.

430 (2) The newly elected city council members, if any, shall
431 be installed, on the second Tuesday after the first Monday in
432 January after their election, after taking the oath of office.

433 (3) Installation into office shall be made by the city
434 council and consist of declaring election results, administering
435 the oath of office by the city attorney or city clerk, and
436 receiving a bond from each city council member elected, if
437 required by ordinance.

438 (4) The oath shall be in substantially the following form:
439 "I,, do solemnly swear (or affirm), that I will support,
440 protect, and defend the Constitution and government of the
441 United States and of the State of Florida against all enemies,
442 domestic or foreign, and that I will bear true faith, loyalty,
443 and allegiance to the same, and that I am entitled to hold
444 office under the Constitution; that I will faithfully perform
445 all duties of the office of of the City of Webster, on
446 which I am about to enter, so help me, God."

447 (5) The city council shall conduct its meetings in
448 accordance with Robert's Rules of Order except as prescribed by
449 resolution or ordinance of the city council.

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450 (6) Voting on ordinances and resolutions shall be by roll
451 call. A majority of the city council constitutes a quorum. No
452 action of the city council is valid unless adopted by an
453 affirmative vote of the majority of the city council that is in
454 attendance, unless otherwise provided by law or ordinance, or
455 stated in this charter. A tie vote shall result in a motion
456 failing. All actions of the city council shall be accomplished
457 by ordinance, resolution, or motion, although the city council
458 may express its consensus in other appropriate ways.

459 (7) The city council has the power to expel any member of
460 the audience who is disorderly while the council is in session.

461 (8) Special meetings may be held at the call of the mayor
462 or, in the absence of the mayor, at the call of the mayor pro
463 tempore. Special meetings may also be called upon the request of
464 a majority of the city council members as presented in writing
465 to the city clerk. At least 24 hours' prior notice of the
466 meeting must be given to the public, unless a declared emergency
467 situation exists.

468 Section 13. City manager; appointment, qualifications, and
469 compensation.-

470 (1) The city council, by simple majority vote, shall
471 appoint a city manager who shall be a charter officer of the
472 city and the administrative head of the city government, under
473 the direction and supervision of the city council, and who shall
474 hold office at the pleasure of the city council under a contract
475 that is entered consistent with controlling law. He or she shall

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476 receive such compensation as the city council may fix and
477 determine in such contract. He or she shall be chosen solely on
478 the basis of his or her executive and administrative
479 qualifications, without regard to his or her political belief,
480 and must be 21 years of age or older. The city manager need not
481 be a resident of the city.

482 (2) The city manager is responsible to the city council
483 for the proper administration of all affairs of the city coming
484 under his or her jurisdiction. The city manager's powers include
485 the following, as well as those that are consistent with sound
486 and generally accepted public management practices and
487 principles consistent with this charter and other controlling
488 law:

489 (a) To see that the laws and ordinances of the city are
490 enforced;

491 (b) To appoint, suspend, or remove all city employees and
492 appoint administrative officers provided for by and under this
493 charter, except as otherwise provided by law;

494 (c) To control, direct, and exercise supervision over all
495 departments and divisions and offices of the city's government;

496 (d) To fix the compensation of all subordinate city
497 employees based on a range of pay rate for each class of
498 employee approved by resolution of the city council;

499 (e) To enforce the city's personnel rules and purchasing
500 policies;

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501 (f) To see that all terms and conditions imposed in favor
502 of the city or its inhabitants in any public utility franchise
503 are faithfully kept and performed and, upon knowledge of any
504 violation thereof, to call the same to the attention of the city
505 attorney, whose duty it is hereby made to take such legal steps
506 as may be necessary to enforce the franchise;

507 (g) To attend all meetings of the city council, with a
508 right to take part in the discussion but without having a vote;

509 (h) To negotiate all contracts, franchises, acquisition,
510 and disposition of property personally or through agents
511 designated by him or her and, upon approval thereof by the
512 council, implement on behalf of the city all agreements, leases,
513 deeds, and other instruments in connection therewith;

514 (i) To direct and supervise the administration of all
515 departments, offices, and agencies of the city, except as
516 otherwise provided by this charter or by law;

517 (j) To make recommendations to the city council concerning
518 the affairs of the city and facilitate the work of the city
519 council in developing policy;

520 (k) To assist the council to develop long-term goals for
521 the city and strategies to implement those goals;

522 (l) To recommend to the city council for adoption such
523 measures as he or she deems necessary or expedient in the
524 interest of the city;

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525 (m) To prepare and submit the annual budget, budget
526 message, and capital program to the mayor for review and
527 approval by the city council;

528 (n) To administer financial transactions of the city,
529 including investments, withdrawals, and expenditures in
530 accordance with city investment policies and the adopted city
531 budget;

532 (o) To keep the mayor and the city council fully apprised
533 as to the financial condition and the affairs of the city;

534 (p) To act as director of any department as needed;

535 (q) To have prepared and to submit to the city council,
536 within 6 months after the close of each fiscal year, a complete
537 audit of the financial condition of the city for the preceding
538 fiscal year;

539 (r) To sign all checks and agreements or other documents
540 approved by the city council or required for daily business
541 needs of the city issued by the city except as otherwise
542 provided in this charter and to sign such other documents
543 approved by the city council or required for the daily business
544 of the city;

545 (s) To perform such other duties as required by this
546 charter or as directed by the city council;

547 (t) To prepare or administer the preparation of city
548 policies manuals, ordinances, and similar materials for city
549 council review and approval;

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550 (u) To review employee disciplinary actions taken by
551 subordinate staff and take final administrative action before
552 initiation of review, if any, by the city council;

553 (v) To purchase supplies and equipment of the various
554 departments of the city; and

555 (w) During his or her absence of no more than 14 days, to
556 appoint an acting city manager. However, with regard to an
557 absence or disability of any longer period or such other period
558 of time as may be determined by the city council, the city
559 council may, by resolution, designate some properly qualified
560 person to temporarily execute the functions of the office. The
561 person thus designated has the same powers and duties as the
562 city manager, and shall be known while so serving as acting city
563 manager.

564 (3) The city manager or acting city manager may be removed
565 by the city council at any time consistent with the terms of his
566 or her contract and controlling law.

567 Section 14. City attorney; qualifications; powers and
568 duties.-

569 (1) The city attorney is the chief legal officer and
570 advisor of the city.

571 (2) The city attorney must be a member in good standing of
572 The Florida Bar.

573 (3) The city attorney shall:

574 (a) Serve as chief advisor to the city council and all
575 city departments, offices, advisory boards, and agencies;

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576 (b) Attend all city council meetings, unless excused by
577 motion and vote of the city council, and perform such
578 professional duties as may be required by law or by the city
579 council in furtherance of the law;

580 (c) Engage in litigation on behalf of the city council
581 pursuant to its direction; and

582 (d) Appoint assistants to assist in the provision of legal
583 services to the city.

584 (4) The city attorney shall be a charter officer of the
585 city and be appointed by a majority vote of the full city
586 council and shall serve at the pleasure of a majority vote of
587 the full city council.

588 Section 15. City clerk qualifications; powers and duties;
589 option for city administrator or city manager.-

590 (1) The city clerk is an employee of the city appointed by
591 the city manager and shall fulfill the role of a functioning
592 administrative officer of the city serving under the direction
593 and managerial control of the city manager.

594 (2) The city clerk shall be selected by the city manager
595 on the basis of education, experience, expertise, and
596 administrative ability pertaining to administering municipal
597 government.

598 (3) The city clerk shall operate under the direction and
599 managerial control of the city manager and shall:

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600 (a) Prepare the agenda for review and approval by the
601 mayor and attend city council meetings, take part in discussion,
602 and furnish information as requested by the city council;

603 (b) Process and maintain all official city documents and
604 records and ensure that all actions of the city council are
605 recorded, including, but not limited to, providing for regular
606 codification of city codes and ordinances in conjunction with
607 the city attorney;

608 (c) Supervise the preparation and indexing of minutes;

609 (d) Act as chief financial officer, prepare reports
610 relative to city finances and assets, and maintain various
611 property files; and

612 (e) Perform such other city clerk related duties as
613 required by the city council and city manager.

614 Section 16. Police department.-

615 (1) The police department of the City of Webster is
616 created and established and shall consist of a chief of police
617 and as many subordinate officers, patrol officers, and employees
618 as are necessary for the functioning of the department.

619 (2) The chief of police may appoint additional patrol
620 officers upon approval of the city manager.

621 (3) The chief of police shall be appointed by the city
622 manager and shall serve under the direction and supervision of
623 the city manager. The chief of police shall aid in the
624 enforcement of order in the city. He or she shall attend in
625 person or by deputy all meetings of the city council, and

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626 perform such duties appropriate to his or her office as may be
627 imposed upon him or her by the law, the ordinances of the city,
628 the direction of the city manager or the city council. He or she
629 is the head of the police department and responsible for seeing
630 that the laws and ordinances of city and state are enforced.

631 (4) The chief of police and all officers must be certified
632 as required by general law.

633 (5) The chief of police shall assume such other duties as
634 directed by the city council or city manager.

635 Section 17. Department of public works.-

636 (1) The department of public works is established as an
637 administrative branch or division of the city and is responsible
638 for stormwater control, water and wastewater services,
639 maintenance and repair of city signage, curbs, rights-of-way,
640 public parking, streetlights, and such other services as
641 designated by the city council or the city manager.

642 (2) The position of director of public works shall be
643 appointed by the city manager. The director of public works
644 shall serve under the direction of the city manager and assist
645 in carrying out the policies and programs of the city council.
646 He or she shall coordinate the work and activities of the
647 department of public works. He or she shall make periodical
648 inspections of streets, public buildings, public works, public
649 machinery, and all public property, and make report thereof to
650 the city manager. He or she shall perform such other duties as
651 may be delegated to him or her.

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652 Section 18. Limit of employment of city council members;
653 conflict.-

654 (1) Neither the mayor nor city council members shall be in
655 the employment of the city while in office, nor shall a former
656 mayor or city council member be employed by the city until after
657 the expiration of 1 year from the time of leaving office.

658 (2) Any elected official, city officer, or employee who has
659 a substantial financial interest, direct or indirect or by
660 reason of ownership of stock in any corporation in any contract
661 with the city or in the sale of any land, material, supplies or
662 services to the city or to a contractor supplying the city,
663 shall make known, either in writing or at a public meeting, that
664 interest and shall refrain from voting upon or otherwise
665 participating in his capacity as an elected official, city
666 officer, or employee in the making of such sale or in the making
667 or performance of such contract. Any elected officer, city
668 officer, or employee who willfully conceals such a substantial
669 financial interest or willfully violates the requirements of
670 this section shall be guilty of malfeasance in office or
671 position and shall forfeit his office or position. Violation of
672 this section with knowledge, express or implied, of the person
673 or corporation contracting with or making sale to the city shall
674 render the contract or sale voidable by the city council.

675 Section 19. Budget and appropriations.-

676 (1) The city council shall adopt a budget and set tax
677 rates in accordance with general law.

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678 (2) The city council has all powers of local government
679 vested in it by general law relative to fiscal processes and
680 procedures.

681 (3) The city council shall adopt a financial policy, at
682 such times as it deems appropriate, to provide for financial
683 management policies of the city.

684 (4) The city council shall enact a purchasing code to
685 regulate the procurement of goods and services in accordance
686 with sound and generally accepted public management practice and
687 principles.

688 Section 20. City records.—

689 (1) All city public records shall be maintained by the
690 city clerk in accordance with general law.

691 (2) All ordinances or resolutions of the city council
692 shall be executed by the mayor or, in the mayor's absence, by
693 the mayor pro tempore, or in the absence of both, by the acting
694 mayor, and attested to by the city clerk with approval, as to
695 form and legality, by the city attorney.

696 Section 21. Charter amendment.—

697 (1) This charter may be amended in accordance with the
698 provisions of the Municipal Home Rule Powers Act, chapter 166,
699 Florida Statutes, or as may otherwise be provided by general
700 law. The form, content, and certification of any petition to
701 amend shall be established by ordinance.

702 (2) A charter review committee may be appointed at any
703 time by the city council. The committee shall complete its work

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704 and present any recommendations for change within the time
705 period as prescribed by the city council. The city council may
706 act on the proposed changes to the charter and place the
707 proposed changes on the next scheduled general election ballot
708 if it concurs with the proposals.

709 Section 22. Standards of conduct.—All elected officials,
710 appointed officials, and employees of the city are subject to
711 the standards of conduct for the public officers and employees
712 established in general law. In addition, the city council may,
713 by ordinance, establish a supplemental code of ethics for the
714 city, which may in no case diminish the provisions of general
715 law.

716 Section 23. Ordinances preserved.—All ordinances in effect
717 upon the adoption of this charter, to the extent not
718 inconsistent with it, remain in force until repealed or changed
719 as provided in this charter.

720 Section 24. Rights of officers and employees.—

721 (1) Except as otherwise expressly provided in this
722 charter, this charter does not affect or impair the rights or
723 privileges of persons who are officers or employees of the City
724 of Webster at the time of adoption.

725 (2) All officers heretofore elected or appointed and
726 holding office in the City of Webster continue to hold their
727 respective offices and discharge the duties thereof until their
728 successors are elected and qualified.

729 Section 25. Pending matters.—

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730 (1) All rights, title, claims, actions, orders, contracts,
731 ownership of property, uncollected taxes, dues, judgments,
732 decrees, and legal or administrative proceedings involving the
733 City of Webster, and all property and property rights of every
734 nature whatever held or owned by the city, shall continue,
735 except as modified pursuant to this charter.

736 (2) No obligation or contract of the said municipality of
737 any nature whatever, including outstanding indebtedness and
738 bonds heretofore issued, may be impaired or avoided by this act,
739 but all debts and obligations of the City of Webster shall pass
740 to and be binding upon the City of Webster hereby organized and
741 created.

742 Section 3. Chapter 57-1944, Laws of Florida, is repealed.

743 Section 4. This bill shall take effect upon becoming law.