

HB 1339

2016

1 A bill to be entitled
2 An act relating to the City of Webster, Sumter County;
3 providing legislative intent; codifying, amending,
4 repealing, and reenacting special acts relating to the
5 city; repealing chapter 57-1944, Laws of Florida;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Pursuant to s. 189.429, Florida Statutes, this
11 act constitutes the codification of all special acts relating to
12 the City of Webster, Sumter County. It is the intent of the
13 Legislature in enacting this law to provide a single,
14 comprehensive special act charter for the district, including
15 all current legislative authority granted to the district by its
16 several legislative enactments and any additional authority
17 granted by this act.

18 Section 2. Chapter 57-1944, Laws of Florida, relating to
19 the City of Webster, is codified, reenacted, amended, and
20 repealed as provided in this act.

21 Section 3. The charter of the City of Webster is re-
22 created and reenacted to read:

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

27 Section 2. Body corporate; continuous existence.—
 28 (1) The incorporated municipality of the City of Webster,
 29 now existing, shall continue to be a body corporate and a
 30 municipal corporation within Sumter County under the name of the
 31 city, and as such, shall have perpetual succession and existence
 32 in accordance with general law.

33 (2) The codes, ordinances, policies, and actions, of
 34 whatever type or nature, of the City of Webster shall carry
 35 forward after the effective date of this act insofar as
 36 consistent with this act and the said codes, ordinances,
 37 policies, and actions are ratified and affirmed.

38 Section 3. Boundaries.—The boundaries and corporate limits
 39 existing at the time of the adoption of this charter may be
 40 amended as provided by general law. The boundaries are described
 41 as follows:

42
 43 The South 1/2 of the Northeast 1/4 and the East 1/2 of
 44 the Southeast 1/4 of Section 36, Township 21 South,
 45 Range 22 East, Sumter County, Florida; and the
 46 Southwest 1/4 of the West 1/2 of the Southeast 1/4 of
 47 Section 31, Township 21 South, Range 23 East, Sumter
 48 County, Florida; and the East 1/2 of the Northeast 1/4
 49 of Section 1 Township 22 South, Range 22 East, Sumter
 50 County, Florida; and the West 1/2 of the Northeast 1/4
 51 of Section 6, Township 22 South Range 23 East, Sumter
 52 County, Florida.

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TOGETHER WITH:

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

And

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

And

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

And

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

79 TOGETHER WITH:

80
 81 The South-1/2 of the Northeast-1/4 and the East-1/2 of
 82 the Southeast-1/4 of Section 36, Township 21 South,
 83 Range 22 East, Sumter County, Florida.

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 85 And

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 87 The Southwest-1/4 and the West-1/2 of the Southeast-
 88 1/4 of Section 31, Township 21 South, Range 23 East,
 89 Sumter County, Florida.

90
 91 And

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

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

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 99 And

100
 101 The East-1/2 of the Southeast-1/4 of the Northwest-
 102 1/4, Section 36, Township 21 South, Range 22 East,
 103 Sumter County, Florida.

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105 And

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 107 All that portion of the East-1/4 of Section 31,
 108 Township 21 South, Range 23 East, Sumter County,
 109 Florida, lying Southerly of the abandoned Seaboard
 110 Coastline Railroad right of way and Northerly of
 111 County Road Number 478, LESS beginning 264 feet East
 112 of the Southwest corner of the Southeast-1/4 of the
 113 Southeast-1/4 of said Section, from thence run North
 114 165 feet, then run East 132 feet, thence run South 165
 115 feet, thence run West 132 feet to a Point of
 116 Beginning.

117
 118 TOGETHER WITH:

119
 120 Lot 12, Block A, BAYS SUBDIVISION, as recorded in Plat
 121 Book 4, Page 46, Public Records of Sumter County.

122
 123 TOGETHER WITH:

124
 125 The North 435.00 feet of the South 870 feet of the
 126 West 3/4 of the Northwest 1/4 of the Northeast 1/4 of
 127 Section 1 Township 22 South, Range 22 East, Sumter
 128 County, Florida.

129
 130 TOGETHER WITH:

131
 132 Parcel Number: Q31-002, that is, begin at the
 133 Northwest corner of the Southwest-1/4 of the
 134 Northwest-1/4 of Section 31, Township 21 South, Range
 135 23 East, Sumter County, Florida, and run thence East
 136 420 feet, thence South 210 feet, thence West 420 feet,
 137 thence North 210 feet to the Point of Beginning.

138
 139 TOGETHER WITH:
 140
 141 Parcel Number S01-078, that is the South 435.00 feet
 142 of the West 3/4 of the Northwest-1/4 of the Northeast-
 143 1/4 of Section 1, Township 22 South, Range 22 East,
 144 Sumter County, Florida; LESS that portion platted as
 145 Tract 5, 6, and 7 Rodgers' Subdivision as recorded in
 146 Plat Book 4, Page 47 of the Public Records of Sumter
 147 County, Florida.

148
 149 TOGETHER WITH:
 150
 151 The West 3/4 of the Northwest 1/4 of the Northeast
 152 1/4, LESS the North 221.51 feet of the West 257.47
 153 feet and the South 870.00 feet thereof of Section 1,
 154 Township 22 South, Range 22 East, Sumter County,
 155 Florida; LESS that portion platted as Tracts 5, 6, 7

156 Rodgers' Subdivision as recorded in Plat Book 4, Page
 157 47 of the Public Records of Sumter County, Florida.

158
 159 Section 4. Municipal powers.-

160 (1) The city, as a body corporate and politic, has all
 161 powers of a municipality existing under the Constitution and
 162 laws of the State of Florida, as fully and completely as though
 163 such powers were specifically enumerated in this charter, unless
 164 otherwise specifically prohibited by or contrary to the
 165 provisions of this charter.

166 (2) Without limiting the generality of subsection (1), the
 167 city has all governmental, corporate, and proprietary powers
 168 necessary to enable it to conduct municipal government, perform
 169 municipal functions, and render municipal services, and may
 170 exercise any power for municipal purposes under the home rule
 171 powers of municipalities as set forth in the Constitution of the
 172 State of Florida and general law.

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

176 (4) The powers of the city shall be liberally construed in
 177 favor of the city.

178 Section 5. City council; composition; qualifications for
 179 office.-

180 (1) COMPOSITION OF THE CITY COUNCIL.-

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

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

185 (2) QUALIFICATIONS FOR OFFICE.—

186 (a) Each candidate for office shall be a qualified elector
 187 of the city.

188 (b) Each candidate for office must have resided in the
 189 city continuously for a minimum of 12 months immediately before
 190 qualifying. A resident, for the purpose of qualifying for
 191 office, and while maintaining office, shall be a person whose
 192 principal place of physical residence is in the city.

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

196 Section 6. City elections.—

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

201 (2) REGISTRATION OF ELECTORS.—A citizen of the United
 202 States who has resided within the city for a period of at least
 203 30 days shall be eligible to register as a city elector so long
 204 as residency is maintained. Registration shall be permanent and
 205 in conformity with general law.

206 (3) CANVASSING AND QUALIFICATION.—

207 (a) Unless a majority of the city council votes to use the
208 supervisor of elections for qualifying of candidates and
209 conducting the election and the county canvassing board for
210 canvassing the election, the city council shall conduct the
211 election and has authority to determine the qualification of its
212 members, subject to review by the courts.

213 (b) If the city council has not authorized the county
214 canvassing board to canvass the election, at the time that the
215 city council meets to canvass the results of an election, a
216 registered elector of the city is entitled to file with the city
217 council an affidavit setting out the facts showing that a
218 candidate has violated the provisions of this charter as to the
219 manner of his or her election, or is otherwise unqualified to
220 hold office, and the city council shall take proof at such
221 meeting and declare the results.

222 (c) The city council may by ordinance authorize the
223 supervisor of elections to provide for qualifying for candidates
224 and conduct the election and for the county canvassing board to
225 canvass the election. If the city council provides the
226 supervisor of elections and the county canvassing board with
227 such authority, then the supervisor of elections is responsible
228 for the qualifying of candidates and conducting the election and
229 the county canvassing board shall canvass the election. Once an
230 ordinance is enacted authorizing the transfer of these
231 responsibilities, the supervisor of elections and the county
232 canvassing board shall retain this authority at all subsequent

233 elections unless the city council enacts a subsequent ordinance
234 transferring such responsibility back to the city. Such
235 ordinance must be enacted and provided to the supervisor of
236 elections and county canvassing board at least 1 year before the
237 next general election.

238 Section 7. Terms of office.-

239 (1) The term of office for the mayor and each city council
240 member is 4 years. Consecutive terms are limited to two full 4-
241 year terms with a minimum of a 1-year period of time out of
242 office before being allowed to run for the city council
243 subsequently.

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

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

250 (4) The mayor and city council members may succeed
251 themselves.

252 Section 8. Powers and duties of city council.-

253 (1) The form of government of the City of Webster shall be
254 the council-manager form of government whereby the mayor and
255 city council are collectively the head of city government with
256 regard to policy with a city manager serving in the role of
257 chief administrative officer as set forth in this charter. The

258 city attorney shall be the only charter officer aside from the
 259 mayor and city council and the city manager.

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

264 (a) Enacting ordinances under the police power, land
 265 development regulatory power, and other home rule powers
 266 pertinent to municipalities.

267 (b) Establishing public policy and providing general
 268 direction for administrative actions.

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

271 (d) Reviewing and approving all administrative
 272 recommendations for staff classifications and reclassifications,
 273 and wages and salaries.

274 (e) Approving contracts and other fiscal matters relating
 275 to the operations of city government except as may be delegated
 276 to the city manager.

277 (f) Creating city departments and offices and establishing
 278 and funding positions for the operation and administration of
 279 such departments and offices as deemed necessary.

280 (g) Creating and appointing members to boards,
 281 commissions, committees, task forces, and such other bodies as
 282 deemed necessary.

283 (3) The city council shall provide for the exercise of its
284 powers and for the performance of all duties and obligations
285 imposed on the city by general law by means of ordinance,
286 resolution, motion, policy directive, or other appropriate
287 action.

288 (4) The city council shall adopt a purchasing policies
289 manual and a personnel policies manual.

290 (5) Neither the city council nor any of its members shall
291 dictate the appointment of any person to office or employment by
292 the city manager or in any manner prevent the city manager from
293 using his or her own judgment in selecting those officers or
294 employees which he or she is entitled to appoint or select under
295 the provisions of this charter. The city council and its members
296 shall deal with the administrative service solely through the
297 city manager and neither the city council nor any member thereof
298 shall give orders to the subordinates of the city manager,
299 either publicly or privately.

300 Section 9. Powers and duties of the mayor and mayor pro
301 tempore.—

302 (1) MAYOR.—The mayor shall be a member of the city council
303 and is considered, in every respect, as part of the city council
304 for the purposes of votes and actions by the city council. In
305 addition to the regular powers invested in any city council
306 member, the mayor shall:

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

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

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

315 (d) Have the power to represent the city in all agreements
316 with other governmental entities and provide certifications to
317 other governmental entities that the city council has approved
318 unless such powers are delegated to another city official.

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

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

324 (2) MAYOR PRO TEMPORE.—At the first regular meeting after
325 each regular municipal election, at which newly elected city
326 council members assume their duties of office, the five city
327 council members shall, by majority vote of the city council,
328 select a city council member, exclusive of the mayor, to act as
329 mayor pro tempore. In addition to the regular powers invested in
330 any city council member, the mayor pro tempore shall:

331 (a) Have all the powers and duties of the mayor in the
332 absence from the city of the mayor or his or her inability to
333 act, whether by reason of his or her death, resignation,
334 impeachment, mental or physical sickness, or for any other

335 reason, and the city clerk certifies as to the absence from the
336 city of the mayor or his or her inability to act, upon demand,
337 when the mayor is so absent from the city or unable to act; and

338 (b) Serve as acting mayor during the absence or disability
339 of the mayor, and during such period, has the same powers and
340 duties as the mayor.

341 (3) ALTERNATIVE TO FILLING VACANCY.—In the absence of the
342 mayor and the mayor pro tempore, the remaining city council
343 members shall elect a city council member to serve as acting
344 mayor.

345 Section 10. Compensation and expenses.—

346 (1) The mayor and city council members shall continue to
347 receive the salary in effect for their positions on the date
348 that this charter becomes effective. Thereafter, they shall
349 receive compensation as established by adoption of an ordinance
350 adjusting pay scales, but an ordinance increasing such salary
351 may not take effect until after the next regular city election.
352 The salaries of the mayor and city council members may be
353 different at the determination of the city council, but all
354 salaries for city council members not serving as mayor shall be
355 equal.

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

360 Section 11. Vacancies; forfeiture of office; suspension;
361 recall; filling of vacancies.-

362 (1) VACANCIES.-A vacancy in the office of mayor or of a
363 city council member shall occur upon the death of the incumbent,
364 removal from office as authorized by general law, resignation,
365 election or appointment to another public office which creates
366 dual officeholding, judicially determined incompetence, or
367 forfeiture of office.

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

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

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

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

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

386 (e) Is absent from three or more regular meetings of the
387 city council in a consecutive 6-month period, unless such series
388 of absences, or any one of the absences, is excused by the city
389 council by adoption of a resolution setting forth the fact of
390 such excused absence or absences, thereby making the total of
391 consecutive and unexcused absences less than three.

392 (f) Is found by a vote of the city council to have
393 abandoned his or her office as a result of extensive absences.

394 (3) SUSPENSION FROM OFFICE.—

395 (a) The mayor or a city council member shall be suspended
396 from office by the city council acting as a body upon return of
397 an indictment or issuance of an information charging the mayor
398 or a city council member with any crime that is punishable as a
399 felony or with any crime arising out of his or her official
400 conduct or duties which is punishable as a misdemeanor.

401 (b) During the period of suspension, the mayor or the city
402 council member shall not perform any official act, duty, or
403 function, or receive any allowance, emolument, or privilege of
404 office.

405 (c) If the mayor or a city council member is subsequently
406 found not guilty of the charge, or if the charge is otherwise
407 dismissed or altered so that suspension would no longer be
408 required as provided in this charter, the suspension shall be
409 lifted by the city council and the mayor or city council member
410 is entitled to receive full back allowances and such other

411 emoluments as he or she would have been entitled to had the
412 suspension not occurred.

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

416 (5) FILLING OF VACANCIES.—

417 (a) If, for any reason other than recall, a vacancy occurs
418 in the office of mayor within the first year of a term, the
419 mayor pro tempore shall assume the position of mayor, and within
420 30 days after the occurrence of such vacancy, a special election
421 for mayor shall be held to elect a mayor for the remainder of
422 the unfilled term.

423 (b) In the event that the office of mayor becomes vacant
424 with less than 1 year remaining in the term, the mayor pro
425 tempore shall serve as mayor for the remainder of the term of
426 the mayor and the vacancy in his or her office shall be filled
427 as provided in the charter for the remainder of his or her term.

428 (c) If, for any reason other than recall, a vacancy occurs
429 in the office of a city council seat, other than mayor, within
430 the last year of a term, the office shall be filled for the
431 remainder of the term by appointment within 30 days after the
432 occurrence of such vacancy by majority vote of the remaining
433 city council members.

434 (d) If, for any reason other than recall, a vacancy occurs
435 in the office of a city council seat within the first year of a
436 term, the office shall be filled by appointment within 30 days

437 after the occurrence of such vacancy by majority vote of the
438 city council and such appointment shall expire when a city
439 council member is elected and he or she is seated in accordance
440 with this charter.

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

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

447 Section 12. City council meetings; organizational meeting;
448 quorum; special meeting.—

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

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

455 (3) Installation into office shall be made by the city
456 council and consist of declaring election results, administering
457 the oath of office by the city attorney or city clerk, and
458 receiving a bond from each city council member elected, if
459 required by ordinance.

460 (4) The oath shall be in substantially the following form:
461 "I,, do solemnly swear (or affirm), that I will support,
462 protect, and defend the Constitution and government of the

463 United States and of the State of Florida against all enemies,
464 domestic or foreign, and that I will bear true faith, loyalty,
465 and allegiance to the same, and that I am entitled to hold
466 office under the Constitution; that I will faithfully perform
467 all duties of the office of of the City of Webster, on
468 which I am about to enter, so help me, God."

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

472 (6) Voting on ordinances and resolutions shall be by roll
473 call. A majority of the city council constitutes a quorum. No
474 action of the city council is valid unless adopted by an
475 affirmative vote of the majority of the city council that is in
476 attendance, unless otherwise provided by law or ordinance, or
477 stated in this charter. A tie vote shall result in a motion
478 failing. All actions of the city council shall be accomplished
479 by ordinance, resolution, or motion, although the city council
480 may express its consensus in other appropriate ways.

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

483 (8) Special meetings may be held at the call of the mayor
484 or, in the absence of the mayor, at the call of the mayor pro
485 tempore. Special meetings may also be called upon the request of
486 a majority of the city council members as presented in writing
487 to the city clerk. At least 24 hours' prior notice of the

488 meeting must be given to the public, unless a declared emergency
489 situation exists.

490 Section 13. City manager; appointment, qualifications, and
491 compensation.—

492 (1) The city council, by simple majority vote, shall
493 appoint a city manager who shall be a charter officer of the
494 city and the administrative head of the city government, under
495 the direction and supervision of the city council, and who shall
496 hold office at the pleasure of the city council under a contract
497 that is entered consistent with controlling law. He or she shall
498 receive such compensation as the city council may fix and
499 determine in such contract. He or she shall be chosen solely on
500 the basis of his or her executive and administrative
501 qualifications, without regard to his or her political belief,
502 and must be 21 years of age or older. The city manager need not
503 be a resident of the city.

504 (2) The city manager is responsible to the city council
505 for the proper administration of all affairs of the city coming
506 under his or her jurisdiction. The city manager's powers include
507 the following, as well as those that are consistent with sound
508 and generally accepted public management practices and
509 principles consistent with this charter and other controlling
510 law:

511 (a) To see that the laws and ordinances of the city are
512 enforced;

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

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

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

521 (e) To enforce the city's personnel rules and purchasing
 522 policies;

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

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

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

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

539 (j) To make recommendations to the city council concerning
 540 the affairs of the city and facilitate the work of the city
 541 council in developing policy;

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

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

547 (m) To prepare and submit the annual budget, budget
 548 message, and capital program to the mayor for review and
 549 approval by the city council;

550 (n) To administer financial transactions of the city,
 551 including investments, withdrawals, and expenditures in
 552 accordance with city investment policies and the adopted city
 553 budget;

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

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

557 (q) To have prepared and to submit to the city council,
 558 within 6 months after the close of each fiscal year, a complete
 559 audit of the financial condition of the city for the preceding
 560 fiscal year;

561 (r) To sign all checks and agreements or other documents
 562 approved by the city council or required for daily business
 563 needs of the city issued by the city except as otherwise
 564 provided in this charter and to sign such other documents

565 approved by the city council or required for the daily business
566 of the city;

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

569 (t) To prepare or administer the preparation of city
570 policies manuals, ordinances, and similar materials for city
571 council review and approval;

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

575 (v) To purchase supplies and equipment of the various
576 departments of the city; and

577 (w) During his or her absence of no more than 14 days, to
578 appoint an acting city manager. However, with regard to an
579 absence or disability of any longer period or such other period
580 of time as may be determined by the city council, the city
581 council may, by resolution, designate some properly qualified
582 person to temporarily execute the functions of the office. The
583 person thus designated has the same powers and duties as the
584 city manager, and shall be known while so serving as acting city
585 manager.

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

589 Section 14. City attorney; qualifications; powers and
590 duties.—

591 (1) The city attorney is the chief legal officer and
592 advisor of the city.

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

595 (3) The city attorney shall:

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

598 (b) Attend all city council meetings, unless excused by
599 motion and vote of the city council, and perform such
600 professional duties as may be required by law or by the city
601 council in furtherance of the law;

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

604 (d) Appoint assistants to assist in the provision of legal
605 services to the city.

606 (4) The city attorney shall be a charter officer of the
607 city and be appointed by a majority vote of the full city
608 council and shall serve at the pleasure of a majority vote of
609 the full city council.

610 Section 15. City clerk qualifications; powers and duties;
611 option for city administrator or city manager.—

612 (1) The city clerk is an employee of the city appointed by
613 the city manager and shall fulfill the role of a functioning
614 administrative officer of the city serving under the direction
615 and managerial control of the city manager.

616 (2) The city clerk shall be selected by the city manager
617 on the basis of education, experience, expertise, and
618 administrative ability pertaining to administering municipal
619 government.

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

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

625 (b) Process and maintain all official city documents and
626 records and ensure that all actions of the city council are
627 recorded, including, but not limited to, providing for regular
628 codification of city codes and ordinances in conjunction with
629 the city attorney;

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

631 (d) Act as chief financial officer, prepare reports
632 relative to city finances and assets, and maintain various
633 property files; and

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

636 Section 16. Police department.—

637 (1) The police department of the City of Webster is
638 created and established and shall consist of a chief of police
639 and as many subordinate officers, patrol officers, and employees
640 as are necessary for the functioning of the department.

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

643 (3) The chief of police shall be appointed by the city
 644 manager and shall serve under the direction and supervision of
 645 the city manager. The chief of police shall aid in the
 646 enforcement of order in the city. He or she shall attend in
 647 person or by deputy all meetings of the city council, and
 648 perform such duties appropriate to his or her office as may be
 649 imposed upon him or her by the law, the ordinances of the city,
 650 the direction of the city manager or the city council. He or she
 651 is the head of the police department and responsible for seeing
 652 that the laws and ordinances of city and state are enforced.

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

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

657 Section 17. Department of public works.—

658 (1) The department of public works is established as an
 659 administrative branch or division of the city and is responsible
 660 for stormwater control, water and wastewater services,
 661 maintenance and repair of city signage, curbs, rights-of-way,
 662 public parking, streetlights, and such other services as
 663 designated by the city council or the city manager.

664 (2) The position of director of public works shall be
 665 appointed by the city manager. The director of public works
 666 shall serve under the direction of the city manager and assist

667 in carrying out the policies and programs of the city council.
668 He or she shall coordinate the work and activities of the
669 department of public works. He or she shall make periodical
670 inspections of streets, public buildings, public works, public
671 machinery, and all public property, and make report thereof to
672 the city manager. He or she shall perform such other duties as
673 may be delegated to him or her.

674 Section 18. Limit of employment of city council members;
675 conflict.—

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

680 (2) It is unlawful for any city council member to have any
681 direct or indirect financial interest with any association,
682 partnership, firm, or corporation which contracts for performing
683 any service or furnishing any material or equipment to, or for,
684 the city.

685 Section 19. Budget and appropriations.—

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

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

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

694 (4) The city council shall enact a purchasing code to
695 regulate the procurement of goods and services in accordance
696 with sound and generally accepted public management practice and
697 principles.

698 Section 20. City records.—

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

701 (2) All ordinances or resolutions of the city council
702 shall be executed by the mayor or, in the mayor's absence, by
703 the mayor pro tempore, or in the absence of both, by the acting
704 mayor, and attested to by the city clerk with approval, as to
705 form and legality, by the city attorney.

706 Section 21. Charter amendment.—

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

712 (2) A charter review committee may be appointed at any
713 time by the city council. The committee shall complete its work
714 and present any recommendations for change within the time
715 period as prescribed by the city council. The city council may
716 act on the proposed changes to the charter and place the

717 proposed changes on the next scheduled general election ballot
718 if it concurs with the proposals.

719 Section 22. Standards of conduct.—All elected officials,
720 appointed officials, and employees of the city are subject to
721 the standards of conduct for the public officers and employees
722 established in general law. In addition, the city council may,
723 by ordinance, establish a supplemental code of ethics for the
724 city, which may in no case diminish the provisions of general
725 law.

726 Section 23. Ordinances preserved.—All ordinances in effect
727 upon the adoption of this charter, to the extent not
728 inconsistent with it, remain in force until repealed or changed
729 as provided in this charter.

730 Section 24. Rights of officers and employees.—

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

735 (2) All officers heretofore elected or appointed and
736 holding office in the City of Webster continue to hold their
737 respective offices and discharge the duties thereof until their
738 successors are elected and qualified.

739 Section 25. Pending matters.—

740 (1) All rights, title, claims, actions, orders, contracts,
741 ownership of property, uncollected taxes, dues, judgments,
742 decrees, and legal or administrative proceedings involving the

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743 City of Webster, and all property and property rights of every
744 nature whatever held or owned by the city, shall continue,
745 except as modified pursuant to this charter.

746 (2) No obligation or contract of the said municipality of
747 any nature whatever, including outstanding indebtedness and
748 bonds heretofore issued, may be impaired or avoided by this act,
749 but all debts and obligations of the City of Webster shall pass
750 to and be binding upon the municipality hereby organized and
751 created.

752 Section 4. Chapter 57-1944, Laws of Florida, is repealed.

753 Section 5. This act shall take effect upon becoming a law.