

# THE CHARTER FOR THE CITY OF CRESCENT CITY AND RELATED SPECIAL ACTS\*

**\*Editor's note** – Unless otherwise noted, the provisions of this city charter and related special acts were adopted or incorporated pursuant to Ordinance 8501.

## SUBPART A – THE CHARTER

### ARTICLE 1. FORM OF GOVERNMENT AND POWERS

#### Section 1.01. Purpose.

We, the people of the City of Crescent City, do ordain and establish this amendment to the Charter of the City of Crescent City, Florida, in order to avail ourselves of all municipal home rule powers consistent with the Constitution and Laws of Florida. This is an amendment to the whole of the existing charter of the City of Crescent City, Florida; except the boundaries thereof. Any provision of the existing Charter or special acts in conflict with this amendment are hereby repealed.

#### Section 1.02. Body corporate.

The boundaries and corporate limits of the City of Crescent City now existing, and the residents therein, shall continue to be the body corporate and politic under the name of the City of Crescent City and, as such, shall have perpetual succession. Existing boundaries and corporate limits may be amended from time to time as provided by law.

**Editor's note**—The following is the boundaries of the city at the time of adoption of Ordinance Number 8501:

The territorial boundaries of the City of Crescent City, shall be fixed and defined as follows:

That is to say, all of Sec. 19 in Township 12 5., R. 28 E., all of Sec. 30 in Twp. 12 8., R. 28 E., excepting a strip 10 chains in width across the entire South side of said Sec. 30; also the S.W.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of Sec. 18, Twp. 12 S., R. 27 E.; also the N.E.  $\frac{1}{4}$  and the E.  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$  and the N.E.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  and the N.  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  and the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  in Sec. 24, Twp. 12 5., R. 27E.

#### Section 1.03. Powers.

The city shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.

**State law reference**—Home Rule Powers Act, F.S. Ch. 166.



#### **Section 1.04. Construction.**

The powers of the city under this Charter shall be construed liberally in favor of the city, and specific reference to particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article.

It is the intent of this article to grant to the city full power and authority to exercise all governmental powers necessary to provide for the health, safety, and welfare of all citizens of the City of Crescent City:

#### **Section 1.05. Severability clause.**

If any article, section, subsection, sentence, clause, or provision of this Charter is held to be invalid for any reason, such holding shall not be construed to affect the remainder of this Charter or any ordinances made thereunder.

### **ARTICLE II. LEGISLATIVE: CITY COMMISSION**

#### **Section 2.01. Composition.**

There shall be a City Commission consisting of five (5) members—four (4) Commissioners and the Mayor-Commissioner—all of whom shall be elected at-large for Four (4) year terms in the manner prescribed by Article VI below. Unless otherwise provided, reference to the office of Commission member in this Charter shall also apply to the office of Mayor-Commissioner.

(Ordinance No. 12-02, 03-08-2012)

#### **Section 2.02. Eligibility and qualifications.**

Members of the city commission shall be registered electors residing in the municipality at least six (6) months prior to filing for election.

#### **Section 2.03. Forfeiture of office.**

Any member of the city commission who shall cease to reside within the city or to have or possess any of the qualifications herein imposed for members of the city commission or who shall, while in office, be convicted of a felony, shall forfeit the office, and the seat shall be deemed to be vacant immediately. Absence from three (3) consecutive regular meetings of the city commission shall operate to vacate the seat of a member unless a leave of absence is first granted-by the city commission or such absence is excused by the city commission by resolution setting forth the fact of such excuse, duly entered in the minutes.

#### **Section 2.04. Filling of vacancies.**

If the unexpired term is six (6) months or less, vacancies in the office of the city commissioner or mayor-commissioner shall be filled within twenty (20) days by the appointment of a successor by the majority vote of the remaining members of the commission. If the majority



of the remaining members of the commission fail to fill the vacancy through appointment within the twenty (20) day period, a special election to fill the vacancy shall be called no later than sixty (60) days thereafter.

Vacancies in the office of the city commissioner or mayor-commissioner, if the unexpired term is more than six (6) months, shall be filled by a special election called within sixty (60) days, or in a regular election if one is scheduled within ninety (90) days of the creation of such vacancy.

Should the commission fail to provide for an election within the time required by the Charter, such election may be ordered by any court of competent jurisdiction.

The qualifying for candidates for a special election to fill a vacancy shall be the same as provided for regular elections in this Charter.

Any successor who fills a vacancy, whether by appointment or election, shall have and possess all the qualifications established by this Charter for the office being filled.

#### **Section 2.05. Extraordinary vacancies.**

If at any time the membership of the city commission is reduced to less than three (3), the governor shall make interim appointments to fill such vacancies, and the city commission shall forthwith call a special election to be scheduled not sooner than sixty (60) days or more than ninety (90) days following the occurrence of the vacancies.

#### **Section 2.06. Ineligibility for appointment.**

No commissioner during the term for which he/she has been elected or appointed, or for one (1) year thereafter, shall hold any salaried city office.

#### **Section 2.07. Oath of office.**

All commissioners and other officers of the city shall, before entering upon their duties, subscribe orally and in writing to an oath or affirmation pledging support to the Constitution and Laws of the United States and of Florida, faithful observance of the provisions of the City of Crescent City Charter and ordinances, and faithful discharge of their office. The oath or affirmation shall be in substantially the form prescribed for state officers by the Constitution of Florida, and the written form shall be filed and maintained as a permanent official record to the city.

**State law reference**—Oath, F.S. § 876.05.

#### **Section 2.08. Recall.**

The mayor-commissioner or any other member of the commission may be recalled and removed from office as provided by general law.

**State law reference**—Recall of municipal officers, F.S. § 100.361.



## **Section 2.09. Compensation.**

The city commission may determine the compensation and benefits of the mayor-commissioner and other commissioners, but no ordinance increasing salary amounts or expense allowances shall become effective until the date of the commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of the salary ordinance by at least ninety (90) days. The city commission shall have the authority to establish a salary and expense allowance for the mayor-commissioner in excess of that authorized for other commissioners.

## **Section 2.10. General powers and duties.**

All powers of the city shall be vested in the city commission except as otherwise provided by law and this Charter. The city commission shall be responsible for the reasonable exercise of those powers, and shall be required to provide for the performance of all duties and obligations imposed on the city by law.

## **Section 2.11. Duties of mayor-commissioner.**

The mayor-commissioner shall preside at all meetings of the city commission and shall perform such other duties consistent with that office as may be imposed by the commission, and he/she shall have a voice and vote in the proceedings of the commission, but no veto power. The mayor-commissioner shall be considered as the official head of the city for ceremonial purposes, and shall be so recognized by the courts for the purposes of serving civil processes, and by the state and federal governments in the exercise of military law. The mayor-commissioner shall have no other powers and duties beyond those conferred by this Charter or by the commission in accordance with provisions of this Charter.

## **Section 2.12. Vice-mayor.**

In the absence of the mayor-commissioner, the vice-mayor shall perform the duties of the mayor-commissioner. In the case of a vacancy in the office of the mayor-commissioner, the vice-mayor shall serve as mayor-commissioner until the vacancy has been filled as provided in Section 2.04. The vice-mayor shall be appointed for a one (1) year term at the organizational meeting of the city commission, by a majority vote, from the membership of the commission.

In the absence or disability of both the mayor-commissioner and the vice-mayor, the city commission shall designate one of their number to act temporarily in the capacity of the mayor-commissioner.

## **Section 2.13. Meetings of the city commission.**

The organizational meeting of the city commission shall be held at the city hail at 7:00 p.m. on the first Monday following the regular city election. The first order of business shall be the administering of the oath of office to the newly-elected members of the city commission and the appointment of the vice-mayor. Thereafter the city commission shall meet at such times as may be prescribed by ordinance, except that it shall meet regularly not less than once each



month. Special meetings may be called by the mayor-commissioner or any other three (3) commissioners upon at least twelve (12) hours written notice to each member, served personally, or left at his/her usual place of residence with some member of his/her family over the age of fifteen (15). This time requirement may be waived only by the consent of all commissioners. The city commission shall take all reasonable steps to ensure timely notice to the public of such special meetings which, at least, shall include notification of the local press and posting notice of the meeting in a central location designated by the commission for the purpose. Any regular or special meeting, on motion adopted by the city commission, may be adjourned and continued to a certain time provided there in compliance with the requirement of public notice.

All regular and special meetings of the city commission, other than the specific exceptions provided by general law, shall be open to the public. All regular meetings shall be held at city hall, but special meetings may be scheduled at any location within the City of Crescent City upon passage of a resolution by the city commission to that effect.

#### **Section 2.14. Minutes and records.**

The city commission shall keep minutes of its proceedings and shall arrange for the electronic recording of those proceedings, to all of which any citizen shall have access at all reasonable times. The administrative ordinance of the city shall set forth detailed policy and procedures for ensuring the maintenance of a permanent record of all commission meetings and actions in such form that they are readily accessible and easily understood by the public.

**State law reference**—Public meeting, F.S. § 286.0 11 et seq.

#### **Section 2.15. Rules.**

The city commission shall determine its own rules and order of business. In the absence of a rule, however, Robert’s Rules of Order (latest edition) shall govern.

#### **Section 2.16. Quorum and voting.**

Three (3) members of the city commission shall constitute a quorum, but a similar number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of three (3) members of the city commission shall be necessary to adopt any ordinance. The affirmative vote of a majority of the quorum present at a meeting shall be necessary to approve any motion or resolution.

All members in attendance, including the presiding officer; shall vote “yea” or “nay” on all commission actions. When there is, or appears to be, a possible conflict of interest, as defined under general law with respect to a particular commissioner, the action prescribed by general law shall govern. Final action on motions, resolutions, and ordinances shall be taken by roll call and listed in the minutes.



## **Section 2.17. Ordinances, resolutions, and motions.**

A. The city commission shall act only by ordinance, resolution, or motion. Except as otherwise provided by this Charter, the procedures and requirements of general law for the enactment of ordinances or resolutions shall govern. It is the purpose of this section, however, to implement the home-rule powers of general law which permit this Charter to specify additional requirements for the enactment of ordinances or resolutions and to define procedures in greater detail beyond the minimum standards set by general law.

B. All ordinances and resolutions shall embrace but one subject and the matter properly connected therewith. The subject shall be clearly stated in the title, but no ordinance or resolution shall be held invalid because of a defective title.

C. The enacting clause of all ordinances shall be: "Be it enacted by the City Commission of the City of Crescent City, Florida."

D. In addition to the acts required by law or by specific provision of this Charter to be done by ordinance, the following actions of the city commission shall be by ordinance: (1) to adopt or amend an administrative code or establish, alter, or abolish any city department or administrative entity; (2) to establish a rule or regulation, the violation of which carries a penalty; (3) to grant, renew, or extend a franchise; (4) to set service or user charges for municipal services or granting administrative authority for such charges; (5) to authorize the borrowing of money, consistent with the limitations imposed by the Constitution and general law of Florida; (6) to convey or lease lands of the city; (7) to provide for the appropriation of funds or to amend an appropriation already made; (8) to amend or repeal an ordinance previously adopted, except as otherwise provided herein; or (9) to delegate to the administrative supervisor other powers, duties, and responsibilities in addition to those enumerated in Section 3.04 below.

E. To meet a public emergency affecting the life, health, property; or the public peace and safety, the city commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise; set service or user charges for any municipal services; authorize the borrowing of money except as an emergency appropriation; or enact or amend a land use plan or rezone private real property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members of the city commission shall be required for adoption. After its adoption, the ordinance shall be printed and published as prescribed for other adopted ordinances. It shall become effective upon enactment by the commission or at such time as specified in the ordinance, and shall expire as provided therein, but not to exceed sixty (60) days after the passage. This shall not prevent re-enactment of the ordinance under regular or emergency procedures, as the situation may warrant.

F. Except as provided in paragraph (E), proposed ordinances shall be read by title, or in full, on at least two (2) separate days and shall, at least ten (10) days prior to adoption, be noticed



once in a newspaper of general circulation in the municipality. The proposed ordinance shall, prior to adoption, be certified by the city attorney as meeting the requirement of law and form. And the commission, prior to taking final action, shall provide the opportunity for all persons present to be heard on the proposed ordinance. Nothing herein contained shall limit the right of the commission to amend such proposed ordinance prior to adoption, consistent with general law.

G. All ordinances passed by the city commission shall become effective upon final adoption, unless otherwise provided therein.

**State law reference**—Minimum procedure for adoption of ordinances, F.S. § 166.041.

### **Section 2.18. Authentication, codification and publication of ordinances and resolutions.**

Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the mayor-commissioner and the administrative supervisor. Copies of ordinances and resolutions after their enactment shall be available through the office of the administrative supervisor for purchase by the public. The city shall maintain and publish a codified and indexed compilation of all permanent ordinances and resolutions which have a continuing or prospective effect. Copies of such code shall be made available at cost to the public, together with timely updated supplements thereto.

### **Section 2.19. Motions.**

All actions of the city commission which are not required to be by ordinance, and which are not taken by resolution, shall be taken by motion.

## **ARTICLE III. ADMINISTRATIVE OFFICES AND DEPARTMENTS**

### **Section 3.01. Establishment of the office of administrative supervisor.**

There shall be an administrative supervisor who shall be the chief administrative officer of the city. The administrative supervisor shall be responsible to the city commission for the administration of all affairs of the city. In addition to those duties and responsibilities mandated by this Charter to the administrative supervisor, the city commission shall be empowered to delegate other duties and responsibilities to the administrative supervisor as the orderly governance of the city may require. Such delegation of authority shall be by ordinance, pursuant to Section 2.17(D) of this Charter, and may be rescinded or modified by ordinance at any time, but not to exceed a period of one year from the date of enactment. If not rescinded or modified within that period, the ordinance delegating other duties and responsibilities to the administrative supervisor shall be deemed to have been incorporated and made a part of this Charter

### **Section 3.02. Appointment and removal of the administrative supervisor.**

The administrative supervisor shall be chosen on the basis of executive and administrative experience, professional training, and other qualifications. The administrative supervisor shall be appointed by a majority vote of the full commission. The appointment shall be for an indefinite term, subject to termination at any time upon a three-fifths (3/5) vote of the full commission, with at least sixty (60) days' notice or sixty (60) days' severance pay. Action by





the commission to remove the administrative supervisor shall be considered final, and the administrative supervisor shall have no vested rights of office other than those specifically provided in this Charter. Notwithstanding the action taken by the commission to remove the supervisor, the commission shall hold a public hearing if so requested in writing by the administrative supervisor.

### **Section 3.03. Acting administrative supervisor.**

The administrative supervisor shall designate in writing, subject to commission approval, a qualified city administrative officer or employee to exercise and perform the duties of administrative supervisor during any period of temporary absence or disability. During such absence or disability the commission may revoke such designation at any time and appoint another officer or employee of the city to serve until the administrative supervisor shall return.

### **Section 3.04. Powers and duties of administrative supervisor.**

The administrative supervisor shall have the power and shall be required to:

A. See that all laws, provisions of this Charter, and acts of the commission subject to enforcement by the administrative supervisor, or by officers and employees subject to his/her direction and supervision, are faithfully executed;

B. Direct and supervise the administration of all departments, offices, and agencies of the city;

C. Recommend to the city commission the appointment and, when necessary for the good of the city, the removal of officers and employees of the city, except as otherwise provided by this Charter and the rules and regulations promulgated by the personnel ordinance adopted pursuant to this Charter;

D. Prepare the budget annually for action by the city commission and submit to the commission a budget message and capital program in a format to be prescribed by ordinance; and to be responsible for the administration of the budget once it is officially adopted;

E. Prepare and submit monthly to the city commission and the public a complete report on finances and administrative activities of the city during the previous month;

F. Keep the city commission and the public advised of the financial condition of the city, and to make such recommendations to meet future needs as may be deemed advisable for consideration by the commission;

G. Serve as clerk to the city commission and be the custodian of the records and seal of the municipality; and attend all meetings of the commission and its committees, with the right to take part in the discussion but without having a vote;

H. Sign contracts on behalf of the city pursuant to the provisions of the appropriate ordinances; and





I. Perform such other duties as are mandated by this Charter or required by the city commission, provided, however, the commission shall not direct the administrative supervisor to take any action contrary to the provisions of this Charter.

### **Section 3.05. Departments of the city.**

The commission shall have an administrative department, police department, fire department, public works department, and natural gas department, provided, however, that the city commission may by a vote of four-fifths (4/5) of the full commission establish, reorganize, abolish, or provide for the transfer of responsibilities between departments. The commission shall have the authority to create other administrative officers or positions or, except as otherwise provided by this charter, to reorganize, consolidate, or abolish existing administrative offices or positions.

### **Section 3.06. Department heads.**

Department heads shall be appointed or removed by the administrative supervisor subject to approval by the city commission. Removal of a department head, however, shall be for just cause, and only after the department head has been provided with both notice and an opportunity to be heard with respect to the grounds for removal.

### **Section 3.07. Administrative code.**

The administrative supervisor shall propose and the city commission shall amend and adopt, by a vote of four-fifths (4/5) of the full commission, an administrative code which shall set forth the departmental organization for the city commission, including charts showing the chain of command and the allocation of responsibilities and duties, definitions of the nature and scope of each department, and all required rules and procedures for administering said departments.

## **ARTICLE IV. CITY ATTORNEY**

### **Section 4.01. Duties and responsibilities.**

The city commission shall appoint a city attorney who shall act as the legal advisor to, and attorney and counselor for, the city and all of its elected and appointed officers, all departments and divisions of the city, government, and all regulatory and advisory boards in all legal matters relating to their official duties. The city attorney shall prepare and/or review all contracts, bonds, and other instruments in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof. No contract with the city shall be valid or take effect until his approval is so endorsed thereon. When required to do so, he shall defend for and in behalf of the city all civil complaints, suits, and controversies in which the city is a party. Prosecution of civil complaints, suits, and controversies of which the city is a party, shall be authorized by resolution of the city commission. When authorized by the commission and invested by the state attorney with the power to prosecute criminal actions, the city attorney may represent the state in the county court in the prosecution of violations of the ordinances of the



city. The city attorney shall furnish to the city commission, its several commission members, the head of any department, or any officer or board not included in any department his opinion on any question of law relating to their respective powers and duties, but any such opinion shall be conveyed to all members of the commission.

**Section 4.02. Assistant city attorney.**

The city commission may authorize the city attorney to employ an assistant or to engage special counsel where the circumstances of a particular case warrant, subject to the approval of the terms of the contract by the commission as to compensation and the service to be rendered.

**Section 4.03. Qualifications and appointment of city attorney.**

The city attorney and any assistant city attorney shall be licensed to practice law in the State of Florida, and shall be a member of the Putnam County Bar Association in good standing. He/she shall not be required to be a registered elector residing in the municipality. He/she shall serve an indefinite term at the pleasure of the city commission and shall be compensated as determined by the commission.

In addition to the specific duties imposed under this article, the city commission may assign additional professional duties to the city attorney so long as they are not inconsistent with general law or this Charter.

**ARTICLE V. CIVIL SERVICE**

**Section 5.01. Adoption of civil service system.**

There shall be a civil service system for the employees of the City of Crescent City. The city commission shall, within twelve (12) months of the adoption of this Charter, enact, by a vote of four-fifths (4/5) of the full commission, such ordinances as may be necessary to fully implement the civil service principles mandated by this Charter.

**Section 5.02. Employment policy.**

The civil set-vice system shall provide for the qualifications for employment by the city and shall certify personnel for employment, promotion, demotion, transferal, dismissal, and compensation. Such certification shall be solely on the basis of merit and qualification. It shall be the purpose of the civil service system to:

- A. Attract and retain employees of the highest caliber.
- B. Select those employees based on ability, experience, training<sup>4</sup> character and physical fitness without regard to race, color, creed, religion, sex or national origin.
- C. Compensate each employee by payment of a fair and competitive wage for work performed.
- D. Make prompt and appropriate adjustments of any complaints which may arise.



E. Encourage employee participation in the establishment of city personnel policies.

## **ARTICLE VI. NOMINATIONS AND ELECTIONS**

### **Section 6.01. State election law applicable.**

All general laws of Florida relating to elections and the registration of persons qualified to vote therein which are not in conflict with this Charter shall be the same for the City of Crescent City and are hereby adopted as parts hereof.

State law reference—Florida Election Code, F.S. Ch. 97-106.

### **Section 6.02. General elections.**

Beginning in the General Election of the City of Crescent City to be held on the first Tuesday after the first Monday in November of 2014, two (2) Commissioners (to be designated Group 1 and Group 2) shall be elected for a term of four (4) years and the two (2) Commissioners of Group 1 and Group 2 shall be elected every four (4) years thereafter, i.e., 2018, 2022, and so forth.

Beginning in an election of the City of Crescent City to be held on the first Tuesday after the first Monday in November 2015, the Mayor-Commissioner and two (2) Commissioners (to be designated Group 3 and Group 4) shall be elected for one (1) year terms. Beginning in the General Election of the City of Crescent City to be held on the first Tuesday after the first Monday in November of 2016, the Mayor-Commissioner and two (2) Commissioners (to be designated Group 3 and Group 4) shall be elected for a four (4) year term and the Mayor-Commissioner and two (2) Commissioners (of Group 3 and Group 4) shall be elected every four (4) years thereafter, i.e., 2020, 2024, and so forth.

Candidates for the office of Commissioner shall be listed on the ballot by the group number within which they qualify, and one candidate shall be elected from each group. For the office of Mayor-Commissioner and Commissioner, the candidate receiving the greatest number of votes cast in the office or group shall be declared elected. (Ordinance No. 12-02, 03-08-2012)

### **Section 6.03. Special elections.**

The city commission shall have the authority to call special elections for the purpose of filling vacancies as provided by Section 2.04 above or for any other purpose consistent with general law or this Charter, provided official public notice is published at least thirty (30) days prior to any such election.

### **Section 6.04. Nonpartisan elections.**

All qualifications and elections for the office of commissioner and mayor-city commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any candidate on the ballot. Reference in general law to political parties and party primaries shall not be applicable in the elections of city commission members.



**Section 6.05. Procedure for filing as a candidate for mayor-city commissioner and city commissioner.**

A. A person meeting the qualifications of office provided in Section 2.02 of this Charter and seeking to become a candidate for the office of mayor-commissioner or commissioner may do so by presenting a nominating petition signed by at least twenty-five (25) qualified electors or by payment of five percent (5%) of the salary of the office sought as a qualifying fee. Each candidate shall also file a sworn qualification statement with the administrative supervisor, or other official designated by the city commission, which shall state the following:

1. The name and occupation of the candidate qualifying for a place on the election ballot; and the address of his/her place of residence in the city; and
2. That he/she is a candidate for the office of mayor-commissioner or commissioner and specifying the group number of the commission office being sought; and
3. That he/she shall be willing to serve if elected.

B. Such qualification statement and required information shall be filed with the City Commission and the Supervisor of Elections of Putnam County only during the timer period extending from noon on the first Monday in August and ending at noon on the following Friday in the year of qualifying for election. Such qualifying statement and required information will be in the form as prescribed by the City Commission and the Supervisor of Elections of Putnam County, State of Florida.

(Ordinance No. 14-04, 06-12-2014)

C. No person shall be a candidate for mayor-city commissioner and commissioner at the same time, and no person shall occupy both offices at the same time.

D. Limited Terms. No person shall be eligible to seek election for Mayor-Commissioner or Commissioner of the City of Crescent City if such term of Mayor-Commissioner or Commissioner would if elected, give the person seeking election 20 or more years of consecutive service as Mayor-Commissioner or Commissioner. Except that a person currently in office who has already served 20 or more consecutive years as of the effective date of this Charter provision, or a person who is serving a current term as of the effective date of this Charter provision that would give that person 20 or more consecutive years of service, shall be exempt from the term limits as stated herein. Nothing in this proposed paragraph should be interpreted to prevent a person from serving four (4) consecutive four (4) year terms and one consecutive lesser term.

(Ordinance No. 12-03, 04-12-2012)

**Section 6.06. Canvassing board.**

The members of the commission, other than those whose names appear on the election ballot, shall serve as the canvassing board for any regular or special election, and shall certify the results of the election as set forth in general law.



### **Section 6.07. Election regulations.**

The commission, by ordinance, may adopt regulations for the proper conduct of municipal elections provided they are consistent with general law and this Charter. Inspectors and clerks for the elections and the polling location(s) shall be determined by resolution passed by the commission. The commission shall also, by resolution, provide official notice to the supervisor of elections at least forty-five (45) days prior to any special or regular elections, and shall certify the form of the ballot to the supervisor of elections at least twenty-one (21) days prior to any election.

### **Section 6.08. Judge of qualifications.**

This commission shall be the judge of the election and qualifications of its members, and for such purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. Any decision of the commission, however, shall be subject to review by the circuit court.

## **ARTICLE VII. MISCELLANEOUS**

### **Section 7.01. Charter amendment**

**This Charter may be amended in two (2) ways:**

(a) Initiation by ordinance. The commission may by ordinance propose amendments to any part or all of this Charter, except prescribing boundaries, and upon passage of the initiating ordinance shall submit the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for that purpose. Amendment of boundaries resulting from annexation done in accordance with general law shall be by ordinance of the commission and shall not be subject to a vote of the electors except as provided by general law.

(b) Initiation by petition. The electors of the city may propose amendments to this Charter by petition signed by at least ten percent (10%) of the registered electors and submitted to a vote of the electorate in a special election to be called within sixty (60) days following the certification of the initiative petition or at any general election scheduled within ninety (90) days.

### **Section 7.02. Investigations by commission.**

The commission shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers or other evidence. Failure to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute a misdemeanor, and shall be subject to punishment as prescribed by general law.



### **Section 7.03. Bonds of officers and employees.**

All officers and employees of the city shall give bond in such amount and with surety as may be approved by the commission. The premiums on such bonds shall be paid by the city.

### **Section 7.04. Political activities of municipal officers and employees.**

The provisions of this section shall not be construed so as to prevent any person from becoming a candidate for and actively campaigning for any elective office in this State. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. Any person violating the provisions of this section shall upon conviction be guilty of a misdemeanor.

No officer or employee of the city shall (a) use his/her official authority or influence for the purpose of interfering with an election, or a nomination for office, or affecting the results thereof, or (b) directly or indirectly to coerce or attempt to coerce, command or advise any other officer or employee to lend or contribute any part of his salary or anything else of value to any party, committee, organization, agency or person for political purposes, or (c) directly or indirectly to coerce or attempt to coerce, command and advise any such officer or as to where he might purchase a commodity or to interfere in any other way with the personal life of said officer or employee.

Notwithstanding the provisions of Section 2.06 of this Charter, any city employee shall be eligible to seek the office of mayor-commissioner or commissioner, but any such employee shall be granted an unpaid level of absence at the time of qualifying for candidacy for the period until the election. Thereafter the stipulations of this Charter shall govern.

### **Section 7.05. Acceptance of dedicated streets.**

No streets, alleys or other area hereafter dedicated to public use by the owner of land in the city shall be deemed a public street, alley or other area, or under the care and control of the commission, unless the dedication is accepted and confirmed by ordinance passed for such purpose, or unless the provision of this Charter or city ordinances relating to subdivisions shall have been complied with.

### **Section 7.06. Resolving conflicts within charter.**

Should there be a conflict or apparent conflict in the provisions of any one (1) section of this Charter, or between two (2) or more sections thereof, then the city attorney shall resolve such conflict or apparent conflict by a written ruling which shall be legal and binding unless invalidated by a court of competent jurisdiction.

### **Section 7.07. Notice of claim.**

No suit shall be maintained against the City of Crescent City for damages arising out of any tort, trespass to realty, death by wrongful act, or any accident contributable to negligence on the part of the city, unless written notice of such damage was within sixty (60) days after



receiving the injury alleged, given to the city clerk and to the city attorney with reasonable specifications as to time and place, and witnesses as would enable the city to investigate the matter. This limitation shall prevail regardless of any and all other limitations with reference to actions against municipalities.

**State law reference**—Notice of claims and sovereign immunity, F.S. § 768.28.

### **Section 7.08. Bids, contracts and expenditures.**

Upon approval of the city commission, the following expenditures may be made without competitive bidding:

- (a) All expenditures, including expenditures for real and personal property acquisition, not exceeding one thousand dollars (\$1,000);
- (b) Expenditures for salaries and contracted personal services;
- (c) Expenditures for work done in the operation of any city department;
- (d) Expenditures for parts, supplies and materials necessary to make emergency repairs, to protect property or preserve the peace in the event of an emergency such as a storm, riot or conflagration.

All other expenditures shall be authorized and directed to the city commission only upon contract to a responsible bidder, submitting the lowest and best bid according to written specifications previously prescribed thereof and after publication in a newspaper of general circulation, one (1) time of a notice calling for such bids, said publication to be not less than ten (10) days before the date of receiving such bids. The city commission shall reserve the right to reject any and all bids submitted pursuant to this section.

## **ARTICLE VIII. TRANSITION SCHEDULE**

### **Section 8.01. Status of former charter.**

The special acts of local application to the City of Crescent City, including, but not limited to the former Charter (Chapter 57-1244, House Bill 1672), and all amendments thereto shall become ordinances subject to modification or repeal in the same manner as other ordinances of the city. Those provisions not consistent with this Charter are hereby repealed.

### **Section 8.02. Ordinances preserved.**

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

### **Section 8.03. Rights of officers and employees.**

Nothing in the Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption.





Elected officers shall continue to hold their offices and discharge the duties thereof until successors are elected.

#### **Section 8.04. Pending matters.**

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this Charter.

#### **Section 8.05. Existing rights, obligations, duties, and relationships.**

All rights, obligations, duties and relationships now existing by law or agreement between the city and other governmental units shall be unaffected and shall remain in full force and effect.

#### **Section 8.06. Initial elections.**

The positions of two (2) commission members (to be designated Group 1 and Group 2) whose terms expire in April, 1985 shall be subject to the general election on the second Tuesday of April, 1985 for a term covering the period to the general election on the first Tuesday after the first Monday of November, 1987. The positions of mayor-commissioner and two (2) commissioners (to be designated Group 3 and Group 4), all of whose terms expire in April, 1986, shall be subject to the general election to be held on the second Tuesday of April, 1986 for a term covering the period to the general election on the first Tuesday after the first Monday on November, 1988. Thereafter the election of all positions shall be for a term of three (3) years.

The qualifying period for filing statements of candidacy shall be as provided in Section 6.05 of this Charter, except that the qualifying period for the initial election on the second Tuesday of April, 1985 shall be during a five-day period established by the city commission following the adoption of this Charter.

#### **Section 8.07. Initial compensation.**

The rate of compensation of the mayor-commissioner and commissioners on the date this Charter becomes effective shall remain in force until changed pursuant to the provisions of Section 2.09 of this Charter.

#### **Section 8.08. Deletion of obsolete schedule items.**

The commission shall have power, by resolution, to delete from this Article WIT any section, including this one, when all events to which the section to be deleted is, or could become, applicable have occurred.



## ARTICLE IX. EFFECTIVE DATE OF THIS CHARTER

### Section 9.01. Effective date.

This Charter amendment shall become effective-upon filing with the Florida Department of State.



## SUBPART B -- RELATED SPECIAL ACTS\*

### (8) Own, lease and operate public utilities.

To purchase, hire, construct, own, maintain, operate or lease public utilities including bus lines, electric light, telephone and telegraph systems, and works for supplying the City and its inhabitants with water, ice, gas and electricity, and

- (a) Acquire water facilities. To acquire (either by purchase or by exercise of the right of eminent domain under the provision of its Charter or the general laws of the state) and to construct, re-construct, improve, extend, enlarge, equip, repair, maintain and operate water facilities, either within or without or partly within and partly without the corporate limits of the city.
- (b) Fees for water services. To fix and collect rates, fees and charges for the services furnished by such facilities, wholly and within the corporate limits of the city, and to fix and collect rates, fees and charges for the services furnished by such facilities to consumers wholly without the corporate limits of the city at a higher rate fee and charge than those fixed for consumers wholly within the corporate limits of the city.
- (c) Contract for water facilities. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including agreements to furnish and provide water facilities to adjoining municipalities and consumers without the corporate limits of the city.
- (d) Exercise control over water facilities. To exercise jurisdiction, control and supervision over any water facilities owned, operated or maintained by the city and to make and enforce such rules and regulations for the maintenance and operation of any such facilities as may in the judgment of the commission be necessary or desirable for the efficient operation thereof and for accomplishing the purposes of this act, within or without the city.
- (e) Enter lands for survey purposes. To enter on any lands, water or premises located within or without the city to make surveys or examinations for the purposes of this act.
- (f) Laying of water service, fire hydrants. To acquire, construct, locate and operate water distribution mains, pumps, pipes, meters, valves, fire hydrants, and equipment, in, along or under any streets, alleys, highways, or other public places, or easements within or without the city.

(Laws of Fla., Ch. 57-1244, § 8(8))

**\*Editors note**—Printed herein are the portions of the former Charter, Laws of Fla. Ch. 57- 1244, regarding extraterritorial powers which can only be amended by general or special law. The section number and content are as they appear in that act.



**(9) Construct wharves charge fees for use, etc.**

To establish, construct, maintain and operate public landings, public wharves and docks within and without the city, to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on water craft coming to or using said landings, wharves or docks; to regulate the manner of using either wharves and docks within and without the city and rates of wharfage to be paid by watercraft using the same; to dredge or deepen municipal waterways or any portion thereof to prescribe and enforce reasonable rules and regulations for the protection and use of its properties; and to impose and enforce penalties for the violation of such rules and regulations. (Laws of Fla., Ch. 57-1244, § 8(9))

**(12) Nuisances.**

To compel the abatement and removal of all nuisances within the city or upon the property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from obnoxious weeds, wild growth and rubbish, or to make them, so at the expense of the owners or occupants thereof; to regulate or prevent slaughterhouses or other noisome or offensive business within said city. To provide for inspecting and regulating the sanitary condition of all dairies, butcher pens and slaughterhouses within and without the city limits and to provide penalties for the violation of such regulations; to regulate or prohibit the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city. (Laws of Fla., Ch. 57-1244, § 8(12))

**(20) Airport lands and buildings.**

The city shall have power to acquire lands within or without the city limits for landing field or airport for aircraft and to construct and equip hereon, or on other property of the city, either within or without the city limits, such buildings and/or other improvements as may be deemed necessary for that purpose, the same being a municipal purpose of the city; the city shall have power to operate and maintain such airport, to provide rules and regulations governing its use and the use of other property or means of transportation within or over the same, and to enter into contracts or otherwise co-operate with the Federal government or other public or private agencies in matters relating to such airport and otherwise to exercise such powers as may be required or convenient for such establishment, operation, and maintenance. (Laws of Fla., Ch. 57-1244, § 8(20))

