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CS/HB 1339

2016 Legislature

1
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:
9

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12 repealed as provided in this act.

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

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

19 Section 2. Body corporate; continuous existence.—

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

25 (2) The codes, ordinances, policies, and actions, of
26 whatever type or nature, of the City of Webster shall carry

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27 forward after the effective date of this act insofar as
28 consistent with this act and the said codes, ordinances,
29 policies, and actions are ratified and affirmed.

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

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

45
46 TOGETHER WITH:

47
48 The South-1/2 of the Northeast-1/4; and the East-1/2
49 of the Southeast-1/4; and the East-1/2 of the
50 Southeast-1/4 of the of the Northwest-1/4 all being in
51 Section 36, Township 21 South, Range 22 East, Sumter
52 County, Florida.

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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.

TOGETHER WITH:

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

And

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80 The Southwest-1/4 and the West-1/2 of the Southeast-
81 1/4 of Section 31, Township 21 South, Range 23 East,
82 Sumter County, Florida.

83

84 And

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

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

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92 And

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94 The East-1/2 of the Southeast-1/4 of the Northwest-
95 1/4, Section 36, Township 21 South, Range 22 East,
96 Sumter County, Florida.

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98 And

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100 All that portion of the East-1/4 of Section 31,
101 Township 21 South, Range 23 East, Sumter County,
102 Florida, lying Southerly of the abandoned Seaboard
103 Coastline Railroad right of way and Northerly of
104 County Road Number 478, LESS beginning 264 feet East

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105 of the Southwest corner of the Southeast-1/4 of the
106 Southeast-1/4 of said Section, from thence run North
107 165 feet, then run East 132 feet, thence run South 165
108 feet, thence run West 132 feet to a Point of
109 Beginning.

111 TOGETHER WITH:

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

116 TOGETHER WITH:

118 The North 435.00 feet of the South 870 feet of the
119 West 3/4 of the Northwest 1/4 of the Northeast 1/4 of
120 Section 1 Township 22 South, Range 22 East, Sumter
121 County, Florida.

123 TOGETHER WITH:

125 Parcel Number: Q31-002, that is, begin at the
126 Northwest corner of the Southwest-1/4 of the
127 Northwest-1/4 of Section 31, Township 21 South, Range
128 23 East, Sumter County, Florida, and run thence East
129 420 feet, thence South 210 feet, thence West 420 feet,
130 thence North 210 feet to the Point of Beginning.

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TOGETHER WITH:

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

TOGETHER WITH:

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

Section 4. Municipal powers.—

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

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157 otherwise specifically prohibited by or contrary to the
158 provisions of this charter.

159 (2) Without limiting the generality of subsection (1), the
160 city has all governmental, corporate, and proprietary powers
161 necessary to enable it to conduct municipal government, perform
162 municipal functions, and render municipal services, and may
163 exercise any power for municipal purposes under the home rule
164 powers of municipalities as set forth in the Constitution of the
165 State of Florida and general law.

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

169 (4) The powers of the city shall be liberally construed in
170 favor of the city.

171 Section 5. City council; composition; qualifications for
172 office.—

173 (1) COMPOSITION OF THE CITY COUNCIL.—

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

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

178 (2) QUALIFICATIONS FOR OFFICE.—

179 (a) Each candidate for office shall be a qualified elector
180 of the city.

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

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

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

Section 6. City elections.—

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

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

(3) CANVASSING AND QUALIFICATION.—

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

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

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209 registered elector of the city is entitled to file with the city
210 council an affidavit setting out the facts showing that a
211 candidate has violated the provisions of this charter as to the
212 manner of his or her election, or is otherwise unqualified to
213 hold office, and the city council shall take proof at such
214 meeting and declare the results.

215 (c) The city council may by ordinance authorize the
216 supervisor of elections to provide for qualifying for candidates
217 and conduct the election and for the county canvassing board to
218 canvass the election. If the city council provides the
219 supervisor of elections and the county canvassing board with
220 such authority, then the supervisor of elections is responsible
221 for the qualifying of candidates and conducting the election and
222 the county canvassing board shall canvass the election. Once an
223 ordinance is enacted authorizing the transfer of these
224 responsibilities, the supervisor of elections and the county
225 canvassing board shall retain this authority at all subsequent
226 elections unless the city council enacts a subsequent ordinance
227 transferring such responsibility back to the city. Such
228 ordinance must be enacted and provided to the supervisor of
229 elections and county canvassing board at least 1 year before the
230 next general election.

231 Section 7. Terms of office.—

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

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235 office before being allowed to run for the city council
236 subsequently.

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

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

243 (4) The mayor and city council members may succeed
244 themselves.

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

246 (1) The form of government of the City of Webster shall be
247 the council-manager form of government whereby the mayor and
248 city council are collectively the head of city government with
249 regard to policy with a city manager serving in the role of
250 chief administrative officer as set forth in this charter. The
251 city attorney shall be the only charter officer aside from the
252 mayor and city council and the city manager.

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

257 (a) Enacting ordinances under the police power, land
258 development regulatory power, and other home rule powers
259 pertinent to municipalities.

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

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

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

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

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

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

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

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

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

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286 using his or her own judgment in selecting those officers or
 287 employees which he or she is entitled to appoint or select under
 288 the provisions of this charter. Except for purposes of inquiry
 289 and information, the city council and its members shall deal
 290 with the administrative service solely through the city manager
 291 and neither the city council nor any member thereof shall give
 292 orders to the subordinates of the city manager, either publicly
 293 or privately.

294 Section 9. Powers and duties of the mayor and mayor pro
 295 tempore.--

296 (1) MAYOR.--The mayor shall be a member of the city council
 297 and is considered, in every respect, as part of the city council
 298 for the purposes of votes and actions by the city council. In
 299 addition to the regular powers invested in any city council
 300 member, the mayor shall:

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

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

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

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

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

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

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

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

325 (a) Have all the powers and duties of the mayor in the
326 absence from the city of the mayor or his or her inability to
327 act, whether by reason of his or her death, resignation,
328 impeachment, mental or physical sickness, or for any other
329 reason, and the city clerk certifies as to the absence from the
330 city of the mayor or his or her inability to act, upon demand,
331 when the mayor is so absent from the city or unable to act; and

332 (b) Serve as acting mayor during the absence or disability
333 of the mayor, and, during such period, has the same powers and
334 duties as the mayor.

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

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337 members shall elect a city council member to serve as acting
338 mayor.

339 Section 10. Compensation and expenses.—

340 (1) The mayor and city council members shall continue to
341 receive the salary in effect for their positions on the date
342 that this charter becomes effective. Thereafter, they shall
343 receive compensation as established by adoption of an ordinance
344 that adjusts the salary, but an ordinance increasing such salary
345 may not take effect until after the next regular city election.
346 The salaries of the mayor and city council members may be
347 different at the determination of the city council, but all
348 salaries for city council members not serving as mayor shall be
349 equal.

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

354 Section 11. Vacancies; forfeiture of office; suspension;
355 recall; filling of vacancies.—

356 (1) VACANCIES.—A vacancy in the office of mayor or of a
357 city council member shall occur upon the death of the incumbent,
358 removal from office as authorized by general law, resignation,
359 election or appointment to another public office which creates
360 dual officeholding, judicially determined incompetence, or
361 forfeiture of office.

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

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

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

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

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

380 (e) Is absent from three or more regular meetings of the
381 city council in a consecutive 6-month period, unless such series
382 of absences, or any one of the absences, is excused by the city
383 council by adoption of a resolution setting forth the fact of
384 such excused absence or absences, thereby making the total of
385 consecutive and unexcused absences less than three.

386 (3) SUSPENSION FROM OFFICE.—

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387 (a) The mayor or a city council member shall be suspended
388 from office by the city council acting as a body upon return of
389 an indictment or issuance of an information charging the mayor
390 or a city council member with any crime that is punishable as a
391 felony or with any crime arising out of his or her official
392 conduct or duties which is punishable as a misdemeanor.

393 (b) During the period of suspension, the mayor or the city
394 council member shall not perform any official act, duty, or
395 function, or receive any allowance, emolument, or privilege of
396 office.

397 (c) If the mayor or a city council member is subsequently
398 found not guilty of the charge, or if the charge is otherwise
399 dismissed or altered so that suspension would no longer be
400 required as provided in this charter, the suspension shall be
401 lifted by the city council and the mayor or city council member
402 is entitled to receive full back allowances and such other
403 emoluments as he or she would have been entitled to had the
404 suspension not occurred.

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

408 (5) FILLING OF VACANCIES.—

409 (a) If, for any reason other than recall, a vacancy occurs
410 in the office of mayor within the first 3 years of a term, the
411 mayor pro tempore shall assume the position of mayor, and within
412 30 days after the occurrence of such vacancy, a special election

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413 for mayor shall be held to elect a mayor for the remainder of
414 the unfilled term.

415 (b) In the event that the office of mayor becomes vacant
416 with less than 1 year remaining in the term, the mayor pro
417 tempore shall serve as mayor for the remainder of the term of
418 the mayor and the vacancy in his or her office shall be filled
419 as provided in the charter for the remainder of his or her term.

420 (c) If, for any reason other than recall, a vacancy occurs
421 in the office of a city council seat, other than mayor, within
422 the last year of a term, the office shall be filled for the
423 remainder of the term by appointment within 30 days after the
424 occurrence of such vacancy by majority vote of the remaining
425 city council members.

426 (d) If, for any reason other than recall, a vacancy occurs
427 in the office of a city council seat within the first 3 years of
428 a term, the office shall be filled by appointment within 30 days
429 after the occurrence of such vacancy by majority vote of the
430 city council and such appointment shall expire when a city
431 council member is elected and he or she is seated in accordance
432 with this charter.

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

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

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439 Section 12. City council meetings; organizational meeting;
440 quorum; special meeting.-

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

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

447 (3) Installation into office shall be made by the city
448 council and consist of declaring election results, administering
449 the oath of office by the city attorney or city clerk, and
450 receiving a bond from each city council member elected, if
451 required by ordinance.

452 (4) The oath shall be in substantially the following form:
453 "I,, do solemnly swear (or affirm), that I will support,
454 protect, and defend the Constitution and government of the
455 United States and of the State of Florida against all enemies,
456 domestic or foreign, and that I will bear true faith, loyalty,
457 and allegiance to the same, and that I am entitled to hold
458 office under the Constitution; that I will faithfully perform
459 all duties of the office of of the City of Webster, on
460 which I am about to enter, so help me, God."

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

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464 (6) Voting on ordinances and resolutions shall be by roll
465 call. A majority of the city council constitutes a quorum. No
466 action of the city council is valid unless adopted by an
467 affirmative vote of the majority of the city council that is in
468 attendance, unless otherwise provided by law or ordinance, or
469 stated in this charter. A tie vote shall result in a motion
470 failing. All actions of the city council shall be accomplished
471 by ordinance, resolution, or motion, although the city council
472 may express its consensus in other appropriate ways.

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

475 (8) Special meetings may be held at the call of the mayor
476 or, in the absence of the mayor, at the call of the mayor pro
477 tempore. Special meetings may also be called upon the request of
478 a majority of the city council members as presented in writing
479 to the city clerk. At least 24 hours' prior notice of the
480 meeting must be given to the public, unless a declared emergency
481 situation exists.

482 Section 13. City manager; appointment, qualifications, and
483 compensation.—

484 (1) The city council, by simple majority vote, shall
485 appoint a city manager who shall be a charter officer of the
486 city and the administrative head of the city government, under
487 the direction and supervision of the city council, and who shall
488 hold office at the pleasure of the city council under a contract
489 that is entered consistent with controlling law. He or she shall

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490 receive such compensation as the city council may fix and
491 determine in such contract. He or she shall be chosen solely on
492 the basis of his or her executive and administrative
493 qualifications, without regard to his or her political belief,
494 and must be 21 years of age or older. The city manager need not
495 be a resident of the city.

496 (2) The city manager is responsible to the city council
497 for the proper administration of all affairs of the city coming
498 under his or her jurisdiction. The city manager's powers include
499 the following, as well as those that are consistent with sound
500 and generally accepted public management practices and
501 principles consistent with this charter and other controlling
502 law:

503 (a) To see that the laws and ordinances of the city are
504 enforced;

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

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

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

513 (e) To enforce the city's personnel rules and purchasing
514 policies;

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

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

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

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

531 (j) To make recommendations to the city council concerning
532 the affairs of the city and facilitate the work of the city
533 council in developing policy;

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

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

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539 (m) To prepare and submit the annual budget, budget
540 message, and capital program to the mayor for review and
541 approval by the city council;

542 (n) To administer financial transactions of the city,
543 including investments, withdrawals, and expenditures in
544 accordance with city investment policies and the adopted city
545 budget;

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

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

549 (q) To have prepared and to submit to the city council,
550 within 6 months after the close of each fiscal year, a complete
551 audit of the financial condition of the city for the preceding
552 fiscal year;

553 (r) To sign all checks and agreements or other documents
554 approved by the city council or required for daily business
555 needs of the city issued by the city except as otherwise
556 provided in this charter and to sign such other documents
557 approved by the city council or required for the daily business
558 of the city;

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

561 (t) To prepare or administer the preparation of city
562 policies manuals, ordinances, and similar materials for city
563 council review and approval;

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

567 (v) To purchase supplies and equipment of the various
568 departments of the city; and

569 (w) During his or her absence of no more than 14 days, to
570 appoint an acting city manager. However, with regard to an
571 absence or disability of any longer period or such other period
572 of time as may be determined by the city council, the city
573 council may, by resolution, designate some properly qualified
574 person to temporarily execute the functions of the office. The
575 person thus designated has the same powers and duties as the
576 city manager, and shall be known while so serving as acting city
577 manager.

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

581 Section 14. City attorney; qualifications; powers and
582 duties.—

583 (1) The city attorney is the chief legal officer and
584 advisor of the city.

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

587 (3) The city attorney shall:

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

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

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

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

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

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

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

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

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

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

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

(c) Supervise the preparation and indexing of minutes;

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

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

Section 16. Police department.—

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

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

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

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

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

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

649 Section 17. Department of public works.—

650 (1) The department of public works is established as an
651 administrative branch or division of the city and is responsible
652 for stormwater control, water and wastewater services,
653 maintenance and repair of city signage, curbs, rights-of-way,
654 public parking, streetlights, and such other services as
655 designated by the city council or the city manager.

656 (2) The position of director of public works shall be
657 appointed by the city manager. The director of public works
658 shall serve under the direction of the city manager and assist
659 in carrying out the policies and programs of the city council.
660 He or she shall coordinate the work and activities of the
661 department of public works. He or she shall make periodical
662 inspections of streets, public buildings, public works, public
663 machinery, and all public property, and make report thereof to
664 the city manager. He or she shall perform such other duties as
665 may be delegated to him or her.

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666 Section 18. Limit of employment of city council members;
667 conflict.—

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

672 (2) Any elected official, city officer, or employee who
673 has a substantial financial interest, direct or indirect, or by
674 reason of ownership of stock in any corporation in any contract
675 with the city or in the sale of any land, material, supplies, or
676 services to the city or to a contractor supplying the city,
677 shall make known such interest, either in writing or at a public
678 meeting, and shall refrain from voting upon or otherwise
679 participating in his or her capacity as an elected official,
680 city officer, or employee in the making of such sale or in the
681 making or performance of such contract. Any elected officer,
682 city officer, or employee who willfully conceals such a
683 substantial financial interest or willfully violates the
684 requirements of this section shall be guilty of malfeasance in
685 office or position and shall forfeit his or her office or
686 position. Violation of this section with knowledge, express or
687 implied, of the person or corporation contracting with or making
688 sale to the city shall render the contract or sale voidable by
689 the city council.

690 Section 19. Budget and appropriations.—

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

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

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

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

Section 20. City records.—

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

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

Section 21. Charter amendment.—

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

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717 (2) A charter review committee may be appointed at any
718 time by the city council. The committee shall complete its work
719 and present any recommendations for change within the time
720 period as prescribed by the city council. The city council may
721 act on the proposed changes to the charter and place the
722 proposed changes on the next scheduled general election ballot
723 if it concurs with the proposals.

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

731 Section 23. Ordinances preserved.—All ordinances in effect
732 upon the adoption of this charter, to the extent not
733 inconsistent with it, remain in force until repealed or changed
734 as provided in this charter.

735 Section 24. Rights of officers and employees.—

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

740 (2) All officers heretofore elected or appointed and
741 holding office in the City of Webster continue to hold their

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742 respective offices and discharge the duties thereof until their
743 successors are elected and qualified.

744 Section 25. Pending matters.—

745 (1) All rights, title, claims, actions, orders, contracts,
746 ownership of property, uncollected taxes, dues, judgments,
747 decrees, and legal or administrative proceedings involving the
748 City of Webster, and all property and property rights of every
749 nature whatever held or owned by the city, shall continue,
750 except as modified pursuant to this charter.

751 (2) No obligation or contract of the said municipality of
752 any nature whatsoever, including outstanding indebtedness and
753 bonds heretofore issued, may be impaired or avoided by this act,
754 but all debts and obligations of the City of Webster shall pass
755 to and be binding upon the City of Webster hereby organized and
756 created.

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

758 Section 4. This act shall take effect upon becoming a law.