

ORDINANCE 2022-12

[As approved by electors of the City of Fort Meade, April 4, 2023]

AN ORDINANCE OF THE CITY OF FORT MEADE, FLORIDA; AMENDING THE FORT MEADE CHARTER; SETTING A CHARTER AMENDMENT REFERENDUM; CREATING ARTICLES WITHIN THE CHARTER; REDEFINING THE BOUNDARY DESCRIPTION FOR THE CITY LIMITS; MODIFYING & REARRANGING GENERAL POWERS TO ACKNOWLEDGE CONSTITUTIONAL HOME RULE WHILE RETAINING SPECIAL ACT AUTHORITY; PROVIDING FOR AN ELECTION ON THE OFFICIAL BALLOT OF THE GENERAL ELECTION TO BE HELD APRIL 4, 2023, IN WHICH QUALIFIED ELECTORS OF THE CITY MAY VOTE FOR OR AGAINST THESE CHARTER AMENDMENTS; PROVIDING FOR BALLOT QUESTIONS; PROVIDING FOR PUBLIC NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Charter of the City of Fort Meade, Florida, may be amended pursuant to Article VII, General Provisions, Section 7.01, of the Charter in accordance with the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes; and,

WHEREAS, Section 166.031(1), Florida Statutes, provides that the governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter; and,

WHEREAS, Section 166.031(1), Florida Statutes, further provides that the governing body of the municipality shall place the proposed amendment contained in the petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose; and,

WHEREAS, amendments to City of Fort Meade's Charter have been submitted to the City of Fort Meade by its Charter Review Committee; and,

WHEREAS, the City Commission of the City of Fort Meade, after review and consideration of the proposed amendments, has determined that it is in the best interest of the health, safety, and welfare of the citizens and residents of the City of Fort Meade, Florida, that the City's Charter be amended to address these matters; and,

WHEREAS, the City Commission of the City of Fort Meade has determined that it is in the best interest of the health, safety, and welfare of the citizens and residents of the City that a referendum to amend the City's Charter be placed on the ballot in the next general election to be held in the City of Fort Meade to amend the City Charter.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FORT MEADE, FLORIDA:

SECTION 1. SETTING OF CHARTER AMENDMENT REFERENDUM. The City Commission hereby calls for and orders the holding of a binding referendum for the qualified electors of the City of Fort Meade at the next municipal election date scheduled for the City of Fort Meade on April 4, 2023, to decide whether a majority of the electors participating approve to amend the Charter. All of the qualified electors residing in the City of Fort Meade shall be entitled and permitted to vote in such referendum.

SECTION 2. CREATION OF ARTICLE I AND AMENDMENTS TO SECTIONS 2 & 4 OF THE CITY CHARTER. Article I of the City Charter is hereby created to include Sections 1, 2, 3, and 4 of the City Charter, and these three sections are hereby amended as follows:

“ARTICLE I. CORPORATE EXISTENCE, BOUNDARY, AND AUTHORITY.

Sec. 1. Existing town abolished.

The present municipality of the Town of Fort Meade in the County of Polk, State of Florida, be and the same is hereby abolished.

Sec. 2. Incorporation.

A municipality to be called the City of Fort Meade is hereby created, organized and incorporated in the County of Polk, State of Florida, within the boundaries hereinafter designated, or within such boundaries as may hereafter be established, shall continue to be a body politic and corporate under the name the City of Fort Meade, and as such shall have perpetual succession, may use a common seal, may contract and be contracted with, and may sue and be sued, plead and be impleaded in all the courts of this state.

Sec. 3. Boundaries; ~~qualifications of electors and registration.~~

~~The corporate limits of the City of Fort Meade, Florida, shall extend over and include all the territory included within the following description and shall incorporate all the inhabitants within the same.~~

~~(a) — Section twenty-seven (27), the north half of section thirty-four (34), and all of section twenty-six and the north half of section thirty-five (35) west of Peace River, in township thirty-one (31) south of range twenty-five (25) east.~~

~~ALSO:~~

~~The east one-quarter (E $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$); and the southwest one-quarter (SW $\frac{1}{4}$) of the southeast one-quarter (SE $\frac{1}{4}$) of section twenty-three (23), township thirty-one (31) south, range twenty-five (25) east, in Polk County, State of Florida.~~

~~(b) — The qualifications for electors shall be the same as required by the state law, and he or she shall have resided within the City of Fort Meade for not less than six months prior to the election he or she seeks to vote.~~

~~(c) — Registration books shall remain open during regular office hours except that five-~~
~~(5) days immediately preceding an election the registration books shall be closed for the~~
~~purpose of preparing for said election.~~

The corporate limits of the city shall consist of the boundaries of the city as established by Chapters 10569, 63-1341, and 69-1058, Laws of Florida, later City Charters, and annexation ordinances, or as enlarged or contracted pursuant to law, including but not limited to, procedures to be followed in the annexation or contraction of property as set forth in F.S. ch. 171, as it now exists or as it may be renumbered or amended. All ordinances of annexation of the city heretofore adopted and as may be adopted prior to the effective date of this Charter are hereby incorporated herein and the lands described in such ordinances, together with the boundaries of the city as described in Chapters 10569, 63-1341, and 69-1058, Laws of Florida, later City Charters, and such ordinances are hereby declared to be the corporate limits of the city. The City Commission may amend the corporate limits from time to time in accordance with applicable laws. The official boundary map shall be maintained by the City Clerk and made available for inspection.

Sec. 4. General powers.

- (a) *Municipal Home Rule Powers.* The City shall have all Home Rule Powers as granted under the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, as presently constituted or hereinafter amended or its successor, as well as all governmental, corporate, and proprietary powers as may be required to enable the City it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or this Charter. The powers of the City shall be construed liberally in favor of the City, limited only by the United States and Florida constitutions, general and special law, and specific limitations in this Charter.
- (ab) *Lease, own property.* The City of Fort Meade shall have power and authority to lease, receive and hold property, real, personal and mixed, within the city, and to lease, sell or otherwise dispose of the same for the benefit of the city; to purchase, lease, receive and hold property real, personal and mixed, beyond the limits of the city for any and all municipal purposes that the city commission may deem necessary or proper, and may sell, lease or otherwise dispose of such property for the benefit of said city.
- (bc) *Ordinances*—to pass such ordinances as may be necessary to protect and preserve peace and order upon all property owned, leased, managed or controlled by said city outside the city;
- (ed) *Taxes, bonds, licenses*—to levy, assess and collect taxes, and to borrow money, and issue bonds of the City of Fort Meade as security therefor; to levy and collect special assessments; to license professions, business[es] and occupations carried on within the corporate limits, and privileges and franchises exercised therein, and to levy and to collect license taxes upon the same; provided, however, that the amounts of said license taxes and the subjects upon which they are levied shall be fixed by city ordinance and shall not be dependent upon the general state law;

- (de) *Utilities*—to furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; including a municipal ice plant; to acquire by condemnation or otherwise, within or without the corporate limits, property necessary for such purposes and to grant local public utility franchises and regulate the exercise thereof;
- (ef) *Franchises*—provided, however, that no franchise or extension thereof authorizing the use of any street, alley, park or other public place within the corporate limits of the city shall hereafter be granted or extended to any person, firm or corporation, unless such franchise or extension thereof shall be approved by a majority of the commissioners composing the city commission and entered at large upon the minutes of said commission., and be thereafter ratified by a majority of the qualified electors of the city voting on same. Such franchise or extension thereof may be submitted to the electors at either a general or special election, but immediately preceding the general or special election at which any franchise or extension thereof shall be submitted to the electors for approval or rejection, said franchise or extension thereof shall be published in full once each week for four consecutive weeks in some newspaper of general circulation published in said city; to issue and sell bonds on the security of any utility owned by the city, including, if deemed desirable, a franchise stating the terms upon which the purchaser may operate such utility in case of a foreclosure and sale under the instrument pledging such public utility as security for said bonds;—
- (f) *Nuisances, fire limits; buildings*—to define, prevent and abate nuisances, to provide fire limits, within the city; to describe the building material of which buildings and other structures may be built within the fire limits, and to issue permits; to condemn old, unsightly and dilapidated buildings within the city and have the same removed;
- (g) *Offenses; alcoholic beverages*—to restrain, suppress and punish gambling and the keeping of gambling houses or other disorderly conduct; to prohibit the sale, transportation or possession of intoxicating liquors, wines and beers within the limits of the city;
- (h) *Local improvements*—to impose special or local assessments for local improvements as hereinafter provided and to enforce the payment thereof;
- (i) *Animals*—to prevent the running at large of animals within the corporate limits, and to prohibit the keeping of hogs and the maintenance of hog pen[s] therein;
- (j) *Public services*—to provide and organize police, fire, sanitary and other necessary departments of the city, and to maintain the same; to establish and maintain hospitals, and make necessary rules and regulations respecting the poor, indigent, infirm and insane, and to fix conditions upon which such persons coming into the city may be allowed to remain; to provide for the inspection and regulate the sale of milk, meats, fish, fruits and vegetables; to establish and maintain public markets, public libraries and reading rooms for the use of the inhabitants of the city;
- (k) *Police powers*—to adopt and enforce within the corporate limits police, sanitary and other similar regulations, and the said City of Fort Meade is hereby authorized to exercise its police powers and jurisdiction within five miles of the corporate limits;—

~~provided, however, that the exercise of such police powers and jurisdiction beyond the corporate limits of the city shall extend only to slaughter houses, abattoirs, dairies and sanitation;~~

- ~~(lg) Drainage—to drain swamp and overflow lands within or without the city limits for the betterment of sanitary conditions within the city;~~
- ~~(m) Borrowing—to borrow money for not longer than one year, at a rate of interest not greater than eight percent per annum, for ordinary purposes, as defined hereafter in section 39, not exceeding ten thousand dollars, and to pledge the revenue of the city for repayment of such loan;~~
- ~~(nh) Powers under general law—the enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the said city shall have and may exercise, all other powers which under the Constitution and Laws of Florida, it would be competent for this paragraph [section] specifically to enumerate.”~~

SECTION 3. CREATION OF ARTICLE II AND AMENDMENTS TO SECTIONS OF THE CITY CHARTER. Article II of the City Charter is hereby created to include Sections 5 through 24 of the City Charter, and sections are hereby amended as follows:

“ARTICLE II. FORM OF GOVERNMENT AND ELECTIONS.

Sec. 5. Form of government.

The form of government of the City of Fort Meade provided under this Act shall be known as the "Commissioner/Manager Plan," and the commissioners shall consist of five citizens, who shall be elected to one of the five designated commissioner district seats numbered one (1) through five (5) inclusive, three of which are single member district seats and two of which are district seats at-large, such single member district seats being more particularly described in section 6 and the election and term shall be provided in the manner hereinafter provided; the commission shall constitute the governing body with powers as hereinafter provided, to pass ordinances, adopt resolutions, and appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers hereinafter provided.

Sec. 6. City commission—Election; term.

- (a) There is hereby created a city commission to consist of five commissioners to be elected from the city, three of which will be single member district seats numbered one to three, inclusive, and any resident citizens residing within such district may run for, to be elected to, such district seat, and two district seats shall be at-large numbered four (4) and five (5), inclusive, and any resident citizen residing within the City of Fort Meade may run for, and ~~to~~ be elected to, such district seats at-large. The single member district seats are more particularly described as follows:

District seat one. The district comprising district seat one (1) shall be the land territory within the perimeter boundaries hereinafter described:

Commencing at the NW corner of the North corporate boundary of the City of Fort Meade running East through the projection of the centerline of the corporate boundary to the intersection and junction of the projection of the centerline of Orange Avenue and the North corporate boundary of the City of Fort Meade, turning South through the centerline of Orange Avenue to the intersection and junction of the projection of the centerline of Wilson Street and Orange Avenue, thence West through the centerline of Wilson Street to the intersection and junction of the projection of the centerline of Oak Avenue and Wilson Street, thence South through the centerline of Oak Avenue to the intersection and junction of the projection of the centerline of Fourth Street South and Oak Avenue, thence West through the centerline of Fourth Street South to the intersection and junction of the projection of the centerline of Railroad Avenue and Fourth Street South, thence North through the centerline of Railroad Avenue to the intersection and junction of the projection of the centerline of Third Street South and Railroad Avenue, thence West through the centerline of Third Street South to the intersection and junction of the projection of the centerline of the Westerly corporate boundary of the City of Fort Meade and Third Street South, thence North through the projection of the centerline of the Westerly corporate boundary of the City of Fort Meade to the intersection and junction of the projection of the centerline of the Westerly corporate boundary and the Northerly corporate boundary of the City of Fort Meade being the point of beginning.

District seat two. The district comprising district seat two (2) shall be the land territory within the perimeter boundaries hereinafter described:

Commencing at the SW corner of the Southern corporate boundary of the City of Fort Meade running East through the projection of the centerline of the corporate boundary to the intersection and junction of the projection of the centerline of Peace River and said Southern corporate boundary, thence North through the centerline of Peace River to the intersection and junction of the projection of the centerline of the section line lying between Sections 35 and 26, in Township 31 South, Range 25 East, thence West through the centerline of the said section line and Milman Street to the intersection and junction of the projection of the centerline of Hendry Avenue south and Milman Street, thence North through the centerline of Hendry Avenue South to the intersection and junction of the projection of the centerline of East Broadway and Hendry Avenue South, thence West through the centerline of East Broadway to the intersection and junction of the projection of the centerline of Cleveland Avenue and East Broadway, thence North through the centerline of Cleveland Avenue to the intersection and junction of the projection of the centerline of First Street North and Cleveland Avenue, thence West through the centerline of First Street North to the intersection and junction of the projection of the centerline of Oak Avenue and First Street North, thence South through the centerline of Oak Avenue to the intersection and junction of the projection of the centerline of Oak Avenue and Fourth Street South, thence West through the centerline of Fourth Street South to the intersection and junction of the projection of the centerline of Railroad Avenue and Fourth Street South, thence

North through the centerline of Railroad Avenue to the intersection and junction of the projection of the centerline of Third Street South and Railroad Avenue, thence West through the centerline of Third Street South to the Westerly corporate boundary of the City of Fort Meade, thence South through the centerline of the Westerly corporate boundary of the City of Fort Meade to the intersection and junction of the projection of the centerline of the Southern corporate boundary and the Westerly corporate boundary being the point of beginning.

District seat three. The district comprising district seat three (3) shall be the land territory within the perimeter boundaries hereinafter described:

Commencing at the intersection and junction of the projection of the centerline of Orange Avenue North and the Northern corporate boundary of the City of Fort Meade, thence East through the centerline of the said corporate boundary until the same turns North, thence North through the centerline of said corporate boundary until the same turns East, thence East through the centerline of the North corporate boundary to the intersection and junction of the projection of the centerline of the Peace River and the Northern corporate boundary, thence South through the centerline of the Peace River, the same being the East corporate boundary of the City of Fort Meade to the intersection and junction of the projection of the centerline of the East corporate boundary and East Broadway, thence East through the centerline of East Broadway and said corporate boundary to the intersection and junction of the projection of the centerline of the East corporate boundary of the City of Fort Meade and East Broadway, thence South through the centerline of said East corporate boundary along said corporate boundary until the same turns West, thence West through the centerline of said corporate boundary until the same turns North, thence North through the centerline of said corporate boundary to the intersection and junction of the projection of the centerline of the Peace River, thence North along the centerline of the Peace River to the intersection and junction of the projection of the centerline of the Section line lying between Section 35 and 26, in Township 31 South, Range 25 East, thence West through the centerline of said section line and Milman Street to the intersection and junction of the projection of the centerline of Hendry Avenue South and Milman Street, thence North through the centerline of Hendry Avenue South to the intersection and junction of the projection of the centerline of East Broadway and Hendry Avenue South, thence West through the centerline of East Broadway to the intersection and junction of the projection of the centerline of Cleveland Avenue and East Broadway, thence North through the centerline of Cleveland Avenue to the intersection and junction of the projection of First Street North and Cleveland Avenue, thence West through the centerline of First Street North to the intersection and junction of the projection of the centerline of Oak Avenue and First Street North, thence North through the centerline of Oak Avenue to the intersection and junction of the projection of the centerline of Wilson Street and Oak Avenue, thence East through the centerline of Wilson Street to the intersection and junction of the projection of the centerline of Orange Avenue and Wilson Street, thence North

through the centerline of Orange Avenue to the intersection and junction of the projection of the centerline of Orange Avenue and the Northern corporate boundary of the City of Fort Meade being the point of beginning.

District seats four and five. District seats four (4) and five (5) shall encompass the entire corporate boundaries of the City of Fort Meade as presently existing or as from time to time modified, amended, changed or enlarged.

- (b) Each commissioner shall be elected for a four-year term, such term for the district seats being designated as follows:

District seats one (1), two (2), and four (4) shall commence January 1, 1986 and be in full force and effect for a four-year term.

District seats three (3) and five (5) shall commence January 1, 1987 be in full force and effect for a four-year term.

- (c) All seats shall be elected by a majority of the votes cast, and in the event that more than two candidates run for any particular seat and the candidate receiving the highest votes does not receive a majority of the votes cast for that district seat, then in such event, the two candidates receiving the highest number of votes cast, will, upon notification, have a run-off election to determine the winner by a majority of the run-off votes cast.
- (d) Following the commencement and implementation of this ordinance by referendum, election by commissioners shall be as previously provided by the Charter of the City of Fort Meade as from time to time amended and modified.
- (e) Qualifications for candidates for office of city commissioner shall be as provided by general law and the Charter of the City of Fort Meade except that qualification for any single member district seats one (1) through three (3), inclusive, shall have an additional requirement that each candidate shall reside and continue to reside during the term of his office within the boundaries of such district and all candidates for any single member district seat shall have resided within that district for a period of one (1) year prior to the filing of a petition as candidate for election for such district. Candidates for district seats four (4) and five (5) in addition to all the other requirements of the Charter of the City of Fort Meade must be residents of the City of Fort Meade for a period of one year prior to filing a petition as candidate for election.
- (f) The commencement of all terms for district seats as provided herein, shall be upon the expiration of terms presently being served by present commissioners which are as follows:

Commission seats one (1), two (2), and three (3) replaced by district seats one (1), two (2) and four (4); Commission seats four (4) and five (5), replaced by district seats three (3) and five (5); which shall expire the regular city commission meeting the second Tuesday in January, ~~and such successor shall in each case be elected for a term of three years commencing the regular city commission meeting, which occurs on the second Tuesday in January following the general election.~~

- (g) In addition to all the other reasons provided within the City Charter as to vacant seats, moving of a residence by [a] single member district commissioner from one district to another, prior to the expiration of his term, shall constitute a vacancy and the remaining term of the commission from the date of vacancy shall be filled as provided by the City Charter of the City of Fort Meade. Notwithstanding anything to the contrary set forth in this Charter or the City's Code of Ordinances, when a candidate is elected for a city commission seat that is on the date of said election vacant, then that candidate's term shall commence (1) on the date of the next regular city commission meeting following the certificate of the results of the election, or on the date of the next regular city commission meeting following the end of the qualifying for candidacy if one candidate qualifies unopposed, and the term thereof shall expire as otherwise provided in this Section.
- (h) Districting Commission. No less than once every ten (10) years the city commission shall review the need for redistricting the commission districts within the city. Should the city commission find that said redistricting or adjustment of district boundaries is necessary, the commission may appoint five (5) qualified electors of the city who shall comprise the districting commission. Electors chosen shall not be employed by the city in any other capacity. An elector shall be chosen from each district and two electors shall be chosen at large.
- (i) Report; Specifications. Within one hundred twenty (120) days of appointment, the districting commission shall file with the official designated by the commission a report containing a recommended plan for adjustment of the commission district boundaries to comply with these specifications:
- (1) The districts shall be based upon the principal of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state;
 - (2) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a commission member.
- (j) Support. It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.
- (k) Procedure. The procedure for the commission's consideration of the report shall be the same as for other ordinances, provided that if any summary of the ordinance is published pursuant to the Charter and general law, it must include both the map and description of the recommended districts.
- (l) Failure to Enact Ordinance. The commission shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election, provided that the report of the districting commission is received by the commission at least one hundred fifty (150) days before the said next regular city election. If the commission fails to enact a redistricting ordinance at least ninety (90) days before the next regular city election, the report of the districting commission shall go into effect and have the

effect of an ordinance. Should the districting commission's report not be received before the one hundred fifty (150) days before the next regular city election, then the commission shall not be required to adopt a redistricting ordinance until ninety (90) days prior to the next regular city election following the year in which the report was received. If the commission fails to adopt the ordinance ninety (90) days prior to the next election, the report shall automatically become effective.

- (m) Effect of Enactment. The new commission districts and boundaries, as of the date of enactment, shall supersede previous commission districts and boundaries for all the purposes of the next regular city election, including qualifications. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all commission members take elected office subsequent to the date when the new districts went into effect.

Sec. 7. [Same—] Powers of city commission.

The powers of the city commission shall be as follows: All powers now or hereafter vested by the general municipal laws in the mayor and city ~~council~~ commission of Florida municipalities incorporated under the general laws and also all the powers now vested by special acts in the mayor and ~~town council~~ commission of the ~~Town~~ City of Fort Meade, and also such additional powers expressed or incidental or shall be necessary to the carrying out of the purpose of this charter.

Sec. 8. [Same—] City manager.

The city commission shall act administratively by and through a city manager.

Sec. 9. Same—Appointment; duties.

- (a) Shall be appointed by the city commission to serve during the pleasure of the city commission.
- (b) Shall receive such compensation as shall be fixed by the city commission.
- (c) Shall not necessarily be at the time of his appointment a resident of the City of Fort Meade or of the State of Florida. Preference in the appointment to said office shall be given to a ~~man~~ person competent by experience and training.
- (d) Shall give bond approved by the city commission or be insured for the faithful performance of ~~his~~ these duties.
- (e) Shall render accounting to the city commission of the affairs of the city in writing and in detail, monthly or oftener as required.
- (f) Shall, subject to the control of the city commission, have entire charge of the city's business save as herein otherwise provided.

His ~~The City Manager's~~ authority shall include:

- (1f) Employing and discharging all officials, employees, and labor save the city commission, city attorney and city tax assessor.
- (2f) Managing the police, sanitation, water and light, street, clerical, financial and other departments of the city's business.

- (3f) Purchasing and using all materials, equipment and supplies for the city. The city manager shall not dispose of property belonging to the city save by authority of the commission.
- (4f) Caring for, repairing and improving the city's property.
- (5f) Collecting and disbursing the city moneys, subject to the restrictions of this Charter.
- (6f) Seeing that the laws and ordinances are enforced.
- (7f) ~~He shall attend~~ Attending the meetings of the city commission, keep the commission fully advised of the affairs and needs of the city, recommend to the commission for adoption such measures as he may deem necessary or expedient in the interests of the city, and perform such duties other than those enumerated in this Charter as shall consist with the office and shall be imposed upon him by the commission.

Sec. 10. Same—Vice-manager.

In the event the office of city manager shall be temporarily vacant because of the death, sickness, resignation, absence or discharge of the city manager, the city commission may appoint a vice-manager to act pending the filling of the vacancy, and such vice-manager shall have temporarily the powers hereby vested in the city manager; but no such vacancy shall be allowed to continue for longer than five (5) months.

Sec. 11. Same—Specific functions vested in commission.

The city commission and not the manager shall:

- (a) Fix the millage for tax assessments and equalize the taxes in accordance with general law.
- (b) ~~Execute~~ Make all contracts other than those which the commission delegates for execution to the city manager ~~involving expenditures of more than \$300.00.~~
- (c) Employ city attorney ~~and the city tax assessor.~~
- (d) ~~Through the mayor-commissioner, conduct the municipal court.~~

Sec. 12. Same—Commissioners not to interfere.

In matters within his authority, as fixed by this Charter, the city manager shall be subject to the control of the city commission acting as a board in meeting assembled, but no commissioner shall otherwise attempt to dictate to or to interfere with the city manager or give orders to any officials or employees, or undertake in any manner to direct the city affairs, and if he shall do so he shall be guilty of a misdemeanor and in addition shall be subject to removal by the city commission.

Sec. 13. City commission—~~Ordinances, etc.~~; Removal; vacancy; quorum; meetings.

- (a) ~~Ordinances and Resolutions. The action of the city commission shall be expressed by ordinance or resolution, and a record of the same shall be kept. The city commission is authorized to make by-laws and regulations for its own guidance and government and to enforce same by fine or penalty and to compel the attendance of its members at its meetings. All the records and meetings of the city commission shall be public. Unless otherwise provided, a majority of the commission shall be sufficient to authorize any action taken by the commission.~~
- (ba) Qualifications; Removal by Commission. The commission shall be the judge of the election and qualification of its own members, subject to review by the courts. It shall not be within the power of the commission to remove any member save for nonfeasance, misfeasance or malfeasance, and then only on written charges and after public hearing by the commission or commissioners not involved.
- (eb) Vacancies, filling of vacancies.
- (1) *Vacancies.* The office of a Commission Member shall become vacant in accordance with general law, resigns, is removed, moves his or her residency from within the single member district from which he or she was elected, or if a Commission Member is absent from four (4) regular and special Commission meetings in a calendar year without being excused by Commission prior to the fourth unexcused absence.
- (2) *Filling of vacancies.* A vacancy of the Commission shall be filled by a majority vote (three (3) of four (4) members) of the remaining members of the Commission. Any person appointed by Commission to fill a vacancy shall hold office for the balance of the former Commission Member's term. If at any time the membership of the Commission is reduced to less than a quorum, the remaining member or members may by unanimous vote appoint additional members or shall call for a special election to be held within 120 days from the date of the vacancy which reduced the Commission to less than a quorum. In the event that all seats on the Commission become vacant, the Governor shall appoint an interim Commission which shall serve until the next regular election.
- (dc) The commission shall have power to make all reasonable regulations for the dispatch of its own business. A quorum of the commission shall consist of three members thereof.
- (ed) In addition to regular and special meetings to be called by the city commission, the city manager may at any time call a special meeting of the city commission.
- (fe) Notice of any special meeting called by the city manager, or commission, in writing, specifying the purpose thereof, shall be served upon all members of the city commission before such meeting, such notice may be served by the city manager or ~~a member of the police force~~ a designee and shall be delivered to each member personally if he can be found, else left at his place of business or residence. Notice may be dispensed with if waived by all members of the commission. No other

business than that specified in the call shall be transacted at the said special meeting.

Sec. 14. Same—Election.

Elections of members of the city commission shall be held as provided by the city commission, and in accordance with the statutes governing municipal elections, now or hereafter in force save as modified hereby.

~~Immediately after the ratification of this Charter, as hereinafter provided, the town clerk shall call a special election to be held at the council chamber in the City of Fort Meade, Florida, on the 26th day of May, 1925, for the purpose of electing three city commissioners. All nominations and elections for the office of city commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot. Notice of such election shall be published in four consecutive weekly issues of a newspaper of general circulation in Fort Meade. Candidates for the city commission shall, at such election, be nominated by petition, and there shall be no primary. Such petitions shall be filed with the town city clerk not later than May 16th, 1925 any time after noon of the fiftieth day prior to the election but not later than noon of the forty-sixth day prior to the election, and shall contain the name of the candidate or candidates, and shall specify as to each candidate that is nominated for the office of the city commissioner of the City of Fort Meade, Florida, and that he possesses the qualifications required for members of the city commission by this Charter. Such petition shall be designed for each candidate by qualified electors of the city not less in number than 25. Signers of such petitions shall insert in them the names they desire, to the number of three. Each elector may subscribe to one nomination for each of the three places to be filled, and no more. One of the signers to each separate paper shall swear that the statements therein are true to the best of his knowledge and belief and the certificates of such shall be annexed. Any person whose name has been submitted for candidacy by such petition shall file with the town city clerk not later than five days thereafter not earlier than fifty (50) days or later than forty-six days before the election a written acceptance of such candidacy, which acceptance shall state that if elected he will qualify for and serve in such office during the term for which he the person is elected. It shall be the duty of the town clerk with whom such acceptance is filed, forthwith to make and deliver to such candidate a written certificate acknowledging receipt of such acceptance and stating the date of its filing. If any candidate fails to file such acceptance his the person's name shall not appear upon the ballot. The town city clerk shall appoint four qualified electors as a board of election commissioners whose duty it shall be to conduct such election and certify the result thereof to the town city clerk. It shall be the duty of the town city clerk to cause the names of all candidates to be printed upon the ballot in alphabetical order. Electors shall make a cross mark (X) to the left of the names of the candidates of his or her choice. The town city clerk shall also make all other necessary arrangements for the holding of this election in accordance with the general law and with this Charter, and for proper certification of the results thereof. He shall also deliver certificates of election to the successful candidates. The three city commissioners elected at the election provided for under this section shall assume the duties of their offices on the 7th day of July, 1925, and shall elect one of their number mayor-commissioner.~~

~~The term of office of the candidate receiving the highest number of votes shall end on the first Tuesday of January 1928; the candidate receiving the next highest number of votes shall end on the first Tuesday of January 1927; and the candidate receiving the third highest number of votes shall end on the first Tuesday of January 1926.~~

A primary election for the nomination of candidates for the office of city commissioners of the city, shall be held each year on the first Tuesday after the first Monday in November for every seat on the city commission which shall become vacant at the first regular meeting of January of the following year. The two candidates for each seat to be filled receiving the greatest number of votes in said primary election shall be certified as candidates or nominees at the runoff election; provided, however, that should any candidate receive a majority of the votes cast at such primary election of all votes cast, he shall be declared regularly elected and shall not be required to enter the runoff election as hereinafter provided.

A runoff election of candidates or nominees to the office of city commissioner shall be held on the third Tuesday after the first Monday in November. The candidate or nominee receiving a clear majority of votes cast for each seat at such runoff election shall be declared elected. In the event of a tie between two candidates for any seat upon the city commission in the runoff election, another election shall be held on the Tuesday following the runoff election, and the two candidates receiving the equal votes shall be the only candidates on the ballot for such election. Beginning with the November 1973 election, the term of office of a city commissioner is three (3) years and begins on the first Tuesday of January following such election.

Commencing with the election of candidates for the office of the city commissioner to be held in December of 1963, and at each annual election thereafter, the petition for the nomination of such candidates shall specify the number of the seat on the commission to become vacant for which the nominee is to be a candidate, and it shall be the duty of the city manager to specify the five (5) seats on the commission by number as they are to become vacant at each election subsequent thereto until all such seats shall be designated by a number.

Effective January 1, 1978, each commissioner shall be paid the sum of \$100.00 per month as compensation for his services, and the mayor-commissioner shall be paid an additional sum of \$50.00 per month for holding and performing the duties of such office. The compensation of city commissioners and the mayor may be modified or increased in future from time to time by ordinance.

Except where resigned, removed, or recalled, a commissioner shall continue to hold office until his successor is elected and qualified.

Sec. 14-1. Change in Election Dates.

A primary election for the nomination of candidates for the office of city commissioners of the city, shall be held each year on the first Tuesday after the first Monday in November for every seat on the city commission which shall become vacant at the first regular meeting of January of the following year. The two candidates for each seat to be filled receiving the greatest number of votes in said primary election shall be certified as candidates or nominees at the runoff election; provided, however, that

should any candidate receive a majority of the votes cast at such primary election of all votes cast, he shall be declared regularly elected and shall not be required to enter the runoff election as hereinafter provided.

A runoff election of candidates or nominees to the office of city commissioner shall be held on the third Tuesday after the first Monday in November. The candidate or nominee receiving a clear majority of votes cast for each seat at such runoff election shall be declared elected. In the event of a tie between two candidates for any seat upon the city commission in the runoff election, another election shall be held on the Tuesday following the runoff election, and the two candidates receiving the equal votes shall be the only candidates on the ballot for such election. The next City election shall take place in November of 2009. Beginning with the November 2009 election, the term of office of a city commissioner is four (4) years and begins on the first Tuesday of January following such election.

Sec. 14-2. Extension of Terms.

To accommodate the change of election dates as set forth in this ordinance the following terms are extended:

- a) The following elected officials terms shall be extended from the second Tuesday in April of 2008 to the second Tuesday in January 2010:
Commission District Seats 3 and 5.
- b) The following elected officials terms shall be extended from the second Tuesday in April 2010 to the second Tuesday in January 2012:
Commission District Seats 1, 2, and 4.

Sec. 15. Mayor-Commissioner—Election; duties; compensation; vice-mayor commissioner.

The city commission shall at each annual meeting on the first Tuesday in January, in each year, elect one of its members mayor-commissioner of the city. In case the members of the city commission are unable to agree within five days after time fixed herein for election of a mayor-commissioner, then such office shall be chosen by lot. Such mayor-commissioner shall preside at all meetings of the commission, when present, and shall represent the city upon public occasions; shall sign all contracts ~~involving over \$300.00 not delegated to the City Manager by the Commission~~, all deeds of conveyance, bonds and other obligations of the city required to be executed by and in the name of the city. He shall have no veto power, but shall be entitled to vote on all matters coming before the commission for disposition, where not disqualified on account of interest. He shall receive, in addition to his per diem as commissioner for attending meetings of the commission, a salary of \$20.00 per month for his services as mayor-commissioner, in the temporary absence of the mayor-commissioner a vice mayor-commissioner shall be designated by the city commission who shall perform the duties of the mayor-commissioner and receive his prorata compensation.

Sec. 15b. Powers of the municipal judge.

~~The municipal judge shall have power by his warrant to have brought before him any person or persons charged with the violation of any city ordinance and shall have exclusive jurisdiction over all proceedings of a criminal nature for the violation of any ordinance of the city. In the proper exercise of the functions of the municipal court within its jurisdiction as herein defined, the municipal judge shall have power and is authorized to issue and cause to be served any and all writs and processes such as are issued by the justices of the peace in the State of Florida, and is hereby empowered to issue search warrants to be served within the territorial boundaries of said city and such search warrants shall be issued, executed and returned in accordance with the provisions of the Constitution of the State of Florida, and the statutory laws relating thereto. The police officers of the City of Fort Meade are authorized and it is made their duty to execute, serve and return any and all writs and process issued out of the municipal court of the City of Fort Meade, Florida, by the municipal judge, in the same manner as required of constables and sheriffs in the execution of similar papers. The municipal judge shall have power and authority to take bail for the appearance of an accused person and if such person shall fail to appear, to declare such bond or security estreated; to require the attendance of witnesses for the city and for the accused person, to administer oaths, take affidavits, and to inquire into the truth or falsity of all charges preferred, to decide on the guilt or innocence of the accused, and to fix and impose such penalties by sentence of fine and/or imprisonment as are prescribed and provided for under the ordinances of the City of Fort Meade, Florida, and shall have all the powers incidental and usual to the due enforcement of such city ordinances.~~

Sec. 16. Recall elections; procedure.

~~Any member of the city commission shall be subject to recall by a special election held for that purpose in accordance with the procedures of general law. Such election shall be called if demanded by petition signed by persons qualified to vote at such election and numbering at least one-third of the total number of qualified electors at the last general city election. Such petition shall be filed with the city manager and need state no reason for recall. The city manager shall forthwith call a special meeting of the commission to consider the said petition. The commissioner or commissioners named in the call shall not take part in the proceedings. In case the whole commission is named in the petition for recall the city manager shall act upon the petition and issue the call. If the petition shall contain the requisite number of signatures certified as to genuine by three qualified voters who shall also certify that they personally saw the same and each of the same affixed, the recall election shall be forthwith called for a date not earlier than ten days nor later than thirty days after the date of the meeting which considers the petition. The commissioner or commissioners sought to be recalled may stand for re-election at the recall election and any qualified voter at general elections shall be entitled to be a candidate for the office of the commissioner or commissioners sought to be recalled. No names of candidates shall be printed on the ballot. The office or offices shall be filled by the candidate receiving the highest number of votes at such election and in case more than one office is filled the candidate receiving the highest number of votes shall enter upon the longest term opened to election by recall. In case the commissioner or commissioners sought to be recalled receive votes sufficient to reseat~~

~~him or them, as successful candidates for the commission, they shall continue to hold office for the term for which they were holding at the time of the filing of the recall petition. Failure on the part of a commissioner to be re-elected at a recall election involving his office shall vacate his office as of the date of the election. The commissioner or commissioners elected at such recall election, shall enter upon their duties as of the date succeeding the election and the commission shall canvass the election returns and declare the results on the day following the election. No election shall be called on a petition filed to recall a commissioner during the first six months of his term and recall of the same commissioner shall not be demanded oftener than once in any twelve months period. Petitions filed in violation of these provisions shall be disregarded to the extent that they violate same.~~

Sec. 17. Special elections.

Notice of special elections for any purpose shall be given at least ten days prior to the election date, by publication of notice of election, location of polling place or places and purpose [of] election. Notice shall be given either by publication in a newspaper published in the City of Fort Meade, or by posting the same in three public places, one of which shall be at the city hall or council chamber.

Sec. 18. City commission—Qualification of members.

Members of the city commission shall have been residents of the city for three years and have the qualifications of electors in the city ~~and shall be tax payers on real property within the limits of the city.~~ Any member of the city commission ceasing to possess the qualifications for office herein required shall forfeit his office.

Sec. 19. Same—Canvass by candidates for election to commission.

Any candidate may canvass either personally or otherwise for his election as city commissioner of Fort Meade, provided he does not give, promise or pledge any money, office, employment or any other thing of value to any individual, company or corporation in order to secure his nomination and election.

Sec. 20. Same—Meetings.

After each annual city election, the newly elected commissioners shall assume their duties of office at the first regular meeting of the commission in January of each year. All other regular meetings of the city commission shall be fixed by ordinance or resolution, but there shall not be less than one (1) regular meeting in each month which shall be held on the second Tuesday ~~night~~ of each month. ~~All regular meetings shall begin at 6:00 p.m.~~

Sec. 21. Same—Penalty for absence.

Absence from four consecutive regular meetings of the commission shall operate to vacate the seat of a member, unless such absence is excused by the commission by resolution setting forth the fact of such excuse entered upon the journal.

Sec. 22. ~~Reserved.~~ City attorney.

The duties and compensation of the city attorney shall be such as shall be fixed by the city commission.

Sec. 23. City officials not to have financial interest in contracts.

Neither the city manager nor any member of the city commission shall be directly or indirectly in any manner whatsoever financially interested in any of the contracts made by the city nor shall they belong to any firm or corporation so interested.

Sec. 24. City manager to be clerk and collector.

The duties of the clerk and collector of the ~~Town~~ City of Fort Meade as now fixed shall devolve upon the city manager.

SECTION 4. CREATION OF ARTICLE III AND AMENDMENTS TO SECTIONS 25- OF THE CITY CHARTER. Article III of the City Charter is hereby created to include amended Section 25 and renumbered sections 26 through 29 (formerly sections 29-32) of the City Charter, and these sections are hereby amended as follows:

“ARTICLE III. LEGISLATIVE PROCEDURES.

Sec. 25. Ordinances and Resolutions; ~~Ordinances saved.~~

The action of the city commission shall be expressed by ordinance or resolution, and a record of the same shall be kept. The city commission is authorized to make by-laws and regulations for its own guidance and government and to enforce same by fine or penalty and to compel the attendance of its members at its meetings. All the records and meetings of the city commission shall be public. Unless otherwise provided, a majority of the commission shall be sufficient to authorize any action taken by the commission. All ordinances now in force within the ~~Town~~ City of Fort Meade, applicable to the Charter of Fort Meade shall remain and continue in force until changed, altered, suspended, modified or repealed by the commission.

Sec. 26. Ordinances—Procedure for enactment. ~~Tax assessor; duties.~~

Every proposed ordinance or resolution shall be introduced in writing or printed form and shall not contain more than one subject, which subject shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances shall be: "Be it Enacted by the City Commission of the City of Fort Meade." No ordinance, unless it shall be an emergency measure, shall be passed until it shall have been read at two meetings, not less than one week apart, or unless the requirements of such reading has been dispensed with by unanimous vote of the commission. The affirmative vote of two members shall be necessary to adopt any ordinance or resolution, and the passage of the ordinances and resolutions shall be taken by "Yeas and Nays," and entered upon the journal. ~~The city commission shall appoint a tax assessor to serve during the pleasure of the commission and to receive~~

~~such compensation as the commission shall fix. Such tax assessor shall have the power and duties of assessment given him by the general laws of Florida governing municipalities. He shall not be subject to the direction of the city manager.~~

Sec. 27. Same—Emergency measures. ~~City depositories; bonds.~~

All ordinances and resolutions passed by the city commission shall become effective thirty days from the date of passage, except that the city commission may, by unanimous vote, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of public peace, property, health or safety, or providing for the usual daily operation of the municipal department, in which the emergency is set forth and defined in the preamble thereto. Ordinances appropriating money may be passed as emergency measures; but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be so passed. The city moneys as collected shall be deposited in a bank or banks which shall be designated annually by the commission as a city depository and which shall be bonded for the full amount of the deposits in favor of the city as a protection against failure or defalcation. Bond to be that of a surety company authorized under laws of the State of Florida to act as surety for public moneys.

Sec. 28. Same—Record and publication. ~~Annual city budget; millage; payment of city funds; fiscal year; annual audit.~~

Every ordinance or resolution shall upon its passage, be recorded in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the clerk of the commission. Every ordinance of a general [or] permanent nature shall be published within ten days after its final passage in a newspaper of general circulation in said city or by posting in three public places in said city, one of which shall be at the city hall. The city manager shall present to the city commission at a regular meeting of said commission, held on or prior to the date fixing the millage for any current year, a complete budget of the estimated receipts and expenditures for the ensuing fiscal year, with the source of the receipts and purpose of the expenditures. The commission is authorized to revise this budget and shall thereupon approve same. The budget shall be the basis for the millage levied by the commission for such current year. In fixing the millage for tax assessments, the millage to be used for any special purpose shall be specified and moneys collected for that purpose shall be deemed appropriated to that purpose and shall not be spent for any other purpose or transferred to any other fund. The funds of the city shall be paid on city warrants signed by a commissioner, and countersigned by the city manager and shall not be drawn save as against money already in the funds upon which they are drawn, and shall only be drawn upon the authority of the city commission.

The fiscal year of the city shall begin on the first day of September in each calendar year. At the end of each fiscal year the city commission shall cause its accounts to be audited by a reliable public accountant and the audit shall be in detail. Semi-annually on the regular meeting of the commission to be held in the months of

March and September, the city manager shall report in detail to the city commission the financial condition of the city. The revised and approved budget for each year shall be published either by publication in a newspaper in the city or by mailing copies thereof to all qualified voters of the city. The audit shall be published on or before the 30th day of November in each year when made.

Sec. 29. Budget Adoption; Appropriation Amendments. City attorney.

(a) Budget Adoption. The Commission shall, by ordinance, adopt the budget on or before the 30th day of September of each year. If it fails to adopt the budget by this date, the Commission, by resolution, may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days with all items in it prorated accordingly until such time as the Commission adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

(b) Supplemental appropriations. If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the Commission, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Commission shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may, by ordinance, reduce one (1) or more appropriations.

(d) Limitations; effective date. No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

The duties and compensation of the city attorney shall be such as shall be fixed by the city commission.

Sec. 30. Ordinances—Procedure for enactment.

Every proposed ordinance or resolution shall be introduced in writing or printed form and shall not contain more than one subject, which subject shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all

ordinances shall be: "Be it Enacted by the City Commission of the City of Fort Meade." No ordinance, unless it shall be an emergency measure, shall be passed until it shall have been read at two meetings, not less than one week apart, or unless the requirements of such reading has been dispensed with by unanimous vote of the commission. The affirmative vote of two members shall be necessary to adopt any ordinance or resolution, and the passage of the ordinances and resolutions shall be taken by "Yeas and Nays," and entered upon the journal.

~~Sec. 31. Same—Emergency measures.~~

All ordinances and resolutions passed by the city commission shall become effective thirty days from the date of passage, except that the city commission may, by unanimous vote, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of public peace, property, health or safety, or providing for the usual daily operation of the municipal department, in which the emergency is set forth and defined in the preamble thereto. Ordinances appropriating money may be passed as emergency measures; but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be so passed.

~~Sec. 32. Same—Record and publication.~~

Every ordinance or resolution shall upon its passage, be recorded in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the clerk of the commission. Every ordinance of a general [or] permanent nature shall be published within ten days after its final passage in a newspaper of general circulation in said city or by posting in three public places in said city, one of which shall be at the city hall."

SECTION 5. CREATION OF ARTICLE IV AND AMENDMENTS TO SECTIONS 33- OF THE CITY CHARTER. Article IV of the City Charter is hereby created to repeal Sections 33 through 63, renumbering sections 34 through 40 (formerly sections 64-70) of the City Charter, and sections are hereby amended as follows:

"ARTICLE IV. TRANSITION; REPEAL.

Sec. 33. Repeal of Obsolete or Superseded Charter Provisions. Remission of fines and penalties and disposition of moneys collected.

Sections 33 through 63 of the current City Charter are hereby repealed as obsolete and superseded by the broad home rule powers granted by Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes. No fine or other penalty imposed by the municipal court shall be remitted except by the action of the city commission upon recommendation of the municipal judge; provided, however, that this shall not be construed as preventing the municipal judge from suspending

sentences imposed by such court. All fines, penalties and fees collected in the municipal court and by the police of the city shall be a part of the revenue of the city and shall be paid into the treasury of the city on the day on which collected, and receipt taken therefor. The money so paid into the city treasury may, by ordinance of the city commission, be appropriated to any particular fund and shall thereafter be used in accordance with such ordinance.

Sec. 6 ~~34~~. Light, heat and power.

That the city commission shall have power to provide for lighting the streets, parks and public buildings of the city, and to establish, maintain and operate plants either within or without the corporate limits of the city, for lighting and heating by electricity, gas or any other method; and to supply the inhabitants of said city with artificial light, heat and power for domestic and business and other purposes and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same

Sec. 6 ~~35~~. Waterworks.

That the city commission shall have power to construct, establish and maintain waterworks, and to bore and dig wells, construct reservoirs, lay pipes, and do such other things as may be necessary, essential or convenient for procuring and distributing an abundant supply of good and wholesome water to the inhabitants of said city for domestic and other purposes, and to protect the property of said city and its inhabitants against fire, and to collect reasonable rates, prices and compensation for furnishing and supplying the same, except for fire protection which may be provided for in a tax levy.

Sec. 6 ~~36~~. General laws to apply.

All general laws of the state applicable to municipal corporations, now or which may hereafter be enacted and which are not in conflict with the provisions of this Charter or with the ordinances and resolutions hereafter enacted by the city commission, shall be applicable to this city; provided, however, that nothing contained in this Charter shall be construed as limiting or resolution not to be in conflict with the constitution of the state or with the express provisions of this Charter.

Sec.6 ~~37~~. General law covering city councils extended to city commissioners.

That any right or authority given or permitted by the constitution and laws of the State of Florida, to city councils not inconsistent with the provisions of this Charter shall be given, permitted and extended to the city commissioners of the City of Fort Meade.

Sec. 6 ~~38~~. Saving clause.

If any section or part of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any section or part of a section of this Charter, unless it clearly appears that such other section or part of section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid.

Sec. 6 39. Title to property reserved to new municipality.

The title, right and ownership of property, uncollected taxes, dues, claims, judgment, decrees, and choses in action, held or owned by the municipality of Fort Meade, shall pass to and be vested in the municipal corporation organized under this Charter.

Sec. 7 40. Contracts remain binding; Continuation of former charter provisions; ordinances preserved; continuation in office; pending matters.

No obligation or contracts of the municipality, including bonds heretofore issued, shall be impaired or avoided [voided] by this Charter, but such debts and obligations shall pass to and be binding upon the new municipality which is hereby organized and created. All provisions of Chapters 10569, 63-1341, and 69-1058, Laws of Florida, and other applicable special acts and ordinances amending the Charter (collectively the "former charter") as amended, which are not embraced herein and which are not inconsistent with this charter shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city. 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. All elected officials shall continue to hold their offices for the term to which they were elected or appointed and to discharge their duties until their successors are elected and take office. No rights, claims, actions, contracts, or legal or administrative proceedings existing on the effective date of this Charter and involving the City shall be affected by the adoption of this Charter."

SECTION 6. PROPOSED BALLOT TITLES, SUMMARIES, & QUESTIONS.

The City Clerk is hereby authorized and directed to place on the ballot for the general election to be held on April 4, 2023, the following nine (9) ballot titles, summaries, and questions as follows:

CHARTER AMENDMENT #1:

BALLOT TITLE: REORGANIZE CITY CHARTER BY CREATING FOUR ARTICLES AND RENUMBERING VARIOUS CHARTER PROVISIONS

BALLOT SUMMARY: Currently, the City's Charter contains no organization of individual sections. This amendment creates four articles and renumbers various sections of the Charter in a more logical fashion to better organize and streamline the Charter. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #2:

BALLOT TITLE: UPDATE OF PRECISE CITY BOUNDARY DESCRIPTION

BALLOT SUMMARY: Currently, the City Charter contains an outdated metes and bounds legal description. This amendment incorporates all other additions referenced by special acts and annexation ordinances to create a more inclusive and up to date legal description. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #3: UPDATE CITY POWERS

BALLOT TITLE: UPDATE AND RESTATEMENT OF CITY HOME RULE POWERS AND DELETION OF OBSOLETE OR SUPERSEDED PROVISIONS

BALLOT SUMMARY: Currently, the City Charter contains a number of obsolete references to city authority superseded by constitutional home rule powers. This amendment repeals those obsolete or superseded provisions no longer consistent with state law and incorporate broad municipal home rule powers into the City Charter. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #4:

BALLOT TITLE: CREATION OF DECENNIAL DISTRICTING COMMISSION TO REVIEW THE NEED FOR REDISTRICTING

BALLOT SUMMARY: Currently, the City Charter has no formal procedure to update or change municipal district boundaries. This amendment amends Section 6 of the Charter to create a decennial districting commission to periodically review the need for redrawing the lines of city commission districts. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #5:

BALLOT TITLE: DELETION OF NIGHT MEETING REQUIREMENT

BALLOT SUMMARY: Currently, the City Charter requires that all commission meetings be held at night without definition. This amendment deletes the vague requirement and permits the city commission to schedule its meetings at a reasonable time even if it's not dark outside. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #6:

BALLOT TITLE: CONFORM RECALL PROCEDURE WITH GENERAL LAW

BALLOT SUMMARY: Currently, the City Charter's recall procedure varies from a statute which does not permit recall sought by an individual commissioner. This amendment removes reference to recall at the request of an individual commissioner and specifies that recalls may only be accomplished consistent with the state recall statute. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #7:

BALLOT TITLE: CONFORM BUDGET & APPROPRIATION PROCESS WITH STATE LAW

BALLOT SUMMARY: Currently, the City Charter contains a budget and appropriation provision that conflicts with municipal budget and appropriation statutes. This amendment removes the obsolete and inconsistent provision and replaces it with language to ensure the charter provision related to setting annual budgets and appropriations are consistent with state budget and appropriation statutes. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #8:

BALLOT TITLE: CHARTER TRANSITION PROVISION AND VALIDATION OF PRIOR LEGISLATIVE & EXECUTORY ACTS

BALLOT SUMMARY: Currently, the City Charter contains an out of date transition provision. This amendment creates a new transition provision to include a continuation of former charter provisions, preserve non-conflicting existing ordinances; provide for continuation in office, and preserve pending matters. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

CHARTER AMENDMENT #9:

BALLOT TITLE: REVISING METHOD FOR SETTING COMMISSIONER COMPENSATION FROM FIXED FEE TO ORDINANCE ADOPTION

BALLOT SUMMARY: Currently, the City Charter contains out of date monthly fees of \$100 per commissioner and \$150 for the mayor. This amendment deletes the set monthly fee amount and replaces it with a requirement that such compensation can only be increased by ordinance. Shall the above-described Charter Amendment be adopted?

Yes _____

No _____

SECTION 7. PUBLIC NOTICE. The City Manager or designee is hereby authorized and directed to provide public notice of the election in accordance with law.

SECTION 8. SEVERABILITY. If any portion or portions of this Ordinance are declared to be invalid, the remaining portions shall have the same force and effect as though such invalid portion or portions had not been included.

SECTION 9. CONFLICTS WITH EXISTING ORDINANCES. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE. The Charter amendments set forth in this Ordinance shall not take effect unless approved by a majority of the qualified electors of the City of Fort Meade voting in an election to be called and held for that purpose on the 4th day of April 2023. However, if approved by the voters, the Charter amendments set forth in this Ordinance shall take effect on May 1, 2023.

PASSED ON FIRST READING by the City Commission of the City of Fort Meade, Florida, at special session this 8th day of November 2022.

PASSED ON SECOND READING by the City Commission of the City of Fort Meade, Florida, at special session this 13th day of December 2022.

APPROVED:

CITY OF FORT MEADE, FLORIDA

Jan Bagnall, City Manager

Robert Elliott, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS:**

Melissa Cannon, Deputy City Clerk

Thomas A. Cloud, City Attorney