

## PART I – CHARTER

### PREAMBLE

We the people of the City of Groveland, Florida, under the constitution and laws of the United States of America and the State of Florida, do hereby adopt this charter to define the powers and structure of our council-manager form of government. By this action, we secure the benefits of local self-government and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. We believe in an open, responsive government that abides by the highest ethical standards and operates as a careful steward of the human, fiscal, and natural resources of our city.

### ARTICLE I. - CREATION AND POWERS

Sec. 1.01. - Creation and powers.

The City of Groveland, Lake County, Florida, is hereby created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

### ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Description of corporate limits.

A description of the corporate limits of the city is on file in the office of the city clerk.

### ARTICLE III. - LEGISLATIVE

Sec. 3.01. - City council: Powers and composition.

There shall be a city council with all legislative powers of the city vested therein consisting of five (5) members who shall be electors of the city.

Sec. 3.02. - Qualifications.

Any registered elector of the City of Groveland who has established primary residency within the City limits twenty-four months prior to the first day of the qualifying period shall be eligible to seek qualification for the elected office of city councilmember. Primary residency shall mean the dwelling, in which the person eats, sleeps and receives regular postal delivery.

Sec. 3.03. - Election and terms.

The regular election of city councilmembers shall be held on the first Tuesday after the first Monday of November. Councilmembers shall be elected to one of five seats with one of the five seats being reserved for the mayor. The mayor shall be elected on a city wide basis by the electors of the City of Groveland and is not required to reside in a particular political district. There shall be four city council political districts as nearly equal in population as practicable. There shall be four councilmembers one for each of the four city council political districts established and they shall be elected on a city wide basis by the electors of the City of

Groveland. At the time of qualifying or appointment the city council candidate must reside in the political district in which he or she seeks to hold office, except that if no one qualifies for or seeks appointment for a political district, then the seat for that term and political district may be filled in accordance with Article III, Section 3.06 by a resident not residing in that political district. Each councilmember, except as otherwise provided in this Section 3.03, shall reside in the political district for which he or she qualifies at the time of election and throughout the term of office, provided that any councilmember who is removed from a district by redistricting may continue to serve the balance of the term of office. The boundaries of the four political districts shall be as shown on the map attached as Exhibit "A" and made a part hereof. However, the city council may by ordinance adopted by a majority vote of the councilmembers change the boundaries of the districts from time to time in accordance with law. Three councilmembers shall be elected at the general election held on the first Tuesday following the first Monday of November in even-numbered years. The councilmembers shall be qualified and entered upon the ballot as Districts (1), (3) and (5). Of these districts, District 1 shall be that seat reserved for the mayoral candidate and the person elected to District 1 shall serve as mayor for a two-year term. He or she shall be a member of the council and will preside over the meeting of the council. There shall be elected at the general election held on the first Tuesday following the first Monday of November in odd-numbered years two councilmembers and candidates for such offices shall be designated as candidates from Districts (2) and (4) and shall be elected for a two-year term. Each candidate for city council may qualify in one District only and at all subsequent elections candidates or councilmembers shall be elected for a two-year term. All councilmembers, including the mayor, shall be elected to begin office at the first regular city council meeting following their election.

In the event there are more than two candidates who qualify for any one seat, there shall be a primary election held concurrently with the statewide primary election provided for in § 100.061, Florida Statutes, as may be amended from time to time, or as set forth by the city council. The two candidates for whom the highest number of votes are cast shall stand for election at the general election. As a result, a prevailing candidate at a general election must receive more than fifty percent of the votes cast.

#### Sec. 3.04. - Duties of mayor and election of vice-mayor.

The mayor shall preside at meetings of the council and shall be a member of the council and shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law; for service of process; execution of contracts, deeds and other documents and as the city official designated to represent the city in all agreements with other entities. The mayor shall have no other administrative duties except as required to carry out the responsibilities herein. At the first council meeting after each regular city election, the council shall elect one of its members as a vice-mayor. The vice-mayor shall act as mayor during the absence or disability of the mayor. In case of the death, resignation, or removal of the mayor, the vice-mayor shall vacate the office of councilmember and serve as mayor for the remainder of the unexpired term.

#### Sec. 3.05. - Limitations.

- (a) *Appointment and removal.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city officer or employee whom the manager or

any of the manager's subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees. Appointment and removal of department heads and other employees shall be by the city manager who will advise councilmembers in writing of this action within seventy-two (72) hours.

- (b) *Interference with administration.* Except for the purpose of inquiries and investigations, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager; neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing by personal observation, all aspects of city government operations so as to obtain independent information in the formulation of sound policies to be considered by the council. It is the express intent of this Charter, however, that recommendations for improvement in city government operations by individual councilmembers be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.
- (c) *Holding other office.* No former elected city official shall hold any compensated, appointive city office or employment until one (1) year after the expiration of the term for which he or she was elected.

Sec. 3.06. - Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a councilmember shall become vacant upon the member's death, resignation, removal from office or any manner authorized by law or forfeiture of office, such forfeiture to be declared by the remaining members of the council.
- (b) *Forfeiture of office.* A councilmember shall forfeit that office if the councilmember lacks at any time during the term of office any qualification for the office prescribed by this Charter or law.
- (c) *Absenteeism.* A councilmember shall forfeit that office if the member fails to attend four (4) consecutive regular meetings of the council without being excused by the council.
- (d) *Filling of vacancies.* A vacancy in the council shall be filled by a majority vote of the remaining council members appointing a successor to serve the unexpired term.

Notwithstanding any quorum requirements established herein, if at any time the membership of the council is reduced to less than a quorum, the remaining members may by majority vote appoint additional members in the manner provided above.

- (e) *Extraordinary vacancies.* In the event that all members of the council are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim council that shall serve until the next regular city election. If the next regular city election occurs in an even-numbered year, then three councilmembers, Districts (1), (3) and (5) shall be elected to serve a two-year term, and two councilmembers, Districts (2) and (4) shall be elected to serve an initial one-year term. If the next regular city election occurs in an odd-numbered year, then two councilmembers, Districts (2) and (4) shall be elected to serve in a two-year term, and

three councilmembers, Districts (1), (3) and (5) shall be elected to serve an initial one-year term.

Sec. 3.07. - Procedure.

- (a) *Meetings.* The council shall meet regularly twice monthly at such time and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members and, whenever practicable, upon no less than twenty-four (24) hours' notice to each member and the public.
- (b) *Rules and minutes.* The council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings.
- (c) *Voting.* Voting, on ordinances and resolutions, shall be by roll call vote on final action and shall be recorded in the minutes. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to penalties prescribed by the rules of the council. No action of the council except as otherwise provided in the preceding sentence and in section 3.06 shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.
- (d) *Compensation.* The council may determine the compensation of councilmembers by ordinance, but no ordinance increasing such compensation shall become effective until the next regular election.

ARTICLE IV. - ADMINISTRATIVE

Sec. 4.01. - City manager.

The city manager shall be chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the city and to that end, the manager shall have the authority and shall be required to carry out the responsibilities as spelled out in the following sections.

Sec. 4.02. - Appointment, removal, compensation.

- (a) *Appointment.* The council shall appoint a city manager for an indefinite term by a majority vote of all the councilmembers.
- (b) *Removal.* The council may remove the manager by a majority vote of all the councilmembers and, upon demand by the manager, a public hearing shall be held prior to a vote to remove the manager.
- (c) *Compensation.* The compensation of the manager shall be fixed from time to time by the council and shall not be reduced during the manager's tenure.

Sec. 4.03. - Acting city manager.

By letter filed with the council, the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during the manager's temporary absence or disability. During such absences or

disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or the disability shall cease.

Sec. 4.04. - Authority and duties of the city manager.

- (a) The city manager shall appoint a city clerk, subject to approval by a majority vote of the council.
- (b) The city manager shall appoint, and when the manager deems it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this Charter except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (c) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law; create upon approval of the council by resolution, changes in any or all department organizations, including combinations, deletions, creation of departments, units or divisions, and transfer responsibilities between departments, units or divisions.
- (d) Attend all council meetings and shall have the right to take part in discussion but may not vote.
- (e) See that all laws, provisions of this Charter and acts of the council subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed.
- (f) Prepare and submit the annual budget, budget message, and capital program to the council in a form provided by ordinance.
- (g) Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (h) Make such other reports as the council may require concerning the operations of city departments, offices and agencies, subject to the city manager's direction and supervision.
- (i) Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as the manager deems desirable.
- (j) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
- (k) Perform such other duties as are specified in this Charter or may be required by the council.

ARTICLE V. - FINANCIAL PROCEDURES

Sec. 5.01. - Fiscal year.

The fiscal year of the city shall begin October 1 of each year and end on September 30 of each year.

Sec. 5.02. - Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classifications by fund, organizational unit, program, purpose or activity and object. It shall begin with a clear, general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures for the preceding fiscal year.

Sec. 5.03. - Council action on budget.

- (a) *Amendment before adoption.* The council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- (b) *Adoption.* The council shall adopt the budget on or before September 30 of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.
- (c) *Amendments after adoption.*
  - (1) *Supplemental appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
  - (2) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions established by law to the extent that there are no available unappropriated revenues to meet such appropriations. The council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
  - (3) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenue available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and the manager's recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may be required for the council to pass an ordinance to reduce one or more appropriations.

(d) *Transfer of appropriations.*

- (1) *[Unencumbered appropriations.]* At any time during the fiscal year the finance director, with authorization of the manager, may transfer all or part of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the manager, the council may, by resolution, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another department, office or agency.
- (2) *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. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- (3) *Payments and obligations prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation unless the finance director certifies that there are sufficient funds available to cover the claim to meet the obligation when it becomes due and payable. No officer of the city other than the manager or the manager and the mayor in concert when required, may enter into any financial agreement with any other business or business person, on behalf of the city.

## ARTICLE VI. - TRANSITION SCHEDULE

### Sec. 6.01. - Continuation of former Charter provisions.

All provisions of Laws of Fla., ch. 9764 (1923), as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the city subject to modifications or repeal in the same manner as other ordinances of the city.

### Sec. 6.02. - Ordinances preserved.

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

### Sec. 6.03. - Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

### Sec. 6.04. - Pending matters.

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

Sec. 6.05. - Time of taking full effect.

This Charter shall be in full effect for all purposes on the first day of January following approval in public referendum.

Sec. 6.06. - Severability

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.