

City Charter (As amended by referendum votes held on: March 10, 1992, and April 5, 1994)

Chapter 57-1314

(House Bill No. 1346)

AN ACT TO ABOLISH THE PRESENT MUNICIPAL GOVERNMENT OF THE CITY OF EUSTIS, IN LAKE COUNTY, FLORIDA; TO CREATE AND ESTABLISH A NEW MUNICIPALITY TO BE KNOWN AS THE CITY OF EUSTIS, IN LAKE COUNTY, FLORIDA, AND TO FIX AND PROVIDE ITS TERRITORIAL LIMITS, JURISDICTION AND POWERS AND THE JURISDICTION AND POWERS OF ITS OFFICERS AND TO CREATE THE SAME INTO AN INDEPENDENT ROAD DISTRICT OF LAKE COUNTY, FLORIDA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

ARTICLE I.

Abolishment and Re-establishment

Section 1. Municipal Corporation Now Existing.

That the Municipal Corporation now existing and known as the City of Eustis, in Lake County, Florida, be and the same is hereby abolished, and a new municipality to be known as the City of Eustis, in Lake County, Florida, is hereby created and established to succeed such former municipality of the City of Eustis. The City of Eustis is hereby created and established and shall embrace and include all that territory in Lake County, Florida, as described in ARTICLE II, Section 1 of this ACT.

Section 2. Succession of Rights, Etc.

That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the City of Eustis, shall pass to and be vested in the Municipal Corporation to succeed said City.

Section 3. Unimpaired.

That no obligation or contract of said City shall be impaired by this change, but all debts and obligations of said City shall continue unimpaired, and be obligatory to the City of Eustis.

Section 4. Ordinances.

That the Ordinances of the former City of Eustis shall be and remain the ordinances of the City of Eustis hereby organized and established, until altered, amended, modified or repealed by the City Commission of the City of Eustis hereby created and established.

ARTICLE II.

Boundaries, Form and Powers of Government

Section 1. Boundaries.

From the Point of Beginning of the territorial limits of this municipality, being the Northeast (NE) corner of the West one-half (W 1/2) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section One (1), Township 19 South, Range Twenty-six (26) East in Lake County, Florida, run West (W) along the North (N) line of the South one-half (S 1/2) of the Southwest quarter (SW 1/4) of said Section One (1) and along the North (N) line of the South one-half (S 1/2) of the South one-half (S 1/2) of Section Two (2) Township 19 South, Range Twenty-six (26) East to the East (E) line of the Right-of-Way of the Atlantic Coast Line Railroad; run thence Northwesterly (NW'ly) along the Northeasterly (NE'ly) line of said Right-of-Way to a point that is 660.0 feet East (E) of the West (W) Line of U. S. Government Lot #1, Section Three (3) Township 19 South, Range Twenty-six (26) East, thence run North (N) to the Northeast (NE) corner of Lot 49 in First Addition to Hillcrest Park, according to the Plat thereof recorded in plat book 13 at page 55 public records of Lake County, Florida; run thence West (W) 660.0 feet to the Northwest (NW) Corner of Lot 54 in said First Addition to Hillcrest Park, thence run North (N) to the Northeast (NE) Corner of the West one-half (W 1/2) of the Southeast quarter (SE 1/4) of Section Thirty-four (34), Township 18 South, Range Twenty-six (26) East; thence run West (W) to the Northwest (NW) Corner of the West one-half (W 1/2) of the Southeast quarter (SE 1/4) of said Section Thirty-four (34); thence run South (S) to the Southwest (SW) Corner of the East one-half (E 1/2) of Section Ten (10), Township 19 South, Range Twenty-six (26) East (E); thence run South (S), to the Southwest (SW) Corner of Section Fourteen (14), Township 19 South (S), Range Twenty-six (26) East (E); thence run East (E) to the Southeast (SE) Corner of the West one-half (W 1/2) of the Southwest quarter (SW 1/4); thence run North (N) to the Northeast (NE) Corner of the West one-half (W 1/2) of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of said Section Fourteen (14); thence run East (E) to the East (E) line of the Southwest quarter (SW 1/4) of said Section Fourteen (14); thence run North (N) to the Southwest (SW) Corner of the Northeast quarter (NE 1/4) of said Section Fourteen (14); thence run East (E) 4650.0 feet, more or less, to a point in East Crooked Lake, where the South (S) line of the Northwest quarter (NW 1/4) of Section Thirteen (13), Township 19 South, Range Twenty-six (26) East (E) would intersect a Southerly (S'ly) extension of the East (E) line of East Crooked Lake Drive as shown on the Plat of Hannum Heights Topside Subdivision according to the Plat thereof recorded in Plat book Four (4) at page 68 public records of Lake County, Florida; thence run North (N) to a point in the center of Lakeview Avenue that is 30.77 feet South (S) of the Southwest (SW) Corner of Lot Fourteen (14) in Lakeview Court according to the plat thereof recorded in Plat book Twelve (12) at page 91 public records of Lake County, Florida; thence run East (E) along the centerline of Lakeview Avenue to the waters of Lake Nettie; thence run Northerly (N'ly) along and with the waters of Lake Nettie to a line drawn South (S) 34 degrees 0' East (E) from a point on the East (E) line of Lot 49 in Lakeview Court Addition according to the Plat thereof recorded in Plat book Twelve (12) at page 107 Public Records of Lake County, Florida, that is 45.0 feet South (S) of the Northeast (NE) Corner of said Lot 49; thence run North 34 degrees 0' West (W) to said point that is 45.0 feet South (S) of the Northeast (NE) Corner of said Lot 49; thence run North (N) to the Northeast (NE) Corner of Lot 50 in said Lakeview Court Addition; thence run West (W) to a point in the centerline of Haselton Street that is 33.0 feet West (W) of the Northwest (NW) Corner of Lot 57 in said Lakeview Court Addition; thence run North (N) along the centerline of Haselton Street to the South (S) line of Greenwood Cemetery; thence run East (E) 660.0 feet; thence run North (N) 660.0 feet; thence run West (W) 660.0 feet; thence run North (N) to the point of Beginning, as modified from time to time as allowed by Law.

Section 2. Form of Government.

The Municipal Government provided by this Charter shall be known as the "Commission-Manager Government." Except as otherwise provided by this Charter or state law, all powers of the City are vested in the City Commission.

Section 3. Powers of the City.

The City may acquire property within or without its corporate limits for any City purpose, in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require, and except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal

powers, functions, rights, privileges and immunities of every nature and name whatsoever, now or hereafter provided by Statute or Constitution.

ARTICLE III.

The City Commission

Section 1. City Commission Powers and Composition.

There shall be a City Commission with all legislative powers of the City vested therein. The City Commission shall consist of five (5) members. All five (5) members shall be elected by the electors of the City, except for vacancies of office, which shall be filled as otherwise provided by this Charter.

Section 2. Nonpartisan Elections.

All qualifications and elections for the office of City Commission 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.

Section 3. Qualifications of Candidates.

Candidates for the office of City Commission member shall qualify for such office by filing of a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by ordinance. Such notice shall indicate the seat number to which the candidate seeks to be elected. Any elector of the City and a resident of the City for two (2) years immediately preceding his application, and any person who has resided on property annexed into the City for two (2) years, which shall include the time next before annexation and next following annexation prior to his or her application, shall be eligible to hold the office of City Commission member.

(Ord. No. 94-01; Special Election 4/05/94)

Section 4. City Commission shall be Judge of Election Qualifications of Those Seeking to Qualify for Office.

The City Commission shall be the judge of the election qualifications of those seeking to qualify for candidacy for a City Commission seat and for such purpose shall have the power to subpoena witnesses and require the production of records, but the decision of the City Commission in any case shall be subject to review by judicial proceedings.

Section 5. City Commission Shall be Judge of Grounds for Forfeiture of Office.

The City Commission shall be the judge of grounds of forfeiture of a member's office. The City Commission shall adopt such ordinances from time to time as may be necessary to set forth grounds for forfeiture of office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

Section 6. Election and Terms.

The regular election of City Commission members shall be held in even numbered years, at the time and in the manner provided in this Charter and shall be for four (4) year terms.

Section 7. Compensation.

The City Commission may determine the annual salary of City Commission members by ordinance.

Section 8. Mayor.

The City Commission shall elect from among its members a mayor and a vice-mayor. Election of the mayor and vice-mayor shall be done annually at the first (1st) regular City Commission meeting in January of each year. The mayor shall preside at meetings of the City Commission, 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 governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor.

Section 9. Filling of Vacancies.

A vacancy of the City Commission shall be filled with a person who meets the qualifications of a candidate for City Commissioner as provided herein within thirty (30) days after it occurs, unless two (2) years or longer remain in the term, in one of the following ways: (1) If there are less than twelve (12) months remaining in the unexpired term or if there are less than twelve (12) months before the next regular City election, the City Commission by a majority vote of the remaining members shall choose a successor to serve until the newly elected City Commission member is qualified. If two (2) years or longer remain in the term of the vacated seat at the time of the next regular election, that seat shall be filled by election for the remaining term; (2) If there are more than twelve (12) months remaining in the unexpired term and no regular City election is scheduled within six (6) months, the City Commission shall fill the vacancy on an interim basis as provided in (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy. Notwithstanding any quorum requirements established herein, if any time the membership of the City Commission is reduced to less than a quorum, the remaining members may by majority vote, appoint additional members under either (1) or (2) above. If the City Commission should fail to make provision to fill a vacancy within thirty (30) days after it shall have occurred, it shall be filled by the Governor.

Section 10. Procedure.

(a) Meetings. The first meeting of the City Commission in each year shall be held at 7:30 P.M. on the First Tuesday after the First Monday in January, after which the City Commission shall meet regularly at such times as may be prescribed in its rules, but not less frequently than once each month.

(b) Voting. Voting, on ordinances and resolutions, shall be by roll call, and shall be recorded in the official minutes of the City. A majority of the City Commission 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 the penalties prescribed by the rules of the City Commission. Except as otherwise provided by law or this Charter, a simple majority of those members present shall prevail.

Section 11. Ordinances and Resolutions.

Such Acts of the City Commission as are required by Statute or by this Charter, to be by Ordinance, shall contain the enacting clause, "The Commission of the City of Eustis hereby ordains". The Uniform Procedure for adoption of Ordinances and Resolutions as set forth in Florida Statutes Section 166.041 as amended is hereby adopted as though set forth in full herein as City Commission procedure for passage. In addition, all proposed Ordinances shall be posted prior to adoption at three public places in said City, one of which shall be at the City Hall.

Section 12. Form of Ballots.

The City Commission by ordinance in accordance with Law shall prescribe the form of the ballot including the method for listing candidates for City Commission elections and any other City election.

Section 13. Election.

Each commission [commissioner] shall be elected for a term of four (4) years. Three members shall be elected at one general election and two members shall be elected at the next ensuing general election. Each seat shall be numbered and each candidate shall run for a numbered seat. The candidate receiving at least fifty (50%) percent plus one of the votes cast shall be elected. In the event that no candidate for a seat receives at least fifty (50%) percent plus one of the votes cast, there shall be a runoff election for such seat of the two candidates receiving the highest number of votes. Such runoff election shall be held as soon as possible.

ARTICLE IV.

The City Manager

Section 1. The City Manager; Qualifications.

The City Manager shall be chosen by the City Commission solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of the City Manager's office as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or State but during his tenure of office, he shall reside within the City.

Section 2. City Manager.

There shall be a City Manager who shall be the Chief Administrative Officer of the City. No Commissioner shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term. The City Manager shall be responsible to the City Commission for the administration of all City affairs placed in his charge by or under this Charter.

Section 3. Appointment; Removal; Compensation.

(a) Appointment. The City Commission shall appoint a City Manager for an indefinite term by the majority vote of all the Commissioners.

(b) Removal. The City Commission may remove the City Manager by a majority vote of all the Commissioners. The City Commission shall by a majority vote of all the Commissioners adopt a preliminary resolution setting the date, time and place of a vote to remove the City Manager. The meeting to vote for removal shall be held not earlier than fourteen (14) days nor later than twenty-one (21) days from date of adoption of the preliminary resolution. Upon demand by the City Manager, in writing, addressed to the City and delivered to the Mayor no less than seven (7) days prior to the public meeting, a public hearing shall be held at the meeting prior to the vote to remove the City Manager.

(c) Compensation. The compensation of the City Manager shall be fixed by the City Commission.

(d) Evaluation. The City Commission shall evaluate the performance of the City Manager every twelve (12) months and shall cause a written report of the City Commission's finding to be placed in the City Manager's personnel file and record.

4. Acting City Manager.

(a) Disability or Temporary Absence. By letter filed with the City Commission, the City Manager shall recommend, subject to approval of the City Commission, a qualified City Administrative Officer to exercise the powers and perform the duties of City Manager during his temporary absence or disability. During such absence or disability, the City Commission may revoke such designation at any time and appoint any qualified person to serve until the City Manager shall return or his disability shall cease.

(b) Removal of Manager. If the City Manager is removed, the City Commission shall appoint a qualified person to exercise the powers and perform the duties of City Manager until the appointment of a City Manager.

5. Powers and Duties of the City Manager.

The City Manager shall:

(a) Appoint, and when he deems it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The appointment, suspension, or removal of the Finance Director or City Clerk shall require the prior approval by a majority of all the Commissioners.

(b) Create, organize, and abolish such administrative divisions, within which departments are assigned, as he deems necessary; and direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(c) Attend all City Commission meetings and shall have the right to take part in discussion, but shall have no vote. In the event of the temporary absence of the City Manager, the City Manager's designee shall attend such meeting.

(d) See that all laws, provisions of this Charter and acts of the City Commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) Prepare and submit the annual budget, budget message, and capital program to the City Commission.

(f) Submit to the City Commission 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.

(g) Make such other reports as any two or more members of the City Commission may require concerning the operations of City Departments, Offices and Agencies, subject to his direction and supervision.

(h) Keep the City Commission advised as to the financial condition and future needs of the City and make recommendations to the City Commission concerning the affairs of the City.

(i) Sign contracts on behalf of the City pursuant to authority of the City Commission.

(j) Perform such other duties as are specified in this Charter, the laws of the State of Florida, or required by the City Commission.

Section 6. Management and Control of City Public Utilities.

The City Manager shall manage and control all City owned public utilities operated and managed by the City, and the office of the City Manager shall be charged with the management and operation of all public

works, charitable and correctional institutions and agencies of the City, subject to regulations prescribed by ordinance; shall enforce all Laws, Ordinances, and Regulations relative to the preservation and promotion of public health; shall manage or inspect water, lighting, heating, power and transportation enterprises of the City; shall manage and control the use, construction, improvement, repair and maintenance facilities of the City, including parks, play grounds and public gymnasiums, and social centers. The City Manager shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided in this Charter.

Section 7. Administrative Departments.

There shall be a Department of Finance, Police Department, Fire Department, Water and Sewer Department, Department of Public Works and such other departments as may be established by Ordinance upon the recommendation of the City Manager.

Section 8. Directors and Departments.

At the head of each department, there shall be a Director who shall be an Officer of the City, and shall have supervision and control of the department subject to the City Manager. Two (2) or more departments may be headed by the same individual, the City Manager may head one (1) or more departments, and Directors of departments may also serve as Chiefs of Divisions.

9. City Commission not to interfere in appointments or removals.

Neither the City Commission nor any of its members shall direct or request the appointment of any person to or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the City. Except for the purpose of inquiry, the City Commission and its members shall deal with the administrative service solely through the City Manager and neither the City Commission nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Commissioner violating the provisions of this Section, or voting for a Resolution or Ordinance in violation of this Section shall constitute grounds for recall.

ARTICLE V.

Department of Finance

Section 1. Finance Director.

There shall be a Department of Finance, the Director of which shall be the Finance Director, who shall be appointed by the City Manager, with the approval of the City Commission. The Finance Director shall have knowledge of municipal accounting and taxation, shall have had experience in budgeting and financial controls, and shall receive a salary to be fixed by the City Manager, with the approval of the City Commission. The Finance Director shall have charge of the Administration of the Financial Affairs of the City and to the end the Finance Director shall be responsible for, and have authority and shall be required to:

- (1) Compile the current expense estimates for the City Manager;
- (2) Compile the capital estimates for the Budget for the City Manager;
- (3) Supervise and be responsible for the disbursement of all monies;

(4) Maintain a general accounting system for the City Government and each of its offices, departments and agencies; be in charge of all books for each office, department and agency; keep separate accounts for the items of appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance;

(5) Submit to the City Commission through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;

(6) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;

(7) Collect all taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible, and receive all money receivable by the City from the State or Federal Government, or from any court, or from any office, department or agency of the City;

(8) Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City Government, and deposit all funds coming into the Finance Director's hands in such depositories as shall be designated by Resolution of the City Commission, subject to the requirements of Law as to surety and the payment of interest on deposits, but all such interest shall be the property of the City and shall be accounted for and credited to the proper account;

(9) Have custody of all investments and invested funds of the City Government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all Bonds and Notes of the City and the receipt and delivery of City Bonds and Revenue Certificates for transfer, registration or exchange;

(10) Examine and approve all Contracts, Orders and other Documents by which the City Government incurs financial obligations, having previously ascertained that monies have been appropriated and allocated and will be available when the obligation shall become due and payable;

(11) Approval, as within the Budget, of all proposed expenditures and unless the Finance Director shall certify that there is an unencumbered balance of appropriation, no expenditures shall be made;

(12) Examine all invoices, payrolls and other evidences of obligations due by the City before their payment;

(13) Require reports of receipts and disbursements, from each receiving and spending agency of the City Government be made at such intervals as the Finance Director may deem expedient;

(14) Perform such other duties as may be directed by Charter, Ordinance, City Commission, or City Manager.

Section 2. Finance Director may also be City Clerk.

Nothing herein contained shall prevent the Finance Director, if qualified, from also holding the position of City Clerk, if approved by a majority of all the City Commission.

ARTICLE VI.

City Clerk

Section 1. City Clerk.

The City Manager shall appoint, suspend or remove the City Clerk upon the prior approval of a majority of all the City Commission. The City Clerk shall give notice of City Commission meetings to its members and the public.

Section 2. To Attest Contracts; Furnish List of Property Subject to Taxation.

All Contracts requiring the signature of the Mayor shall be attested by the City Clerk. The City Clerk shall keep a list of all Certificates issued for work or for any purpose, and before the levy by the City Commission of any Special Tax upon any property in the City, or any part thereof, the City Clerk shall furnish to the City Manager, for the information of the City Commission a schedule of all Lots or Parcels of Land which may be subject to the proposed Tax Assessment and which it may be necessary to levy on, which said schedule shall be Certified by the City Clerk's Affidavit and shall be prima facie evidence of the facts stated therein, in all cases wherein the validity of such Tax Assessment shall come in question. Acting upon such schedule the City Commission may, if they deem such Special Tax Assessment legal and just, cause the same to be levied. The City Clerk shall keep a record of all Contracts and Documents, signed by the Mayor, to which the City is a party, with an index thereto, and such books shall be open to the inspection of all persons.

Section 3. Authority to Administer Oaths and Inquire Into Claims and Charges Against the City.

The City Clerk shall have the power to administer oaths for the purpose of ascertaining the facts relating to any charge or claims against the City, made or claimed by any person, partnership, association or corporation whatsoever. The City Clerk shall have power to require evidence that the amount of any claim is justly due and in conformity to Law and Ordinance, and for that purpose the City Clerk may summon before him any officer, agent or employee of any department of the City, or any other person and examine him or her upon oath or affirmation relative thereto.

Section 4. Duty to Attend City Commission Meetings; Keep Minutes; Custodian of Seal.

The City Clerk, in the City Clerk's capacity, shall attend all meetings of the City Commission and shall keep minutes of its proceedings, the correctness of which proceedings, as entered in such minutes, shall be Certified to after each meeting by the City Clerk's signature and by the signature of the Presiding Officer of the City Commission. The City Clerk shall be the Custodian of the Seal of the City, and of all Records and Papers of a general character pertaining to the affairs of the City in accordance with laws governing public records. In the event of the temporary absence of the City Clerk, the City Clerk's designee shall attend such meeting.

Section 5. City Clerk may also be Finance Director.

Nothing herein contained shall prevent the City Clerk, if qualified, from also holding the position of Finance Director, if approved by a majority of all the City Commission.

ARTICLE VII.

The City Attorney

Section 1. Appointment; Legal Advisor to City.

The City Commission shall appoint a City Attorney to serve at the pleasure of the majority of the Commission, who shall act as the Legal Advisor to, and Attorney and Counselor for the City and all its officers in matters relating to their official duties.

Section 2. Duties of the City Attorney.

The City Attorney shall serve as Chief Legal Advisor to the City Commission, the City Manager and all City Departments and offices; shall represent the City in all legal proceedings; and shall perform any other duties prescribed by this Charter, by Ordinance or upon request of the City Commission.

Section 3. Qualifications.

The City Attorney shall be an attorney of at least three (3) years experience, admitted in and having authority to practice in all Courts of the State of Florida.

Section 4. Assistant and/or Special Attorneys.

The City Commission of the City of Eustis may appoint one or more Assistants or Special Attorneys whose duties and compensation shall be prescribed by Ordinance or Resolution of the City Commission. The City Attorney may designate an acting City Attorney to serve in the City Attorney's temporary absence.

ARTICLE VIII.

Police and Fire Departments

Section 1. City Manager to be Administrative Head of Departments.

The City Manager or his designee shall be the administrative head of the Police and Fire Departments.

Section 2. Police Department.

There shall be a Chief of Police who shall be the superior ranking law enforcement officer of the Police Department. The Chief of Police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the Police Department, subject to the approval of the City Manager or his designee and under such Rules and Regulations as the City Commission may prescribe or as may be prescribed by the Ordinances of the City.

Section 3. Additional Patrolmen and Officers.

In case of riot or other emergency and during elections and similar occasions, the City Manager or his designee may appoint additional patrolmen and officers for temporary service. No person shall act as a Special Policeman, Special Detective, or other Special Police Officer for any purpose whatsoever except on written authority of the City Manager or his designee.

Section 4. Powers and Duties of Chief of Police.

The Chief of Police or his designee shall attend all regular meetings of the City Commission and aid in the enforcement of order under the direction of the Presiding Officer. The Chief of Police shall perform such other duties appropriate to his office as may be imposed upon him by Law, the Ordinance of the City, and by direction of the City Manager or his designee, consistent with this Charter. He shall have the right to suspend any officer or employee of the Police Department because of incompetence, neglect of duty, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause, and he shall immediately report the fact of such suspension to the City Manager for final action.

Section 5. Fire Department.

There shall be a Fire Chief who shall be the superior ranking officer of the Fire Department. The Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees of the Fire Department subject to the approval of the City Manager or his designee and under such Rules and Regulations as the City Commission may prescribe or as may be prescribed by the Ordinances of the City. The Fire Chief shall have exclusive management and control of such officers and employees as may be employed in the administration of the affairs of the Fire Department.

Section 6. Additional Firefighters.

In case of riot, conflagration or like emergency, the City Manager or his designee may appoint additional firemen for temporary service. The Fire Chief shall have the right to suspend any officer or employee of the Fire Department because of incompetence, neglect of duty, drunkenness, failure to obey orders given by proper authority or for any other just or reasonable cause, and the Fire Chief shall immediately report the fact of such suspension to the City Manager for final action.

ARTICLE IX.

Elections - Recalls

Section 1. When General City Elections Held; Qualifications of Electors; Method and Manner of Holding Special Election.

The general election of the City of Eustis shall be held on the first Tuesday after the first Monday in November, being the same date as State of Florida general elections, but only in even numbered years. A person may vote at any City election who is a qualified voter under the State law, and who is a resident of the City of Eustis, and who has registered as a voter of said City in such manner as may be prescribed by Law. The City Commission shall, by Ordinance, prescribe the method and manner of holding all elections which shall be called and held, and which are not provided for by the terms of this Charter. All such elections shall be conducted substantially on the principles adopted for State Elections, insofar as there is no conflict with the terms of this Charter; provided, that the City Commission may, by Ordinance, prescribe the method, manner and conduct of all elections of said City not in conflict with this Charter.

Section 2. Arrangement For Municipal Elections; Appointment of Inspectors and Clerks.

The City Commission shall make all necessary arrangements for holding all Municipal Elections, and shall declare the result thereof. Inspectors and Clerks of Election shall be appointed by the City Commission except that if the City Commission shall fail to appoint them at least two (2) days before the date of any election, the Mayor may appoint them.

Section 3. Canvass of Returns.

The Polls shall open and close at the same hour or time required under General Law of the State of Florida for the opening and closing of Polls for State Elections. The result of the voting when ascertained, shall be certified by return in duplicate, signed by the City Clerk and a majority of the Inspectors of the Elections; one copy being delivered by such clerk and inspectors to the Mayor and the other to the City Clerk, both of whom shall transmit such returns to the City Commission at a meeting to be held at twelve o'clock noon on the day following the election. At such meeting, the City Commission shall canvass the returns and the result as shown by such returns shall be by the City Commission declared as the result of the election. The City Clerk, not later than noon of the second day after the election, shall furnish a Certificate of Election to each person shown to have been elected.

Section 4. Voting Machines.

Voting at any Municipal Election shall be either by Ballot or by Voting Machines and if by voting machines, the number and type of machines used shall meet the standards and requirements set forth by State Law for approved Voting Machines.

Section 5. Recall.

Statutory recall provisions shall apply to the members of the City Commission of the City of Eustis.

Section 6. Initiative and Referendum.

(1) (a) Initiative. The qualified voters of the City shall have the power to propose ordinances to the City Commission and, if the City Commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to a capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

(Ord. No. 94-04; Special Election 4/05/94)

(b) Referendum. The qualified voters of the City shall have power to require reconsideration by the City Commission of any adopted ordinance and, if the City Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees, excluding City Commission member salaries.

(2) Commencement of Proceedings.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the City Clerk or other official designated by the City Commission, an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the City Clerk or other official designated by the City Commission shall, at the committee's request, issue a sample petition format to the petitioners' committee at the committee's expense.

(3) Petitions.

(a) Number of Signatures. Initiative and Referendum petitions must be signed by qualified voters of the City equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular City election.

(b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be considered.

(c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signature of the persons whose name they purport to be and that each signer has an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the City Commission of the Ordinance sought to be reconsidered.

(4) Procedure for Filing.

(a) Certificate of City Clerk; Amendment. Within twenty (20) days after the initiative petition is filed and fifteen (15) days for a referendum petition, the City Clerk or other official designated by the City Commission shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. Grounds for insufficiency are only those specified in subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk or other official designated by the City Commission within ten (10) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within twenty (20) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of the above subsections, and within ten (10) days after it is filed the City Clerk or other official designated by the City Commission shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Commission review under subsection (b) of this Section within the time required, the City Clerk or other official designated by the City Commission shall promptly present his certificate to the City Commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) City Commission Review. If a petition has been certified insufficient and the petitioner's committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within five (5) days after receiving the copy of such certificate, file a request that it be reviewed by the City Commission. The City Commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the City Commission's determination shall then be a final determination as to the sufficiency of the petition.

(5) Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the City Clerk or other official designated by the City Commission, the Ordinance sought to be reconsidered may be suspended from taking effect by the City Commission. Such suspension may terminate when:

(a) There is a final determination of insufficiency of the petition, or;

(b) The petitioners' committee withdraws the petition, or;

(c) The City Commission repeals the ordinance, or;

(d) After a vote of the City on the ordinance has been certified.

(6) Acting on Petitions.

(a) Action by City Commission. When an initiative or referendum petition has been finally determined sufficient, the City Commission shall promptly consider the proposed initiative ordinance in the manner provided in Article IX or reconsider the referred ordinance by voting its repeal. If the City Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the City.

(b) Submission to Voters. The vote of the City on a proposed or referred ordinance shall be held not less than sixty (60) days and not later than ninety (90) days from the date that the petition was determined sufficient. If no regular City election is to be held within the period described in this subsection, the City Commission shall provide for a special election, except that the City Commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the City by filing with the City Clerk, or other official designated by the City Commission, a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(7) Results of Election.

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE X.

General Provisions

Section 1. Investigation of Affairs of City.

The City Commission or any committee thereof, the City Manager or an Advisory Board appointed by the City Commission for such purpose, shall have power at anytime to cause the affairs of any department or the conduct of any officer or employee to be investigated and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor or Chairman of the body, or by the officer making the investigation, and shall be served by any officer authorized by Law to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under Law of the State to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or produce any book or papers under his control relating to the matter under investigation.

Section 2. Pension and Retirement System; Insurance.

The City Commission shall have authority to establish a pension and retirement system for any or all groups of paid officers and employees in the service of the City. The City Commission shall have the authority to expend funds to provide insurance for any or all groups of paid officers and employees in the service of the City.

Section 3. Effect of This Charter on Existing Law.

All laws and parts of laws relating to or affecting the City of Eustis in force when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the

provisions of this Charter; the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of Law, and this Charter shall be so construed and applied.

Section 4. Rights of Officers and Employees Preserved.

Nothing contained in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency existing at the time when this Charter shall take effect, or any provision of Law in force at the time when this Charter shall take effect, not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, or any other rights or privileges of officers or employees of the City or any office, department or agency thereof.

Section 5. Continuance of Contracts and Public Improvements.

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under Law or Charter provisions existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing Laws and Charter provisions.

Section 6. Severability Clause.

If any section or part of section of this Charter shall be held invalid, by any court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holdings shall directly apply.

Section 7. Road District; Taxation.

(a) That the territory contained within the corporate limits of the City of Eustis herein created and established is hereby declared to be, and the same is, hereby constituted an independent Road District, in Lake County, Florida.

(b) That one-half of the amount realized from any and all road and bridge taxes levied on property within the City of Eustis by the County Commissioners of Lake County, Florida, shall be turned over annually to the municipal authorities of the City of Eustis, to be used in repairing, working, improving and laying out the streets and bridges thereof as may be prescribed by Ordinance.

Section 8. Other Powers of the City.

The enumeration or particular powers by this Charter shall not be deemed to be exclusive and in addition to the powers enumerated therein or implied thereby, or appropriated to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter, specifically to enumerate.

Section 9. Authority of City to Purchase, Own and Operate Certain Public Utilities.

The City of Eustis, Florida, is hereby authorized by and through its officers, agents, employees, and representatives, to purchase, build, construct, own, control, repair, lease, operate, manage, extend or sell public utilities and any of the usual and ordinary proprietary interests authorized and permitted now or hereafter to municipal corporations by the Laws of the State of Florida and to prescribe and enforce rates, rules, and regulations necessary thereto.

Section 10. Service of Utilities To Consumers Outside of City.

The City Commission shall have power to supply water, electricity, and gas for domestic and other purposes to individuals or corporations outside of City and to charge and collect reasonable rates, prices, and compensation therefore and rates to be charged therefore shall be fixed by the City Commission.

ARTICLE XI

Budget

Budget. The annual budget of the City of Eustis shall be set so that in any year, proposed expenses from the general fund cannot exceed anticipated revenues to be derived from all sources unless there is a surplus of revenues in the general fund of the City of at least One Million (\$1,000,000.00) Dollars. The term "revenues" as used in the Article XI means increases in (sources of) fund financial resources other than from interfund transfers and debt issue proceeds.

(Ord. No. 94-04; Special Election 4/05/94)

Section 11. When Provisions Take Effect.

This ACT shall take effect January 1, 1958.

Became a law without the Governor's approval. Filed in Office Secretary of State--May 30, 1957

This AMENDMENT is effective March 11, 1992, upon election certification by the Board of Canvassers of the City of Eustis, Florida.

This AMENDMENT is effective April 6, 1994, upon election certification by the Board of Canvassers of the City of Eustis, Florida.