

ORDINANCE 1243

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA AMENDING THE CITY OF POLK CITY CHARTER ARTICLE V; SECTION C-22 CITY CLERK; PROVIDING FOR DUTIES OF THE CLERK; PROVIDING FOR THE APPOINTMENT OF THE CLERK; PROVIDING FOR AN ELECTION DATE; PROVIDING FOR REFERENDUM QUESTIONS; PROVIDING FOR SEVERABILITY OF CHARTER AMENDMENTS; PROVIDING FOR REPEAL OF ALL ORDINANCES OR SEGMENTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLK CITY FLORIDA:

Section 1. Article V Section C-22. The Charter of the City of Polk City is hereby amended to read as follows:

- A. The city manager shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall be under the direction and control of the city manager. The city clerk shall receive a salary to be fixed by the city manager. The city clerk shall serve for an indefinite term and may be removed by the city manager.

- B. The city clerk shall administer oaths and issue subpoenas, when necessary, give notice of the meetings of the city commission, keep the journal of its proceedings, be the custodian of the city's seal and official records, authenticated by his signature, and record in full in a book kept for that purpose all ordinances and resolutions, perform the required duties in connection with city elections, and perform such other duties as may be required from time to time by the city manager.

- ~~A. The City Clerk serves at the pleasure of the Council and will work in a cooperative manner with the City Manager to conduct City business.~~

- ~~B. The City Clerk shall keep and have the care and custody of the financial books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council.~~

- ~~C. The City Clerk must have Council approval for any outside employment.~~

- ~~D. Applicants for replacing the City Clerk may be screened and initially interviewed by the City Manager, but Council will conduct final interviews and have the authority for appointment of the position of City Clerk.~~

Section 2. The referendum on this ballot question shall be at the next general election held on the first Tuesday in April, 2009.

Section 3. Referendum Question. The following referendum question shall be placed on the ballot for the election in Section 2 above:

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CHARTER AMENDMENT #1

DO YOU APPROVE AMENDING THE CITY OF POLK CITY CHARTER TO PROVIDE FOR THE APPOINTMENT OF THE CLERK, THE TERMS OF SERVICE, AND DUTIES OF THE CLERK?

YES (FOR APPROVAL OF AMENDMENT)

NO (FOR REJECTION OF AMENDMENT)

Section 4. Severability of Charter Amendments. The Charter Amendment set forth in this Ordinance are severable, and the City Charter shall be amended to include the proposed amendment subject to the approval of the electors.

Section 5. Effective Date. If approved by referendum, each proposed Charter Amendment shall become effective immediately.

Section 6. Ordinances in Conflict. All ordinances or segments of ordinances in conflict herewith are hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining segments of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage.

INTRODUCED AND PASSED by the Polk City Council on first reading, this _____ day of September, 2008.

PASSED AND CERTIFIED AS TO PASSAGE by the Polk City Council this _____ day of October, 2008.

Donald L. Penton, Mayor

ATTEST:

Pam Peterson, Interim City Clerk

APPROVED AS TO CORRECTNESS AND FORM:

Jeff Sullivan, City Attorney

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