

ORDINANCE 2014-02

AN ORDINANCE PROPOSING AMENDMENTS TO THE POLK CITY CHARTER; SETTING A CHARTER AMENDMENT REFERENDUM; CHANGING THE NAME OF THE CITY TO POLK CITY, FLORIDA; CHANGING REFERENCES FROM "TOWN" TO "CITY"; CHANGING REFERENCES FROM "COUNCIL" TO "COMMISSION"; REVISING THE METHOD OF INCREASING COUNCIL MEMBER COMPENSATION FROM USE OF FEDERAL COST OF LIVING INCREASE TO ORDINANCE ADOPTION; DELETION OF MINIMUM 5-DAY ADVERTISEMENT REQUIREMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN ELECTION 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.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

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

SECTION 2. CITY NAME CHANGE; MODIFICATION TO ARTICLE I, §§ C-1 AND C-2, ARTICLE VI, §§ C-24.B AND C-29, ARTICLE VII, § C-31, AND ARTICLE X, § C-42. Article I, §§ C-1 and C-2, Article VI, §§ C-24.B and C-29, Article VII, § C-31, and Article X, § C-42 of the Polk City Charter are amended to change the name of the City to "Polk City" as follows:

ARTICLE I. CREATION; PROPERTY

§ C-1. Creation and powers.

~~The Town of~~ A municipality named Polk City is 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.

§ C-2. City property; use; disposition.

A. Any real estate owned by ~~the City of Polk City~~ may be leased for a term of up to ten (10) years upon authorization of a majority vote of four (4) of the five (5) council members.

B. Council may extend a duly approved lease by a simple majority vote for terms up to five (5) years with multiple extensions.

C. Any real estate owned by ~~the City of Polk City~~ may be sold after a licensed real estate appraiser has provided a certified appraisal of said property value and the authorization of sale is approved by a majority vote of four (4) of five (5) council members. Use of the property by the new owner must comply with all city, county or state ordinances, codes or statutes and said use of the property must be a material part of the sales contract.

ARTICLE VI. NOMINATIONS AND ELECTIONS

§ C-24. Candidates; qualifications; petition.

B. Every person who shall be a candidate for the office of City Council shall file with the City Clerk a qualification fee of fifty dollars (\$50.00). In lieu of the qualifying fee, an applicant may file a petition as hereinafter described. Each application by a candidate shall be accompanied by an affidavit that the candidate has all of the requirements of and is a legal voter of ~~the City of Polk City, Florida~~, and is not a candidate as a nominee or representative of any political party or any committee or convention representing or sitting for any political party. With said application shall be filed a petition for the candidacy of the applicant and the petition for a candidate for the Council Member shall be signed by not fewer than thirty (30) qualified electors setting forth that the applicant is known to the petitioners and is known by said petitioners to be of good moral character and qualified for the office for which the candidate has applied. No elector shall sign more than three (3) petitions for the candidacy of others to a city office. The City Council shall prescribe the form of and make available such petition papers through the Clerk's office.

§ C-29. Oath of office.

All officers of ~~the Town of Polk City~~, before entering upon the duties of their office, shall by oath or affirmation subscribe to faithfully perform the duties of their office and support the Constitution and laws of the United States of America and the State of Florida.

ARTICLE VII. TRANSITION

§ C-31. Former provisions.

All elements of former Charters are void upon approval of this or future Charter revisions upon an approval referendum vote by the electors of ~~the City of Polk City~~.

ARTICLE X. INTENT

§ C-42. Intent.

It is intended that this document shall revise and amend the existing Charter of ~~the City of~~ Polk City, Florida in full. This document will be the Charter of Polk City until such time as it is amended or revised. It is recommended that this Charter and all future Charter revisions be reviewed and amended as necessary and desirable every five (5) years, but not less frequently than every ten (10) years. It is further intended that this Charter conform to the Municipal Home Rule Powers Act, Florida Statutes, Chapter 166 et seq.

SECTION 3. DELETION OF "TOWN;" MODIFICATION TO ARTICLE III, §§ C-5 AND C-12, ARTICLE V, §§ C-18, C-20, C-21, ARTICLE VI, §§ C-23, C-25, AND C-26, ARTICLE VIII, §§ C-35, C-36, C-37 AND C-38. Article III, §§ C-5 and C-12, Article V, §§ C-18, C-20 and C-21, Article VI, §§ C-23, C-25 and C-26 and Article VIII, §§ C-35, C-36, C-37 and C-38 of the Polk City Charter are amended as follows:

ARTICLE III. TOWN CITY COUNCIL

§ C-5. Establishment.

There shall be a ~~Town~~ City Council with all legislative powers of the town vested therein, unless and except as prescribed elsewhere in this Charter, consisting of five (5) ~~Councilmen~~ Council members.

§ C-12. Appointments.

A. The ~~Town~~ City Council shall appoint the following offices:

- (1) ~~Town~~ City Manager
- (2) ~~Town~~ City Clerk
- (3) ~~Town~~ City Attorney
- (4) Such other officials as it deems necessary

B. The duties of these officials shall be as prescribed by the Council. One (1) person cannot hold or be appointed to more than one office as described in C-10, C. The exception is represented by an emergency temporary appointment to a second office based on death, resignation or termination of another officer, and only until a replacement can be hired or appointed. The exception replacement shall only be made when necessary to maintain critical City government operations until a replacement is hired or appointed.

ARTICLE V. ADMINISTRATION

§ C-18. ~~Town~~ City Manager; establishment.

There shall be a ~~Town~~ City Manager, who shall be the chief administrative officer of the town. He shall be responsible to the Council for the administration of all town affairs placed in his charge by or under this Charter.

§ C-20. Acting ~~Town~~ City Manager.

A. By letter filed with the Council, the Manager shall designate, subject to approval of the Council, a qualified town administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint an elected official of the town to serve until the Manager shall return or his disability shall cease.

B. In the event that, by reason of death, sickness, resignation, absence or discharge of the City Manager, the office of City Manager shall be temporarily vacant, the City Council shall appoint an Acting Manager to act pending the filling of the vacancy, and such Acting Manager shall have temporarily the powers hereby vested in a City Manager for a period of thirty (30) days. The initial thirty-day vacancy may be renewable for additional thirty (30) day periods as necessary to fill the vacancy of ~~Town~~ City Manager. Any member of the City Council may serve, temporarily, as Acting City Manager while serving as a Council Member

§ C-21. Powers and duties of ~~Town~~ City Manager.

The ~~Town~~ City Manager shall:

(1) Appoint and, when he deems it necessary for the good of the town, suspend or remove all town 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. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(2) Direct and supervise the administration of all other departments, offices and agencies of the ~~Town~~ City, except as otherwise provided by this Charter or by law.

(3) Attend all Council meetings and shall have the right to take part in discussion but may not vote.

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

(5) Prepare and submit the annual budget, budget message and capital program to the Council in a form provided by ordinance.

(6) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the ~~Town~~ City as of the end of each fiscal year.

(7) Make such other reports as the Council may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.

(8) Keep the Council fully and continuously advised as to the financial condition and future needs of the town and make such recommendations to the Council concerning the affairs of the ~~Town~~ City as he deems desirable.

(9) Sign contracts on behalf of the ~~Town~~ City pursuant to the provisions of appropriations ordinances.

(10) Perform such other duties as are specified in this Charter or may be required by the Council.

B. The City Manager must have Council approval for any outside employment.

ARTICLE VI. NOMINATIONS AND ELECTIONS

§ C-23. Electors.

Any person who is a resident of the ~~town~~ City, who has qualified as an elector of this state and who registers in the procedural manner prescribed by general law and ordinance of the ~~town~~ City shall be an elector of the ~~town~~ City.

§ C-25. Ballots.

When possible, all elections shall be on voting machines secured through the County Supervisor of Elections. The format, when using voting machines, shall be prescribed by the Supervisor of Elections. It shall be the responsibility of the Clerk to make the appropriate arrangements to secure voting machines, secure poll workers and make sure that the poll workers are trained for their respective duties. The ~~Town~~ City Council shall also have the option to utilize a paper ballot with a format that has been approved by Council. The Council may use a paper ballot to save money and/or when the election includes a small number of offices to be filled and/or a small number of candidates seeking said offices. Lottery drawing shall choose the candidate positions on the ballot for each office.

§ C-26. Elections.

A. *Nonpartisan.* There shall be no primary elections. At the general election, the candidate for each seat receiving the highest number of votes for each respective seat shall be elected.

B. A single candidate running unopposed shall not be placed on the general ballot. It is presumed that the candidate will vote for him/her self and is therefore elected. F. S. 101.151(7).

C. *Write-in candidate.* Provisions shall be made on the ballot for the electorate to write-in qualified candidates for each seat on the ballot.

D. *Recall.* The qualified voters of the Town City shall have the power to recall and to remove from office any elected official of the Town City as provided by general law.

ARTICLE VIII. QUALIFIED VOTERS; POWERS

§ C-35. Recall.

The qualified voters of the town City shall have the power to remove from office any elected officers of the town in accordance with the recall as provided in the Florida State statutes.

§ C-36. Initiative.

The qualified voters of the city shall have power to propose ordinances to the Council, provided that such proposed ordinances shall not extend to the budget, capital programs or any ordinance relating to appropriations of money, levy of taxes or salaries of town City officials or employees.

§ C-37. Referendum.

The qualified voters of the town City shall have power to require reconsideration by the Council of any adopted ordinance. If the Council fails to reconsider, reject or amend such ordinance specified by said qualified voters, a referendum may be pursued by qualified voters to take desired action, following procedures outlined in C-38 (Procedures) Qualified may request reconsideration of any ordinance that does not extend to the budget, capital programs or any emergency ordinance or other ordinance relating to appropriations of money, levy of taxes or salaries of town City officers or employees.

§ C-38. Procedures.

A. *Commencement of proceedings.* Any five (5) qualified electors of Polk City may commence initiative referendum proceedings by filing with the City Clerk 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 for mailing of all committee notices, 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 may, at the committee's request, issue the appropriate petition blanks to the petitioners committee at the committee's expense.

B. *Petitions.*

(1) *Number of signatures.* Initiative and referendum petitions must have the name printed and signed by qualified electors of the town, equal in number to at least ten (10) percent of the number of qualified voters qualified to vote at the last general town election.

(2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature will be preceded by the persons printed name and 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 reconsidered.

(3) *Affidavit of circulator.* Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating:

(a) That he/she personally circulated the paper.

(b) The number of signatures thereon.

(c) That all the signatures were affixed-in his/her-presence and that he/she believes them to be the genuine-authenticated-signatures of each person signing the petition.

(d) That each voter signing the petition had an opportunity, before signing, to read the full text of the ordinance proposed or sought to be reconsidered.

C. *Procedure for filing.*

(1) *Certificate of Clerk, amendment.* Within twenty (20) calendar days after the petition is filed [five (5) calendar days for a referendum], the Town City Clerk shall issue a certificate to the petitioners stating that their petition(s) is either complete and correct or whether said petition(s) fail to meet the criteria in Subsection B, defining either the fault of the inadequate petition(s) or invalid signatures thereon. The certificate shall be sent to the petitioners by registered mail. The petitioners may file a notice to amend the petition(s) within two business days after receiving the certificate. The amended petition(s) or supplementary petition(s) must be filed within ten (10) business days of receiving the certificate. The Town City Clerk has five (5) business days to review the amended/supplementary petitions (s) and respond to the petitioners with a certificate approving or disapproving the amended petition/supplementary petition(s) stating elements of disapproval as/if necessary, and mailing said certificate by

registered mail to the petitioners. The Clerk shall promptly present the certificate(s) to Council as a final determination of the sufficiency or insufficiency of the petition process.

(2) *Council review.* If the original petition(s) is certified insufficient and the petitioners fail to file a notice of intention to amend the petition(s) or if the amended petition(s) are insufficient the petitioners committee has two (2) business days to file a request for Council to review all petition and certificate documents. Council will conduct the review at their next regular meeting, issuing a final approval or disapproval of the petitions filed.

(3) *Compliance required.* Nothing in this section shall be construed to mean that an initiated ordinance is excused from meeting any requirement imposed by Florida law, the Constitution of the State of Florida or the Constitution of the United States.

D. *Action of petitions.*

(1) *Action by the Council.* When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article IV or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within ninety (90) days or fails to repeal the referred ordinance within ninety (90) days, Council shall submit the proposed or referred ordinance to the voters of the city for a referendum.

(2) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not more 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 prescribed in this subsection, the Council shall provide for a special election, otherwise, the vote shall be held as part as part of a regular election. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote on the issue, by filing with the ~~Town~~ City Clerk 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.

E. *Results of election.*

(1) *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 Council. 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. An ordinance created by initiative referendum cannot be repealed except by referendum.

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

SECTION 4. CHANGING "COUNCIL" TO "COMMISSION" AND RELATED CHANGES. Article I, § C-3, Article III, §§ C-5 through C-12, Article IV, §§ C-13 through C-17, Article V, §§ C-18 through C-22A, Article VI, § C-24, § C-25, and § C-28, Article VIII, §§ C-36 through C-38, and Article IX, §§ C-40 and C-41 of the Polk City Charter are amended as follows:

ARTICLE I. CREATION; PROPERTY

§ C-3. Vacations of property.

A. Any alleys, walkways, drainage facilities, dedicated streets or utility easements may be vacated only upon specific authorization by a simple majority vote of ~~council~~ commission members of the City ~~Council~~ Commission after written notification of all property owners within three hundred (300) feet from the perimeter of the real estate sought to be vacated.

B. Any lands conveyed or dedicated to the city to be used for parks, playgrounds, recreation centers, swimming pools or libraries can only be disposed of by a majority vote of four (4) of five (5) votes of city ~~council~~ commission members and is also subject to reversion conditions of the grantor.

C. No easement dedicated or granted to the city or right-of-way shall be vacated.

ARTICLE III. ~~TOWN COUNCIL~~ CITY COMMISSION

§ C-5. Establishment.

There shall be a ~~Town Council~~ City Commission with all legislative powers of the town vested therein, unless and except as prescribed elsewhere in this Charter, consisting of five (5) ~~Councilmen~~ Commissioners.

§ C-6. Election and qualification of members.

A. The regular election of the City ~~Council~~ Commission shall be held on the first Tuesday of April, starting in the year 2004 and will continue to occur every (2) two years on even numbered years. The dates/days of municipal elections and any future changes shall be designated by ordinances or resolutions adopted by ~~Council~~ the Commission.

B. There shall be five (5) ~~Council Members~~ Commissioners, who shall be qualified electors of the town. No person shall be qualified to run for election as City ~~Council Member~~ Commissioner unless he/she has first been a full-time resident of the town six (6) months prior to the election for the ~~council~~ commission position to be filled.

C. Election for the office of ~~Council Member~~ Commissioner for Seat Nos. 1 and 3 shall be held on the first Tuesday of April in even-numbered years, and election for Seat Nos. 2, 4 and 5 shall likewise be held in even-numbered years two (2) years following the election for Seat Nos. 1 and 3. Election shall be for a four-year term for all ~~Council Member~~ Commission seats.

§ C-7. Mayor-Council Commission Member; Vice Mayor.

A. At the first regular meeting in April of each year, the City ~~Council~~ Commission shall select two (2) of its members to serve as Mayor and Vice Mayor. ~~Council~~ Commission will elect a replacement Mayor or Vice Mayor if the sitting officer is unable to serve for any reason.

B. The Mayor and Vice Mayor shall be elected by a majority vote of the ~~Council~~ Commission.

C. The Mayor-Council ~~Member~~ Commissioner shall preside at meetings of the ~~Council~~ Commission, shall be recognized as head of city government for all ceremonial purposes, by the Governor for purposes of military 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 Mayor-Council ~~Member~~ Commissioner shall have equal power with other ~~Council members~~ Commissioners to make a motion, second a motion, discuss a question and cast a vote.

D. A Vice Mayor shall have equal power with other ~~Council Members~~ Commissioners. He/she shall perform the functions and duties of the Mayor-Council ~~Member~~ Commissioner in the event that the Mayor ~~Council Member~~ Commissioner is unable to do so for any reason.

E. The Mayor and Vice Mayor shall have primary signatory authority on the city checking account. All checks will require two (2) signatures. If the Mayor or Vice Mayor is not available to sign checks, the first alternate will be a designated ~~Council Member~~ Commissioner and the second alternate will be the City Manager.

§ C-8. Compensation.

A. The City ~~Council Members~~ Commissioners of the city shall receive the sum of fifty dollars (\$50.00) per month and the Mayor-Council ~~Member~~ Commissioner shall receive the sum of (\$100.00) per month as compensation for their respective services to the city during the time they hold office. The compensation of ~~Council Members~~

Commissioners will be increased each year based on the Federal Cost of Living Index formula.

B. All ~~Council Members~~ Commissioners shall be authorized to receive reimbursement for expenses incurred in connection with performing official duties for the city, and a fund shall be provided in the annual budget for the purpose; provided, however, that the city in no way shall be obligated for the payment of such expenses unless and until the City ~~Council~~ Commission shall have expressly approved the same in an open public meeting.

§ C-9. Vacancies.

A. *Vacancies.* The office of a ~~Council Member~~ Commissioner shall become vacant upon his/her death, resignation or forfeiture of his/her office.

B. *Forfeiture of office.* A ~~Council Member~~ Commissioner shall forfeit his/her office if he/she lacks at any time during his/her term of office any qualifications for the office prescribed by this Charter or by law or violates any standard of conduct or code of ethics established by law for public officials. Such forfeiture shall require the affirmative vote of three (3) members of the ~~Council~~ Commission.

C. *Filling of vacancies.* If a seat is vacated for any reason, ~~Council~~ the Commission, by a majority vote of the remaining members shall choose a qualified elector as a successor to serve until a replacement ~~Council Member~~ Commissioner is elected at a regular election.

D. *[Replacement ~~Council Member~~ Commissioner.]* A replacement ~~Council Member~~ Commissioner will be elected for the vacated seat and the ballot will specify that the election be either for the unexpired term or a full four-year term of the respective numbered seat.

E. *Extraordinary vacancies.* In the event that all or a majority of members of the ~~Council~~ Commission are removed by death, disability or forfeiture of office, the Governor shall appoint and interim ~~Council~~ Commission that shall call a special election within sixty (60) days to fill any and all unexpired terms of the vacated seats. The election will only be for the unexpired term of each respective seat.

F. *[Special election.]* Should two (2) or more ~~Council Member~~ Commissioner seats be vacated at the same time the remaining ~~Council Member~~ Commissioner(s) shall call a special election within sixty (60) days to fill the vacant seats for the balance of each respective term and as prescribed by the laws of the State of Florida.

§ C-10. Restrictions.

A. *Appointments and removals.* Neither the ~~Council~~ Commission nor any of its members shall in any manner dictate the appointment or removal of any city officers or

employees whom the City Manager or any of his/her subordinates are empowered to appoint, but any member of the Council Commission may express his/her views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

B. *Interference with administration.* Except for the purpose of inquiries and investigation, the Council Commission or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council Commission 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 Commission from closely scrutinizing, by questions and personal observation, all aspects of City government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the Council Commission. It is the express intent of this Charter, however that recommendations for improvement in City government operations by individual Council Members Commissioners are made through the City Manager, so that the Manager may coordinate efforts of all City departments to achieve the greatest possible savings and efficiency.

C. *City officers limited to one (1) office.* No officer of the City of Polk City shall hold more than one (1) office, whether such office be elective or appointive, except as hereinafter provided in C-20.

D. *City officers and employees shall not have interest in City contracts.* No official or any employee of the City shall have any personal interest in any contract of the City if he/she thereby directly or indirectly gains a profit in money, property or otherwise; and any such contract in which a City official or employee may be or become interested shall be voidable by the City and shall be voided without delay by the City Council Commission.

E. *Standard of ethics.* The State of Florida statute defining the Code of Ethics for public officers and employees shall be adopted by a Council Commission approved ordinance and shall apply as provided therein.

§ C-11. Procedures.

A. *Meetings.* The Council Commission shall meet regularly at least once in every month at such times and places as the Council Commission may prescribe by rule. Special meetings may be held upon the call of any Councilmember Commissioner by requesting the City Manager to notify the remaining Council members Commissioners of the intent. One other Council Member Commissioner must join the requesting member to validate the meeting call. The meeting may then be set with a minimum of 24 hours written notice to each member and by posting a notice of such special meeting at City Hall and one (1) other conspicuous place with the City. The Mayor may call an emergency meeting at any time to address public safety, public health or similar issues concerning the welfare of the City.

B. *Rules and recording of official records.* The ~~Council~~ Commission shall determine its own rules of procedure and the ~~Mayor-Council Member~~ Commissioner shall set the order of business for each meeting. The City Clerk shall record and maintain detailed official records of City meetings.

C. *Voting.* Voting on ordinances and resolution shall be by roll call and shall be recorded in the official records. A majority of the ~~Council~~ 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 ~~Council~~ Commission. No action of the ~~Council~~ Commission, except as otherwise provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

D. *[Absence from meetings.]* Absence from three (3) consecutive regular town meetings shall constitute a vacancy of the seat of said ~~Council Member~~ Commissioner.

§ C-12. Appointments.

A. The ~~Town-Council~~ City Commission shall appoint the following offices:

- (1) Town Manager
- (2) Town Clerk
- (3) Town Attorney
- (4) Such other officials as it deems necessary

B. The duties of these officials shall be as prescribed by the ~~Council~~ Commission. One (1) person cannot hold or be appointed to more than one office as described in C-10, C. The exception is represented by an emergency temporary appointment to a second office based on death, resignation or termination of another officer, and only until a replacement can be hired or appointed. The exception replacement shall only be made when necessary to maintain critical City government operations until a replacement is hired or appointed.

ARTICLE IV. LEGISLATIVE PROCEDURES

§ C-13. Ordinances: general.

A. *[Definitions.]* As used in this Article, the following terms shall have the meanings indicated:

ORDINANCE-An official legislative action of the ~~Council~~ Commission, which action is regulation of a general and permanent nature and enforceable as a local law.

B. *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

C. *Procedure.* A proposed ordinance shall be read by title or in full on at least two (2) separate days, at either regular or special meetings of the ~~Council~~ Commission, and at least five (5) days or within the number of days prescribed by applicable statute prior to adoption, be noticed once in a newspaper of general circulation that meets the statutory standards for public notice publication. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

D. *Action requiring an ordinance.* In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, these acts of the City ~~Council~~ Commission shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department or agency
- (2) Establish a rule or regulation the violation of which carries a penalty.
- (3) Levy taxes authorized by general law.
- (4) Grant, renew or extend a franchise
- (5) Set service or user charge for municipal services or grant administrative authority for such charges.
- (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution and general law of the state.
- (7) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VIII with respect to repeal of ordinances reconsidered under the referendum power.
- (8) Resolution of problems or government matters that may be addressed by ordinance rather than referendum unless a referendum is required by law.

§ C-14. Ordinances: emergency.

A. [Adoption.] To meet a public emergency affecting life, health, property or the public peace, the ~~Council~~ Commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter.

B. *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

C. *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced.

D. *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

E. *Repeal.* Every emergency ordinance, except emergency appropriations, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

F. *Emergency appropriations.* The ~~Council~~ Commission may make emergency appropriations in the manner provided in this section. To the extent that there are no available unappropriated revenues to meet such appropriations, the ~~Council~~ Commission 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.

§ C-15. Budget adoption.

The ~~Council~~ 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 ~~Council~~ 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 ~~Council~~ 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.

§ C-16. Appropriation amendments.

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

B. *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 Council 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 Council 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.

C. *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.

§ C-17. Authentication; recording.

A. *Authentication.* The presiding officer of the Council Commission and the person charged with keeping the official records (~~Mayor Council Member - Commissioner~~ and City Clerk), shall authenticate, by their signatures, all ordinances and resolutions adopted by the Council Commission. In addition, when the electors have approved Charter amendments, the presiding officer of the Council Commission and the person charged with keeping the official records shall authenticate by their signatures, the Charter amendment, and such authentication to reflect the approval of the Charter amendment by the electorate.

B. *Recording.* The person charged with keeping the journal shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Council Commission. Ordinances shall, at the direction of the Council Commission, be periodically codified. The person charged with keeping the journal shall also maintain the Town Charter in current form and shall enter all Charter amendments and send a copy of the revised Charter incorporating amendments to the Secretary of State's office.

C. *Printing.* The Council Commission shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference and this Charter available to the people of the town for public inspection and available for purchase at a reasonable price.

ARTICLE V. ADMINISTRATION

§ C-18. Town Manager; establishment.

There shall be a Town Manager, who shall be the chief administrative officer of the town. He shall be responsible to the Council Commission for the administration of all town affairs placed in his charge by or under this Charter.

§ C-19. Appointment, removal, compensation, employment contract.

A. *Appointment.* The Council Commission shall appoint a City Manager for a term stated in an employment contract with appropriate extensions as voted by a super majority four (4) of five (5) Council Members Commissioners.

B. *Removal.* The Council Commission may remove the Manager by a super majority vote of four (4) of five (5) Council Members Commissioners.

C. *Compensation.* The compensation and benefits package for the Manager shall be fixed by the Council Commission and shall be defined by contract, approved by a majority of three (3) Council Members Commissioners.

D. *Terms of employment contract.* The contract shall define at a minimum, compensation, benefits and a termination process, plus any other special conditions of employment.

§ C-20. Acting Town Manager.

A. By letter filed with the Council Commission, the Manager shall designate, subject to approval of the Council Commission, a qualified town administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council Commission may revoke such designation at any time and appoint an elected official of the town to serve until the Manager shall return or his disability shall cease.

B. In the event that, by reason of death, sickness, resignation, absence or discharge of the City Manager, the office of City Manager shall be temporarily vacant, the City Council Commission shall appoint an Acting Manager to act pending the filling of the vacancy, and such Acting Manager shall have temporarily the powers hereby vested in a City Manager for a period of thirty (30) days. The initial thirty-day vacancy may be renewable for additional thirty (30) day periods as necessary to fill the vacancy of Town Manager. Any member of the City Council Commission may serve, temporarily, as Acting City Manager while serving as a Council Member Commissioner.

§ C-21. Powers and duties of Town Manager.

A. The Town Manager shall:

- (1) Appoint and, when he deems it necessary for the good of the town, suspend or remove all town 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. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (2) Direct and supervise the administration of all other departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.
- (3) Attend all Council Commission meetings and shall have the right to take part in discussion but may not vote.
- (4) See that all laws, provisions of this Charter and acts of the Council Commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (5) Prepare and submit the annual budget, budget message and capital program to the Council Commission in a form provided by ordinance.
- (6) Submit to the Council Commission and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
- (7) Make such other reports as the Council Commission may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.
- (8) Keep the Council Commission fully and continuously advised as to the financial condition and future needs of the town and make such recommendations to the Council Commission concerning the affairs of the town as he deems desirable.
- (9) Sign contracts on behalf of the town pursuant to the provisions of appropriations ordinances.
- (10) Perform such other duties as are specified in this Charter or may be required by the Council Commission.

B. The City Manager must have Council Commission approval for any outside employment.

§ C-22. City Clerk.

A. The City Clerk serves at the pleasure of the City Council Commission 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 Commission and shall carry out such additional duties as may be required by the City Council Commission.

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

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

§ C-22A. Duties of city attorney.

The City Attorney is appointed by City Council Commission per contract and serves at the pleasure of the City Council Commission. Said attorney will provide legal counsel and guidance to City Council Commission, the city manager and other city officials as directed. The City Attorney will attend all regular monthly meetings and other called City Council Commission meetings unless specifically excused by a simple City Council Commission majority.

ARTICLE VI. NOMINATIONS AND ELECTIONS

§ C-24. Candidates; qualification; petition.

A. Every person who shall be a candidate for the office of City Council Commission shall file with the City Clerk an application to have his or her name printed upon the ballot as a candidate for the office to which he or she aspires. The content of the application will include the candidate's residence address and such application shall be filed not less than thirty-five (35) days and not more than fifty (50) days before the date of the election.

B. Every person who shall be a candidate for the office of City Council Commission shall file with the City Clerk a qualification fee of fifty dollars (\$50.00). In lieu of the qualifying fee, an applicant may file a petition as hereinafter described. Each application by a candidate shall be accompanied by an affidavit that the candidate has all of the requirements of and is a legal voter of the City of Polk City, Florida, and is not a candidate as a nominee or representative of any political party or any committee or convention representing or sitting for any political party. With said application shall be filed a petition for the candidacy of the applicant and the petition for a candidate for the ~~City Council Member~~ Commissioner shall be signed by not fewer than thirty (30) qualified electors setting forth that the applicant is known to the petitioners and is known by said petitioners to be of good moral character and qualified for the office for which the

candidate has applied. No elector shall sign more than three (3) petitions for the candidacy of others to a city office. The City Council Commission shall prescribe the form of and make available such petition papers through the Clerk's office.

C. When a petition for nomination is presented to the City Clerk for filing, it shall forthwith be examined by the City Clerk to ascertain whether it conforms to the provisions of this section. If not, the City Clerk shall state, in writing, the reasons why such petition cannot be filed and shall forthwith return the petition to the person that presented the nomination petition. The Clerk shall return unsatisfactory petitions within twenty four (24) hours.

§ C-25. Ballots.

When possible, all elections shall be on voting machines secured through the County Supervisor of Elections. The format, when using voting machines, shall be prescribed by the Supervisor of Elections. It shall be the responsibility of the Clerk to make the appropriate arrangements to secure voting machines, secure poll workers and make sure that the poll workers are trained for their respective duties. The Town Council City Commission shall also have the option to utilize a paper ballot with a format that has been approved by Council Commission. The Council Commission may use a paper ballot to save money and/or when the election includes a small number of offices to be filled and/or a small number of candidates seeking said offices. Lottery drawing shall choose the candidate positions on the ballot for each office.

§ C-28. Canvassing board.

The City Council Commission shall meet as a canvassing board and duly canvass the election returns prior to the regular ~~second Tuesday~~ third Monday of April monthly Council Commission meeting. The election results will be posted on the bulletin board immediately following the canvassing meeting and a press release of election results will be given to the local media for publication on the day following the canvassing meeting. Newly elected Council members Commissioners will be sworn in at the regular April Council Commission meeting, followed by the election of a Mayor and Vice Mayor.

ARTICLE VIII. QUALIFIED VOTES; POWERS

§ C-36. Initiative.

The qualified voters of the city shall have power to propose ordinances to the Council Commission, provided that such proposed ordinances shall not extend to the budget, capital programs or any ordinance relating to appropriations of money, levy of taxes or salaries of town officials or employees.

§ C-37. Referendum.

The qualified voters of the town shall have power to require reconsideration by the Council Commission of any adopted ordinance. If the Council Commission fails to reconsider, reject or amend such ordinance specified by said qualified voters, a referendum may be pursued by qualified voters to take desired action, following procedures outlined in C-38 (Procedures) Qualified may request reconsideration of any ordinance that does not extend to the budget, capital programs or any emergency ordinance or other ordinance relating to appropriations of money, levy of taxes or salaries of town officers or employees.

§ C-38. Procedures.

A. *Commencement of proceedings.* Any five (5) qualified electors of Polk City may commence initiative referendum proceedings by filing with the City Clerk 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 for mailing of all committee notices, 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 may, at the committee's request, issue the appropriate petition blanks to the petitioners committee at the committee's expense.

B. *Petitions.*

- (1) *Number of signatures.* Initiative and referendum petitions must have the name printed and signed by qualified electors of the town, equal in number to at least ten (10) percent of the number of qualified voters qualified to vote at the last general town election.
- (2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature will be preceded by the persons printed name and 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 reconsidered.
- (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating:
 - (a) That he/she personally circulated the paper.
 - (b) The number of signatures thereon.
 - (c) That all the signatures were affixed-in his/her-presence and that he/she believes them to be the genuine-authenticated-signatures of each person signing the petition.

- (d) That each voter signing the petition had an opportunity, before signing, to read the full text of the ordinance proposed or sought to be reconsidered.

C. *Procedure for filing.*

- (1) *Certificate of Clerk, amendment.* Within twenty (20) calendar days after the petition is filed [five (5) calendar days for a referendum], the Town Clerk shall issue a certificate to the petitioners stating that their petition(s) is either complete and correct or whether said petition(s) fail to meet the criteria in Subsection B, defining either the fault of the inadequate petition(s) or invalid signatures thereon. The certificate shall be sent to the petitioners by registered mail. The petitioners may file a notice to amend the petition(s) within two business days after receiving the certificate. The amended petition(s) or supplementary petition(s) must be filed within ten (10) business days of receiving the certificate. The Town Clerk has five (5) business days to review the amended/supplementary petitions (s) and respond to the petitioners with a certificate approving or disapproving the amended petition/supplementary petition(s) stating elements of disapproval as/if necessary, and mailing said certificate by registered mail to the petitioners. The Clerk shall promptly present the certificate(s) to ~~Council~~ the Commission as a final determination of the sufficiency or insufficiency of the petition process.
- (2) *Council Commission review.* If the original petition(s) is certified insufficient and the petitioners fail to file a notice of intention to amend the petition(s) or if the amended petition(s) are insufficient the petitioners committee has two (2) business days to file a request for ~~Council~~ Commission to review all petition and certificate documents. ~~Council~~ The Commission will conduct the review at their next regular meeting, issuing a final approval or disapproval of the petitions filed.
- (3) *Compliance required.* Nothing in this section shall be construed to mean that an initiated ordinance is excused from meeting any requirement imposed by Florida law, the Constitution of the State of Florida or the Constitution of the United States.

D. *Action of petitions.*

- (1) *Action by the ~~Council~~ Commission.* When an initiative or referendum petition has been finally determined sufficient, the ~~Council~~ Commission shall promptly consider the proposed initiative ordinance in the manner provided in Article IV or reconsider the referred ordinance by voting its repeal. If the ~~Council~~ Commission fails to adopt a proposed initiative ordinance without any change in substance within ninety (90) days or fails to repeal the referred ordinance within ninety (90) days, ~~Council~~

Commission shall submit the proposed or referred ordinance to the voters of the city for a referendum.

- (2) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not more 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 prescribed in this subsection, the ~~Council~~ Commission shall provide for a special election, otherwise, the vote shall be held as part as part of a regular election. Copies of the proposed or referred ordinance shall be made available at the polls.
- (3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote on the issue, by filing with the Town Clerk 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.

E. *Results of election.*

- (1) *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 ~~Council~~ 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. An ordinance created by initiative referendum cannot be repealed except by referendum.
- (2) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, the ordinance shall be considered repealed upon certification of the election results.

ARTICLE IX. CHARTER AMENDMENTS

§ C-40. Initiation by ordinance.

The ~~Council~~ Commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing the boundaries, and upon passage of the initiating ordinance, shall place the proposed amendment to a vote of the electors at the next general election held within the town or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the ~~Council~~ Commission and shall not be subject to a vote of the electors except as provided by general law.

§ C-41. Initiation by petition.

A. *[Petition of qualified voters.]* The electors of the town may propose amendments to this Charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last regular town election.

B. *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) 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 proposed Charter amendment.

C. *Affidavit of circulator.* Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating:

- (1) That he/she personally circulated the petition or document.
- (2) The number of signatures thereon.
- (3) That all the signatures were affixed in his/her presence and that he/she believes them to be the genuine authenticated signatures of each person signing the petition.
- (4) That each signer had an opportunity before signing to read the full text of the proposed Charter amendment.

D. *Certification of petition.* Upon certification of the petition by the designated official, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular town election, the Council Commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

SECTION 5. REMOVAL OF AUTOMATIC COST OF LIVING INCREASES TO COUNCIL COMPENSATION; PROVIDING COMPENSATION INCREASES MUST BE ADOPTED BY ORDINANCE; MODIFICATION TO ARTICLE III, § C-8. Article III, § C-8 of the Polk City Charter is amended as follows:

ARTICLE III. CITY COUNCIL

§ C-8. Compensation.

A. The City Council Members of the city shall receive the sum of fifty dollars (550.00) per month and the Mayor-Council Member shall receive the sum of (\$100.00) per month as compensation for their respective services to the city during the time they hold office. ~~The compensation of Council Members will be increased each year based~~

~~on the Federal Cost of Living Index formula. The compensation of Council Members may be increased from time to time by ordinance.~~

B. All Council Members shall be authorized to receive reimbursement for expenses incurred in connection with performing official duties for the city, and a fund shall be provided in the annual budget for the purpose; provided, however, that the city in no way shall be obligated for the payment of such expenses unless and until the City Council shall have expressly approved the same in an open public meeting.

SECTION 6. DELETION OF FIVE-DAY NOTICE; MODIFICATION OF ARTICLE IV, § C-13.C. Article IV, § C-13.C. of the Polk City Charter is amended as follows:

ARTICLE IV. LEGISLATIVE PROCEDURES

§ C-13. Ordinances: general.

C. *Procedure.* A proposed ordinance shall be read by title or in full on at least two (2) separate days, at either regular or special meetings of the Council, and ~~at least five (5) days or~~ within the number of days prescribed by applicable statute prior to adoption, be noticed once in a newspaper of general circulation that meets the statutory standards for public notice publication. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

SECTION 7. PROPOSED BALLOT LANGUAGE. The questions to be submitted to the electors shall appear on the ballot as follows:

<p>CHARTER AMENDMENT #1</p> <p>VARIOUS SECTIONS IN THE CHARTER</p> <p>CHANGING THE NAME OF THE CITY TO POLK CITY, FLORIDA</p> <p>This amendment proposes to change the name of the City from the “City of Polk City, Florida” to “Polk City, Florida.”</p> <p>Question – Shall the above-described amendment be adopted?</p> <p style="text-align: right;">YES for Approval <input type="checkbox"/></p> <p style="text-align: right;">NO against Approval <input type="checkbox"/></p> <p>[21 words]</p>

**CHARTER AMENDMENT #2
VARIOUS SECTIONS IN THE CHARTER**

CHANGING REFERENCES FROM "TOWN" TO "CITY"

This amendment proposes to change the word "town" to "city" wherever the word "town" is found in the Charter.

Question – Shall the above-described amendment be adopted?

YES for Approval

NO against Approval

[19 words]

**CHARTER AMENDMENT #3
VARIOUS SECTIONS IN THE CHARTER**

**CHANGING POLK CITY'S GOVERNING BODY FROM "COUNCIL" TO
"COMMISSION" AND "COUNCIL MEMBERS" TO "COMMISSIONERS"**

This amendment proposes to change the word "Council" to "Commission" and "Council Member" to "Commissioner".

Question – Shall the above-described amendment be adopted?

YES for Approval

NO against Approval

[15 words]

**CHARTER AMENDMENT #4
ARTICLE III, SECTION C-8**

**REVISING METHOD FOR INCREASING COUNCILOR COMPENSATION FROM
FEDERAL COST OF LIVING INCREASE TO ORDINANCE ADOPTION**

This amendment proposes to delete the automatic federal cost of living increase to council member compensation and replace it with a requirement that such compensation can only be increased by ordinance.

Question – Shall the above-described amendment be adopted?

YES for Approval

NO against Approval

[31 words]

**CHARTER AMENDMENT #5
ARTICLE IV, SECTION C-13.C**

DELETION OF MINIMUM 5-DAY ADVERTISEMENT REQUIREMENT

Before considering adoption of an ordinance at a public hearing, the current charter provision permits only 5 days' advanced notice by publication, instead of 10 days. This amendment deletes the lesser 5-day notice in favor of the state required 10 day notice period.

Question – Shall the above-described amendment be adopted?

YES for Approval
NO against Approval

[44 words]

SECTION 8. PUBLIC NOTICE. The City Manager/City Clerk, or designee, is hereby authorized and directed to provide public notice of the election in accordance with law.

SECTION 9. 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.

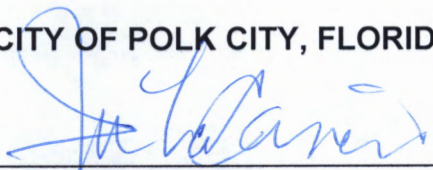
SECTION 10. CONFLICT. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effective in accordance with general law. 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 Polk City voting in an election to be called and held for that purpose on the ____ day of _____, 2014.

PASSED ON FIRST READING this 20th day of January, 2014.

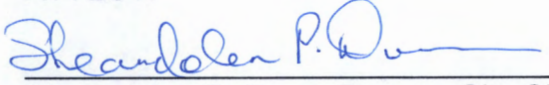
PASSED ON SECOND READING this 17th day of February, 2014.

CITY OF POLK CITY, FLORIDA



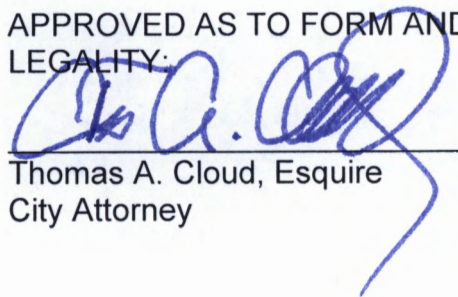
Joe LaCascia, Mayor

ATTEST:



Sheandolen P. Dunn, Deputy, City Clerk

APPROVED AS TO FORM AND
LEGALITY:



Thomas A. Cloud, Esquire
City Attorney