

PART I - CHARTER

ARTICLE I. - CREATION AND POWERS

Section 1.01. - Creation and Powers.

The City of Seminole, Florida, as created by Chapter 165.04, Laws of Florida, as amended, 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.

Section 1.02. - Acquisition and Use of Property Acquired by Eminent Domain.

The City shall have the power to acquire by purchase, gift, devise, condemnation or otherwise, property real or personal, or any estate or interest therein within or without the City, and for any of the purposes of the City and to improve, sell lease, mortgage, pledge or otherwise dispose of the same or any part thereof, provided that the purchase or sale of any real property shall require a supermajority vote (5/7) from the full City Council.

Notwithstanding any other provisions of this Charter or other law providing for the use of the power of eminent domain; the City shall not use the power of eminent domain to take private property for the purpose of making the property so taken available for a private commercial, financial, retail or industrial enterprise. The City may only use the power of eminent domain to take private property if such property is to be owned by the City and used for a public purpose.

ARTICLE II. - CORPORATE LIMITS

Section 2.01. - Description of Corporate Limits.

The corporate boundaries of the City shall remain fixed as they exist on the date this Charter takes effect provided that the City shall have the power to change its boundaries in the manner prescribed by law.

ARTICLE III. - LEGISLATIVE

Section 3.01. - City Council: Powers and Composition.

There shall be a City Council consisting of a Mayor and six Council members with all legislative powers of the City vested therein elected at large by the qualified electors of the City. Council members shall have been electors and residents of the City for at least a one-year period immediately prior to qualifying. Once elected, Council members must retain their residency within the corporate boundaries of the City throughout the duration of their term. If any Council member fails to meet this residency requirement, their seat shall be immediately forfeited.

Section 3.02. - Election and Terms.

Beginning 2014, the regular election of City Council, including Mayor, shall be held on the first Tuesday of November of each year. All elections shall be for three-year terms and decided by popular vote. Elections shall be held in the manner provided by Article VI of this Charter.

During the second business meeting in November, newly elected City Council member(s) will subscribe to an oath of office and Council shall elect a Vice-Mayor.

Section 3.03. - Compensation and Expenses.

The Council may determine the annual salary of Council members by ordinance.

Section 3.04. - Mayor.

There shall be a Mayor who shall be a member of the City Council and preside at meetings of the Council, shall have a vote, but shall have no administrative or executive duties except as may be provided elsewhere herein or as necessary to conduct the specific requirements of the office of Mayor.

Section 3.05. - Vice-Mayor.

The Council shall elect annually from its members a Vice-Mayor at the second business meeting in November. The Vice-Mayor may be replaced with any other member at any time by five votes of the Council. In the absence of the Mayor and Vice-Mayor, the Councilor with the most seniority shall act as Mayor.

Section 3.06. - Prohibitions.

- (a) *Appointment and Removals.* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employees whom the Manager or any of the Manager's subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference With Administration.* Except for the purpose of inquiries and investigations, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing by 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. It is the express intent of this Charter, however, that recommendations for improvement in City government operations by individual Council members be made to and through the City Manager, so that the Manager may coordinate efforts of all City departments to achieve the greatest possible savings through the most efficient and sound means available.

Section 3.07. - Vacancies; Forfeitures of Office; Filling of Vacancies.

- (a) *Vacancies.* The office of a Council member shall automatically become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.
- (b) *Forfeiture of Office.* A member of the Council shall forfeit such office if the member:
 - (1) Lacks at any time during the member's term any qualification for the office prescribed by this Charter or by law.

- (2) Is convicted of a felony or a crime involving moral turpitude or violates any standard of conduct or code of ethics for public office as provided by law.
 - (3) Fails to attend three consecutive regular meetings of the Council without being excused by vote of the Council.
 - (4) Fails to attend six publicly posted meetings (business, workshops or special meetings) during a 12-month period without being excused by vote of the Council. For purposes of this subsection, 12-month period shall mean 12 rolling months.
- (c) *Filling of Vacancies.*
- (1) *Vacancy in Council:* A vacancy in the Council shall be temporarily within 60 days of its occurrence by a majority vote of the remaining members of the Council until the vacancy may be scheduled for a regular election, when the voters will fill such vacancy for the remainder of the term unless an election is scheduled to be held within 60 days of the occurrence of such vacancy to fill the seat so vacated.
 - (2) *Vacancy in Office of Mayor:*
 - (a) *Temporary Absence.* In the event that the Mayor shall be temporarily absent or disabled the Vice-Mayor shall act as the Mayor during such absence or disability.
 - (b) *Permanent Absence.* In the event that the Mayor dies, resigns, becomes permanently disabled, ceases to be qualified or is removed from office as provided by law, the Vice-Mayor will become Interim-Mayor with the full powers, salary, and duties of the Mayor as provided by this Charter or other law. The office of Mayor shall be filled at the next regular election for any unexpired portion of the term.
- (d) *Extraordinary Vacancies.* In the event that four members of Council are removed from office at any given time by death, disability, or forfeiture of office, the Governor shall appoint an interim Council which shall call a Special Election to be held within six months of the occurrence of the vacancies. Such election shall be done in such manner as to assure properly balanced future elections.

Section 3.08. - City Clerk.

The City Manager shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by the City Manager, this Charter or by State Law. The City Clerk shall be directed by the City Manager. The City Clerk has an obligation to faithfully serve the administrative authority of the City as well as the Mayor and City Council.

The City Clerk shall:

- (1) Maintain all official City records, ordinances, resolutions, minutes of City Council, Board/Committee meetings, and other official City records;
- (2) Maintain the official Municipal Code book;
- (3) Coordinate all municipal elections with the Supervisor of Elections;

- (4) Maintain the official seal of the City.

Section 3.09. - City Attorney: Appointment, Removal, Qualifications and Duties.

- (a) The City Attorney shall be appointed by the affirmative vote of four members of the Council and may be removed by the same number of votes.
- (b) The City Attorney shall be an attorney-at-law with at least three years experience, admitted to practice before the highest courts of the State of Florida, and be a member in good standing of the Florida Bar Association.
- (c) The City Attorney shall:
- (1) Act as legal advisor to the Council, the City manager and all city departments, offices, and agencies.
 - (2) Prosecute and defend on behalf of the City all complaints, suits, and controversies in which the City is a party when such action is required by the Council.
 - (3) Review all contracts, bonds, and other instruments in which the City is concerned and shall endorse thereon approval or disapproval of the form, sufficiency, and correctness thereof; no contract with the City shall take effect until it has been so endorsed as approved by the Attorney in writing.
 - (4) Shall perform such other duties as may be directed by the Council or the laws of the State of Florida.
 - (5) Shall recommend to the Council, by letter, one or more qualified attorneys to perform duties of the City Attorney, if required, during the temporary absence or disability of the City Attorney.
- (d) The Council may appoint an Assistant City Attorney and may contract with other attorneys or firms of attorneys to perform such services on behalf of the City on specialized projects as may be deemed necessary or expedient.
- (e) The Council shall determine the compensation to be paid to the city Attorney, Assistant City Attorney, and special counsel.

Section 3.10. - Procedure.

- (a) *Meetings.* The Council shall meet at least twice each month at such times and places as the Council may prescribe by rule. Meetings may be held on call of the City Manager, the Mayor, or a majority of the members, upon no less than 24 hours notice to each member and the public. All meetings shall be public except as provided by Florida Statutes.
- (b) *Rules and Journal.* The Council shall determine its rules and order of business.
- (c) *Voting.* Voting on ordinances shall be by roll call and recorded in the journal. Four members of the Council shall constitute a quorum, but adoption of an ordinance or approval of a contract requires four affirmative votes.

ARTICLE IV. - INITIATIVE, REFERENDUM, RECALL

Section 4.01. - Initiative.

The qualified voters of the City shall have power to propose ordinances to the Council provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City Officers or employees. If the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall have the power to adopt or reject it at the City election.

Section 4.02. - Referendum.

The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided 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 appointment or salaries of City officers or employees.

Section 4.03. - Recall.

The qualified voters of the City shall have the power to recall or remove from office any elected official or officials of the City, for the reasons and in the manner set forth by the laws of the State of Florida.

Section 4.04. - Procedures.

Any action exercising the extraordinary powers of the voters under any one of the above three (3) sections of Article IV shall be held and administered according to the provisions of the laws of the State of Florida.

ARTICLE V. - ADMINISTRATION

Section 5.01. - City Manager.

There shall be a City Manager who shall be the chief administrative officer of the City. The Manager shall be responsible to the Council for the administration of all City affairs placed in the Manager's charge by or under this Charter.

Section 5.02. - Appointment; Removal; Compensation.

- (a) *Appointment.* The Council shall appoint a City Manager for an indefinite term by a majority vote of all of the Council members.
- (b) *Removal.* The Council may remove the Manager by the affirmative vote of four members of Council and upon demand by the Manager, a Public Hearing shall be held prior to a vote to remove the Manager.
- (c) *Compensation.* The compensation of the Manager shall be fixed by the Council and shall not be reduced during the term of the contract.

Section 5.03. - Acting City Manager.

By written communication filed with the Council, the Manager shall designate, subject to approval of the Council, a qualified City Administrative Officer to exercise the powers and perform the duties of the Manager during temporary absence or disability. During such absence or disability extending beyond 90 days, the Council may revoke such designation at any time and

appoint another officer of the City to serve until the Manager returns from said absence or disability.

Section 5.04. - Powers and Duties of the City Manager.

The City Manager shall:

- (a) Appoint, and when necessary for the good of the city, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (b) 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 Council meetings and shall have the right to take part in discussion but may not vote;
- (d) See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
- (e) Prepare and submit an annual itemized budget, budget message, and capital program to the Council, in a form provided by ordinance;
- (f) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (g) Make such other reports as the Council may require concerning the operations of City Departments, offices, and agencies subject to the Manager's direction and supervision;
- (h) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City;
- (i) Sign contracts on behalf of the City pursuant to the provisions of appropriations ordinances;
- (j) Perform such other duties as are specified in this Charter or as may be required by the Council.

Section 5.05. - Supervision of Departments.

Except as otherwise provided in this Charter or by general law, the City Manager will be responsible for the supervision and direction of all departments, agencies, or offices of the City. All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of Council, the Manager may serve as the head of one or more such departments.

Section 5.06. - Personnel System.

All appointments and promotions of City officials and employees except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and to this end, the Council shall, by ordinance, establish personnel procedures and rules.

Section 5.07. - Administrative Code.

The Manager shall develop and keep current an administrative code for the purpose of implementing ordinances and resolutions passed by the Council.

ARTICLE VI. - ELECTIONS AND QUALIFICATIONS

Section 6.01. - Electors.

Any person who is duly registered as a voter in the County of Pinellas, Florida, and resides in the City of Seminole shall be an elector of the City.

Section 6.02. - Nonpartisan Elections.

All nominations and elections for City Council and Mayor shall be conducted on a nonpartisan basis.

Section 6.03. - Conduct of Elections.

- (a) The City Council shall, conduct all City elections in compliance with the terms and conditions as set forth by the Pinellas County Supervisor of Elections Office.
- (b) A Charter amendment to be voted on by the electors of the City shall be presented by ballot title.
- (c) The provisions of the general laws of the State of Florida pertaining to municipal elections relating to the qualification of electors, registrations, manner of voting, duties of election officers and all other particulars regarding the holding of elections shall govern all City elections, except as otherwise provided in this Charter and in pertinent ordinances adopted hereunder.

Section 6.04. - Elections.

- (a) *City Elective Positions.* All members of the City Council and the Mayor, except as otherwise provided by the Charter, shall be elected at large by the qualified voters of the City of Seminole.
- (b) *Regular Elections.* Regular City elections shall be held on the first Tuesday in November of each year.
- (c) *Special Elections.* Special municipal elections may be called by the Council at any time for such purposes as are authorized by this Charter or by law. Notice of all Special Elections shall be published in a newspaper circulated in the City once a week for the two weeks immediately preceding the election.
- (d) *Tie Vote.* In the case of a tie vote which affects the outcome of the election, there shall be a runoff election to determine the winner.

- (e) *Runoff Election.* If any runoff election is necessitated, it shall be held not later than 45 days after the regular election.
- (f) *Reserved.*

Section 6.05. - Uncontested Elections.

In the event the number of candidates who qualify is the same or less than the vacancies to be filled, each unopposed candidate shall be deemed to have voted for himself/herself and no election shall be held. Any vacancy on the Council or the Mayor's office for which no candidate qualifies shall be temporarily filled by appointment of a majority of the new Council until the next regular election.

ARTICLE VII. - TRANSITION SCHEDULE

Section 7.01. - Ordinance Preserved.

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

Section 7.02. - Adoption Of Amendments.

If a majority of the qualified voters of the City voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or if no time is therein fixed, the amendment shall become effective when approved by the voters and filed in the manner prescribed by law.

ARTICLE VIII. - ORDINANCES AND RESOLUTIONS IN GENERAL

Section 8.01. - Definitions.

- (a) *Ordinances* means an official, legislative action of the Council, which action is a regulation of a general and permanent nature and enforceable as a local law.
- (b) *Resolution* means an expression of the City Council concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of business of the City Council.

Section 8.02. - Procedure.

- (a) All proposed ordinances and resolutions shall be prepared and adopted in accordance with the provisions of the laws of the State of Florida.
- (b) An ordinance may be introduced by any member of the City Council at any regular or special meeting. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council member and the Mayor.

Section 8.03. - Emergency Ordinances.

- (a) To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one 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.

- (b) 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 that an emergency exists and shall describe it in clear and specific terms.
- (c) An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five Council members shall be required. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.
- (d) Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

Section 8.04. - Disaster Emergencies.

To meet a public emergency affecting life, health, property, or the public peace, and when fewer than four Council members may be assembled for the purpose of a special meeting, and an emergency has occurred or is imminent and it is necessary, the Mayor, or in his or her absence, the Vice-Mayor, shall have the power to issue executive orders, proclamations and regulations which shall have the full force and effect of law.

Such executive orders, proclamations, and regulations shall continue for no longer than allowable by State Law or until such time as at least four members of the City Council may be assembled. In the event that four members of the City Council may not be assembled at the expiration of the allowable period, then such executive orders, proclamations, and regulations may be renewed for a like period by the Mayor or Vice-Mayor until such time as such assembly is possible.

A quorum of the City Council may, by resolution, terminate a state of disaster emergency at any time and rescind any previously issued executive orders, proclamations, or regulations issued under this section and shall indicate the nature of the disaster, the area or areas threatened and the conditions which have brought it about. Such orders, proclamations, or regulations shall be promptly disseminated by means calculated to bring the contents to the attention of the general public.

An "Emergency" shall be deemed to be any matter imminently threatening the public health, safety, or welfare in the nature of flooding, hurricane, tornado, public riot, chemical discharge, or similar physical, natural, or manmade circumstances. In the issuance of orders, proclamations, and regulations, the Mayor or Vice-Mayor shall have the power to exercise the police powers constitutionally and statutorily available to municipalities as are necessary to protect the public health, safety, and welfare, unless such powers shall have been preempted to the office of the Governor. Nothing contained herein shall limit, modify, or abridge the authority of the Governor of the State of Florida to exercise any power vested in him [the Governor] by the statutes or common law of the State.

Section 8.05. - Authentication, Recording, and Disposition of Charter Amendments, Ordinances and Resolutions.

- (a) *Authentication.* The presiding officer of the Council and the person charged with keeping the journal shall authenticate by their signatures all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the

presiding officer of the Council and the person charged with keeping the journal shall authenticate by their signatures the Charter amendment, 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. Ordinances shall, at the direction of the Council, be periodically codified. The person charged with keeping the journal shall also maintain the City 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 shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available to the people of the City for public inspection and available for purchase at a reasonable price.

ARTICLE IX. - FISCAL MANAGEMENT PROCEDURES

Section 9.01. - Budget Adoption.

The Council shall, by ordinance, adopt the budget on or before the 30th day of September of each year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

Section 9.02. - Appropriation Amendments During the Fiscal Year.

- (a) *Supplemental Appropriations.* If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council, 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, the Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one or more appropriations.

Section 9.03. - Function of City Council.

The City Council may borrow money, contract loans and issue bonds pursuant to the provisions of Florida Statutes, provided that:

- (a) Any one proposal to obligate the City for more than fifty (50) percent of the previous year's tax revenue (taxes, license fees, permits revenues and intergovernmental revenues) shall be put to referendum (with the exception of revenue bonds for public health, safety or industrial development).
 - (1) For purposes of this Section, tax revenue means taxes, license fees, permit revenues and intergovernmental revenues.
- (b) Total indebtedness shall not exceed ten (10) percent of the last certified assessed taxable value of all real property located in the City.

ARTICLE X. - CHARTER AMENDMENT

Section 10.01. - Initiation by Ordinance.

The Council may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing 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 City 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 and shall not be subject to a vote of the electors except as provided by general law.

Section 10.02. - Initiation by Petition.

The electors of the City may propose amendments to this Charter as provided by Florida Statutes - as from time to time, amended.

Section 10.03. - Charter Review Committee.

- (a) During the month of January, 1999, and each five years thereafter, there shall be established a Charter Review Committee composed of seven members who shall serve until the ballot language deadline date to the Pinellas County Supervisor of Elections Office for the next regularly scheduled election. Every effort shall be made to appoint one member who has served during the previous Charter Review Committee. The members shall be appointed by the City Council. At a business meeting prior to the appointment of members to the Committee, a Council shall establish by resolution the process by which members are appointed. Members shall be residents of the City of Seminole. Vacancies may be filled within 30 days in the same manner as the original appointments.
- (b) The Charter Review Committee shall elect a Chair and Vice-Chair from among its membership. Further meetings of the Committee shall be held upon the call of the Chair or any three members of the Committee. All meetings shall be opened to the public. A majority of the members of the Charter Review Committee shall constitute a quorum. The Committee may adopt other rules for its operations and proceedings as it deems desirable. The members of the Committee shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.
- (c) Expenses of the Charter Review Committee shall be verified by a majority vote of the Committee and forwarded to the City Council for payment. The City Council shall provide space, secretarial, staff and legal assistance.
- (d) The Charter Review Committee shall review the operations of City government, meet with the Mayor and City Council, city management, and conduct no less than one public hearing in order to recommend amendments to this Charter, if any.
- (e) Charter amendments proposed by the Charter Review Committee, shall be reviewed by the City Council. The City Council may submit the amendments proposed by the Charter Review Committee, to referendum on or before the next regularly scheduled municipal election.