

**STATE OF FLORIDA**  
**CHAPTER 2002-351**  
**HOUSE BILL NO. 955**  
**CITY OF LAKE HELEN CHARTER**

**A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LAKE HELEN, FLORIDA; CODIFYING, REENACTING, AND AMENDING THE CHARTER OF THE CITY OF LAKE HELEN; PROVIDING A SHORT TITLE; PROVIDING FOR A FLORIDA MUNICIPAL CORPORATION, THE CITY OF LAKE HELEN, FLORIDA, TO CONTINUE IN EXISTENCE WITH THE SAME BOUNDARIES AS ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT; PROVIDING FOR MUNICIPAL POWERS; PROVIDING FOR THE COMPOSITION OF A CITY COMMISSION, INCLUDING A MAYOR AND FOUR CITY COMMISSIONERS REPRESENTING FOUR CITY COMMISSION ZONES WITH ALL ELECTED AT LARGE; PROVIDING FOR QUALIFICATIONS FOR OFFICE; PROVIDING FOR ELECTION TO OFFICE; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR POWERS AND DUTIES OF THE CITY COMMISSION; PROVIDING FOR THE POWERS AND DUTIES OF THE MAYOR AND VICE-MAYOR; PROVIDING FOR COMPENSATION AND EXPENSES; PROVIDING FOR VACANCIES, FORFEITURE OF OFFICE, SUSPENSION, RECALL, AND THE FILLING OF VACANCIES; PROVIDING FOR PUBLIC MEETINGS, QUORUMS, AND PUBLIC RECORDS; PROVIDING FOR A LIMITATION ON EMPLOYMENT; PROVIDING FOR THE CITY ADMINISTRATOR AND CITY ATTORNEY AS CHARTER OFFICERS; PROVIDING FOR QUALIFICATIONS, POWERS AND DUTIES OF CHARTER OFFICERS; PROVIDING FOR BUDGETS AND APPROPRIATIONS; PROVIDING FOR ELECTORS AND ELECTIONS; PROVIDING FOR THE AMENDMENT OF THE CITY CHARTER; PROVIDING FOR STANDARDS OF CONDUCT; PROVIDING FOR THE PRESERVATION OF ORDINANCES; PROVIDING FOR THE RIGHTS OF OFFICERS AND EMPLOYEES; PROVIDING FOR PENDING MATTERS; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the historic City of Lake Helen, Florida was incorporated in 1888 and is commonly referred to as “the Gem of Florida”; and

**WHEREAS**, the City Charter of the City of Lake Helen, Florida, which currently governs

the City, is set forth, in large part, in Chapter 22364 (1943) Laws of Florida; and

**WHEREAS**, the 1943 City Charter has been amended numerous times by the Legislature, such as in Chapters 29223 (1953), 30915 (1955), 59-1473, 59-1474, and 63-1511, Laws of Florida, and at one referendum election; and

**WHEREAS**, it is in the best interest of the citizens of the City of Lake Helen to have a contemporary City Charter that reflects the home rule powers of municipalities as set forth in the Constitution of the State of Florida and the Florida Statutes; and

**WHEREAS**, it is in the best interest of the citizens of the State of Florida to have the seminal and foundational documents establishing local governments to be found in a single document rather than a multiplicity of legislative acts and actions and the citizens of the City of Lake Helen would benefit from having a modern charter in a unified document.

**NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:**

**Section 1.** This act constitutes the codification of all ordinances relating to the City of Lake Helen and special acts relating to the City of Lake Helen, Volusia County. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the City of Lake Helen, including all current legislative authority granted to the City by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all municipal authority.

**Section 2.** Chapters 5510 (1905), 9006 (1921), 9811 (1923), 11584 (1925), 11585 (1925), 14169 (1929), 14611 (1929), 15296 (1931), 18639 (1937), 22364 (1943), 29223 (1953), 30915 (1955), 59-1473, 59-1474, and 63-1511, Laws of Florida, relating to the City of Lake Helen, Volusia County, are codified, reenacted, amended and repealed as herein provided.

**Section 3.** The City of Lake Helen is re-created and the charter for the City is re-created to read:

**SECTION 1.** Short title. This act, together with any future amendments thereto, shall be known and may be cited as the “City of Lake Helen Charter”, hereinafter referred to as the “Charter”.

**SECTION 2.** Body corporate; continuous existence.

- (A) The incorporated municipality of the City of Lake Helen, now existing, shall continue to be the body corporate and municipal corporation under the name of the City of Lake Helen and, as such, shall have perpetual succession.
- (B) The codes, ordinances, policies, and actions, of whatever type or nature, of the City of Lake Helen shall carry forward after the effective date of this act and said codes, ordinances, policies, and actions are ratified and affirmed.

**SECTION 3. Boundaries.**

The East 1/2 of Sections 25 and 36, Township 17 South, Range 30 East; all of Sections 30 and 31, Township 17 South, Range 31 East; the West 1/2 of Sections 29 and 32, Township 17 South, Range 31 East;  
and

the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 19, Township 17 South, Range 31 East, except the East 210 feet of the South 1/2 thereof;  
and

the South 660 feet of the West 330 feet of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 19, Township 17 South, Range 31 East;  
and

the South 405 feet of the West 285 feet of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 19, Township 17 South, Range 31 East;  
and

the North 1/2 of Government Lot 2, Section 4, Township 18 South, Range 31 East, except the North 5 chains of the East 1/2 thereof;  
and

the North 3/4 of the West 1/2 of the South 1/2 of Government Lot 2, Section 4, Township 18 South, Range 31 East;  
and

the East 997.13 feet of the North 1/2 of Government Lot 3, Section 4, Township 18 South, Range 31 East;  
and

the West 170 feet of the East 518 feet of the North 258 feet of the Northeast 1/4 of the Northeast 1/4 of Section 5, Township 18 South, Range 31;  
and

the East 171 feet of the West 1/2 of the North 1/2 of Government Lot 1, Section 4, Township 18 South, Range 31 East;  
and

the South 322 feet of the Northeast 1/4 of Government Lot 1, Section 4, Township 18 South, Range 31 East, except the East 40 feet thereof;

and

the East 705.61 feet of the South 1/2 of Government Lot 1, Section 4, Township 18 South, Range 31 East, except the South 643.02 feet thereof;  
and

the South 643.02 feet of the South 1/2 of Government Lot 1, Section 4, Township 18 South, Range 31 East, except the East 677.58 feet thereof;  
and

the South 1/2 of Government Lot 1, Section 4, Township 18 South, Range 31 East, except the South 643.02 feet thereof and except the East 1059.03 feet thereof;  
and

the East 1/2 of the North 1/4 of the South 1/2 of Government Lot 2, Section 4, Township 8 South, Range 31 East;  
and

the East 340 feet of the South 3/4 of the South 1/2 of Government Lot 2, Section 4, Township 18 South, Range 31 East;  
and

the South 1/2 of Government Lot 2, Section 4, Township 18 South, Range 31 East, lying southerly and easterly of the centerline of Deer Run Court, except the East 340 feet thereof;  
and

the North 563.83 feet of the North 1/2 of Government Lot 7, Section 4, Township 18 South, Range 31 East, lying easterly of the centerline of Lake Helen-Osteen Road, except that portion of the north 115.50 feet of the West 810.00 feet of the North 1/2 of said Government Lot 7, lying easterly of the centerline of Lake Helen-Osteen Road;  
and

the West 165 feet of the West 1/2 of the North 1/2 of Government Lot 1, except that part in existing roads, Section 4, Township 18 South, Range 31 East;  
and

the East 665.06 feet of the South 327 feet of the Southeast 1/4 of the Southwest 1/4 of Section 19, Township 17 South, Range 31 East, Public Records of Volusia County, Florida, subject to a 25.00 foot roadway along East boundary.

**SECTION 4.** Municipal powers. The City, as a body corporate and politic, shall have all powers of a municipality existing under the Constitution and laws of the State, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise specifically prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City.

**SECTION 5.** City Commission; composition; qualifications for office; elections.

(A) Composition:

- (1) There shall be a five (5) member City Commission consisting of the Mayor and four (4) City Commissioners representing zones within the City;
- (2) The four (4) zones within the City shall maintain the boundaries which are in effect on the effective date of this Charter. After each decennial census, and at such other times as the City Commission may deem advisable, the City Commission shall divide the City into zones of contiguous property as nearly equal in population as is practicable.
- (3) The Mayor and Commission shall run for office at large and be elected at large.

(B) Qualifications for office:

- (1) Each candidate for office shall be a qualified elector of the City.
- (2) Each candidate for office shall have resided in the City for a minimum of six (6) months immediately prior to qualifying.
- (3) Each individual seeking to qualify as a candidate for one of the four seats on the City Commission must live in the zone for which he or she is seeking election.
- (4) Each candidate for office shall file the appropriate papers and pay the required fees during normal office hours on any business day during the qualifying period. Each candidate for the office of Mayor must pay to the City treasury a qualifying fee as established by ordinance, an election assessment fee currently governed by section 99.093, Florida Statutes, and file a petition containing the signatures of at least twenty-five (25) qualified electors of the City with the City Clerk or designee, on or before the qualifying date. Each candidate for City Commission from the respective zones must pay to the City treasury a qualifying fee as established by ordinance, an election assessment fee currently governed by section

99.093, Florida Statutes, and file a petition containing the signatures of at least fifteen (15) qualified electors with the City Clerk or designee, on or before the end of the qualifying period.

- (C) The names of all candidates and the offices for which they have filed shall be received by the Volusia County Supervisor of Elections from the City Clerk or designee by the date and time mandated by the Volusia County Supervisor of Elections.
- (D) The election of the Mayor and City Commissioners shall be held in accordance with the uniform election dates for municipal elections as provided by special acts of the Legislature applicable to Volusia County.
- (E) A newly election Mayor or City Commissioner shall take office at the first regular City Commission meeting following his or her election after taking the oath of office.
- (F) The Mayor and City Commissioners may succeed themselves.
- (G) The City Commission shall be the judge of the election and qualifications of its own members, subject to judicial review.

**SECTION 6.** Terms of office.

- (A) The term of office for the terms of Mayor and each City Commissioner shall be two (2) years.
- (B) The Mayor and each City Commissioner shall remain in office until his or her successor is elected and assumes the duties of the position.
- (C) The staggered terms of office in effect on the effective date of this Charter shall continue to be in effect. The Mayor and City Commissioners from odd-numbered zones one and three shall be elected in odd-numbered years. The City Commissioners from even-numbered zones two and four shall be elected in even-numbered years.

**SECTION 7.** Powers and duties of Commission.

- (A) The form of government of the City of Lake Helen shall be the commission form of government whereby the City Commission is the head of City government.
- (B) Except as otherwise prescribed herein or provided by law, managerial, executive, legislative, and police powers of the City shall be vested in the City Commission, including, but not limited to, the following:
  - (1) Enacting ordinances, establishing public policy, and providing general direction for staff actions;

- (2) Reviewing and approving all policy and procedure manuals;
  - (3) Retaining responsibility for all hiring and terminations of employees; evaluations in writing, the City Administrator's job performance at the end of an initial six (6) month probationary period and at least yearly thereafter;
  - (4) Reviewing and approving all administrative recommendations for staff promotions, demotions, position classifications and reclassifications, and wage and salary increases;
  - (5) Approving payment of bills and contracts at City Commission meetings.
- (C) The City Commission shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by ordinance, resolution, motion, policy directive or other appropriate action and may delegate such powers as it deems advisable to the City Administrator or the City Attorney.
  - (D) The City Commission shall create and appoint a Personnel Review Board and a Planning and Land Development Regulation Commission.
  - (E) The City Commission shall adopt a purchasing policies and procedures manual and a personnel policies and procedures manual.
  - (F) Individual City Commissioners shall not directly supervise or demand performance from any specific City employee. All requests from City Commissioners for written information or performance of tasks by City employees shall be directed to the City Administrator who shall work with the appropriate department head to fulfill the request for information or performance.

**SECTION 8.** Powers and duties of the Mayor and Vice Mayor.

- (A) The Mayor shall be a member of the City Commission and, in addition to the regular powers invested in any City Commissioner, the Mayor shall be recognized by the Governor for purposes of military law; have the power to declare an emergency; execute City contracts, unless such execution is delegated to the City Administrator, deeds, and other documents; and represent the City in all agreements with other governmental entities and provide certifications to other governmental entities that the City Commission has approved. The Mayor shall preside at meetings of the City Commission and be recognized as the head of City government for all ceremonial occasions and purposes. For the purposes of votes by the City Commission and actions by the City Commission, the Mayor shall be considered, in every respect, as part of the City Commission.

- (B) The Vice Mayor shall be appointed or elected at each organizational meeting of the City Commission as set forth in this subsection. If a City Commissioner is sitting on the Commission who has seniority over all other Commissioners, that Commissioner shall be appointed to serve as Vice Mayor. If two or more Commissioners have equal seniority and the second or all other Commissioners having equal seniority decline consideration for the position of Vice Mayor, thereby leaving only a single Commissioner with seniority to so serve, then the position shall be filled by the remaining Commissioner with seniority. If, however, there are two or more Commissioners with equal seniority and, after acts of declination, if any, there remains more than one Commissioner with equal seniority, then the position of Vice Mayor shall be filled by election of the City Commission with the position being open to all Commissioners having equal seniority. The Vice Mayor shall act as Mayor during the absence or disability of the Mayor. In all instances, the Vice Mayor shall be elected by the affirmative vote of the majority of the City Commission.
- (C) The Vice Mayor shall have the same powers and duties as any other City Commissioner, except that he or she shall serve as acting Mayor during the absence or disability of the Mayor and, during such period, shall have the same powers and duties as the Mayor. In the absence of the Mayor and Vice Mayor, the remaining City Commissioners shall elect a City Commissioner to serve as acting Mayor.
- (D) In the event that the office of Mayor shall become vacant with less than one (1) year remaining in the term, the Vice Mayor shall serve as Mayor for the remainder of the term and the vacancy in his or her office shall be filled as provided in the Charter.

**SECTION 9.** Compensation and expenses.

- (A) The Mayor and City Commissioners shall continue to receive the salary in effect on the date that this Charter becomes effective. Thereafter, they shall receive compensation as established by adoption of a resolution adjusting pay scales. The salaries of Mayor, Vice Mayor and City Commissioners may be different at the determination of the City Commission, but all salaries for City Commissioners not serving as Vice Mayor shall be equal.
- (B) The Mayor and City Commissioners may be reimbursed for actual expenses incurred while performing their official duties in accordance with provisions of the Florida Statutes or City resolution.

**SECTION 10.** Vacancies; forfeiture of office; suspension; recall; filling of vacancies.

- (A) Vacancies. A vacancy in the office of Mayor or of a City Commission seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; election or appointment to other public office which creates dual office holding; judicially determined incompetence or forfeiture of office.



(B) Forfeiture of office. The Mayor or a City Commissioner shall forfeit his or her office upon determination by the City Commission, acting as a body, that he or she:

- (1) Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this Charter or otherwise required by law. For the length of his or her term, a City Commissioner shall maintain residency within the boundaries of the zone from which he or she ran for office. City Commissioners shall reside at least forty-five (45) weeks of each year in the zone in which they live.
- (2) Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld.
- (3) Is convicted of a first degree misdemeanor arising directly out of his or her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld.
- (4) Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law.
- (5) Is absent from not less than three (3) consecutive, regular meetings of the City Commission unless such series of absences, or any one (1) of the absences, is excused by the City Commission by adoption of a resolution setting forth the fact of such excused absence or absences, thereby making the total of consecutive and unexcused absences less than three (3).
- (6) Is found by a vote of the City Commission to have abandoned his or her office as a result of extensive absences.

(C) Suspension from office.

- (1) The Mayor or any City Commissioner shall be suspended from office by the City Commission acting as a body upon return of an indictment or issuance of an information charging the Mayor or a City Commissioner with any crime which is punishable as a felony or with any crime arising out of his or her official conduct or duties which is punishable as a misdemeanor.
- (2) During the period of suspension, the Mayor or the City Commissioner shall not perform any official act, duty, or function or receive any allowance, emolument, or privilege of office.
- (3) If a Mayor or a City Commissioner is subsequently found not guilty of the charge,

or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the City Commission and the Mayor or City Commissioner shall be entitled to receive full back allowance and such other emoluments as he or she would have been entitled to had the suspension not occurred.

- (D) Recall. The electors of the City, following the procedures for recall established by State law, may remove the Mayor or any City Commissioner from office.
- (E) Filling of vacancies.
  - (1) If, for any reason other than a recall, a vacancy occurs in the office of Mayor within the first year of a term, the Vice Mayor shall assume the position of Mayor and, within thirty (30) days following the occurrence of such vacancy, a special election for Mayor shall be held to elect a Mayor for the remainder of the unfilled term.
  - (2) If, for any reason other than a recall, a vacancy occurs in the office of Mayor or any City Commission seat within the last year of a term, the office shall be filled for the remainder of the term by appointment within thirty (30) days following the occurrence of such vacancy by majority vote of the remaining City Commission members.
  - (3) If, for any reason other than a recall, a vacancy occurs in the office of any City Commission seat within the first year of a term, the office shall be filled by appointment within thirty (30) days following the occurrence of such vacancy by majority vote of the City Commission and such appointment shall expire when a City Commissioner is elected and he or she is seated in accordance with this Charter.
  - (4) If a vacancy occurs as a result of a recall petition, such vacancy will be filled by special election as provided in State law.
  - (5) Before a person is appointed to fill a vacant seat on the City Commission, he or she must meet all qualifications for office.

**SECTION 11.** City Commission meetings; organizational meeting; quorum; special meeting.

- (A) Regular meetings. The City Commission shall meet regularly at least once a month. All meetings shall be subject to notice and other requirements of law applicable to public meetings.
- (B) Organizational meeting. The newly elected Commissioners shall be installed, if elected in the regular biennial election on the first Thursday after the first Monday following the

regular biennial election or, if any Commissioner is elected to fill a vacancy, at the next meeting of the City Commission following the election, which meeting must be held not later than one (1) week following such election. Installation into office is to be made by the City Commission and consists of declaring election results, administering the oath of office, and receiving a bond from the Commissioners elected, if required by ordinance. The oath of office may be administered by any member of the City Commission or by any judicial officer or notary public of the State and shall be in substantially the following form:

*“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty, and allegiance to the same, and that I am entitled to hold office under the Constitution; that I will faithfully perform all duties of the office of \_\_\_\_\_ of the City of Lake Helen, on which I am about to enter, so help me God.”*

The City Commission shall elect the Vice Mayor at the organizational meeting after elected or reelected Mayor/City Commissioners are inducted into office.

- (C) A majority of the City Commission shall constitute a quorum. No action of the City Commission shall be valid unless adopted by an affirmative vote of the majority of the City Commission that is in attendance, unless otherwise provided by law or ordinance or as stated herein. Tie votes shall result in the motion failing. All actions of the City Commission shall be accomplished by ordinance, resolution, or motion, although the City Commission may express its consensus in other appropriate ways.
- (D) Special meetings may be held at the call of the Mayor, or in the absence of the Mayor, at the call of the Vice Mayor. Special meetings may also be called upon the request of a majority of the City Commissioners. No less than twenty-four (24) hours prior notice of the meeting shall be given to the public, unless a declared emergency situation exists.

**SECTION 12.** City records. All City public records shall be maintained in accordance with State law. All ordinances or resolutions of the City Commission shall be executed by the Mayor, or in the Mayor’s absence, by the Vice Mayor, or in the absence of both, by the acting Mayor, and attested to by the City Administrator.

**SECTION 13.** Limit of employment of Commission members. Neither the Mayor nor City Commissioners shall be in the employment of the City while in office, nor shall any former Mayor or City Commissioner be employed by the City until after the expiration of one (1) year after the time of leaving office.

**SECTION 14.** Charter officers.

- (A) The City Administrator and the City Attorney shall be Charter officers.

- (B) The City Administrator shall be a full-time employee of the City Commission subject to the City's personnel policies and procedures manual.
- (C) The City Attorney shall be appointed by a majority vote of the full City Commission and shall serve at the pleasure of the City Commission.
- (D) The City Attorney may be removed from office only by a majority vote of the full City Commission.
- (E) The compensation of the Charter officers shall be fixed by the City Commission.
- (F) Charter officers may not be candidates for any elected office while holding a Charter officer position.

**SECTION 15.** City Administrator qualifications; powers and duties.

- (A) The City Administrator shall fulfill the role of functioning administrative officer of the City serving under the direction and managerial control of the City Commission.
- (B) The City Administrator shall be selected on the basis of education, experience, expertise and management ability as it pertains to administrating municipal government.
- (C) The City Administrator shall:
  - (1) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
  - (2) Prepare department head probationary and annual performance evaluations and recommend promotions, demotions, position classifications, reclassifications and wage and salary adjustments to the City Commission for review and approval.
  - (3) Prepare the agenda and attend City Commission meetings, take part in discussion and furnish information as requested by the City Commission.
  - (4) See that all laws and provisions of the Charter and policies, resolutions and acts of the City Commission, subject to enforcement by the City Administrator or by others under his or her direction and supervision, are faithfully executed.
  - (5) Prepare and submit the annual budget, budget message and capital program to the Commission.
  - (6) Administer financial transactions of the City, including investments, withdrawals and expenditures, in accordance with City investment policies and adopted City

- budget.
- (7) Keep the Commission fully apprised as to the financial condition and future needs of the City and make recommendations to the City Commission concerning the affairs of the City.
  - (8) Coordinate with both elected officials and City staff of neighboring cities and counties on items that are of mutual concern or items that require an exchange of information.
  - (9) Coordinate with the City Attorney and City Commission on legal matters.
  - (10) Upon City Commission approval, co-sign contracts on behalf of the City pursuant to the provisions of ordinances, resolutions or motions.
  - (11) Prepare or administer the preparation of City policies and procedures manuals, ordinances and similar materials for City Commission review and approval.
  - (12) Review employee disciplinary actions taken by subordinate staff and take final administrative action prior to initiation of review by the City Personnel Review Board and the City Commission.
  - (13) Perform the duties of City Planner, to include, but not be limited to:
    - (a) Preparing the agenda and attending meetings of the Planning and Land Development Regulation Commission, taking part in discussions and furnishing information as requested by the Planning and Land Development Regulation Commission.
    - (b) Reviewing and preparing staff reports related to site plans, variances, road vacations, subdivision plots, code amendments, comprehensive plan amendments, annexations and other matters relating to land use and development and growth management.
    - (c) Interpreting City land development regulations, other City codes and ordinances relating to land development and the City Comprehensive Plan.
    - (d) Researching, analyzing and preparing special studies, ordinances, code amendments and comprehensive plan amendments for the City.
    - (e) Representing the City on planning related matters and coordinating such representation with the City Commission.
  - (14) Perform the duties of City Clerk of the City during any period of time when appointed by the City Commission to do so. Such duties may include, but are not

limited to:

- (a) Processing and maintaining all official City documents and records and ensuring that all actions of the City Commission are recorded.
  - (b) Supervising the preparation and indexing of minutes.
  - (c) Preparing reports and maintaining various property files.
  - (d) Overseeing bid preparation or preparing bids and attending bid openings and processing procurement information.
  - (e) Processing and signing all purchase orders and checks.
  - (f) Preparing and administering oaths of office.
  - (g) Administering the operations of the City cemetery.
  - (h) Maintaining personnel folders and retaining records as required.
  - (i) Performing the duties of City Treasurer.
  - (j) Performing such other City Clerk related duties as required by the City Commission.
- (15) Perform such other administrative duties and responsibilities as may be required by the City Commission.
- (16) Designate as acting City Administrator to act on his or her behalf in his or her absences, except in the performance of the duties of City Clerk. The City Commission shall appoint an individual to perform the duties of City Clerk in the City Administrator's absence.

**SECTION 16.** City Attorney; qualifications; powers and duties.

- (A) The City Attorney shall be the chief legal officer and advisor of the City. The City Attorney may either be retained in house, or be retained part time under contract.
- (B) The City Attorney shall be a member in good standing of the Florida Bar.
- (C) The City Attorney shall:
  - (1) Serve as chief advisor to the City Commission, the City Administrator and all City departments, officers, advisory boards and agencies.

- (2) Attend all City Commission meetings, unless excused by the City Commission, and perform such professional duties as may be required by law or by the City Commission in furtherance of the law.
- (3) Engage in litigation on behalf of the City Commission pursuant to its direction.
- (4) Appoint assistants to assist in the provision of legal services to the City.

**SECTION 17.** Budget and appropriations.

- (A) The City Commission shall adopt a budget and set tax rates in accordance with State law.
- (B) The City Commission shall have all powers of local government vested in it by State law relative to fiscal processes and procedures.
- (C) The City Commission shall adopt a financial policy at such times as it deems appropriate to provide for financial management policies of the City.
- (D) The City Commission shall enact a purchasing code to regulate the procurement of goods and services.

**SECTION 18.** Electors and elections.

- (A) Any person who is a resident of the City, who has qualified as an elector of this State, and who registers in the manner prescribed by law, shall be an elector of the City.
- (B) All elections for City elective officers shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (C) Any person who wishes to become a candidate for a City elective office shall qualify in accordance with State law and this Charter with the City Clerk no sooner than forty-five (45) calendar days nor later than thirty-five (35) calendar days prior to the second Tuesday in September of each odd numbered year.
- (D) The regular City election shall be the first Tuesday after the first Monday in November of each odd numbered year. Such City elections shall be general City elections. If there are more than two (2) candidates who qualify for any office, a primary City election shall be held on the date set forth in the special acts, or other applicable law, governing municipal elections in Volusia County.
- (E) Schedule for special elections.
  - (1) All other special elections shall be held in the same manner as the regular

elections and the City Commission shall, by resolution, fix the time for holding such elections.

- (2) In case three or more vacancies exist simultaneously in the City Commission, the remaining Commissioner or Commissioners shall provide for filling such vacancies by calling a special election, which they are hereby authorized to do, in the event such vacancies exist more than six (6) months before the next regular biennial election. In the event such three or more vacancies exist simultaneously less than six (6) months prior to the next regular biennial election, the remaining City Commissioner or City Commissioners shall fill such vacancies by appointment for the remainder of the unexpired terms. The event there are two remaining Commissioners and they cannot agree upon appointments within ten (10) days after said three or more vacancies occur, then it shall be their duty to call a special election to fill such vacancies. In the event there are five (5) simultaneous vacancies with regard to the Mayor and all City Commissioners, the City Administrator, or in the event of the office of the City Administrator being vacant, or in the event of his or her inability or refusal to act, then the City Attorney shall have the power to call a special election to fill the vacancy or vacancies in the offices of Mayor and City Commissioner.

(F) Determination of election to office.

- (1) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
- (2) If a primary or City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to that office and the office will not be subject to an election at the general City election.
- (3) If no single candidate for an office receives a fifty percent plus one (50% + 1) majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run against one another in the general City election.
- (4) In any primary election in which there is a tie for first place for election to an office, the name of each such candidate shall be placed on the City's general election ballot for the office.
- (5) In any primary election in which there is a tie for second place for election to an office and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second place shall be placed on the City's general election ballot.



- (6) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:
  - (a) At the City Commission's organizational meeting, the Supervisor of Elections of Volusia County or the City Administrator shall toss a coin. Prior to the toss, in alphabetical order, the two candidates shall call the coin with one candidate choosing "heads" and one candidate choosing "tails".
  - (b) The candidate whose call matches the coin toss shall be declared elected to the office.
- (G) The results of elections shall be canvassed by the City or County canvassing board or in accordance with the Florida Election Code. The City Commission may enact appropriate ordinances to provide for City elections consistent with the provisions of State law.

**SECTION 19.** Charter amendment.

- (A) The Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content and certification of any petition to amend shall be established by ordinance.
- (B) A Charter Review Committee may be appointed at any time by the City Commission. Each zone Commission member shall appoint one (1) member from his or her zone, and the Mayor shall appoint one (1) member at large. The committee shall complete its work and present any recommendations for change within the time period as prescribed by the City Commission. The City Commission may act on the proposed changes to the Charter and place the proposed changes on the next scheduled general election ballot if it concurs with the proposals.

**SECTION 20.** Standards of conduct. All elected officials, appointed officials and employees of the City shall be subject to the standards of conduct for the public officers and employees established in State law. In addition, the City Commission may, by ordinance, establish a supplemental code of ethics for the City, which may in no case diminish the provisions of State law.

**SECTION 21.** Ordinances preserved. All ordinances in effect upon the adoption of the Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

**SECTION 22.** Rights of officers and employees.

- (A) Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are officers or employees of the City of Lake Helen at the time of adoption.
- (B) All officers heretofore elected or appointed and holding office in the City of Lake Helen shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and qualified.

**SECTION 23.** Pending matters; savings clause.

- (A) All rights, title, claims, actions, orders, contracts, ownership of property, uncollected taxes, dues, judgements, decrees, legal or administrative proceedings involving the City of Lake Helen, all property and property rights of every nature whatever held owned by the City of Lake Helen shall continue except as modified pursuant to the provisions of this Charter.
- (B) No obligation or contract of the said municipality of any nature whatever, including outstanding indebtedness and bonds heretofore issued, shall be impaired or avoided by this act, but all debts and obligations of the City of Lake Helen shall pass to and be binding upon the municipality hereby organized and created.

**Section 4.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared severable.

**Section 5.** Chapters 5510 (1905), 9006 (1921), 9811 (1923), 11584 (1925), 11585 (1925), 14169 (1929), 14611 (1929), 15296 (1931), 18639 (1937), 22364 (1943), 29223 (1953), 30915 (1955), 59-1473, 59-1474 and 63-1511, Laws of Florida, are repealed.

**Section 6.** This act shall take effect upon becoming a law.