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ORDINANCE NUMBER 1354

AN ACT TO BE ENTITLED

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NEW PORT RICHEY A PROPOSED AMENDMENT TO THE CITY CHARTER; AMENDING THE CHARTER IN ITS ENTIRETY, WITH THE EXCEPTION OF THAT PART DESCRIBING BOUNDARIES OF THE SAID MUNICIPALITY; PROVIDING FOR AMENDMENTS TO THE CHARTER, ORDINANCE NUMBER 947-100 AS ADOPTED ON NOVEMBER 2, 1982 AND RATIFIED ON DECEMBER 7, 1982; PROVIDING FOR RATIFICATION OF THE CHANGES IN THE CHARTER BY REFERENDUM TO BE HELD ON APRIL 11, 1995; PROVIDING FOR THE ABILITY OF THE CITY TO PARTICIPATE IN FINANCING OR CONTRACTS WITH THE STATE OF FLORIDA OR ITS POLITICAL SUBDIVISIONS OR AGENCIES, WITH A MUNICIPALITY OR WITH THE UNITED STATES OR FLORIDA OR ITS AGENCIES; PROVIDING FOR NONSUBSTANTIVE WORDING CHANGES; PROVIDING FOR CHANGES IN ELIGIBILITY FOR HOLDING A CITY COUNCIL POSITION; PROVIDING FOR THE MAYOR TO HAVE THE AUTHORITY TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF THE CITY OF NEW PORT RICHEY; PROVIDING FOR PROHIBITION OF A CITY COUNCIL MEMBER HOLDING OTHER ELECTED PUBLIC OFFICES; PROVIDING FOR CHANGES TO VACANCIES, FORFEITURES OF OFFICE AND RECALL OF COUNCIL MEMBERS; PROVIDING FOR ADDITIONAL DUTIES OF THE CITY CLERK; PROVIDING FOR CHANGES TO SELECTION OF INDEPENDENT AUDITORS; PROVIDING FOR CHANGES TO THE TYPES OF COUNCIL ACTION REQUIRING AN ORDINANCE FOR APPROVAL; PROVIDING FOR CHANGES IN ADOPTION PROCEDURES OF ORDINANCE; PROVIDING FOR CHANGES IN THE ADOPTION OF EMERGENCY ORDINANCES; PROVIDING FOR REQUIREMENT THAT THE CITY ATTORNEY BE A MEMBER OF THE FLORIDA BAR; PROVIDING FOR CHANGES IN THE APPOINTMENT QUALIFICATION AND COMPENSATION OF THE CITY MANAGER; PROVIDING FOR CHANGES TO THE POWERS AND DUTIES OF THE CITY MANAGER; PROVIDING CHANGES TO THE PERSONNEL SYSTEM OF THE CITY, INCLUDING THE ADOPTION OF PERSONNEL RULES AND THE ADMINISTRATION OF THE PERSONNEL SYSTEM OF THE CITY; PROVIDING FOR DELETION OF THE DEFINITIONS OF CLASSIFIED AND EXEMPT STATUS WITHIN THE CITY CHARTER AND RELEGATING THAT TO THE PERSONNEL RULES; PROVIDING THAT THE CITY MANAGER SHALL APPOINT ALL DEPARTMENT HEADS; PROVIDING FOR CHANGES TO THE SUBMISSION OF BUDGET; PROVIDING FOR NOTICE OF PUBLIC HEARING AND ADOPTION OF THE CAPITAL PROGRAM BUDGET;

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*[Signature]*  
CLERK OF CL. FASCO COUNTY, FL

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PROVIDING THAT AMENDMENTS AND SUPPLEMENTAL APPROPRIATIONS TO THE BUDGET BE MADE BY RESOLUTION; PROVIDING ADDITIONAL EXCEPTIONS TO LAPSES OF APPROPRIATION; PROVIDING FOR CHANGES TO THE MONTHLY REPORTING SYSTEM OF THE BUDGET; PROVIDING FOR DELETION OF THE CHARTER'S REQUIREMENT TO HAVE A PLANNING DEPARTMENT AND TO ADOPT LAND USE REGULATION; PROVIDING FOR DELETION OF A MANDATORY CITY PLANNING AND ZONING BOARD; PROVIDING FOR DELETION TO REFERENCES TO THE COMPREHENSIVE PLAN; PROVIDING FOR DELETION OF REFERENCE TO THE IMPLEMENTATION OF THE COMPREHENSIVE PLAN; PROVIDING THAT IN THE CONDUCT OF ELECTIONS, CITY COUNCIL MEMBERS OR CANDIDATES WILL RUN WITHOUT PARTY DESIGNATIONS; PROVIDING FOR MANNER OF PLACEMENT OF NAMES ON THE BALLOT; PROVIDING THAT BALLOTS FOR ORDINANCES AND CHARTER AMENDMENT REQUIREMENTS BE CONSISTENT WITH STATE STATUTE; PROVIDING THAT A LIST OF QUALIFIED VOTERS MAY BE PURCHASED FROM THE PASCO COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REMOVAL OF OBSOLETE REFERENCES TO 1982 CHARTER; PROVIDING FOR SALARY OF CITY COUNCIL; PROVIDING THE BALLOT REFERENDUM SHALL BE PREPARED AND ADOPTED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, it is deemed desirable by the City Council of the City of New Port Richey, Florida that the present City Charter be amended in its entirety to provide the citizens and City officials of the City of New Port Richey an up-to-date and well organized City Charter; and

WHEREAS, the Charter Ordinance Advisory Board has met and recommended changes to the City's Charter which changes are substantially incorporated herein; now, therefore,

THE CITY OF NEW PORT RICHEY HEREBY ORDAINS:

SECTION I. That an amendment to the City Charter of the City of New Port Richey, that amendment amending the entire Charter with the exception of that part describing the boundaries of the

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municipality, be proposed to the electors of the City of New Port Richey at a referendum election to be held as part of the City's general election held on April 11, 1995 as said amended Charter more specifically sets forth in Section 2 hereunder. The specific ballot title, legal title and language will be in the form as adopted by City Council by Resolution.

SECTION II. That the City Charter of the City of New Port Richey, Florida, be amended in its entirety with the exception of that part describing the boundaries of the said municipality, said amended Charter to read as follows:

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ARTICLE I. CREATION AND POWERS OF THE CITY

Sec. 1.01. Creation and Powers.

The City of New Port Richey is created and shall have all powers possible for a City to have under the constitution and laws of the State of Florida as fully and completely as though they were specifically enumerated in this chapter.

Sec. 1.02. Construction.

The powers of the City of New Port Richey shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

Sec. 1.03. Intergovernmental Relations.

The City of New Port Richey may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of Florida, or any one or more of its agencies or political subdivisions or with any duly incorporated municipality within the State of Florida or any one or more civil divisions or agencies thereof, or the United States or any of its agencies.

ARTICLE II. CITY COUNCIL

Sec. 2-04 2.01. General Powers and Duties.

All powers of the City shall be vested in the City Council, except as otherwise

provided by law or this Charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Sec. 2-04 2.02. Composition, Eligibility, Election and Terms.

(a) Composition. There shall be a City Council of five (5) members elected by the qualified voters of the city at large. One (1) member will be elected as Mayor-Councilperson Member and four (4) will be elected as City Councilpersons Members.

(b) Eligibility. Any bona fide resident of the City of New Port Richey, Florida who is a duly registered elector of said City and who has resided in the City for at least six (6) months prior to election shall be entitled to qualify as a candidate for elective office in any municipal election.

(c) Election and Terms. During years when the last digit thereof is an {odd} even number, the Mayor-Councilperson Member and one (1) City Councilperson Member shall be elected for a term of two (2) years each, respectively. During years when the last digit thereof is an {even} odd number, three (3) City Councilpersons Members shall be elected for a term of two (2) years each, respectively.

The terms of all such persons shall commence on the {first} third Tuesday {after-the first-Monday} in the month of {January} April {immediately succeeding-the-month-of-December of-the-preceding-year} when such

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persons were elected to office. All such elected officials shall hold office until their successors shall have been elected and qualified or until their tenure of office has otherwise been terminated in accordance with law; provided however, that the term of the Mayor-Councilperson Member and all City Councilpersons Members, including the incumbent Mayor-Councilperson Member and City Councilpersons Members shall be limited to three (3) consecutive terms respectively.

(d) Definition of Term.  
For purposes of determining limitations on terms of office as set forth in paragraph 2.02(c), a City Council member will be deemed to have served a full term of office if that council member has served one year and one day of the term in question. It is the intent of this Charter to prohibit any individual from serving more than seven (7) consecutive years as an elected city official.

Sec. 2-02 2.03. Compensation; Expenses.

The City Council may determine the annual salary of City Councilpersons Members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of City Councilpersons Members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. City Councilpersons Members shall receive their actual and necessary expenses incurred in the performance of their duties of office in accordance with Florida Statute

and/or approved city regulations. The salary of the City Council shall be established in recognition of the principle that the service of the City Council is a matter of public service and is not actual compensation for services rendered.

Sec. 2-03 2.04. Mayor and Deputy Mayor.

(a) Mayor. At a regular election, a Mayor-Councilperson Member shall be elected for a term of two (2) years. The Mayor shall be a member of the City Council. In addition, he/she shall preside at meetings of the City Council, shall be recognized as the official head of the city government for execution of legal instruments, all ceremonial purposes, and by the Governor for purposes of military laws. but The Mayor shall have no administrative duties.

(b) Deputy Mayor. The City Council shall elect from among its Members a Deputy Mayor who shall act as Mayor during the absence or disability of the Mayor.

Sec. 2.05. Prohibitions.

(a) Holding Other Office. Except where authorized by law, no City Councilperson Member shall hold any other City elected public office or city employment during the term for which he was elected to the City Council and.

No former City Council-person Member shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he was

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elected to the City Council.  
(b) Appointments and Removals. Neither the City Council nor any of its Members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of his subordinates are employed empowered to appoint but. The City Council may express its reviews and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigations under section 2.09, the City Council 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 City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Sec. 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

(a) Vacancies. The office of a Councilperson City Council Member shall become vacant upon his the Member's death, resignation, removal from office ~~in any manner authorized by law~~ or forfeiture of his the Council Member's office in any manner authorized by law.

(b) Forfeiture of Office. A Councilperson City Council Member shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3)

is convicted of a crime involving a felony or moral turpitude, or (4) fails to attend ~~four-(4)-~~ two consecutive regular meetings of the Council without being excused by the Council, (5) commits acts of ~~for~~ malfeasance or misfeasance of in office, (6) neglects his of duty, (7) is incapable of performing his duties as a member of city council because of drug or alcohol use drunkenness, (8) is incapable of performing his duties as a member of city council because of his incompetence, (9) has a permanent inability to perform his official duties.

(c) Recall. The procedure and grounds for recall of an elected official shall be in accordance with Florida Statutes in existence at the time the petition for recall is filed.

(d) Filling of Vacancies. A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty (60) days upon the occurrence of the vacancy, but the City Council by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the City Council fails to do so within thirty (30) days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than ninety (90) days, and not later than one hundred twenty (120) days following the occurrence of the vacancy, and to be otherwise governed by the provisions of Article VII. Notwithstanding, the requirement in Section 2.11 that

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a quorum of the City Council consists of three (3) members. If at any time the membership of the City Council is reduced to less than three (3), the remaining members, may by majority unanimous action, appoint additional members to raise the membership to three (3).

Sec. 2.07. Judge of Qualifications.

The City Council shall be the judge of the election and qualifications of its members and of the established grounds for forfeiture of their office as outlined in Section 2.06 (b), and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation, as required by Chapter 50, Florida Statutes, at least seven (7) days in advance of the hearing. Decisions made by the City Council under this section shall be subject to review--by--the courts judicial review.

Sec. 2.08. 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 City Council meetings to its members and the public and keep the minutes of its proceedings. Said The City Clerk shall have the power to administer oaths and shall be the official custodian of the

City seal. Additionally, the City Clerk shall attest all official documents which are adopted by the City Council during any duly convened meeting and shall affix the seal of the municipality thereto. The City Clerk shall perform such duties as are assigned to him by this Charter or by the City Manager, or by state law.

Sec. 2.09. Investigations.

The City Council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the City Council shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than one (1) year, or both.

Sec. 2.10. Independent Audit.

The City Council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The City Council ~~will-after-receiving-competitive bids may,~~ upon consideration of sealed proposals, and after review of qualifications, designate such accountant or

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firm annually or for a period not exceeding five-(5) three (3) years. The designation of an accountant or a firm for any particular fiscal year shall be made no later than ninety (90) days after the beginning of such fiscal year. If the state makes such an audit, the City Council may accept it as satisfying the requirements of this section.

Sec. 2.11. Procedure.

(a) Meetings. The City Council shall meet as outlined and established by the City's Code of Ordinances.

(b) Rules and Minutes. Robert's Rules of Order are to govern procedure of meetings, preparation, and/or waiver of agenda. Each regular or special City Council meeting shall provide for keeping minutes of its proceedings. These minutes shall be a public record.

(c) Voting. Except when roll call is requested, voting shall be by the ayes and nays and shall be recorded in the minutes. Three (3) members of the City Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Council. No action of the City Council, except as otherwise provided in the preceding sentence and in Section 2.06, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the City Council.

Sec. 2.12. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency. However, the Fire Department and the Police Department cannot be abolished or transferred to any city, county, or state agency, without approval by public referendum;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;

(4) Grant, rescind, renew or extend a franchise;

(5) Regulate the rate charged for its services by a public utility;

(6) Authorize the borrowing of money including, but not limited to, the issuance of bonds;

(7) Convey or lease or authorize the conveyance or lease of any lands of the city;

~~(8)-----Involves---local improvement--of--streets,--curbs, storm--drains,---seawalls---and sidewalks-by-assessment;;~~

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{9}(8) Involves control of waterways, docks and seawalls within the City;

~~{10}(9) Involves--health and--sanitation;~~ Involves the adoption or amendment to the City's Comprehensive Land Use Plan, City's Land Development Code or the change in Land use through zoning, rezoning or special exception;

{11} (10) Involves power to acquire and dispose of property;

{12} (11) Adopt, with or without amendment, ordinances proposed under the initiative power; and

{13} (12) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VIII with respect to repeal of ordinances reconsidered under referendum power.

Acts other than those referred to in this section may be done either by Ordinance, \*Resolution, or majority vote of the City Council.\*

Sec. 2.13. Ordinances in General.

(a) Form. Every proposed Ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. The enacting clause shall be, "The City of New Port Richey, Florida hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections, or

subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedure. An ordinance may be introduced by any Council member at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the City Manager, shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate, and shall publish the ordinance, together with a notice, setting out the time and place for a public hearing thereon ~~in--one--(1)--or--more newspapers---of---general circulation---as---required---by Chapter---50---of---the---Florida Statutes~~ and for its consideration by the Council. The public hearing shall follow publication by at least seven ~~{7}~~ ten (10) days, and may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time; all persons interested shall have the opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it, provided, however, no substantive amendment may be made at the final hearing. Any substantive amendment will require the ordinance to be reintroduced. As soon as practicable after adoption of ~~any ordinance~~, the City Clerk shall ~~authenticate,--record, have it printed--and--included--in--the City's--Code--of--Ordinances--as required--by--Section--2-16~~ the

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ordinance and a notice of its adoption published and available at a reasonable price. In the event different procedures are provided for adoption of ordinances pursuant to the Florida Statutes, those procedures for adoption shall be utilized in lieu of the charter provisions.

(c) **Effective Date.** Except as otherwise provided in this Charter, every adopted ordinance shall become effective upon ~~adoption by the City Council~~; ten days after passage or as otherwise provided in said ordinance.\*

(d) **"Publish" Defined.** As used in this section, the term "publish" means to print in one (1) or more newspapers of general circulation as required by Chapter 50 of the Florida Statutes:

(1) The ordinance or a brief summary thereof; and

(2) The places where copies of it have been filed and the times when they are available for public inspection.

Editor's Note - Editorially conformed procedure for adoption of Ordinances to require ten (10) days following publication in the newspaper as required in F.S. § 166.041.

**Sec. 2.14. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy

taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services, annex land into the City, rezone property, adopt or amend the land development code, or authorize the borrowing of money except as provided in Section 5-095.08(b).

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated 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.

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 four (4) members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances.

It shall become effective upon adoption or at such later time as it may specify.

An emergency ordinance may be repealed by adoption of a repealing Ordinance in the same manner specified in this section for adoption of emergency ordinances.

**Sec. 2.15. Codes of Technical Regulations.**

The City Council may adopt any standard code of technical regulations by reference thereto in an adopting Ordinance. The procedure and requirements

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governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

(1) The requirements of Section 2.13 for distribution and filing of copies of the ordinances shall be construed to include copies of the code of technical regulations as well as of the adopting Ordinance; and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and the adopting ordinance shall be recorded by the City Clerk pursuant to Section 2.16(a).

Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

Sec. 2.16. Authentication and Recording; Codification; Printing.

(a) Authentication and Recording. The City Clerk shall authenticate by his/her signature and record in full, in a properly indexed book, kept ~~for the purpose of~~ all Ordinances and Resolutions adopted by the City Council.

(b) Codification. Within one (1) year after adoption of this Charter and at least every ten (10) years thereafter, the City Council shall provide for the preparation of a general codification of all City Ordinances and Resolutions having the force and effect of law. The general codification shall be adopted by the City Council, by ordinance, and shall be published promptly in looseleaf form, together with

this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the City Council may specify. This compilation shall be known and cited officially as the New Port Richey City Code. Copies of the code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price affixed by the City Council.

(c) Following publication and at all times thereafter, the Ordinances, Resolutions and Charter amendments shall be printed in substantially the same style as the code currently in effect, and shall be suitable in form for integration therein. The City Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in, or additions to, the provisions of the Constitution and other laws of the State of Florida, or the codes of technical regulations and other rules and regulations included in the code.

Sec. 2.17. City Attorney.

(a) There shall be a City Attorney of the City and. The City Attorney shall be appointed by the City Council for a period of one (1) year and. The City Attorney shall serve as chief legal advisor to the City Council, the City Manager, and all city departments and offices. The City Attorney shall represent the city in all legal proceedings and shall

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perform any other duties prescribed by this Charter or by Ordinance.

(b) The City Attorney shall be paid, at a rate to be fixed by the City Council, on a monthly retainer basis, and shall be paid for extra and special work involving any litigation or extraordinary legal services.

(c) The City Attorney must be a member of the Florida Bar.

Section 2.18 Boards, Committees and Task Forces.

(a) The City Council may create and appoint such advisory boards, quasi-judicial boards and task forces as deemed necessary.

ARTICLE III. CITY MANAGER

Sec. 3.01. Appointment; Qualifications; Compensation.

The City Council shall appoint, by a majority affirmative vote of all its members, a City Manager for an indefinite term and fix his compensation. The City Manager shall be administrative head of the municipal government under the direction and supervision of the City Council, and shall serve at its pleasure and discretion.

While in office he must reside within the City limits. However, the City Council may authorize a temporary residence outside of the City limits and provide for a time limit thereof.

Sec. 3.02. Removal.

The City Council may remove the City Manager from office in accordance with the following procedures:

(1) The City Council shall adopt, by a majority affirmative vote of all City Council Members, a preliminary resolution which must state the reasons for removal, and may suspend the City Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the City Manager.

(2) Within five (5) days after a copy of the resolution is delivered to the City Manager, he may file with the City Council, a written request for a public hearing. This hearing shall be held at a City Council meeting not earlier than fifteen (15) days, nor later than thirty (30) days, after the request is filed. The City Manager may file with the City Council a written reply not later than five (5) days before prior to the hearing.

(3) The City Council may adopt a final resolution of removal, which may be made effective immediately, by a majority affirmative vote of all its members, at anytime after five (5) days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he has not requested a public hearing, or at any time after the public hearing, if he has requested one.

The City Manager shall continue to receive his salary until the effective date of a

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final resolution of removal. ~~The action of the Council, in suspending or removing the Manager, shall not be subject to review by any court or agency.~~

**Sec. 3.03. Acting City Manager.**

By letter filed with the City Clerk, the City Manager shall designate, subject to approval of the City Council, a qualified City Administrative Officer(s) to exercise ~~the~~ powers and perform the duties of the City Manager as listed in Section 3.04(4), (5), and (9) of this Charter, during his temporary absence or disability. During such absence or disability, the City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager shall return or his disability shall cease. In the event that any one absence is anticipated to exceed thirty (30) days, the City Council may grant the Acting City Manager all or a portion of the powers of the City Manager.

**Sec. 3.04. Powers and Duties of the City Manager.**

The City Manager shall be the Chief Administrative and enforcement Officer of the City. ~~He shall be responsible to the City Council for the administration of all City affairs placed in his charge by or under this Charter. He shall have the following powers and duties:~~ under the direction and supervision of the City Council. He shall be responsible to the City Council for the administration of all City affairs placed in the City

Manager's charge by or under this Charter. The City Manager shall:

{8} (1) He shall Keep the City Council fully advised as to the financial condition and future needs of the City; ~~and shall make such recommendations to the City Council concerning the affairs of the City as~~ required:

(2) Make recommendations to the City Council concerning the affairs of the city; and

{1} (3) He shall Appoint, suspend or remove any city employee and, when he deems it necessary for the good of the City service, suspend or remove the City Employees and appointive administrative officers except as provided for, by, or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He The City Manager may authorize any administrative officer who is subject to his the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

{2} (4) He shall Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or law;

{3} (5) He shall Attend all City Council meetings and The City Manager shall have the right to take part in discussion but may shall not vote;

{4} (6) He shall See that all laws, provisions of this Charter and acts of the City

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Council, subject to enforcement by him the City Manager or by city officers department heads subject to his the Manager's direction and supervision, are faithfully executed;

{5} (7) He shall Prepare and submit the annual budget and capital program to the City Council;

{6} (8) He shall Submit to the City 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;

{7} (9) He shall Make such other reports as the City Council may require concerning the operations of City Departments, Offices and Agencies subject to his the City Manager's direction and supervision;

{9} (10) He shall Perform such other duties as are specified in this Charter or may be required by the City Council.

#### ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

##### Sec. 4.01. General Provisions.

(a) Creation of Departments. The City Council may establish city departments in addition to those created by Charter and may prescribe the functions of all departments, except that no function assigned by this Charter to a particular department may be discontinued without the expressed approval of the City Council.

(b) Number of Employees; Wages. It shall be the sole

prerogative of the City Council to prescribe the wage scale to be paid employees of the city as a class, and to regulate the number of employees.

(c) Direction by City Manager. All departments under the direction and supervision of the City Manager shall be administered by a Department Manager Head appointed by the City Manager.

##### Sec. 4.02. Personnel System.

~~{a}--Merit-Principle:--All appointments-and-promotions-of the-City-officers-and-Employees shall-be-made--solely--on--the basis--of--merit--and--fitness demonstrated-by-examination-or other-evidence-of-competence,-as stated-in-the-personnel-rules:~~

~~{b}-----Personnel Administrator:--There shall-be-a personnel---administrator appointed-by-the-City-Manager-as provided--in-Section--4-01,-who shall-administer-the-personnel system-of-the-City:~~

~~{c}--Personnel-Rules:--The Civil-Service-Board shall-enact and-adopt-the-personnel-rules. The-rules-and-regulations-shall secure-to-said-Employees-fair and-impartial-treatment-with-job security---in---all---affected positions--consistent-with-the public-welfare:~~

{a) Administration. The City Manager or his designee shall administer the personnel system of the City.

{b) Personnel Rules. Consistent with all applicable federal and state laws the City Council shall provide by ordinance for the establishment, regulation and maintenance of a

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merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including, but not limited to hiring and advancement, training and skill development, job classification, pay plans, examinations, retirement, fringe benefits, discipline, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations. The personnel rules shall at a minimum be reviewed every five (5) years.

(c) Merit Principle. Consistent with all applicable federal and state laws, all appointments and promotions of city department heads and employees shall be made solely on the basis of merit and fitness, free of personal and political consideration, demonstrated by a valid and reliable examination or other evidence of competence as stated in the Personnel Rules of the City.

-Sec--4-04-----Classified--and Exempt-Status-

{a}--All-present-Employees of-the-City-who-have-served-the City-continuously-for-a-period of-one--(1)--year--immediately preceding-the-effective-date-of the-adoption-of-the-rules,-shall be-considered-appointees-in-the civil-service-system-

{b}--All-other-Employees-of the--City--will--be--considered appointees-of-the-civil-service system---when---he/she---has satisfactorily-completed-his/her probationary--period---and---is certified-by-the-Civil-Service

Board:

Sec--4-07 Civil-Service-

The--civil--service--system shall---be---comprised---of---all positions---except---the---following exempt-services-

{a}--Elected-officials-and persons---appointed---to---fill vacancies-in-elected-offices-

{b}--Members-of-appointed boards--or--commissions--of--the City-

{c}--The-City-Manager-

{d}-----Assistant---City Manager,---administrative assistant,-aides-or-interns-

{e}--The-City-attorney-

{f}--The-City-auditor-

{g}--The-City-engineer-

{h}--The-director-of-public works,---director---of---public safety,---director---of---public services,---and---director---of administration-

{i}--Persons-of-technical, scientific---or---professional training---who---maintain---an independent--practice--of--their profession-and-who-are-employed by-the-City-on-a-consulting-or retainer-basis-

{j}-----Positions---of part-time,--temporary,--seasonal or-emergency-employment-nature-

Sec. 4:06 4.03. Appointing Authority: Department Heads.

(a) {The} The City Manager shall appoint all

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Department Heads.

~~{i}---[The]--City--Manager shall---appoint---persons---of technical,---scientific---or professional---training---who maintain-an-independent-practice of-their-profession-and-who-are employed--by--the--City--on--a consulting--or--retainer--basis; positions---of---part-time, temporary,--seasonal-or-emergency employment--nature;--persons--of technical,---scientific---or professional---training---who maintain-an-independent-practice of-their-profession-and-who-are employed-by-the-City-on-a-consulting---or---retainer--basis; positions---of---part-time, temporary,--seasonal-or-emergency employment---nature---are---not tenured-positions-in-the-exempt classifications--service-at-the discretion-and-pleasure-of-the City-Manager:~~

(b) {Department--heads} shall--appoint--their--assistant department-heads;--fire-captain, police---captain---and---police detective-subject-to Department Heads shall appoint their assistant department heads, other supervisory and management positions with the approval of the City Manager.

#### ARTICLE V. FINANCIAL PROCEDURES\*

##### Sec. 5.01. Fiscal Year.

The fiscal year of the City shall begin on the--first--day--of October-and-end-on-the-last-day of-September October 1 and end on September 30. as established by Florida Statute.

##### Sec. 5.02. Submission of Budget and Budget Message.

On or before the first day of September of each year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

##### Sec. 5.03. Budget Message.

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues with the reasons for such changes, and summarize the city's debt position.

##### Sec. 5.04. Budget.

~~The-Budget-shall-provide-a complete-financial-plan-of-all City-funds-and-activities-for the--ensuing--fiscal--year--and, except--as--required--by--law--or this-Charter,--shall-be-in-such form-as-the-Manager-deems-desirable--or--the--Council--may require;---in--organizing--the Budget-the-Manager-shall-utilize the-most-feasible-combination-of expenditure--classification--by fund,---organization---unit, program,--purpose--or--activity, and-object;--It-shall-begin-with a-clear-general-summary-of-its contents;--shall-show-in-detail all-estimated-income, indicating the-proposed-property-tax-levy, and-all-proposed-expenditures, including-debt-service,--for-the~~

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ensuing-fiscal-year:

~~{1}----{The--Budget--shall show}-proposed-expenditures-for current--operations--during--the ensuing-fiscal-year,-detailed-by offices-and-departments-in-terms of---their---respective---work programs:~~

~~{2}----{The--Budget--shall show}---proposed---capital expenditures-during-the-ensuing fiscal-year,-detailed-by-offices and---departments---when---practicable:~~

The Budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, and except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures.

(2) Proposed capital expenditures during the ensuing fiscal year, detailed for each

fund by organization unit when practical, and the proposed method of financing such capital expenditures; and

(3) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the city.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

#### Sec. 5.05. Capital Program.

(a) Submission to City Council. The City Manager shall prepare and submit to the City Council a five-year capital program at least one (1) month prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommendation time schedules for each such improvements; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital

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improvements still pending or in process of construction or acquisition.

Sec. 5.06. City Council Action on Budget.

(a) The City Council will take all actions required by Chapter 200 of the Florida Statutes in regard to passage of the city budget and millage.

(b) Amendment before adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income and fund balance.

(c) Adoption. The City Council shall adopt the budget on or before the thirtieth day of September of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations, of the amounts specified therein as expenditures, from the funds indicated, and shall constitute a levy of the property tax therein proposed.

Sec. 5.07. City Council Action on Capital Program.

~~The City Council shall approve the capital improvement program before holding formal Budget hearings.~~

(a) Notice and Hearing. The City Council shall publish in one or more newspapers of general circulation in the city the general summary of the capital program and a notice stating: (1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) Adoption. The City Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 30th day of September of the current fiscal year.

~~Sec. 5.08--Public-Records-~~

~~Copies of the Budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.~~

Sec. 5.09: 5.08. Amendments After Adoption.

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by motion

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resolution may make supplemental appropriations for the year up to the amount of such excess.

( b ) E m e r g e n c y Appropriations. To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations. Such Appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.14. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council, 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 ) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available, coupled with fund balances, will be insufficient to meet the amount appropriated, he the City Manager shall report to the City Council 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 City Council shall then take such further action as it deems necessary to prevent or minimize reduce any deficit, and for that purpose it may by motion resolution reduce one (1) or more appropriations.

( d ) Transfer of Appropriations. At any time during the

fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department and office upon written request by the City Manager, the City Council may by motion transfer part or all of any unencumbered appropriation balance from one (1) department and office to another.

( e ) 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.

Sec. 5-10 5.09. Lapse of Appropriations.

Every appropriation, except an Appropriation for capital expenditure in the Capital Improvement Fund, the Water and Sewer Construction Fund, the Sewer Assessment Fund, or the Street Assessment Fund shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the--purpose--for which--it--was--made--has--been accomplished---or---abandoned; expended, revised, or repealed; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

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Sec. 5-11 5.10. Administration of Budget.

(a) Monthly Report and Allotments. At such time as In such a manner, as the City Manager shall specify, each department or office shall be provided with monthly reports as requested, showing allotments of its appropriation. He The City Manager may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 5:09 5.08. It shall be the duty of each department to review such reports and advise the City Manager of any allotment that is in danger of being exceeded prior to year end, and to recommend a budget amendment to correct such a situation.

(b) Payments---and Obligations---Prohibited. Overspending of Appropriations Prohibited. No payment shall be made or obligation incurred unless sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of this section and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the City for any amount so paid.

However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital

improvements to be financed, wholly or partly, by the issuance of bonds or assessments to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by Ordinance, resolution, or motion of the City Council.

ARTICLE VI. PLANNING\*

Sec. 6.01. Planning Department.

~~There shall be a planning Department headed by the City Manager or his designee. The planning Department shall have the following responsibilities:~~

~~{1}---To advise the City Council on any matter affecting the physical development of the city;~~

~~{2}---To formulate and recommend to the City Council a Comprehensive Plan and modifications thereof;~~

~~{3}---To review and make recommendations regarding proposed City Council action implementing the Comprehensive Plan pursuant to Section 6:04;~~

~~{4}---To participate in the preparation and revision of the capital program provided for in Section 5:05; and~~

~~{5}---To advise the City Planning and Zoning Board in the exercise of its responsibilities and in connection therewith to provide necessary staff assistance;~~

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Sec. 6.01 Land Use Regulation

Consistent with all applicable Federal and State laws with respect to land use, development and environmental protection, the City Council shall:

(1) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance or by State law;

(2) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan; and

(3) Adopt development regulations to be specified by ordinance to implement the comprehensive plan.

Sec. 6.02. City Planning and Zoning Board:

There shall be a City Planning and Zoning Board consisting of an adequate number of members and alternates appointed by the Council for terms of three (3) years from among the qualified voters of the city.

(a) Members of the board shall hold no other city office.

(b) The Board may make recommendations to the City Manager and the City Council on all matters affecting the physical development of the city, shall be consulted on the Comprehensive Plan and the implementation thereof as provided in Sections 6.03 and 6.04, and shall exercise all

other responsibilities as may be provided by law.

Sec. 6.03. Comprehensive Plan:

Content. The City Council shall adopt, and may from time to time modify, a Comprehensive Plan setting forth in graphic and textual form, policies to govern the future physical development of the city as per Chapter 163, Florida Statutes.

Sec. 6.04. Implementation of the Comprehensive Plan:

(a) Land Use and Development Regulations. The City Council may by Ordinance adopt Land Use and Development Regulations, including, but not limited to, an official map and zoning and subdivision regulations.

(b) Urban Renewal. The City Council may by ordinance provide for redevelopment, rehabilitation, conservation, and renewal programs for:

(1) The alleviation or prevention of slums, obsolescence, blight or other conditions of deterioration, and

(2) The achievement of the most appropriate use of land.

(c) City Council Action. Before acting on any proposed ordinance concerning Land Use and Development Regulations, Urban Renewal or expenditures for capital improvements, where such ordinance refers to a matter covered by the Comprehensive Plan, the City Council shall refer the proposal to the City Planning and Zoning Board, which shall within a time

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~~specified by the City Council and prior to the public hearing on the proposed ordinance report its recommendations thereon. Upon adopting any such ordinance, the City Council shall make findings and report on the relationship between the ordinance and the Comprehensive Plan and, in the event that the ordinance does not accord with the Comprehensive Plan, the plan shall be deemed to be amended in accordance with such findings and report. All amendments to the Comprehensive Plan must meet the requirements set forth in Chapter 163 of the Florida Statutes.~~

~~Sec. 6.05. Board of Appeals and Adjustments.~~

~~The Council shall by ordinance establish a Board of Appeals and Adjustment shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions, petitions for variances in the case of peculiar and unusual circumstances, which would prevent the reasonable use of land and such other matters, as may be required by the Council or by law.~~

ARTICLE VII. NOMINATIONS AND ELECTIONS\*

Sec. 7.01. City Elections.

(a) Regular Elections. The regular City Election shall be held on the second Tuesday in April of each year.

(b) Qualified Voters. All citizens qualified by the Florida Constitution and laws of

the State of Florida, to vote in the city, and who satisfy the requirements for registration prescribed by law, shall be qualified voters of the city within the meaning of this Charter.

(c) Conduct of Elections. Except as otherwise provided by this Charter, the provisions of the general Elections laws of the State of Florida shall apply to Elections held under this Charter. Candidates shall run for office without any party designation. All elections provided for by the Charter shall be conducted by the election authorities established by law. For the conduct of city elections, the City Council shall may adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter, regulating elections within the City of New Port Richey.

Sec. 7.02. City Council Ballots.

Names on Ballots. The full names of all candidates for office on the City Council, except those who have withdrawn, died or become ineligible, shall be printed in alphabetical order on the official ballots without party designation or symbol. If two (2) or more candidates have the same surname or surnames so similar as to be likely to cause create the possibility of confusion, their residence addresses shall be printed with their names on the ballot.

Sec. 7.03. Watchers and Challengers.

(a) A candidate for office

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shall be entitled, upon written application to the election authorities at least ten (10) days before election, to appoint one (1) person to represent him as a Watcher and Challenger at each polling place where voters may cast their ballots for him. A person so appointed shall have all the rights and privileges prescribed for Watchers and Challengers by or under the General Election Laws of the State of Florida.

(b) The Watchers and Challengers may exercise their rights throughout the voting and until the ballots have been counted.

**Sec. 7.04. Determination of Election Results.**

(a) Number of Votes. Every voter shall be entitled to vote for as many candidates for the City Council as there are members to be elected to the City Council.

(b) The candidate for Mayor-Council Member, during even-numbered years, who polls the highest number of votes for said office, during said Election, shall be declared as the winner thereof, and the candidate for Council Member during even-numbered years, who polls the highest number of votes for said office, during said Election, shall be declared the winner thereof. During odd numbered years, the three (3) candidates who poll the three (3) highest number of votes for said offices, as the result of said election, shall be declared as the winners thereof. The plurality method of voting shall govern and control all elections for the office of Mayor-Council

Member and the offices of City Council Members in this municipality.

**Sec. 7.05. Ballots for Ordinances and Charter Amendments.**

An ordinance or Charter Amendment to be voted on by the city shall be presented for voting by ballot title. ~~The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question:~~

~~"Shall the above described (Ordinance) (Amendment) be adopted?"~~

~~Immediately below such question shall appear, in the following order, the words "yes" and "no" and for the voter may to cast his vote. The form of the ballot language, including legal title and ballot title and question shall be as set forth in Florida Statutes.~~

**Sec. 7.06. Voting Machines.**

The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

**Sec. 7.07. Availability of List of Qualified Voters.**

~~If for any purpose relating to a general or City Election or to candidates or issues involved in such an Election, any qualified organization, group or~~

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~~person may request a list of qualified voters of the City from the office of the Pasco County Elections Supervisor, who has custody of that list. He will furnish a copy of the list to the requester for a standard fee. A list of qualified voters may be purchased from the Pasco County Supervisor of Elections.~~

to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that then the ordinance shall be approved or rejected at a city election.

Such power shall not extend to the budget, or capital program, or any emergency ordinance, or ordinance relating to appropriation of money or levy of taxes.

Sec. 7.08. Action Requiring Ordinance.

The City Council shall prepare an ordinance outlining the provisions of this Charter and the Florida Statutes relating to elections.

Sec. 8.02. Commencement of Proceedings; Petitioners' Committee; Affidavit.

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

ARTICLE VIII. INITIATIVE AND REFERENDUM

Sec. 8.01. General Authority.

(a) Initiative. The qualified voters of the city shall have power to propose ordinances to the City Council and, if the City Council fails to adopt an ordinance so proposed by the qualified voters without any changes in substance, then the proposed ordinance shall be to adopt or reject it adopted or rejected at a city election, 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.~~

Promptly after the affidavit of the Petitioners' Committee is filed the City Clerk shall issue the appropriate Petition blanks to the Petitioners' Committee.

Sec. 8.03. Petitions.

(b) Referendum. The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails

(a) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least ten (10) percent of the total number of qualified voters registered

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to vote at the last regular City election.

(b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or ~~indelible~~ pencil and shall be followed by the address of the person qualified voter signing.

Petitions shall contain, or have attached thereto throughout their circulation, the full text of the ordinance proposed or the ordinance sought to be reconsidered.

(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 personally circulated the paper and,

(2) The number of signatures thereon, and

(3) That all the signatures were affixed in his presence, and

(4) That he believes them to be the genuine signatures of the persons whose names they purport to be, and

(5) That each signer had an opportunity, before signing, to read the full text of the Ordinance proposed or the ordinance sought to be reconsidered.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days

after adoption by the City Council of the ordinance sought to be reconsidered.

#### Sec. 8.04. Procedure After Filing.

(a) Certificate of City Clerk; Amendment. When the petition is filed, the City Clerk shall submit such petition to the County Supervisor of Elections who shall, within a period of not more than thirty (30) days, determine whether the petition contains the required valid signatures.

The Supervisor of Elections shall be paid by ~~the person or committee seeking verification~~ the standard charge for each name check by the persons or committee seeking verification.

Upon completion of verification, the City Clerk shall complete a certificate as to its sufficiency, ~~specifying,~~ if it is insufficient, he shall specify the particulars wherein it is defective, and shall promptly send a copy of the certificate to the Petitioners' Committee by certified or registered mail.

A Petition certified insufficient, for lack of the required number of valid signatures, may be amended once if the Petitioners' Committee files a Notice of Intention to Amend it, with the City Clerk within two (2) days, after receiving a copy of his certificate, and files a supplementary petition upon additional papers within ten (10) days, after receiving the copy of such certificate.

Such supplementary petition

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shall comply with the requirements of subsections (b) and (c) of Section 8.03. The City Clerk shall complete a certificate as to the sufficiency of the petition, as amended, after the fees are paid, and verification received, and will promptly send a copy of such certificate to the Petitioners' Committee, by certified or registered mail as in the case of an original petition.

If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient, and the Petitioners' Committee does not elect to amend or request City Council review, under subsection (b) of this section, within the time required, the City Clerk shall promptly present his certificate to the City Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) City Council Review. If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The City Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### Sec. 8.05. Referendum Petitions; Suspension of Effect of Ordinance.

When a Referendum Petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

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

(2) The Petitioners' Committee withdraws the petition, or

(3) The City Council repeals the ordinance, or

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

#### Sec. 8.06. Action on Petitions.

(a) Action by City Council. When an initiative or Referendum Petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II, or reconsider the referred ordinance by voting its repeal.

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If the City Council fails to adopt a proposed initiative ordinance, without any change in substance, within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the Petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) Submission to Voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final City Council vote thereon.

If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the City Council may in its discretion provide for a special election at an earlier date within the prescribed period.

Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of Petitions. An Initiative or Referendum Petition may be withdrawn, at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the city, by filing with the City Clerk, a request for withdrawal, signed by at least four (4) members of the Petitioners' Committee. Upon filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 8.07. Results of Election.

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results, and shall be treated in all respects, in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one (1) receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

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

#### ARTICLE IX. GENERAL PROVISIONS

Sec. 9.01. Personal Financial Interest.

Any city officer or Employee, who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services, to the city or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee, in the making of such sale, or in the making or performance of such contract.

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Any city officer or employee who, willfully conceals such a substantial financial interest or, willfully violates the requirements of this section, shall be guilty of malfeasance in office or position and shall forfeit his office or position.

Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the city, shall render the contract or sale voidable by the City Manager or the City Council.

Notwithstanding, the general language in this paragraph, all city officers and employees shall explicitly adhere to the provisions of Part III. Code of Ethics for Public Officers and Employees. Chapter 112 of the Florida Statutes.

#### Sec. 9.02. Prohibitions.

##### (a) Activities Prohibited:

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any city position or appointive city administrative office, because of race, color, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial

execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administration office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or in connection with, his test, appointment, proposed appointment, promotion or proposed promotion.

(4) While no specific restrictions are placed on the political activities of city employees during off duty hours, it is the intent of the Charter to require its employees to conform to the provisions and restrictions established by the Florida Statutes.

(b) Penalties. Any person who, by himself or with others, willfully violates any of the provisions of paragraphs one (1) through four (4) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or both.

#### Sec. 9.03. Charter Amendment.

(a) Proposal of Amendment. Amendments to this Charter may be framed and proposed:

(1) In the manner provided by law, or

(2) By Ordinance of the City Council containing the full text of the proposed amendment and effective upon adoption, or

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- (3) By report of the Charter Ordinance Advisory Board created by ordinance, or
- (4) By the voters of the city.

Proposal of an amendment by the voters of the city shall be by petition, containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VIII, for initiative petitions, until such time as a final determination as to the sufficiency of the petition is made, except, that there shall be no limitation as to subject matter, and that the petition must be signed by qualified voters of the city equal in number to at least ten (10) percent of the total number of qualified electors registered to vote at the last regular City election.

The Petitioners' Committee may withdraw the petition at any time before the fifteenth (15th) day immediately preceding the day scheduled for the City vote on the amendment.

(b) Election. Upon delivery to the city Election authorities of the report of a Charter Commission, or delivery by the City Clerk of an adopted ordinance, or a petition finally determined sufficient, proposing an amendment pursuant to subsection (a), the election authorities shall submit the proposed amendment to the voters of the city at an election.

Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one (1) or more newspapers of general circulation as required by Chapter 50 of the Florida Statutes, at least thirty (30)

days prior to the date of the election.

The election shall be held, not less than sixty (60) and not more than one hundred twenty (120) days, after the adoption of the ordinance, or report, or the final determination of sufficiency of the petition proposing the amendment.

If no regular election is to be held within that period, the City Council may provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be within the discretion of the City Council.

The form of ballot shall be as specified in Section 7.05.

(c) Adoption of Amendment. 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, thirty (30) days after its adoption by the voters.

(d) The New Port Richey City Council may amend provisions or language out of the Charter which has been judicially construed to be contrary to either the State or Federal Law.

Sec. 9.04. Suits Against the City.

No suit or chancery, or action at law, either ex contractu or ex delicto, of any kind or nature whatsoever, against said city shall be

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instituted after six (6) months from the date such cause of action accrues, and no suit shall be instituted against said city unless a written statement, giving the particulars of the alleged cause of action, containing a Notice of Intention to sue, shall be filed with the Council at least thirty (30) days before the suit, or action, be instituted.

Sec. 9.05. Severability.

If any phrase, sentence, paragraph, subsection or section or provision of this Charter is held invalid, the other provisions remainder of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE X. TRANSITIONAL PROVISIONS

Sec. 10.01. Officers and Employees.

(a) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption, except as otherwise provided for in this Charter.

(b) Continuance of Office or Employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a

city administrative officer or employee holds any office or position which is, or can be abolished by, or under this Charter, he shall continue in such office or position until the taking effect of some specific provisions under this Charter directing that he vacate the office or position.

(c) Personnel System. An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in section 4.02(c).

Sec. 10.02. Department, Offices and Agencies.

(a) Transfer of Powers. If a city department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department, office or agency, designated in this Charter, or if the Charter makes no provision, designated by the City Council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued, or divided between units, or in the event that any conflict arises regarding a transfer, such

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property, records or equipment shall be transferred to one (1) or more departments, offices or agencies designated by the City Council in accordance with this Charter.

Sec. 10.03. Pending Matters.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, except as modified, pursuant to the provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this Charter.

Sec. 10.04. State and Municipal Laws.

In General. All city ordinances, resolutions, orders, and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operations of this Charter or of ordinances or resolutions adopted pursuant thereto.

To the extent that the Constitution and Laws of the State of Florida permit, all laws relating to or affecting this city or its agencies, officers, or employees, which are in force when this Charter becomes fully effective, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

Sec. 10.05. Schedule.

~~{a}---First-Election:---At the-time-of-its-adoption,--this Charter-shall-be-in-effect-to the-extent-necessary--in-order that--the--first--election--of members-of-the-City-Council-may be-conducted-in-accordance-with the-provisions-of-this-Charter. The-first-election-shall-be-held on-the-first-Tuesday-after-the first-Monday-in-December,--1982.~~

{b) (a) Time of Taking Full Effect. This Charter shall be in full effect for all purposes ten (10) days from on the date and time of the approval of the charter amendment by referendum.

Sec. 10.06. Corporate Boundaries.

The corporate boundaries of the City of New Port Richey shall remain fixed and established 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. The corporate limits of the city are described in Appendix A to this Charter which is incorporated herein.

Sec. 10.07. Initial Salary of City Council.

~~Members-of-the-City-Council shall-receive-a-monthly-salary, as-indicated-below,--until-such amount-is-changed-by-the-City Council-in-accordance-with-the provisions-of-this-Charter.~~

~~{a}---Mayor-Councilperson; One---hundred---fifty---dollars~~

~~(\$150.00):~~ Return to: CITY OF NEW PORT RICHEY  
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~~{b}---Councilperson;---One  
hundred-dollars-(\$100.00)-~~

Members of City Council  
shall receive a monthly salary  
as established by ordinance.

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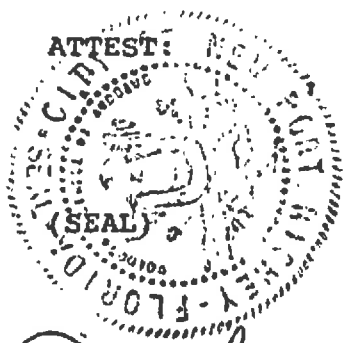


SECTION III. Effective Date.

This Ordinance shall become effective ten days after adoption by referendum and when enacted in accordance with Florida Statutes and the City Charter.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 17th day of January 1995.

The above and foregoing Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 7th day of February 1995.



*June Sachse Balthes*  
City Clerk

CITY OF NEW PORT RICHEY,  
 FLORIDA  
 R2105491 78387465 04/21/95 03:37 PM  
 REFERENCE # 115030  
 RECORDING/INDEXING 133.00  
 RECORDS MODERNIZATION FEE 17.00  
 TOTAL: 150.00  
 CHARGED: 150.00  
 81-A AMT PAID .00

CUNNBR  
*[Signature]*  
Mayor - Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT

BY *[Signature]*  
City Attorney

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