

## **CITY CHARTER ZEPHYRHILLS, FLORIDA**

### **TITLE I PREAMBLE**

We the people of the City of Zephyrhills, Florida, under the constitution and laws of the United States of America and the State of Florida, in order to secure the benefits of local self-government do hereby adopt this Charter and confer upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. We believe in an open, responsive government that abides by the highest ethical standards and operates as a careful steward of the human, fiscal, and natural resources of our City.

(Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

### ***CHAPTER 1. CREATION OF MUNICIPALITY***

#### **Sec. 11.01. Municipality created.**

That a municipality to be known and designated as the City of Zephyrhills is hereby created and established in Pasco County, November 17, 1914.

('74 Code, Charter § 11.01) (Ord. 1465-23, § 1, passed 7-24-23, amendment adopted by electorate 4-11-23)

#### **Sec. 11.02. Boundary description.**

The legal description of the boundaries of the City of Zephyrhills shall be property included in the City Charter from the inception of the City Charter in 1914, up to and including any legal description included in Supplement 5, complete in August, 1977 and also any property annexed, less any property subject to contraction since that date through the passing of this Charter version. Future boundaries will change with annexation or contraction.

('74 Code, Charter § 11.02) (Sp. Laws, 1965 ch. 65-2414; Sp. Laws, 1967, ch. 67-2197; Sp. Laws, 1969, ch. 69-1730; Sp. Laws, 1969, ch. 69-1732; Sp. Laws, 1972, ch. 72-720; Am. Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

#### **Sec. 11.03. Prior ordinances preserved.**

All ordinances in effect upon the adoption of this Charter and any amendment thereto, including all existing special acts, if any, which have been recorded upon the ordinance book of this city or which have been passed by the City Council, but not printed or recorded and which have now and are now recognized and enforced as ordinance of said city to the extent they are not inconsistent with this Charter, shall remain in full force and effect until repealed or changed as provided herein.

('74 Code, Charter § 11.03) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

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**Sec. 11.04. Assessments, etc., validated.**

All tax sales and general and special assessments heretofore made by said city are hereby ratified and confirmed and declared to be legal and valid.

('74 Code, Charter § 11.04)

**Sec. 11.05. Validity of prior assessments unimpaired.**

Nothing in this act shall be construed to impair the validity of any assessment of taxes by the Town or City of Zephyrhills prior to the passage of the same, or of any tax sale made pursuant to any such prior assessment.

('74 Code, Charter § 11.05)

**Sec. 11.06. Succession; corporate powers.**

That the said municipality and all the inhabitants comprehended within the territorial limits above described, shall be and are hereby created and constituted a body corporate and politic under and by the name of Zephyrhills, and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, may hold real estate, personal and mixed property, and may sell, lease or dispose of such property for the benefit of the city to the same extent that natural persons might do; that said city shall have and use a common seal and may change the same at pleasure; and shall be obligated and empowered to preserve peace and maintain order and justice within its borders, and to that end shall have power to establish a city police force and other city departments, to provide a municipal system of revenue and taxation, to ordain rules for the government of the city and to prescribe penalties for the violation of its ordinances.

('74 Code, Charter § 11.06)

**Sec. 11.07. Reserved.**

Editor's note(s)—Ord. 268, § 1, repealed the provisions of Tit. I, Ch. 1, § 11.07.

**Secs. 11.08—11.10. Reserved.****Sec. 11.11. Powers of the city.**

The city shall have all powers possible for a city to have under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this chapter.

('74 Code, Charter § 11.11) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

**Sec. 11.12. Liberal construction.**

The powers of the city under this Charter 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 granted in this article.

('74 Code, Charter § 11.12) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

## **TITLE II LEGISLATIVE DEPARTMENT**

### ***CHAPTER 1. CITY COUNCIL***

#### **Sec. 21.01. Composition of municipal government.**

That the government and the municipal authority of said city shall be vested in a Mayor, a City Council composed of five members, a City Manager, a Chief of Police, a Chief of the Fire Department and in such other boards and officers as may be herein-after designated or may be created by ordinance. The City Council shall have power to create such other offices as they may deem necessary to provide for filling the same by appointment or election, and to abolish at any time any office so created by them.

('74 Code, Charter § 21.01) (Ord. 247, § 1; Ord. 268, § 2)

#### **Sec. 21.02. To be judge of its own qualifications and election.**

The City Council shall be the judge of the qualifications and election of their own members not inconsistent with state laws.

('74 Code, Charter § 21.02) (Ord. 268, § 3)

#### **Sec. 21.03. Council seats.**

The City Council shall be comprised of five (5) Council members. Each Council member shall hold one (1) seat. Seats on the City Council will be numbered 1 through 5, by ordinance of the City Council. Thereafter, each candidate for City Council shall designate the seat number to which he or she is seeking election. Candidates for City Council may seek election to no more than one (1) Council seat. Elections for Council seats shall be by the voters of the city at large. The candidate receiving the most votes among those seeking election to a particular seat, shall be entitled to occupy that seat for the term set out below.

('74 Code, Charter § 21.03) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

#### **Sec. 21.031. Election and terms.**

- (1) Commencing with the regular municipal election of April 11<sup>th</sup>, 2023, and at the regular municipal election each four (4) years thereafter, one City Council Member shall be elected for a term of four (4) years.
- (2) Commencing with the regular municipal election of April 9<sup>th</sup>, 2024, and at the regular municipal election each four (4) years thereafter, two City Council Members shall be elected for a term of four (4) years.
- (3) Commencing with the regular municipal election of April 8<sup>th</sup>, 2025, two City Council Members shall be elected for a term of four (4) years and at the regular municipal election each four (4) years thereafter.

('74 Code, Charter § 21.031) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91; Ord. 1193-13, passed 2-11-13, amendment adopted by electorate 4-9-13; Am. Ord. 1465-23, § 2, passed 7-24-23, amendment adopted by electorate 4-11-23)

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#### **Sec. 21.04. Oath and bond of officers.**

All officers, before entering upon the duties of their respective offices, shall take the oath prescribed by law, and shall enter into such bond for the faithful discharge of their duties as the City Council may require, and the failure of any person elected or appointed to office so to qualify within thirty days after his election or appointment shall render his office vacant.

('74 Code, § 21.04)

#### **Sec. 21.05. Presiding officer.**

They shall elect annually one of their members to be their presiding officer, who shall be designated president of the City Council, and another one of their number to preside in the absence of the president, who shall be designated the vice president of the City Council. It is further provided that the presiding officer as provided for above shall at all times be privileged to vote on all matters before the City Council.

('74 Code, Charter § 21.05) (Ord. 1193-13, passed 2-11-13, amendment adopted by electorate 4-9-13)

#### **Sec. 21.06. Committees.**

The City Council shall provide by ordinance or resolution for such standing committees as they deem necessary, fixing the number of members that shall compose each respective committee, and prescribing their character, and duties. Such committees shall be appointed within five days after the City Council shall be organized, and unless otherwise provided, all committees, whether standing or special shall be appointed by the president of the City Council.

('74 Code, Charter § 21.06)

#### **Sec. 21.07. Compensation of members.**

The City Council may have the power by ordinance or resolution, to fix such compensation for its members, provided, however, that the compensation of members of the City Council shall not be changed so as to effect an increase for any member for the term to which that member has already been elected.

('74 Code, Charter § 21.07) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

#### **Sec. 21.08. Meetings.**

They may hold meetings at such times as they may determine, but must hold at least one regular meeting each month.

('74 Code, Charter § 21.08)

#### **Sec. 21.09. Quorum.**

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under the provisions of an ordinance, may compel the attendance of absent members by arrest, fines and penalties.

('74 Code, Charter § 21.09)

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### **Sec. 21.10. Rules and regulations.**

They may adopt and enforce such rules and regulations as they deem best for their government; may determine their own rules and procedure, and prescribe the punishment of their members for nonattendance and disorderly conduct, and may expel a member for nonattendance or improper conduct while in office.

('74 Code, Charter § 21.10)

### **Sec. 21.11. Designation of depositories.**

The City Council shall, by resolution, designate from time to time such banks to be the depositories of the funds of said City, and the Finance Director shall be required to deposit day by day such funds of the City as may come into said director's hands in said banks to the credit of the City, and shall be required to present quarterly at Council Meetings a report of all such monies collected and deposited in said banks by the Finance Director; the City Council may, by resolution require such banks acting as City depository, to give such bond as they deem proper, for the safekeeping of all City funds entrusted to their care, said depository only to pay out said funds upon a written order signed by the President of the City Council, attested by the City Manager.

('74 Code, Charter § 21.11) (Ord. 274, § 2; Ord. 268, § 5; Am. Ord. 1465-23, § 3, passed 7-24-23, amendment adopted by electorate 4-11-23)

### **Sec. 21.12. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

## ***CHAPTER 2. POWERS***

### **Sec. 22.01. Powers of the council.**

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.

('74 Code, Charter § 22.01) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

Editor's note(s)—Ord. 533, § 3, adopted Jan. 28, 1991, amended the Charter to read as herein set out in Tit. II, Ch. 2, § 22.01. Prior to inclusion of said ordinance, Tit. II, Ch. 2 pertained to similar subject matter and derived from Sp. Laws, 1965, chs. 65-2046, 65-2415; Ord. No. 247, § 6; Ord. No. 268, §§ 7, 8.

### **Sec. 22.02. Interference with administration.**

Except for the purpose of inquiries and investigations under section 22.03, the 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 Council nor its members shall give orders to any such officer or employee, either publicly or privately. The Council and City Manager agree to mutually respect and abide by their respective roles and duties. Nothing in this section shall be interpreted to mean that Council members cannot speak to any officer or City employee at a reasonable time and place for reasonable purposes.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

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### **Sec. 22.03 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 call witnesses, administer oaths, take testimony, and require the production of evidence.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Secs. 22.04—22.07. Reserved.**

Note(s)—See the editor's note at § 22.01.

## ***CHAPTER 3. ORDINANCES***

### **Sec. 23.01. Passage.**

Every ordinance or proposed ordinance, before becoming a law, shall be passed by a majority vote of the City Council, providing further that no ordinance shall be read and voted upon more than once at any meeting of the City Council, shall be approved by the Mayor, or become a law without his approval, and shall be published or posted as hereinafter required. "Be it ordained by the City Council of Zephyrhills, Florida," shall be sufficient as the enacting clause of any ordinance.

('74 Code, Charter § 23.01) (Ord. 208, passed -- )

### **Sec. 23.02. To be approved or rejected by mayor.**

Every ordinance passed by the City Council, before it shall go into effect, shall be presented to the Mayor for his approval. If he approves the same he shall sign and return it to the City Manager. If he disapproves the same, or any part thereof, he shall return it to the City Council by its next regular meeting, with his objections in writing to the same or to the part thereof disapproved by him. The City Council shall cause the Mayor's objections to be spread upon their minutes, and shall proceed to consider the same, and if they shall again pass said ordinance by a four-fifths ( $\frac{4}{5}$ ) vote, it shall become a law, the Mayor's vote to the contrary notwithstanding. Any ordinance submitted to the Mayor for his approval, and which he shall not return by the next regular meeting of the City Council, shall become law in like manner as if passed by the City Council and approved by the Mayor.

('74 Code, Charter § 23.02) (Ord. 268, § 9)

### **Sec. 23.03. To be published or posted.**

Every ordinance approved by the Mayor, or becoming a law without his approval, shall be posted at City Hall for a period of fifteen (15) days.

('74 Code, Charter § 23.03) (Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

## **TITLE III EXECUTIVE AND ADMINISTRATIVE DEPARTMENT<sup>1</sup>**

### ***CHAPTER 1. ADMINISTRATIVE BODY***

#### **Sec. 31.01. Appointments.**

The City Council shall fill by appointment all offices except those herein required to be filled by election of the voters.

('74 Code, Charter § 31.01)

#### **Sec. 31.02. Reserved.**

Editor's note(s)—This section was repealed by Ord. 268, § 10.

### ***CHAPTER 2. MAYOR***

#### **Sec. 32.01. Duties and powers.**

He shall have the power to bid in property for the city at all judicial and other sales under process of law when the city is a party. He shall carefully examine all ordinances passed by the City Council and approve those which meet his approbation; should any not meet his approval he shall return the same to the next regular meeting of the City Council, with his objections in writing. He shall veto only such parts of the ordinance as do not meet with his approval, and may approve the residue of the same. He shall take care that all laws and ordinances of the city are duly observed, respected and enforced within, and on its property beyond the limits of the city. He shall communicate from time to time such information as he may deem proper to the City Council, along with his recommendation touching the general welfare and government of the city. He may, at any time, call a special meeting of the City Council. Each call so made shall be in writing, shall state the purpose, or purposes, for which the meeting was called, shall be spread upon the minutes, and the business of the meeting shall be confined to the purpose so stated. He shall be called upon at the first meeting of each month for the purpose of reporting and/or communicating upon any and all city matters which he deems appropriate. He shall be a voting member of every committee, standing and/or temporary. He shall take part in all City Council agenda items as if he were a Council member, provided, however, he shall not vote at any Council meeting on any Council matter.

('74 Code, Charter § 32.01) (Ord. 268, § 11)

#### **Sec. 32.02. Removal and vacancy.**

The Mayor may be impeached by the City Council for misfeasance, malfeasance or nonfeasance in office or for habitual drunkenness or gross immorality, and four-fifths (⅘) of the City Council concurring, may be removed

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<sup>1</sup>Editor's note(s)—Ord. 394, § 1(a), adopted March 10, 1986, and passed at referendum April 8, 1986, amended the Charter by providing that "City Clerk" be changed to "City Manager" herein, thereby transferring certain duties of the City Clerk to the City Manager.

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from the office. During the absence, disqualification or disability of the Mayor to discharge the duties of his office, or in case his office shall devolve upon the President of the City Council or in case of such absence or disability of both, upon the acting President of the City Council until the next regular election; provided, however, if no election is scheduled within six (6) months then after his vacancy a special election shall be noticed and scheduled by the City Council not less than thirty (30) nor more than sixty (60) days from the vacancy.

('74 Code, Charter § 32.02) (Ord. 268, § 12)

### **Sec. 32.03. Election and term.**

At the regular municipal election of April 11<sup>th</sup>, 2023, the Mayor shall be elected by the qualified voters of the City for a term of four (4) years and at the regular municipal election every four (4) years thereafter, the Mayor shall be elected for a term of four (4) years.

('74 Code, Charter § 32.03) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91; Ord. 1193-13, passed 2-11-13, amendment adopted by electorate 4-9-13; Am. Ord. 1465-23, § 4, passed 7-24-23, amendment adopted by electorate 4-11-23)

### **Sec. 32.04. Compensation of mayor.**

The City Council shall have the power by ordinance or resolution, to fix such compensation for the office of Mayor. No such ordinance or resolution shall increase the compensation for any Mayor for the term to which that individual has already been elected.

('74 Code, Charter § 32.04) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91)

## ***CHAPTER 3. CITY MANAGER***

### **Sec. 33.01. City manager appointment; functioning actions.**

The City Council shall appoint a City Manager by four-fifths ( $\frac{4}{5}$ ) vote of the total membership of the Council, who when appointed shall be the administrative head of the municipal government under the direction and supervision of the City Council. The City Manager shall be chosen solely on the basis of his executive and administrative qualifications. The removal or resignation of the City Manager shall be entered on the minutes of the Council as a matter of public record. By letter filed with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of City Manager during the Manager's temporary absence or disability; the City Council may revoke such designation at any time and/or appoint another officer of the City to serve until the City Manager returns.

('74 Code, Charter § 33.01) (Ord. 247, § 8; Ord. 268, § 13; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

### **Sec. 33.02. Duties and powers.**

The City Manager shall be the chief executive officer of the City, responsible to the Council for the management of all City affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

- (1) Appoint, suspend or remove all City employees and appointive administrative officers (police chief, fire chief and city clerk) provided for, by or under this Charter except as otherwise provided by law, this charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any



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department head subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that department, office, or agency;

- (2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
- (3) Attend all City Council meeting. The City Manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the Manager's direction and supervision are faithfully executed;
- (5) Implement purchasing policies of the City;
- (6) Prepare and submit the annual budget and capital program to the City Council and implement the final budget approved by Council to achieve the goals of the City;
- (7) 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;
- (8) Make such other reports as the City Council may require concerning operations;
- (9) Keep the City Council fully advised as to the financial condition and future needs of the City by furnishing a quarterly statement of operations with budget comparisons;
- (10) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;
- (11) Provide staff support services for the Mayor and Council members;
- (12) Assist the Council to develop long term goals for the City and strategies to implement these goals;
- (13) Encourage and provide staff support for regional and intergovernmental cooperation;
- (14) Promotes partnerships among Council, staff, and citizens in developing public policy and building a sense of community;
- (15) Not encourage public opposition to Council decisions; and
- (16) Perform such other duties as are specified in this Charter or may be required by the City Council.

('74 Code, Charter § 33.02) (Ord. 268, § 14; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

### **Sec. 33.03. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

### **Sec. 33.04. Termination of city manager.**

The City Council may terminate the employment of the City Manager upon 4/5 vote of the Council. If the City Manager declines to resign, the City Council may suspend the Manager by a resolution approved by four-fifths (4/5) vote of the total membership of the City Council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days or later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the City Council by a four-fifths (4/5) vote of its

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total membership may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of a final resolution or removal.

('74 Code, Charter § 33.04) (Ord. 268, § 16; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

## ***CHAPTER 4. CITY ATTORNEY***

### **Sec. 34.01. City attorney.**

The City Council shall appoint a City Attorney, whose duties shall be to advise the City Council and other officers of the city on any legal question touching the discharge of his or their official duty; to draw all ordinances and resolutions for the City Council; to represent the city in any litigation it may have; to collect delinquent taxes and foreclose liens therefor upon real estate; and to do and perform such other duties as may be required of him by ordinance or by request of the City Council. His compensation shall be fixed by the City Council.

('74 Code, Charter § 34.01) (Ord. 268, § 17)

### **Sec. 34.02. Reserved.**

Editor's note(s)—This section was repealed by Ord. 268, § 17.

## ***CHAPTER 5. CHIEF OF POLICE***

### **Sec. 35.01. Public safety.**

It is the intent of the City to provide for the public safety of the citizens by establishing and maintaining police and fire departments staffed by qualified City employees. This section may be precluded by State Statute (Section 166.031(5), Florida Statutes, as amended). The City Manager shall appoint and may remove the Chief of Police and Fire Chief with approval by a simple majority of the City Council.

('74 Code, Charter § 35.01) (Ord. 268, § 18; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

### **Sec. 35.02. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

## ***CHAPTER 6. CITY CLERK***

### **Sec. 36.01 City clerk.**

The City Manager shall appoint and may remove an officer of the City who shall have the title of City Clerk. This appointment and removal shall be approved by a majority vote of the City Council. The City Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this Charter or by the Council or by state law.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

## **TITLE IV RESERVED<sup>2</sup>**

### ***CHAPTER 1. RESERVED<sup>3</sup>***

#### **Sec. 41.01. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

#### **Sec. 41.02. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

#### **Sec. 41.03. Reserved.**

Editor's note(s)—This section was repealed by Ord. 268, § 21.

## **TITLE V ELECTIONS**

- (a) All elections of the City and related election activities shall be implemented in accordance with the provisions of State law as set forth in the Florida Election Code. Any conflict between the mandatory provisions of state law or any provision of this Charter or an ordinance of the City shall be resolved in favor of the provision of state law.
- (b) To the extent not preempted by State law, the City Council may enact ordinances or resolutions, as appropriate, providing for the procedures relating to City elections such as election by publication and other means, the canvassing of returns, the certification of election results, ballots, nominating petitions, and the examination of nominating petitions.
- (c) Whenever practicable and in the best interests of the City, the City Council may enter into intergovernmental agreements with the Supervisor of Elections to implement the election process of the City.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 51.01. Time of holding.**

A general election for the choosing of officers of said City shall be held on the second Tuesday in April of each year, and officers elected shall qualify and take office at the next regularly scheduled Council meeting after the canvas is received from the County Canvassing Board.

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<sup>2</sup>Editor's note(s)—This title was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

<sup>3</sup>Editor's note(s)—This chapter was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

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(Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06; Am. Ord. 1465-23, § 5, passed 7-24-23, amendment adopted by electorate 4-11-23)

**Sec. 51.02. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

**Sec. 51.03. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

**Sec. 51.04. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

**Sec. 51.041. Qualifications of candidates.**

Any person seeking the office of either City Council or Mayor, must be a qualified and registered voter of the City of Zephyrhills and have been a resident of the City for a six-month period immediately preceding the next election to qualify for any City elective office.

Resident. In order for a candidate to be a resident of the City, that candidate must have his or her primary physical residence and dwelling within the boundaries of the City at all times material, prior to election and during the entire term. It is the intent of this Charter that the term "resident" as used herein to describe any person seeking or holding elective office in the City shall be strictly construed.

Filing Fees and Nominating Petitions. The City Council may set filing fees to be paid by candidates at the time of qualifying to run for elective office. The nomination of all candidates for elective offices shall be made by nominating petitions. The name of any elector of the City having the necessary qualifications to hold the office may be nominated for the election to such office when a petition shall be filed with the City Clerk, signed by not less than twenty-five (25) registered voters of the City. The signatures to a nominating petition need not all be on one paper.

Sample Form:

Such nominating petition shall be substantially in the following form:

"We the undersigned, being registered voters of the City of Zephyrhills, hereby present (here write name of candidate) whose residence is in the City of Zephyrhills, as a candidate for election to the office of (here insert name of office) at the election to be held in the City of Zephyrhills on the day of 20

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(Name and Address of Petitioner) (Date of Signing)"

Such nomination petition shall not be signed by any elector more than sixty (60) days prior to the date of such election, and all papers comprising such petition shall be securely fastened together and filed as one petition with the City Clerk during the designated qualifying period prior to the election.

('74 Code, Charter § 51.041) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

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**Sec. 51.042. Resignation of elected official upon change of residency.**

If, at any time during his or her term of office, an elected official shall cease to be a resident of the City of Zephyrhills, said public official shall be deemed to be no longer qualified to hold the office to which he or she was elected and the office shall be deemed vacant. Said vacancy shall be filled by the City Council in accordance with this Charter.

(Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91; Am. Ord. 956, passed 5-8-06, amendment adopted by electorate 4-11-06)

**Sec. 51.043. Vacancy of public official.**

- (a) An elected office of the City shall become vacant upon an elected official's death, resignation or removal from office in any manner authorized by law.
- (b) Filling of vacancies. A vacancy in the City Council shall be filled in the following manner:
  - (1) If said vacancy occurs within six (6) months of a regularly scheduled municipal election, then the seat or office held by that official shall be filled at said election.
  - (2) If there is more than six (6) months till the next regularly scheduled municipal election at the time of the vacancy, the Council shall schedule a special election to be held not sooner than sixty (60) days and not later than ninety (90) days following the occurrence of the vacancy and to be otherwise governed by law. Notwithstanding any provision to the contrary, if at any time the membership of the City Council is reduced to less than three (3) members, the remaining members may, by majority action, appoint additional members to raise the membership to three (3).

('74 Code, Charter § 51.043) (Ord. 533, passed 1-28-91, amendment adopted by electorate 4-9-91; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06)

**Sec. 51.05. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

**Sec. 51.06. Reserved.**

Editor's note(s)—This section was repealed by Ord. 956-06, passed 5-8-06, repeal approved by electorate 4-11-06.

**Sec. 51.07. Canvass of returns.**

The City Council shall receive the returns of all City elections, and shall accept the canvas from the County Canvassing Board of the same at the next regularly scheduled Council meeting after said returns are received by them, and shall declare the results thereof, which shall be spread upon their minutes. The City Council may by resolution extend the time for a period not to exceed five (5) days.

('74 Code, Charter § 51.07) (Ord. 247, § 13; Am. Ord. 956-06, passed 5-8-06, amendment adopted by electorate 4-11-06; Am. Ord. 1465-23, § 6, passed 7-24-23, amendment adopted by electorate 4-11-23)

## **TITLE VI FINANCIAL MANAGEMENT<sup>4</sup>**

### **Sec. 61.01. Fiscal year.**

The fiscal year of the City of Zephyrhills shall begin on the first day of October and end on the last day of September.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Sec. 61.02. Submission of budget and budget message.**

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

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Sec. 61.03. Budget message.**

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the City Manager deems desirable.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Sec. 61.04. 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 City Manager deems desirable or the City Council may require for effective management and an understanding of the relationship between the budget and the City's strategic goals. 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; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organizational unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;
- (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organizational unit when practicable, the proposed method of

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<sup>4</sup>Editor's note(s)—Ord. 956-06, passed 5-8-06, and adopted by the electorate 4-11-06, deleted §§ 61.01 through 61.09. Said sections pertained to Finances and Taxation.

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financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and

- (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the City, and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.05. City council action on budget.**

- (a) *Notice and Hearing.* The City Council shall publish the general summary of the budget and a notice stating:
  - (1) The times and places where copies the message and budget 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(s) on the budget.
- (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 an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.
- (c) *Adoption.* The City Council shall adopt the budget on or before the last day of the month of September of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.
- (d) *"Publish" defined.* As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the City, and if available, in a web site.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.06. Appropriation and revenue ordinances.**

To implement the adopted budget, the City Council shall adopt, prior to the beginning of the fiscal year:

- (a) An appropriation ordinance making appropriations by department, fund, service, strategy or other organizational unit and authorizing an allocation for each program or activity;
- (b) A tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and
- (c) Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenues.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.07. Amendments after adoption.**

- (a) *Supplemental Appropriations.* If during or before 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 ordinance may make supplemental appropriations for the year up to the amount of such excess.

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- (b) *Emergency Appropriations.* To address a public emergency affecting the life, health, property or the public peace, the City Council may make emergency appropriations. To the extent that there are no available revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance, authorize the issuance of emergency notes, which may be reviewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt 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 or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Manager shall report to the City Council without delay, indicating the estimated amount of deficit, any remedial action taken by the Manager and recommendations as to any other steps to be taken. The Council shall then take such further action, as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate one or more appropriations.
  - (d) *Transfer of Appropriations.* At any time during or before the fiscal year, the City Council may by resolution transfer part or all of the unencumbered appropriation balance from one department, fund, service, strategy or organization unit to the appropriation or other departments or organizational units or a new appropriation. The Manager may transfer funds among programs within a department, fund, service, strategy or organizational unit, and shall report such transfers to the Council in writing in a timely manner.
  - (e) *Limitation: Effective Date.* No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is 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.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.08. Administration and fiduciary oversight of the budget.**

The City Council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.09. Capital program.**

- (a) *Submission to City Council.* The City Manager shall prepare and submit to the City Council a multi-year capital program no later than three (3) months before the final date for submission of the budget.
- (b) *Contents.* The capital program shall include:
  - (1) A clear general summary of its contents;
  - (2) Identification of the long-term goals of the community;
  - (3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
  - (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
  - (5) Method of financing upon which each capital expenditure is to be reliant;
  - (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;



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- (7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
  - (8) Methods to measure outcomes and performance of the capital plan related to the long term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.10. City council action on capital program.**

- (a) *Notice and Hearing.* The City Council shall publish 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(s) 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 thirtieth day of the month of September of the current fiscal year.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.11. Independent audit.**

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits, as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits should be performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS.)

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 61.12. Bonds, purpose and amount.**

Whenever it shall be deemed advisable to issue bonds for any public, municipal purpose or purposes, the City Council is hereby authorized to issue bonds of said municipality under the seal of the corporation in an amount not to exceed fifteen (15) per centum of the assessed value of the taxable property within the limits of said City, said value to be determined by the latest completed assessment roll of the City, which shall be signed by the Mayor, counter-signed by the President of the City Council and attested by the City Manager with interest coupons attached, which shall be signed in a like manner.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

## **TITLE VIII MISCELLANEOUS PROVISIONS**

## **TITLE IX RECALL**

## **CHAPTER 1**

### **Sec. 91.01. Recall petition.**

Recall of any elected person shall be in accordance with the provisions as set forth in the Florida Statutes and its amendments and revisions.

('74 Code, Charter § 91.01) (Ord. 268, § 29)

### **Sec. 91.02. Reserved.**

Editor's note(s)—This section was repealed by Ord. 268, § 29.

## **TITLE X INITIATIVE AND REFERENDUM<sup>5</sup>**

### **Sec. 100.01. Initiative.**

The qualified voters of the City shall have the power to propose ordinances to the Council and, if the Council fails to adopt such ordinance as proposed without any major change in its substance, the ordinance may be placed on the ballot for adoption at the next scheduled City election utilizing the initiative and referendum procedures set forth below. Provided, however, that such power shall not extend to ordinances pertaining to the budget, any capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Sec. 100.02. Referendum.**

Pursuant to the initiative and referendum procedures below, within ninety (90) days from the date of adoption, the qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance(s). If the Council fails to repeal an ordinance so reconsidered, the ordinance may be placed on the ballot for acceptance or repeal at the next scheduled City election, provided that such power shall not extend to the budget, any capital program or any emergency ordinance or ordinance relation to appropriation of money, levy of taxes or salaries of City officers or employees.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Sec. 100.03. Initiative and referendum procedures.**

- (a) *Petitioners' Committee.* Any five registered voters may commence initiative and referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee; they will be responsible for circulating the petition and filing it in proper form, stating their names and addresses and

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<sup>5</sup>Editor's note(s)—Ord. 956-06, passed 5-8-06, and adopted by the electorate 4-11-06, deleted §§ 100.01 through 100.04 and added §§ 100.05 through 100.07. Said repealed sections pertained to Initiative.

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specifying a chairman, and the address to which all notices to the committee are to be sent; and set out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the Clerk may, at the committee's request issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

- (b) *Number of Signatures.* Initiative or 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 registered voters within the City.
- (c) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing, the date, and their voting precinct. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (d) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (e) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

#### **Sec. 100.04. Procedure for filing.**

- (a) *Certificate of Clerk: Amendment.* Within twenty (20) days after the initiative petition is filed or five (5) days for a referendum, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in Section 100.03. 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 Clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (c) and (d) of Section 100.03, and within five (5) days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present the certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *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 Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

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### **Sec. 100.05. 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:

- (a) There is a final determination of insufficiency of the petition; or
- (b) The petitioners' committee withdraws the petition; or
- (c) The Council repeals the ordinance; or
- (d) After a vote of the City on the ordinance has been certified.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Sec. 100.06. Action on petitions.**

- (a) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Title II, Chapter Three or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) 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 or not later than sixty (60) days from the date that the final petition was determined sufficient. If no regular City election is to be held within the period prescribed in this subsection, the Council shall provide for a special election, except that the 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 (15) 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 the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

### **Sec. 100.07. 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 Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (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.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06)

## **TITLE XI CHARTER AMENDMENT**

This Charter may be amended in accordance with Section 166.031, Florida Statutes, as amended and shall be formally reviewed by City Council every ten (10) years.

(Ord. 956-06, passed 5-8-06, addition adopted by electorate 4-11-06; Am. Ord. 1465-23, § 7, passed 7-24-23, amendment adopted by electorate 4-11-23)