

Town Charter

Town of

White Springs, Florida



Adopted by the Voters
Of the Town of White Springs
April 24, 2012

ORDINANCE # 12-01

AN ORDINANCE OF THE TOWN OF WHITE SPRINGS, FLORIDA AMENDING THE CHARTER OF THE TOWN OF WHITE SPRINGS, FLORIDA, BY AMENDING SECTION 5.06 TO PROVIDE THAT THE TOWN OF WHITE SPRINGS, FLORIDA HAS THE RESPONSIBILITY FOR PROVIDING FIRE PROTECTION SERVICES WHETHER BY AND THROUGH A WHITE SPRINGS VOLUNTEER FIRE DEPARTMENT OR BY AND THROUGH AN APPROPRIATE CONTRACTUAL RELATIONSHIP WITH A THIRD PARTY FIRE AGENCY. THE TOWN COUNCIL SHALL HAVE THE SOLE DISCRETION IN DETERMINING THE MANNER FOR PROVIDING FIRE PROTECTION SERVICES FOR THE SAFETY AND WELL BEING OF THE CITIZENS OF WHITE SPRINGS, FLORIDA. NOTHING HEREIN SHALL PREVENT THE WHITE SPRINGS VOLUNTEER FIRE DEPARTMENT FROM ASSISTING NEIGHBORING AGENCIES AS THE NEED ARISES; BY AMENDING SECTION 7.02 OF THE TOWN CHARTER TO PROVIDE THAT THE TOWN COUNCIL SHALL DETERMINE THE TERMS AND MANNER OF SALES AND DISTRIBUTION OR OTHER DISPOSITION OF ANY PROPOSED BOND ISSUANCES; AND PROVIDING AN EFFECTIVE DATE.

Article I. Creation and Powers of the Town

Section 1.01 Powers.

The Town of White Springs, a Florida Municipal Corporation, shall have the governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services and may exercise any power for municipal purposes except when expressly prohibited by law.

Section 1.02 Construction.

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.

Section 1.03 Intergovernmental Relations.

The Town of White Springs may exercise any of its powers jointly or in cooperation, by interlocal agreement, contract or otherwise, with any Federal, State or local government.

Article II. Legislative.

Section 2.01 Compositions, Eligibility, Requirements.

- (a) Composition. There shall be a Town Council composed of five (5) members elected at large by the qualified voters of the Town.
- (b) Eligibility. In order to be eligible to qualify for the office of Council Member, the individual must meet the following criteria:
 - 1. Candidates for office shall have been duly registered voters in Hamilton County and must physically reside in the Town of White Springs for twelve (12) months immediately preceding qualifying.
 - 2. Any person who has been currently deprived of his civil rights through conviction for committing a crime involving a felony or moral turpitude shall not be qualified to hold office.
- (c) Requirement for Filing as Candidate. Candidates for any municipal office in the Town of White Springs shall file with the Town Clerk a petition for this candidacy, signed by at least fifteen qualified electors of the Town. The candidate must also file a sworn affidavit declaring that he is a US citizen and a candidate and stating the following information ;
 - (1) Name and Address
 - (2) Age
 - (3) Sex
 - (4) Length of residency in the State of Florida; and
 - (5) Length of residency in the Town of White Springs, Florida.

The petition shall be filed no later than noon on the third Tuesday in March of the calendar year in which the election will be held unless otherwise provided by law.

Any candidate who has filed the petition together with such other documents and fees as may be required shall be entitled to have his name printed on the official ballot.

The Town Clerk shall file with the Supervisor of Elections, Hamilton County, Florida, no later than 5:00 p.m. on the first Friday after the close of qualifying, the names of all candidates and the offices for which they have filed.

Section 2.02 Term of Office.

- (a) Term of office. Two (2) Council members shall be elected on odd-numbered years for a two-year term. Three (3) Council members shall be elected on even-numbered years for a two-year term.
- (b) Election of Council Member. The candidate for Council Member during odd-numbered years who polls the highest number of votes for office during the Town election shall be declared the winner thereof.

During the even-numbered years, the three (3) candidates who polled the three (3) highest number of votes for office as the result of the Town election shall be declared as the winners thereof.

- (c) Mayor: The Town Council shall nominate and elect by majority vote a Mayor from among its members. The nomination and election shall take place at the first organizational meeting after the regular April election. The process shall repeat if the Mayor office is vacated permanently. All Council members shall be eligible for this office.
- (d) Vice-Mayor: The Town Council shall nominate and elect by majority vote a Vice-Mayor from among its members. The nomination and election shall take place at the first organizational meeting after the regular April election. The process shall repeat if the Vice-Mayor office is vacated permanently. All Council members shall be eligible for this office.

The Vice-Mayor shall act as Mayor during the absence of the Mayor. In the event the Mayor is temporarily disabled, the Vice-Mayor shall assume the full powers and duties as Mayor until the Mayor returns, in which event no vacancy will be deemed to exist.

Section 2.03 Vacancies; Forfeiture of Office; Filling of Vacancies and Extraordinary Vacancies

- (a) Vacancies. A Town Council member shall forfeit his office if he:
 - 1. Intentionally misrepresented facts which were used to determine his eligibility for election to office.
 - 2. Willfully violates any express prohibition of this Charter.
 - 3. Is convicted of a crime involving felony or moral turpitude.
 - 4. Fails to attend three (3) Consecutive regular meetings of the council without the Council's approval.
 - 5. Moves his residence from the Town of White Springs
 - 6. For malfeasance, misfeasance or non-feasance in office.
 - 7. When the Town Council determines by majority vote that there is reasonable cause to believe that any Council Member is disabled so as to be unable to perform his duties, such member may be compelled to submit

to medical examination by a physician of his choice, who shall render a written evaluation of such member to the Town Council. The physician's evaluation must indicate, with reasonable medical certainty, whether or not the Council Member will be able to perform his duties for a period in excess of three (3) months. A Council Member evaluated to be unable to perform his duties shall be declared to be disabled, and forfeit his office as herein provided, without his voluntary consent.

8. The Council, upon majority vote note, shall notify the affected Council Member in writing of its intent to declare the seat forfeited for any of the reasons referenced above. The affected Council Member shall have seven (7) days from the receipt of notice to provide the Clerk with a written request for a hearing before the Council for the purpose of providing evidence in opposition to the Council's intended action. If the evidence presented is insufficient to overcome the identified reasons for forfeiture, the Council may declare the seat forfeited and vacant in which case the decision may be appealed to the circuit court.

(c) Filling of Vacancies. A vacancy on the Town Council shall be filled in the following ways:

1. If the election is within 45 days, no action will be taken by the Town Council. The vacated seat will be filled at the next regularly scheduled Town Election according to the provisions of Section 2.02 and Article IV of the Town Charter.
2. If the election is more than 45 days away, the council will nominate qualified Town residents and by majority vote of the remaining Council members choose one of the nominees to serve the remainder of the term of the vacated seat.

(d) Extraordinary Vacancies. In the event that all members of the Town Council are removed by death, disability, or forfeiture of office, the Governor shall appoint an interim Town Council that shall call a special election to fill all Town Council positions. Should two (2) or more vacancies occur simultaneously on the Town Council, the remaining members shall, within fifteen (15) days, call a special meeting to call a special election to fill the vacant Council positions; such election shall be held in the manner prescribed by the laws of the State of Florida and the provisions of Article IV of this Charter.

Section 2.04 Investigation.

The Council, by majority vote, and showing good cause, may make investigation into the affairs of the Town and the conduct of any Town Department, Office or Agency and for this purpose may hold hearings, take testimony, and require the production of evidence. These and all other investigations shall comply with State and Federal Statutes.

Section 2.05 Procedures.

(a) Meetings. The Town Council shall meet at least once each month or as outlined and established by resolution adopted by the Town Council. Special meetings may be called by the Mayor or any two (2) Council members upon twenty-four (24) hours notice to the other Council members. Emergency meetings may be called by the Mayor or any two (2) Council members for consideration of bona fide emergencies upon notice to the other Council Members.

(1). Organizational Meeting. On the first Thursday after the election, or any date established by resolution of the Town of White Springs, Florida, the new Council Members shall be sworn into office and an organizational meeting shall be conducted for the purpose of acquainting the new members with procedures and transferring authority from the outgoing members.

(2.) Rules and Minutes. *Roberts Rules Of Order* shall govern the procedure of meetings. Each regular or special Council meeting shall be electronically recorded and minutes of its proceedings filed by the Town Clerk. These tapes and minutes shall be a public record in accordance with Florida Statutes.

(3). Voting. Except when roll call is requested, voting shall be by the ayes and nays and shall be recorded in the minutes. A majority of the Council shall constitute a quorum, but smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in the Sections 2.06 and 2.07, shall be valid or binding unless adopted by the affirmative vote of the majority of all members of the Council.

Section 2.06 Powers and Duties of the Mayor and Council.

(a) Mayor.

(1) Presiding Officer. The Mayor shall be the presiding officer of the Town Council and shall conduct all meetings in accordance with *Roberts Rules of Order*. The Mayor shall vote on all matters as a regular member of the council.

(2) Official Head. The Mayor shall be recognized as the official head of the Town by the courts; by the Governor for the exercise of military law and for all ceremonial services.

(b) Council.

1. Vested Powers. Any powers of the Town shall be vested in the Council, except as otherwise prohibited by law, including but not limited to those set forth in this charter.

2. Financial Powers. The Council shall authorize the issuance of bonds; authorize borrowing; establish sinking funds, levy taxes for debt payments and undertake any necessary legal financing deemed appropriate for the welfare of the Town; and to fix and regulate salaries of officers and employees of the Town and shall do such by procedures outlines in ordinances.

3. Property Rights. The Council shall have the power to own, purchase, lease receive and hold real and personal property, both within and beyond the limits of the Town to be used for any public purpose. Council may sell, lease or dispose of such property for the benefit of the Town at negotiated private or public sale the terms of which shall be made public or at Council's option, by highest and best bid provided any such bid may be rejected; or in any other manner prescribed by law.

4. Eminent Domain. The Council shall have the power to regulate, improve, alter, sell, close, vacate, discontinue, extend and open streets, lanes, alleys, parks, avenues, waterways; or any other real property in which the Town has an interest; to cause decayed buildings, units and abandoned properties to be removed; to construct and operate wharves, docks, drains, sewers, water supply systems and public parks; to charge reasonable assessment to those parties benefited by invoking these powers; and to exercise the right of eminent domain as prescribed by law.

5. Regulatory Powers. The Council shall have the power to grade, curb, dredge, or otherwise improve streets, alleys, sidewalks, parks, canals, waterways and other public property or private property the improvement of which would result in a substantial public benefit; as necessary for the safety and in the best interest of the public. To assess the costs for said improvements in the manner prescribed by law, against the property owners who are specially benefited; to clear weeds and underbrush, rubbish, debris, trash, and other unsightly and unsanitary matter from private or public real estate and water ways in the limits of the Town, to impose a lien on private property for the expenses of any and all such maintenance.

6. Ordinances. The Council shall have the power to create, establish and ordain such ordinances, by-laws and rules of order as they may deem necessary; to prescribe penalties for the violation of the same; to define, prevent or abate nuisances and disorderly conduct to prevent the running at large of animals and to impound animals; and to regulate the speed of all kinds of vehicles and vessels subject to the Town's jurisdiction under law.

7. Utilities. The Council shall have the power to provide for the establishment of and to make contracts for public utilities and services for

the Town. To provide for the operation and maintenance of utilities and services; to grant municipal franchises to telegraph, telephone, gas, electric, trash collection, signal transmission cables or any other necessary or desirable public service; to issue occupational licenses to business, occupations and professions operating within the Town limits; to fix the fee on said licenses by ordinance.

8. Health. The Council shall have the power to create and enforce ordinances establishing quarantine and health regulations for the Town which are consistent with or more restrictive than the rules and regulations of the State of Florida and Hamilton County; to compel property owners, occupants or users to connect to the Town sewers, utilities and services at the property owner's expense; and to establish and collect impact fees for the purpose of offsetting the impact of new users of public facilities.

9. Emergency Preparedness. The Council shall have the power to organize and maintain a disaster preparedness, and civil disaster control advisory group comprised of volunteer citizens; to provide qualified consultants for the inspection of all public utilities and projects as necessary; to institute new departments, boards and committees and to do or regulate any other matter or thing to promote the safety, health, welfare, and prosperity of the Town.

10. Public Property. The Council shall the power to provide for the enclosing, improving and regulating public grounds and buildings belonging to the Town inside or outside the Town limits.

11. Public Thoroughfares. The Council shall have the power to prescribe rules and regulations for the erection and construction of building, roads, sidewalks, alleys, avenues, driveways, seawall, wharves, landings, bridges, sewers, curbing, trenches, ditches, culverts, canals, streams, waterways, fences and other structures and to fix the grade and width of streets, sidewalks and all thoroughfares in connection with the development or division of all real property within the Town including subdivisions, Planned Unit Development or alteration, amendment or modification thereof, and to license and regulate vehicles for hire for the carriage of persons.

Section 2.07 Ordinances in General.

- (a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adaptation. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. The enacting clause shall be, "Be it ordained by the Town Council of...." Any ordinance which repeals or amends an existing ordinance or part of the Town code shall set out in full the ordinance, sections, or subsections to be repealed or amended. The ordinance amendment

shall identify the ordinance being amended by reference to its original ordinance number or by reference to its assigned sections and chapter number as set forth in the Code of Ordinance of the Town of White Springs.

- (b) Procedure. An ordinance may be introduced at first reading by title only, unless a full reading is required by majority vote of the Council, at any regular or special meeting of the Council. Prior to introduction of an ordinance, The Town Clerk shall distribute a copy to the Town Manager and each Council Member, and shall file a reasonable number of copies in the office of the Town Clerk and such other public places as the Council may designate, and prior to second reading shall publish the title of the ordinance together with a notice setting out the time and place for a Council public hearing thereon in one or more newspapers of general circulation as defined in Chapter 50 of the Florida Statutes. The public hearing shall follow the publication of notice by at least ten (10) days and may be held separately or in connection with a regular or special Council meeting and may be continued to a time certain. All persons interested shall have an opportunity to be heard. After the public hearings, the Council may adopt or reject the ordinance after a second reading by the title only, with or without amendments. Upon adoption, the Clerk and Mayor shall execute the ordinance and the Clerk shall authenticate and record the ordinance in a properly indexed ordinance book kept at Town Hall. The ordinance may also be printed and inserted into the Town's Code of Ordinances. Neither recording nor printing and publication shall be prerequisite to the validity or effectiveness of the ordinance.
- (c) Effective date. Except as otherwise provided in the Charter, every adopted ordinance shall become effective immediately upon adoption by the Town Council.

Section 2.08 Action Requiring an Ordinance.

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

- (a) Adopt or amend an administrative code, establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Grant, rescind, renew or extend a franchise;
- (d) Regulate the rate charged by a public utility for its services;
- (e) Authorize the borrowing of money including but not limited to the issuance of bonds;

- (f) Control or regulate waterways, docks, seawalls, and any parks or public property within the Town or under the Town's jurisdiction;
- (g) Regulate health and sanitation;
- (h) Amend or repeal any ordinance preciously adopted, except as provided in Sections 2.07 and 9.01 with respect to repeal of ordinances reconsidered under the provisions of referendum.

Acts other than those referred to in this section may be done either by ordinance or resolution, unless otherwise required by law.

Section 2.09 Emergency Ordinances.

To meet a public emergency affecting life, health, public safety, property or the public peace, the 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 or annex land into the Town. 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 shall be adopted after one reading by Title only, with or without amendment, or reflected at the meeting at which it is introduced. A majority vote of all 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 adopting or at such later time as it may specify. Any emergency ordinance shall be repealed or extended by adoption of an ordinance in the manner prescribed by law within ninety (90) days after the adoption of the emergency ordinance. Failure to adopt a permanent ordinance, extend the original emergency ordinance, or repeal it, shall terminate the emergency ordinance.

Section 2.10 Codes of Technical Regulations.

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be prescribed for ordinance generally except that:

- (a) The requirements of Section 2.07 for distribution shall be construed to include making copies of the code of technical regulations as well as of the adopting ordinance available for inspection by the public and any Council Member.
- (b) A copy of each code of technical regulations as well as the adopting ordinance shall be authenticated by the Town Clerk but need not be recorded or published as part of the Town Code of Ordinances.

Section 2.11 Authentication and Recording: Codification; Printing

- (a) Codification. Within one (1) year after adoption of this Charter and at least every Ten (10) years, thereafter, the Council shall provide for the preparation of a general codification of all Town ordinances and resolutions having the force and effect of law. The general codification shall be published promptly, together with the Charter and any amendments thereto, provisions of the Constitution, other laws of the State of Florida, Codes of Technical Regulations, and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the White Springs Town Code. Copies of this code shall be furnished to Town officers, placed in libraries and public offices for free public reference and made available for purchase by the public. 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 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.

Article III. Town Manager

Section 3.01 Appointment; Qualifications; Compensation.

The Town Council by a majority vote of its total membership shall appoint a Town Manager with the Town Manager and Town Council entering into a mutually acceptable written agreement for the services of the Town Manager. This agreement may specify the term, conditions and benefits of the appointment. The Town Manager shall be appointed solely on the basis of executive and administrative qualifications. The manager need not be a resident of the Town or the State of Florida at the time of appointment and may reside outside the Town while in office with the approval of the Council.

Section 3.02 Powers and Duties of the Town Manager.

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

- (a) Appoint and, when he deems it necessary for the good of the Town, suspend or remove the Town employees and appointed administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He may authorize any administrative officers who are subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (b) Direct and supervise the administration of all departments, offices and agencies of the Town, except otherwise provided by this Charter or by law;
- (c) Attend all Town Council meetings. The Town Manager shall have the right to take part in the discussion but shall not vote;
- (d) See that all the laws, provisions of this Charter and acts of the Town Council, subject to enforcement by the Town Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
- (e) Prepare and submit the annual budget and capital program to the Town Council;
- (f) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year;
- (g) Make such other reports as the Town Council may require concerning the operation of Town departments, offices, and agencies subject to the Town Manager's direction and supervision;
- (h) Keep the Town Council fully advised as to the financial condition and future needs of the Town by providing a financial and budget progress report at each regular Council Meeting.
- (i) Make recommendations to the Town Council concerning the affairs of the Town and all agenda items;
- (j) Provide staff support services for the Mayor and Council members.

- (k) Be the purchasing agent of the Town, for the purchase of all supplies and equipment in accordance with the approved Town Budget, and shall also conduct all sales of surplus Town owned, seized or forfeited personal property which the Town Council may authorize to be sold as having become unnecessary or unfit to the Town's use. All purchases and sales shall conform to such regulations as the Town Council may from time to time prescribe and shall allow for competition. These restrictions, limitations or criteria on this authority shall be established by ordinance, including but not limited to bidding requirements.
- (l) Make such recommendations to the Council as the Manager deems necessary or expedient in the interest of the Town relating to the adoption of ordinances and resolutions. Provided, that nothing herein contained shall prevent the Town Council in the exercise of its legislative functions and powers from calling into consultation the boards or departments and other officers and employees of the Town wherever, in the judgment of the Council, it may be necessary. Neither the Council nor any Council Member shall interfere with the conduct of any department head, officer or an employee in the discharge of his or her duties.
- (m) Perform such other duties as are specified in this Charter or may be required by the Town Council.

Section 3.03 Absence or Disability of Town Manager.

By letter filed with the Town Clerk, the Town Manager shall designate a Town officer to exercise the powers and perform the duties of Town Manager during the Manager's temporary absence or disability. The Town Council may revoke such designation at any time and appoint another officer of the Town to serve until the Town Manager returns

Section 3.04 Removal.

The Town Manager may be suspended by a resolution approved by the majority of the total membership of the Town Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the Town Manager by registered mail. The Town Manager shall have fifteen (15) days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall be convened by the Town Council not earlier than ten (10) days no later than fifteen (15) days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the Town Council by a four-fifths vote of its total membership may adopt a final resolution of removal. The Town Manager shall continue to receive full salary until the effective date of a final resolution of removal.

Section 3.05 Supervision of Departments.

Except as otherwise provided in the Charter or by general law, the Town Manger shall be responsible for the supervision and direction of all departments, agencies or officers of the Town. All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Town Council, the Manager may

serve as the head of one (1) or more departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

Section 3.06 Personnel System.

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

Section 3.07 Administrative Code.

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

Article IV. Town Election

Section 4.01 Elections.

Regular Town elections shall be held on the fourth Tuesday in April of each year. Special elections may be called for any purpose by the Town Council provided the election is called for a Tuesday. Such election shall conform to the provisions of the general and special law. Absentee ballots shall be tabulated in the manner provided by law.

Section 4.02 Voters.

All citizens whose primary residence is located within the boundaries of the Town of White Springs, who qualify by the laws of the State of Florida and who satisfy the requirements for registration may vote in the Town elections.

Section 4.03 Conduct of Elections.

The provisions of the general election laws of the State of Florida pertaining to municipal elections shall apply. All elections shall be conducted by the election authorities established by law.

Section 4.04 Ballots.

A candidate for office shall be entitled, upon written application to election authorities at least ten (10) days prior to election, appoint one (1) person at any given period to represent him as a watcher at each polling place. A person so designated shall have all rights and privileges prescribed under the general election laws of the State of Florida. The watchers may exercise their rights throughout the voting and until the ballots have been counted.

Section 4.05 Determination of Special Election Results.

In the event of a special election to fill two (2) or more vacated Council seats, the persons with the highest vote totals will be awarded the Council seats with the longest available terms. Members elected thereby will serve out the remaining terms of the seat awarded.

Section 4.06 Determination of Election Results.

- (a) The candidates receiving the highest vote total for the declared seats shall be deemed the winners. In the event two (2) or more candidates shall receive the same number of votes, and all seats have not yet been filled, said Candidates shall draw lots to determine the winners of the remaining seats.
- (b) During odd-numbered years, the two (2) candidates who poll the two (2) highest number of votes for Council Member, during said election shall be declared as the winners thereof.

- (c) During even-numbered years, the three (3) Candidates for Town Council 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.
- (d) The plurality method of voting shall govern and control all elections for the first office of the Town Council Member in this municipality.
- (e) All elected municipal officials shall take office at 7:00 PM on the first Thursday following the election or at any other time designated by resolution of the Town Council, at which time they shall be sworn into office by the Mayor or Town Clerk or Town Attorney.

Section 4.07 Ordinances or Charter Amendments.

An ordinance or Charter amendment to be voted on by the electors in the Town at a referendum shall be presented by ballot title. The ballot title of a measure may differ from its legal title; shall conform to the limitations for general law on public measures appearing on the ballot; and shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

Section 4.08 Voting Devices.

The Town Council may provide for the use of mechanical or other devices, including the use of paper ballots without the use of electronic or electro mechanical vote tabulation voting system, of voting or counting the vote.

Section 4.09 Availability of Voter List.

Qualified organizations, groups, or persons may request a list of qualified voters of the Town from the office of Hamilton County Supervisor of Elections.

Article V. Administrative Departments

Section 5.00 General Provisions.

Creation of departments. The Town Council may establish municipal departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other department, office, or agency.

Section 5.01 Administrative Department, Town Clerk.

There shall be an office of the Town Clerk who shall serve on a full time basis.

The powers and duties of the Town Clerk shall be:

- (a) To give notice of Council meetings to its members and the public;
- (b) To attend all Council meetings and keep electronic recordings and minutes of the proceedings which shall be public record;
- (c) To be the Custodian of all records, documents and papers of the Town;
- (d) To be the Custodian of the official seal of the Town and be authorized to affix the seal to such instruments of writing as is necessary;
- (e) To attest all documents, contracts and agreements to which the Town is a party as required by law.
- (f) To administer oaths as necessary;
- (g) To arrange for and supervise all Town elections;
- (h) To prepare the agenda for all Town Council meetings;
- (i) To keep properly indexed books of all ordinances and resolutions passed by the Town Council. The Clerk shall also keep the Town Charter updated and enter all Charter amendments;
- (j) To be responsible for the records retention program in accordance with State law;
- (k) To keep an accurate account of all moneys due to the Town, all receipts and disbursements of the Town, all assets and liabilities and all appropriations made by the Town Council; furnish the Town manager at any time, such report, data and information as may be necessary to fully inform the Town Council as to the financial affairs of the Town. Keep regular books of accounts in which shall be entered all indebtedness of the Town and which shall at all times show the financial condition of the Town;
- (l) Be responsible for the supervision of all personnel of the Town Clerk and Accounting Department.
- (m) Be responsible for recommending to the Town Manager for approval by the Town Council, the establishment of additional full time departments within the Town Clerk's office to accommodate administrative and/or accounting overload caused by growth, expansion, and/or increased state and federal reporting requirements.

- (n) To perform such other duties as may be required by the Town Manager, Mayor, and Town Council as well as other duties required by ordinances of the Town of White Springs and the laws of the State of Florida

Section 5.02 Professionals, Consultants

- (a) Town Attorney. There shall be a Town Attorney, and as many assistants as the Town Council may, from time to time, deem necessary. The Town Attorney and assistants may be part-time or full-time, and shall serve under and at the pleasure of the Town Council.
- (b) Consultants. The Town Council may retain consultants as the Council deems necessary, and as may be required by general law or governmental rule and regulation, and when so required in compliance with the Florida Statute 287.055. Said consultants shall serve under and at the pleasure of the Town Council.

Section 5.03 Utility Department

There shall be a Utility Department responsible for the maintenance and the upkeep of the Town's water system, sewer system, and waste removal service, and all other similar utilities and services provided by the Town. The department head shall be responsible for the daily operation of this department, the performance of its employees and the fiscal requirements of the department. The Utility Department shall be an enterprise department and be financially separate from the Town General Fund but be governed under the same provisions as the other Town departments.

Section 5.04 Public Works Department

There shall be a Public Works Department responsible for the maintenance and upkeep of all lands, streets, buildings, walkways, roadways, equipment, docks, wharves and adjacent waterways within the Town and in those areas designated as parks and/or recreation areas within the Town or operated by the Town outside of the Town limits. The department head shall be responsible for the daily operation of this department, the performance of its employees, the fiscal requirements of the department, and shall provide the Town with clean, well groomed and landscaped streets as well as functional parks and recreational facilities.

Section 5.05 Police Department

The Town of White Springs, Florida has the responsibility for providing law enforcement services, whether by and through a White Springs Police Department or by and through an appropriate contractual relationship with a third party law enforcement agency. The Town Council shall have the sole discretion in determining the manner for providing law enforcement services for the safety and well-being of the citizens of White Springs, Florida. Nothing herein shall prevent the White Springs Police Department from assisting neighboring agencies as the need arises. The Department shall be supervised by

the Chief of Police. The Chief of Police shall be a state certified police officer having recent and continuous law enforcement and supervisory experience on a full time basis. The Police Chief shall ensure that all personnel are properly trained, educated, equipped, and controlled to the highest possible level. The Police Chief shall be responsible for the daily operation of the Police Department, the performance of its employees and the fiscal requirements of the department. The Police Chief shall be responsible to and report to the Town Manager. The Town Council shall have the sole hiring and termination authority for the Police Chief.

Section 5.06 Fire Department

The Town of White Springs, Florida as the responsibility for providing fire protection services, whether by and through a White Springs Volunteer Fire Department or by and through an appropriate contractual relationship with a third party fire protection agency. The Town Council shall have the sole discretion in determining the manner for providing fire protection services for the safety and well-being of the citizens of White Springs, Florida. Nothing herein shall prevent the White Springs Volunteer Fire Department from assisting neighboring agencies as the need arises. The Fire Department shall be supervised by a Fire Chief having substantial fire fighting and supervisory experience. The Fire Chief shall insure that the department is adequately equipped at all times. The Fire Chief shall provide inspections and continuous training and education for the associated personnel. The Fire Chief shall insure that there are adequate quantities of fire hydrants and that they are in proper working order. The Fire Chief shall provide for emergency services and insure that all equipment is serviceable at all times.

Section 5.07 Building Inspection and Code Compliance Department.

There shall be a Building and Construction Inspection Department responsible for building and construction code compliance for all such projects in the Town. The departments shall be headed by the chief inspector who shall be qualified under the building code adopted by the Town and knowledgeable in the way of and recommend the revising of Town building codes to remain current with new and improved techniques. The department head shall be responsible for assuring compliance with and coordinating environmental and preservation laws applicable within the Town. The building inspector shall meet the State of Florida licensing requirements. These requirements may be met by interlocal agreement with other agencies and/or contract services.

Section 5.08 Department Personnel

No member of Town Council or an immediate family member of a Town Council Member may fill a vacancy in any department while the Town Council member is in office.

Section 5.09 Personnel Manual

The Personnel Manual will be updated and maintained under the direction of the Town Manager. All provisions of any personnel ordinance or Administrative regulations

adopted by the Town Council, at any time, shall apply to all department heads, the Town Clerk, the Police Chief and Fire Chief, and all other employees. If conflicting guidelines or policies occur between the Personnel Manual and this Charter, then this Charter shall take precedence.

Section 5.10 Revision of Departmental Powers

The Town Council may by ordinance create additional departments or positions or dissolve existing departments or positions by a 4/5 vote where necessary for the efficient operation of the Town.

Article VI. Finance and Taxation

Section 6.01 Fiscal year

The fiscal year of the Town of White Springs shall begin on the first day of October and end on the last day of September.

Section 6.02 Long Term Capital Projections

- (a) Submission to the Town Council. At least three (3) Months prior to the beginning of the fiscal year, the Town Manager shall, after consulting with the local planning agency, prepare and submit to the Town Council a proposed five (5) year capital program which shall be in accordance with the Comprehensive Plan.
- (b) Content. The Program shall include:
 - (1) A clear summary of its contents
 - (2) A list of all capital improvements which are proposed to be undertaken during the next five (5) years with appropriate supporting information as to the necessity for and benefits to the public resulting from such improvements
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement.
 - (4) The Estimated annual cost of operating and maintaining the facilities to be constructed or acquired
- (c) Capital Program. The capital program shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 6.03 Submission of Budget

The Town Manager shall submit the budget for the ensuing fiscal year in accordance with general law.

Section 6.04 Budget

- (a) Each section of the budget shall be compiled by a department head in consultation with the Town Manager.
- (b) The budget, in its entirety, shall provide a complete financial plan for the ensuing fiscal year.
- (c) Funds allocated for special projects must be identified by project title in the budget.

Section 6.05 Budget Message

The Town Manager's message shall explain the proposed budget both in fiscal terms and in terms of capital programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the proposed budget, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Town Manager deems necessary and proper.

Section 6.06 Adoption of Budget

- (a) Amendment before adoption. After public hearing, required by law, the Town Council may adopt the budget with or without amendments. In amending the budget, the Town Council may add or increase programs and may delete or decrease programs, except expenditures required by law or for debt services, provided no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income and fund balances. The budget shall be adopted in the manner prescribed by law.
- (b) Adoption. The Town Council shall adopt the budget on or before the thirtieth day of September of the fiscal year currently ending. Failure to adopt the budget by this date shall result in appropriations of the current fiscal year to be adopted for the ensuing fiscal year on a month to month basis. This temporary monthly budget shall continue until such time as the Town Council adopts a new budget. Adoption of the budget shall constitute the appropriation of the amounts specified as expenditures from the funds available.

Section 6.07 Budget Amendments, Post Adoption

- (a) Emergency appropriations. To meet a public emergency affecting life, health, property or public peace, the Town Council may make emergency appropriations. These appropriations may be made by emergency ordinance. If there are no available unappropriated revenues to meet the appropriations, the Town Council may, by emergency ordinance, authorize the issuance of emergency notes. Emergency notes, and any renewal thereof, shall have provision in the succeeding budgets for repayment unless repaid within the current fiscal period.

- (b) Reduction of appropriations. If at any time during the fiscal year it appears to the Town Manager that revenues appropriated will be insufficient, he shall report to the Council without delay indicating the estimated amount of the deficit. The Town Manager shall suggest remedial action to be taken and recommend to the Town Council such other steps needed to reduce the deficit. The Town Council shall take further action to prevent or minimize a deficit and for that purpose it may, by motion, reduce one (1) or more appropriations.
- (c) Transfer of appropriation. Should the responsible department head need to transfer part or all of any unrestricted or unencumbered appropriations among line items within that department, he may do so, or one (1) department may transfer appropriation to another department with the Town Manager's approval. Any surplus funds, other than funds restricted or encumbered, remaining in any account at the end of the year shall be treated as a general fund carryover and shall not be retained in any specific account or departmental fund.

Section 6.08 Public Records

Copies of the capital program and budget as adopted shall be public records and shall be made available to the public at suitable places in the Town and at reasonable times.

Section 6.09 Administration of the Budget

- (a) Budget reports. It shall be the duty of the Town Manager to review such reports with the department heads and to advise or be advised of any allotment which is in danger of being exceeded. This budget report review must take place at least once each quarter.
- (b) Payments and obligations
 1. Sufficiency of Funds. No payments shall be made or obligations incurred unless sufficient funds are or will be available to cover the obligations when it becomes due.
 2. Violations. Authorization of payment or incurring of an obligation in violation of this subsection, or any payment so made, is illegal. Such actions shall be good cause for removal of any official who knowingly authorized or made payment or incurred such an obligation, and that official shall be personally liable to the Town for any amount so paid.
 3. Out of Fiscal Period Payments. Contracts or leases providing for payments beyond the end of the fiscal year must be approved by motion, resolution or ordinance passed by the Town Council.
 4. Signatures. All Town checks shall be cosigned by the Town Manager and the Town Clerk. In the absence of either, the Mayor or Vice-Mayor shall be cosigners.

Section 6.10 Audit

The Town Council shall provide for an annual audit of all Town accounts and may provide for more frequent audits if deemed necessary. A certified public accountant or firm with no personal interest, direct or indirect, in the fiscal affairs of the Town shall be selected from competitive negotiations by the Town Council. No audit contract shall be awarded for more than three (3) years. Should the State of Florida conduct a complete audit, the Town Council may accept it to satisfy the requirement of this section.

Section 6.11 Taxes and Fees

The Town may raise, by taxation and licenses authorized by the Constitution or Laws of the State of Florida, or by user fees authorized by ordinance, amounts of money which are necessary for the conduct of municipal government and enforce their receipt and collection in the manner prescribed by ordinance consistent with law.

Section 6.12 Regulatory Fees

The Town may levy reasonable business, professional and occupational regulatory fees commensurate with the cost of regulatory activity including consumer protection, on such classes of businesses, professions and occupations, the regulation of which has not been preempted by the State or County. Fees are to be reviewed bi-annually by the Town Manager.

Section 6.13 Building Code Inspection Fees

The Town may provide a schedule of reasonable inspection fees in order to defray the costs of inspection and enforcement of the provision of its building code. Fees are to be reviewed bi-annually by the Town Manager and the Building Official.

Section 6.14 Ad Valorem Taxes

- (a) Authorization. The Town of White Springs is hereby authorized to levy such ad valorem taxes on real and tangible personal property as it is prescribed by law.
- (b) Assessment & Collection. Assessment and collection of Town ad valorem taxes shall be performed by appropriate officers as prescribed by law.

Section 6.15 Public Service Taxes

The Town may, when necessary, levy additional public services taxes in accordance with general law.

Section 6.15 Service Fee for Dishonored Checks

The Town Council may adopt a service fee for the collection of dishonored checks, drafts, or other orders for the payment of money to the Town or to one of its agents. Such service fees shall be in addition to other penalties allowed or imposed by law. Amounts for such service fees shall be set by resolution of the Town Council.

Article VII. Municipal Borrowing

Section 7.01 Authority to Borrow

The Town through appropriate action by the Town Council shall have the borrowing authority vested in municipalities by the Constitution of the State of Florida and general law or special law to finance the undertaking of any capital or other project and for the purposes permitted by the State Constitution. The Town may pledge such funds, credit, property and taxing powers of the municipality for the payment of such debts and bonds as may be authorized by law.

Section 7.02 Issuance of Bonds

The Town Council shall determine the terms and manner of sale and distribution or other disposition of any proposed bonds issues.

All general obligation bond proposals shall be submitted to referendum vote. Total general obligation bond indebtedness shall be submitted to voters prior to the issuance of bonds.

Section 7.03 Establishment of Sinking funds

The Town Council may establish and administer such sinking funds as it deems necessary or convenient for the payment, purchase or redemption of any outstanding bonds or indebtedness of the Town.

Article VIII. Boards, Committees and Land Use Plans

Section 8.00 General

Except as otherwise provided in the Charter, the Town Council shall by October 1 of each year nominate qualified persons to serve on boards and committees for the ensuing fiscal year. The qualified persons do not have to be residents of the Town of White Springs. If necessary for the Board of Adjustment and Appeals only, established in compliance with the Southern Building Code, the Town Council may by a 4/5 vote of its members, nominate qualified non-residents to serve. The Town Council shall, by a majority vote, appoint members and alternates to boards and committees from those nominated. At their first meeting, each board shall appoint a chairman to preside at each meeting from among its members. Council members may serve on one (1) or more committees. All vacancies shall be filled by this same nominating and confirmation process within sixty (60) days of a permanent vacancy. A member of any board or committee may be removed by a majority vote of the Town Council.

Section 8.01 Boards to be Established by Ordinance.

There shall be a Town Planning and Zoning Board consisting of five (5) members and two (2) alternate members appointed by the Town Council for a term of one (1) year. Said appointments will be made from the electors of the Town.

The duties of the Town Planning and Zoning Board shall be as follows:

- (a) Advisory Capacity. To act in an advisory capacity to the Town Council on questions relating to zoning and on matters of proposals to change zoning regulations, and to report its findings and recommendations on such proposals to the Town Council;
- (b) Provide for Growth. To study any existing Town plan, with the view to improving same so as to provide future growth of the Town and from time to time, make recommendations to the Town Council for changes in the existing Town plan so as to incorporate new developments, for the adoption of the new Town plan;
- (c) Review Plats & Projects. To investigate and make recommendations on all new plats to be presented to the Town Council; to review all plans for subdivision, condominium projects and any other projects substantially impacting the Town to insure their compliance with the comprehensive plan, zoning, subdivision and other environmental regulations.
- (d) To serve as an Annexation Board.
 1. Seek Logical Annexation. Pursue the logical annexation of contiguous lands.
 2. Program Preparation. Prepare a program to present to property owners the reasons why they should annex to the Town
 3. Timetable & Five Year Plan. Develop an annexation timetable and five (5) year plan.

- (e) Other Duties. To perform such other duties as may from time to time be assigned to such board by the Town Council.

Section 8.02 Board of Adjustment

- (a) General. There shall be a Board of Adjustment and the Board shall provide standards and procedures to hear and determine special exceptions, appeals from administrative decision, 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 Town Council or by law.
- (b) Membership. The Board of Adjustment shall consist of five (5) members and two (2) alternate members. Each member shall be appointed by nominations from the Town Council with the approval of a majority of the Town Council. The board members shall elect a chairman from among its five members by majority vote.
- (c) Eligibility. Members of the board shall hold no employment with the Town nor hold any other appointed or elected position within the Town.
- (d) Appeal of Matters. The Board of Adjustment shall make a recommendation concerning all matters brought before it occurring within the Town Limits of White Springs. Said recommendation shall be submitted to the Town Council for final approval. If the petitioner is dissatisfied with the recommendation rendered by the Board of Adjustment, said petitioner may appeal to the Town Council prior to the Town Council's decision. The Town Council, by a majority vote, may approve or override the recommendations submitted by the board. The Town Council's decision shall become final.

Section 8.03 Comprehensive Land Use Plan Committee

The Town shall prepare a Comprehensive Land Use Plan which shall be in compliance with general law. The Comprehensive Land Use Plan when approved by the Town Council shall serve as the Town's long term growth and expansion control plan. From time to time to accordance with general law or when deemed necessary, the Town Council shall appoint a five (5) person committee to review and modify the Comprehensive Land Use Plan. The Town Manager shall chair the committee. The other four (4) members shall be electors of the Town. This committee may utilize the services of professional land use planners to accomplish these tasks as necessary.

Article IX. Initiative and Referendum

Section 9.01 General Authority

- (a) Initiative. The qualified voters of the Town shall have power to propose ordinances or changes and repeal of ordinances to the Town Council and, if the Town Council fails to adopt any ordinance so proposed without any change in substance, then the voters shall have the power to adopt or reject it at a referendum, provided that such power shall not extend to the budget, any ordinance relating to appropriation of money, salaries of Town officers or employees, or ordinance which are required to be adopted under general or special law.
- (b) Referendum. The qualified voters of the Town shall have power to require reconsideration by the Town Council of any adopted ordinance and, if the Town Council fails to repeal an ordinance so reconsidered, then the voters shall have the power to approve or reject it at referendum, provided that such power shall not extend to the budget or any emergency ordinance or ordinance relating to appropriation of money.

Section 9.02 Commencement of Proceedings; Petitioners' Committee; Affidavit

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating that they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating 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.

Section 9.03 Petitions

- (a) Number of signatures. Initiative and referendum petitions must be signed by qualified electors of the Town equal in number to at least ten (10) percent of the total number of qualified voters registered to vote at the last regular Town election.
- (b) Form and Content. All papers of a petition shall be uniform in size and style and shall be executed by pen and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto, throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.
- (c) 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 personally circulated the paper, the number or signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the

person whose name 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.

- (d) Time for Filing Referendum Petitions. Referendum petitions must be filed within ninety days after adoption by the Town Council of the ordinance sought to be reconsidered.

Section 9.04 Procedure After Filing

- (a) Certificate of Clerk; Amendment. When the petition is filed, the Town Clerk shall submit such petitions to the Hamilton 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 shall be paid standard charge for each name check by the petitioner's committee. Upon completion the Town Clerk shall complete a certificate as to its sufficiency, specifying or if it is insufficient, the particulars where it is defective and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once. If the petitioner's committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of said certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of said certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 9.03. The 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 petitioner's committee by 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 petitioner's 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 said certificate to the Town 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 petitioner's 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 is to be reviewed by the Town Council. The Town Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Town 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.

Section 9.05 Referendum Petitions

(a) Proposed Ordinances. When a referendum petition is filed with the Town Clerk, a proposed 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 petitioner's committee withdraws the petition, or
3. The Town 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.

(b) Existing Ordinances. When a referendum petition is filed with the Town Clerk, an existing ordinance sought to be reconsidered shall remain in effect until:

1. The Town Council repeals the ordinance, or
2. 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.

Section 9.06 Action on Petitions

(a) Action by Town Council. When an initiative or referendum petition has been finally determined sufficient, the Town Council shall promptly consider the proposed initiative ordinance in the manner provided in Section 2.07 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 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 Town.

- (b) Submission to Voters. The Vote of the Town on an initiative referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final Town Council vote thereon. If no regular Town election is to be held within the period prescribed in this subsection, the Town Council shall provide for a special election; otherwise, the vote shall be held at the same time as the regular election. Copies of the initiative or referred ordinance shall be made available at the polls.
- (c) Withdrawal of Petition. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by at least four (4) members of the petitioner's committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 9.07 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 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.

Section 9.08 Recall.

The qualified electors shall have the power to recall and to remove from office any elected official of the municipality as provided by general law or by the provisions of this Charter.

Article X. General Provisions

Section 10.01 Personal Financial Interest

Any Town officer or employee who is present at any meeting of the Town Council, or any other board or agency of the Town, who has a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Town or in the sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town shall make known that interest. He shall comply with the provisions of Florida Statutes 286.012, and shall refrain from voting upon or otherwise participating in his capacity as a Town officer or employee in the making of such sale or in the making or performance of such contract. Any Town officer or employee who willfully conceals such a 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 Town shall render the contract or sale void by the Town Council. Notwithstanding the general language in this paragraph, all Town officers and employees shall explicitly adhere to the provisions of the Code of Ethics of Public Officers and Employees provided for by general law.

Section 10.02 Prohibitions

- (a) Discrimination against any person in recruitment, examination, appointment, training, promotion, or any other personnel action due to political or religious opinion or affliction, or because of race, sex, national origin, age, physical handicap, or any other non-merit factor is prohibited.
- (b) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under the personnel provision of this Charter, or the rules and regulations made there under or any ordinance or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (c) Any person who seeks appointment or promotion with respect to any Town position or appointed Town administrative office directly or indirectly, may **NOT** render or pay any money, service, or other valuable item to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
- (d) No Town employee shall knowingly or willfully make, solicit or receive any contribution to any political campaign fund or any political party or committee intended to be used in election to public office or to any campaign fund to be used the support of or in opposition to any candidate for election to office or referendum while working or during normal working hours in any facility or property owned or leased by the Town. Further, no Town employee shall knowingly or willfully participate in any political campaign on behalf of, or in

opposition to any candidate for election to office, or any referendum while working or during normal working hours in any facility or property owned or leased by the Town. This section shall not be construed to prohibit the exercise of fundamental rights guaranteed any citizens to express opinions or to cast a vote in any election, nor shall it be construed to prohibit any person from active participation in any political campaign at any level of government.

- (e) Penalties. Any person who violates the provisions of this section shall forfeit his or her office or position.

Section 10.03 Charter Amendment Procedures

The Town Council, by ordinance, or the electors, by petition signed by ten (10) percent of the registered voters, may submit to the electors a proposed Charter amendment. The proposed amendment may be to any part of, or to all the Charter excepting the part describing the Town boundaries.

The proposed amendment petition procedure shall comply with the referendum procedure described in Section 4.07 and general law.

Upon adoption of the Charter amendment by majority vote of the electors, Council shall have the amendment incorporated into the Charter. The revised Charter shall then be filed with the Department of State and it will then be in effect.

Subject to the requirements of general law, the Town Council, by ordinance may redefine the boundaries of the Town to include those lands newly annexed. The redefined boundaries shall be filed with the Department of State.

All proposed amendments must contain the full text of the proposed amendment.

- (a) Election. Upon delivery to the Town election authorities of an adopted ordinance or a petition proposing an amendment to the Charter, the election authorities shall submit the proposed amendment to the voters of the Town. Such election shall be announced by a notice containing the title of the proposed amendment and published one (1) or more newspapers of general circulation, as defined by Chapter 50 of the Florida Statutes, at least thirty (30) days prior to the date of the election. The form of ballot shall be as specified in Section 4.07.
- (b) Contrary Provisions. The White Springs Town Council shall amend provisions or strike language out of the Charter which has been judicially construed to be contrary to either state or federal law. Starting in the Year of Our Lord 2000, and every tenth (10th) year thereafter, the Town Clerk in collaboration with the Town Attorney shall insure that the Town Charter, its amendments, ordinance, and codes are in compliance with current state and federal statutes. They shall then recommend appropriate changes to the Town Council in order to edit, refine and reprint the Charter and ordinances in the corrected, modified form.

Section 10.04 Suits Against the Town

No Suit or action at law, or equity of any kind or nature whatsoever, against the Town shall be instituted against the Town unless a written statement giving the particular of the alleged cause of action containing a notice of intention to sue, shall be filed with the Town Council at least thirty (30) days before the suit or action is instituted. Nothing herein is intended to waive the Town's rights of sovereign immunity and notice in any action specifically provided for by general law.

Section 10.05 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provision to other persons or circumstances shall not be affected.

Section 10.06 Construction

Wherever the masculine singular form of the pronoun is used in this Charter, it shall be construed to mean the masculine, feminine, or neuter, singular or plural, whenever the context so requires.

Should any of the covenants herein imposed be void or become unenforceable at law, the remaining provisions of this Charter shall be and remain in full force and effect.

Article XI. Transitional Provisions

Section 11.01 Officers and Employees

- (a) Rights and Privileges Preserved. This Charter shall govern all actions within the Town provided nothing in this Charter, except as otherwise specifically provided, shall affect or impair any existing vested rights of persons who are Town officers or employees at the time of its adoption.
- (b) Competitive Tests. An employee holding a Town position at the time this Charter takes full effect, who was serving in that same or comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position.

Section 11.02 Transfer of Powers

If a Town department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the Town department, office or agency designated in this Charter or, if the charter makes no provision, designated by the Town Council.

The provisions of this section are necessary to ensure a smooth transition in the day-to-day operation of the services provided by the Town of White Springs.

Section 11.03 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 the Town department, office, board, committee, or agency appropriate under this Charter.

Section 11.04 State and Municipal Law

All Town 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 operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and the laws of the State of Florida permit, all laws relating to or affecting this Town or its agencies, officers, or employees which are in force when this charter become 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.

Section 11.05 Schedule for Adoption

This Charter shall be submitted to the electorate for approval during a special election to be held April 24, 2012, and if approved shall become affective in full on the first Thursday after the certification of election results.

Section 11.06 Corporate Boundaries

The corporate boundaries of the Town of White Springs shall remain fixed and established as they exist on the date this Charter takes effect, provided that the Town shall have the power to change its boundaries in the manner prescribed by law. The corporate limits of the Town are described in Appendix A to this Charter which is incorporated herein.

Appendix A

TOWN OF WHITE SPRINGS, FLORIDA TERRITORIAL BOUNDARY

The original territorial boundaries of the Town of White Springs shall be fixed and defined as follows, that it to say: beginning at a point three fourths of one mile due north of the southeast corner of Spring and Bridge Streets, in said Town of White Springs, and from said point running due east three fourths of one mile for the eastern half of the northern boundary; thence due south to the middle of the Suwannee River for the eastern boundary; and running from said point above described as being three fourths of one mile due north from the southeast corner of Spring and Bridge Streets, due west a distance of three fourths of one mile for the west half of the northern boundary; thence due south to the middle of the Suwannee River for the western boundary; thence in an easterly direction up the said Suwannee River and following a line midway between the ordinary banks of said river, to the intersection of the eastern boundary line of said Town as above set forth; all of the territory lying within the limits so described being hereby designated as within the territorial limits of the said Town of White Springs and Hamilton County, Florida.

And

1. E ½ of SE ¼ of NE ¼ of Section 7, Township 2, South, Range 16 East
2. E ½ of NE ¼ of SE ¼ of Section 7, Township 2. South, Range 16 East, north of the south right of way line of U.S. Highway 41.
3. W ½ of NW ¼ of SW1/4 of Section 8, township 2, South, Range 16 East, north of the south right of way line of U.S. Highway 41.
4. Beginning at the NE corner of the W ½ of the NW ¼ of the SW ¼ of Section 8, Township 2 South, Range 16 East then run southeasterly to the northwest corner of the lands owned by the Town of White Springs, Florida by that deed recorded in O.R. Book 80 at page 583, thence run S 59 degrees 55' 37" East 520.00 feet to the northeast corner of said Town owned lands, thence continue S 59 degrees 55' 37" East parallel to the right of way line of the Georgia southern and Florida Railroad to the water's edge of the Suwannee River, thence in a southerly direction along the water's edge of the Suwannee River to the southerly boundary of the lands owned and occupied by the Department of Transportation of the State of Florida as a road right way for U.S. Highway 41 and a road side park, thence in a Northwesterly direction on the south side of the right of way of U.S. Highway 41 to the existing Town boundaries.
5. A parcel of land lying within Section 6 and 7, Township 2 South, range 16, East Hamilton County, Florida, which is more particularly described as follows: the Northeast ¼ of the Southeast ¼ and all that part of the Southeast ¼ of the Southeast ¼ of said Section 6 lying North and West of County Road No. 135; and a parcel of land lying in

said Section 7 which description commences at the Northeast corner of said section 7; thence run South 88 o 36'33" West 507.48 feet to the Westerly right-of-way of County Road No. 135, said point also going the Point of Beginning; then run South 35 o 13'15" West along side right-of-way 110.64 feet to the Northeast corner of Lot 3, Pine Forest Subdivision, as per Map or Plat thereof recorded in Plat Book 2, Page 24 of the Public Records of Hamilton County, Florida; thence run North 56 o 42'26" West along Lot 3 for a distance of 159.69 feet to the North line of Section 7, thence run North 88 o 33'10" East along the North line of said Section 7 for a distance of 194.15 feet to the Point of Beginning.

Less that portion of Section 6, which is currently within the Limits of the Town of White Springs

And

Part of the northeast ¼ of the southeast ¼ of Section 1, township 2 South range 15 East, Hamilton County, Florida, being more particularly described as follows: for point of beginning commence at the intersection of the west right-of-way line of US Highway 41 and the north line of the southeast ¼ of the southwest ¼ thence run south 88*23'57 west along said north line, a distance on 372.73 feet: Thence run north 09*06'37 west, a distance of 136.53 feet: thence run north 41*32'53 east, a distance of 110.23 feet to the western right-of-way line of US Highway 41; thence run south 48*23'30' east along said westerly right-of-way line, a distance of 130.68 feet; thence run north 40*10'52' east along said right-of-way, a distance of 99.00 feet to said westerly right-of-way line and the point of curve of a curve concaved southwesterly having a radius of 683.47 feet; Thence run along and around said westerly right-of-way line and said curve a chord bearing and distance south 39*10'25' east, 252.51 feet to the point of beginning; containing 1.25 acres more or less.

And Section 7, township 2 south, Range 16 East 323 A. That certain lot of land known as the old colored school lot in the NE/4 of SE/4 Desc in ORBS 148-260 Kendrick Addition to the Town of White Springs.

And

Section 12, Township 2 south, Range 15 East 824 North ½ of West ½ of government Lot 3 ORD 86-537

Section township 2 South 15 East 824 North ½ of west ½ Government Lot 3 ORB 86-537

Section 1 Township 2 south, Range 15 East 726.84 acres in DB 32-239 ORB 86-543

Section 1, Township 2 South Range 15 East 737 5 acres in the NE Corner of S/s of NW/4 of SE/4 & bounded on West Ned Jones on South TW Smith on East and North by BF Camp DB 25-278

Section 1, Township 2, South Range 15 east 735 NW/4 of SE/4 less 4 acres in DB 8-291 and less 2.63 acres in DB 32-228 less 5 acres in NE corner of S/2 ORB 86-543

And

Section 7 Township 2 South, Range 16 East 323 A, Section 12, Township 2S Range 15E 824 North ½ of West ½ of government Lot 3 ORB 86-537, Section 1, Township 2S,

Range 15 E 726.84 acres in DB 32-239 ORB 86543, Section 1, Township 2S, Range 15E 737 5 acres in the NE corner of S/2 of NW/4 of Se/4 & Bounded on West Ned Jones on South TW Smith on East and North by BF Camp DB 25-278, Section 1, Township 2S, Range 15E 735 NW/4 of SE/4 less 4 acres in DB 8-291 and less 2.63 acres in DB 32-228 and less 5 acres in NE corner of S/2 ORB 86-543 hereof.

And

A tract of land in the NE ¼ SE Section 1, Township 2 South Range 15 East Hamilton County, Florida, being more particularly described as follows: Beginning at the SW corner of said NE ¼ of SE ¼; run thence N 0° 16' 46" E along the West line of said NE ¼ of SE ¼, a distance of 999.60 feet to the southwesterly right of way of US Highway 41; thence S 48° 23' 1" E along said right of way 970.49 feet; thence S 41° 37' 27" W 110.5 feet; thence 48° 21' 27" E 175.000, thence S 9° 05' 18" E 136.53 feet to a point on the south line of said NE ¼ of Se ¼; thence S 88° 27' 48" E along the south line of said NE ¼ of SE ¼ distance of 809.95 feet to the point of beginning.

And

A tract of land in Section 1, Township 2 South, Range 15 East, Hamilton County, Florida, being more particularly described as follows:

Commence at A 3" iron pipe at the NW corner of Government lot 1 of Section; Thence run N 89° 02' 37" E 15.00 feet to a point on the east side of Jackson Street, a County graded road, said point of being the point of beginning; thence N 0° 16' 46" E along the east side of said Jackson Street, A distance of 2312.36 feet to the southwesterly right of way of U.S. highway 41; Thence S 48° 23' 1" E along said right of way 951.35 feet; thence N 41° 37' 27" E along said right of way 99.00 feet; Thence S 48° 23' 1" E along said right of way 175.00 feet to the point of beginning; Thence continues 48° 23' 01" along said right of way 128.31 feet; thence S 40° 13' 51" W 99,00 feet; thence N 48° 23' 01" W 130.68 feet; Thence N 41° 37' 27" E 99.00 feet to the point of beginning, containing 0.29 acres more or less above and depicted on Schedule "A" Location Map, attached hereto and incorporated as part of the is Ordinance, are hereby annexed to the boundaries of the Town of White Springs, Florida, and said real properties in every way are a part of the Town of White Springs, Florida.

Section 1, Township 2 South, Range 15 East, 3-7 SE /4 of SE/4 EXC lot 20 & 21 Blk 11 Former subdivision known as Springville Hts & Less R/W Less ORB 450-54 ORB 542-293 Less ORB 622-119 (Parcel 2) Town of White Springs.

Beginning at the SW corner of said NE ¼ of SE 1/4 ; run thence N 0° 16' 46" E along the West line of said NE ¼ of SE1/4, a distance of 999.60 feet to the southwesterly right of way of US Highway 41; thence S 48° 23' 1" E along said right of way 970.49 feet; thence S 41° 37' 27" W 110.5 feet; thence 48° 21' 27" E 175.00 feet; thence S 9° 05' 18" E 136.53 feet to a point on the south line of said NE ¼ of SE ¼; thence S 88° 27' 48" E along the south line of said NE ¼ of SE ¼ a distance of 809.95 feet to the point of beginning.

Commence at A 3" iron pipe at the NW corner of Government lot 1 of Section 12; Thence run N 89°02'37" E 15.00 feet to a point on the east side of Jackson Street, a County graded road, said point of being the point of beginning; thence N 0° 16' 46" E along the east side of said Jackson Street, A distance of 2312.36 feet to the southwesterly right of way of U.S. highway 41; Thence S 48° 23' 1" E along said right of way 951.35 feet; thence N 41° 37' 27" E along said right of way 99.00 feet; Thence S 48° 23' 1" E along said right of way 175.00 feet to the point of beginning; Thence continues 48° 23' 01" along said right of way 128.31 feet; thence S 40° 13' 51" W 99.00 feet; thence N 48° 23' 01" W 130.68 feet; Thence N 41° 37' 27" E 99.00 feet to the point of beginning, containing 0.29 acres more or less hereof.

Section 1, Township 2 South, Range 15 East, 3-7 SE /4 of SE/4 EXC lot 20 & 21 Blk 11 Former subdivision known as Springville Hts & Less R/W Less ORB 450-54 ORB 542-293 Less ORB 622-119 (Parcel 2) Town of White Springs.

And

Beginning at the SW corner of said NE ¼ of SE ¼ ; run thence N 0° 16' 46" E along the West line of said NE ¼ of SE¼, a distance of 999.60 feet to the southwesterly right of way of US Highway 41; thence S 48° 23' 1" E along said right of way 970.49 feet; thence S 41° 37' 27" W 110.5 feet; thence 48° 21' 27" E 175.00 feet; thence S 9° 05' 18" E 136.53 feet to a point on the south line of said NE ¼ of SE ¼; thence S 88° 27' 48" E along the south line of said NE ¼ of SE ¼ a distance of 809.95 feet to the point of beginning.

A tract of land in Section 1, Township 2 South, Range 15 East, Hamilton County, Florida, being more particularly described as follows:

Commence at A 3"iron pipe at the NW corner of Government lot 1 of Section 12; Thence run N 89°02'37" E 15.00 feet to a point on the east side of Jackson Street, a County graded road, said point of being the point of beginning; thence N 0° 16' 46" E along the east side of said Jackson Street, A distance of 2312.36 feet to the southwesterly right of way of U.S. highway 41; Thence S 48° 23' 1" E along said right of way 951.35 feet; thence N 41° 37' 27" E along said right of way 99.00 feet; Thence S 48° 23' 1" E along said right of way 175.00 feet to the point of beginning; Thence continues 48° 23' 01" along said right of way 128.31 feet; thence S 40° 13' 51" W 99.00 feet; thence N 48° 23' 01" W 130.68 feet; Thence N 41° 37' 27" E 99.00 feet to the point of beginning, containing 0.29 acres more or less, shall continue to be classified Hamilton County future land uses established by the Hamilton County Comprehensive Plan and to be zoned as Hamilton County zoning districts, established by the Hamilton County Land Development Regulations until otherwise changed or amended by the appropriate ordinance of the Town of White Springs, Florida.

Section 1, Township 2 South, Range 15 East, 3-7 SE /4 of SE/4 EXC lot 20 & 21 Blk 11 Former subdivision known as Springville Hts & Less R/W Less ORB 450-54 ORB 542-293 Less ORB 622-119 (Parcel 2) Town of White Springs.

Beginning at the SW corner of said NE ¼ of SE 1/4 ; run thence N 0° 16' 46" E along the West line of said NE ¼ of SE1/4, a distance of 999.60 feet to the southwesterly right of way of US Highway 41; thence S 48° 23' 1" E along said right of way 970.49 feet; thence S 41° 37' 27" W 110.5 feet; thence 48° 21' 27" E 175.00 feet; thence S 9° 05' 18" E 136.53 feet to a point on the south line of said NE ¼ of SE ¼; thence S 88° 27' 48" E along the south line of said NE ¼ of SE ¼ a distance of 809.95 feet to the point of beginning.

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And

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along said right of way 128.31 feet; thence S 40° 13' 51" W 99.00 feet; thence N 48° 23' 01" W 130.68 feet; Thence N 41° 37' 27" E 99.00 feet to the point of beginning, containing 0.29 acres more or less, shall continue to be classified Hamilton County future land uses established by the Hamilton County Comprehensive Plan and to be zoned as Hamilton County zoning districts, established by the Hamilton County Land Development Regulations until otherwise changed or amended by the appropriate ordinance of the Town of White Springs, Florida.

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And

18" E 136.53 feet to a point on the south line of said NE ¼ of SE ¼; thence S 88° 27' 48" E along the south line of said NE ¼ of SE ¼ a distance of 809.95 feet to the point of beginning.

A tract of land in Section 1, Township 2 South, Range 15 East, Hamilton County, Florida, being more particularly described as follows:

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** Note: Description of territorial boundaries is based upon information provided by the Town of White Springs. Description of Boundary not to be used as legal description. Specific boundaries may be redefined on an individual site bases.

Section 4. Severability It is declared to be the intent of the Town Council of the Town of White Springs, that if any section, subsection, sentence, clause, or provision of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

Section 5. Effective Date This ordinance shall take effect and be in force from and after approval of same by the Town Council of the Town of White Springs or ten (10) days after passage, whichever date occurs earlier.

The above and foregoing ordinance was read by title only and passed by a majority vote upon its first reading at a duly convened meeting of the Town Council of the Town of White Springs, Florida, held on the **fourteenth** day of **February, 2012**

Dr. Helen B. Miller,
MAYOR

ATTEST: _____
Shirley Heath, Town Clerk

The above and foregoing ordinance was read by title only and passed by a majority vote upon its second and final reading at a duly convened meeting of the Town Council of the Town of White Springs, Florida held on the **tenth** day of **April, 2012.**

Dr. Helen B. Miller
MAYOR

ATTEST: _____
Shirley Heath, Town Clerk

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