

**A BILL TO BE ENTITLED      AUGUST 31, 2004**

AN ACT RELATING TO VOLUSIA COUNTY; AMENDING THE "CITY OF OAK HILL CHARTER"; PROVIDING FOR THE CORPORATE NAME AND PURPOSE OF THE CHARTER; PROVIDING POWERS OF THE MUNICIPALITY AND OF CERTAIN OFFICERS; PROVIDING FOR ELECTION OF A CITY COMMISSION, INCLUDING PROVISIONS FOR DETERMINING THE MAYOR AND VICE MAYOR, AND PROVIDING FOR QUALIFICATIONS, POWERS, AND DUTIES OF ITS MEMBERSHIP, AND A PROCEDURE FOR ESTABLISHING THEIR COMPENSATION AND EXPENSE REIMBURSEMENT; DEFINING CIRCUMSTANCES WHICH CREATE VACANCIES IN OFFICE AND PROVIDING FOR FILLING VACANCIES AND FOR FORFEITURE AND RECALL; REQUIRING INDEPENDENT FINANCIAL AUDIT; PROVIDING FOR COMMISSION MEETINGS, RULES, RECORD KEEPING, AND VOTING AT MEETINGS; PROVIDING FOR NOMINATIONS, ELECTIONS, AND TERMS OF OFFICE OF THE COMMISSION; PROVIDING FOR A CITY CLERK, DEPUTY CITY CLERK, AND CITY ATTORNEY, AND POWERS AND DUTIES OF EACH, AND PROVIDING FOR POLICE SERVICES; PROVIDING FOR ADVISORY BOARDS AND COMMITTEES; PROVIDING FOR LICENSES; AUTHORIZING ESTABLISHMENT OF ADMINISTRATIVE DEPARTMENTS; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR ADOPTION OF ORDINANCES AND RESOLUTIONS, AND FOR HANDLING FINANCES; ESTABLISHING A FISCAL YEAR AND ANNUAL BUDGETS; PROVIDING PROCEDURES FOR INITIATIVE AND REFERENDUM; PROVIDING FOR CHARTER AMENDMENTS AND REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING EFFECTIVE DATES.

**ARTICLE I: CORPORATE NAME/PURPOSE OF THE CHARTER**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

**SECTION 1. THE "CITY OF OAK HILL CHARTER" IS HEREBY REVISED AND AMENDED TO READ:**

**SECTION 1.01 PURPOSE OF THE CHARTER**

WE, THE PEOPLE OF OAK HILL, DO ORDAIN AND ESTABLISH THIS AMENDMENT AND REVISION TO THE CHARTER OF OAK HILL, AS CREATED AND ESTABLISHED ON JUNE 6, 1927, IN ORDER TO AVAIL OURSELVES OF ALL MUNICIPAL HOME RULE POWERS CONSISTENT WITH THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA AND IN ACCORD WITH F.S. 166.031 AND ARTICLE VIII OF THE STATE CONSTITUTION.

THIS IS AN AMENDMENT AND REVISION OF THE WHOLE OF THE EXISTING CHARTER OF THE CITY OF OAK HILL, EXCEPT THE

BOUNDARIES THEREOF. ANY PROVISION OF THE EXISTING CHARTER OR SPECIAL ACTS IN CONFLICT WITH THIS AMENDMENT AND REVISION ARE HEREBY REPEALED. THIS AMENDMENT AND REVISION SHALL BE KNOWN AS THE REVISED CHARTER OF THE CITY OF OAK HILL, FLORIDA OF **2004** AND SHALL BE THE ORGANIC AUTHORITY FOR THE STRUCTURE AND OPERATION OF THE GOVERNMENT OF OAK HILL.

## **ARTICLE II BODY CORPORATE**

### **SECTION 2.01 CORPORATE BOUNDARY.**

THE AREA WITHIN THE BOUNDARIES AND CORPORATE LIMITS OF THE CITY OF OAK HILL NOW EXISTING AND THE RESIDENTS THEREIN SHALL CONTINUE TO BE THE BODY CORPORATE AND POLITIC UNDER THE NAME OF CITY OF OAK HILL AND AS SUCH, SHALL HAVE PERPETUAL SUCCESSION. EXISTING BOUNDARIES AND CORPORATE LIMITS MAY BE AMENDED FROM TIME TO TIME AS PROVIDED BY LAW. THE AREA DESCRIBED IN APPENDIX "A" OF THIS CHARTER SHALL CONSTITUTE THE CORPORATE BOUNDARY OF THE CITY OF OAK HILL.

### **SECTION 2.02 EXTENSION OF THE CORPORATE BOUNDARY/ANNEXATION.**

THE CORPORATE BOUNDARY OF THE CITY OF OAK HILL (AS CONTAINED IN APPENDIX A) MAY BE REVISED AS PROVIDED BY GENERAL LAW AND BY ORDINANCES ADOPTING ANNEXATIONS AND REVISIONS WHICH MAY OCCUR FROM TIME TO TIME.

## **ARTICLE III: GENERAL POWERS OF THE MUNICIPALITY**

### **SECTION 3.01 POWERS POSSIBLE**

THE CITY OF OAK HILL SHALL HAVE ALL GOVERNMENTAL, CORPORATE AND PROPRIETARY POWERS TO ENABLE IT TO CONDUCT MUNICIPAL GOVERNMENT; PERFORM MUNICIPAL FUNCTIONS; AND RENDER MUNICIPAL SERVICES; AND MAY EXERCISE ANY POWER FOR MUNICIPAL PURPOSES EXCEPT AS OTHERWISE PROVIDED BY LAW. THE POWERS OF THE CITY OF OAK HILL SHALL BE CONSTRUED LIBERALLY IN FAVOR OF THE MUNICIPALITY, LIMITED ONLY BY THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF FLORIDA, FEDERAL AND STATE LAWS, AND SPECIFIC LIMITATIONS CONTAINED HEREIN.

### **SECTION 3.02 JOINT EXERCISE OF POWERS**

THE CITY MAY EXERCISE ANY OF ITS POWERS OR PERFORM ANY OF ITS FUNCTIONS AND MAY PARTICIPATE IN THE FINANCING THEREOF, JOINTLY OR IN COOPERATION BY CONTRACT OR OTHERWISE, WITH ANY ONE OR MORE STATES, COUNTIES, MUNICIPALITIES, OR ANY AGENCIES THEREOF; OR THE UNITED STATES, OR ANY AGENCY THEREOF; OR ANY FOREIGN ENTITY, OR ANY AGENCY THEREOF.

#### **ARTICLE IV: CHARTER OFFICERS**

##### **SECTION 4.01 COMMISSION MEMBERS**

(A) THERE SHALL BE A CITY COMMISSION, HEREINAFTER REFERRED TO AS THE COMMISSION, WITH ALL LEGISLATIVE POWERS OF THE CITY VESTED THEREIN, CONSISTING OF FIVE MEMBERS, ALL OF WHOM SHALL BE ELECTED FROM THE CITY AT LARGE.

(B) COMMISSION SEATS SHALL BE DESIGNATED AS SEATS #1, #2, #3, #4, AND #5. CANDIDATES SHALL BE REQUIRED TO SEEK ELECTION TO A SPECIFIC SEAT ON THE COMMISSION.

(C) EACH MEMBER OF THE COMMISSION SHALL BE A QUALIFIED ELECTOR OF THE CITY AND SHALL HAVE RESIDED WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY FOR A MINIMUM OF **TWELVE** MONTHS PRIOR TO QUALIFYING FOR ELECTION.

(D) THE COMMISSION MEMBERS ARE ELECTED OFFICIALS WHO ARE ACCOUNTABLE TO THE CITIZENS AT REGULARLY HELD ELECTIONS AND WHO ARE SUBJECT TO RECALL AS PROVIDED BY LAW. THE CITIZENS, THROUGH THESE PROCESSES, HAVE THE OPPORTUNITY TO ELECT, RE-ELECT, OR DISMISS THEIR ELECTED OFFICIALS WHOSE PROMISE OF PERFORMANCE OR ACTUAL PERFORMANCE IN OFFICE **DOES/DOES NOT** REFLECT THE POLICIES WHICH THE CITIZENS DESIRE TO IMPLEMENT IN THE GOVERNMENT OF THE CITY.

(E) POLICY MAKING IS THE SOLE PREROGATIVE OF THE COMMISSION. ADMINISTRATIVE STAFF, WHETHER HIRED OR APPOINTED UNDER TERMS OF THIS CHARTER, IS SUBORDINATE TO THE ELECTED OFFICIALS, WHOSE POWER DERIVES FROM THE CONSENT OF, AND ELECTION BY, THE CITIZENS OF THE CITY.

(F) EXCEPT AS OTHERWISE PRESCRIBED HEREIN OR PROVIDED BY LAW, LEGISLATIVE AND POLICE POWERS OF THE CITY SHALL BE VESTED IN THE COMMISSION, INCLUDING THE ESTABLISHMENT OF BOARDS, COMMISSIONS AND COMMITTEES. THE COMMISSION SHALL PROVIDE FOR THE EXERCISE OF ITS POWERS AND FOR THE PERFORMANCE OF ALL DUTIES AND OBLIGATIONS IMPOSED ON THE MUNICIPALITY BY LAW.

## **SECTION 4.02 MAYOR**

AT THE FIRST REGULARLY SCHEDULED MEETING AFTER THE NEWLY ELECTED MEMBERS TAKE OFFICE, THE COMMISSION SHALL NOMINATE CANDIDATES FOR MAYOR FROM AMONG ITS MEMBERS. AFTER ALL NOMINATIONS ARE HEARD, NOMINATIONS SHALL BE CLOSED AND A BALLOT TAKEN. THE CANDIDATE RECEIVING A PLURALITY OF VOTES IS ELECTED AS THE MAYOR. IN CASE OF A TIE, THE MAYOR SHALL BE CHOSEN FROM AMONG THE TIED CANDIDATES BY LOT CONDUCTED BY THE CITY CLERK. THE MAYOR SHALL PRESIDE AT ALL MEETINGS OF THE CITY COMMISSION AND PERFORM SUCH OTHER DUTIES CONSISTENT WITH THAT OFFICE; AND SHALL HAVE A VOICE AND VOTE IN THE PROCEEDINGS OF THE CITY COMMISSION, BUT NO VETO POWER.

THE MAYOR SHALL SERVE AS THE HEAD OF THE MUNICIPAL GOVERNMENT FOR THE PURPOSE OF EXECUTION OF LEGAL DOCUMENTS AS REQUIRED BY ORDINANCE. THE MAYOR SHALL ALSO SERVE AS THE CEREMONIAL HEAD OF THE CITY.

THE MAYOR MAY ASSUME COMMAND OF THE POLICE AND GOVERN THE CITY BY PROCLAMATION DURING TIMES OF EMERGENCY OR GRAVE PUBLIC DANGER, UNDER THE DIRECTION OF THE CITY COMMISSION, AND THE CITY COMMISSION SHALL BE THE JUDGE OF WHAT CONSTITUTES SUCH EMERGENCY OR PUBLIC DANGER.

THE MAYOR SHALL HAVE NO OTHER POWERS AND DUTIES BEYOND THOSE CONFERRED BY THIS CHARTER OR BY THE COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER.

## **SECTION 4.03 VICE MAYOR**

AT THE FIRST REGULARLY SCHEDULED MEETING AFTER THE NEWLY ELECTED COMMISSION MEMBERS TAKE OFFICE, THE COMMISSION SHALL NOMINATE CANDIDATES FOR VICE MAYOR FROM AMONG ITS MEMBERS. AFTER ALL NOMINATIONS ARE HEARD NOMINATIONS SHALL BE CLOSED AND A BALLOT VOTE TAKEN. THE CANDIDATE RECEIVING A PLURALITY OF VOTES IS ELECTED AS THE VICE MAYOR. IN THE CASE OF A TIE, THE VICE MAYOR SHALL BE CHOSEN FROM AMONG THE TIED CANDIDATES BY LOT CONDUCTED BY THE CITY CLERK. THE VICE MAYOR SHALL SERVE AS MAYOR DURING THE ABSENCE OR DISABILITY

OF THE MAYOR AND, IF A VACANCY OCCURS, SHALL BECOME INTERIM MAYOR PURSUANT TO SECTION 4.08 OF THIS CHARTER. IF A VACANCY OCCURS IN THE POSITION OF VICE MAYOR, AN INTERIM VICE MAYOR SHALL BE SELECTED FROM AMONG THE MEMBERS OF THE COMMISSION BY A PLURALITY VOTE OF THE COMMISSION.

#### **SECTION 4.04 DEPARTMENT HEADS**

AS SOON AS POSSIBLE AFTER THE ELECTION OF A MAYOR AND VICE MAYOR, THE COMMISSION SHALL APPOINT DEPARTMENT HEADS AS DEEMED NECESSARY FROM AMONG THE COMMISSIONERS. A COMMISSIONER MAY **NOT** BE THE HEAD OF MORE THAN ONE DEPARTMENT, **WITH THE EXCEPTION; IF ALL COMMISSIONERS ARE SELECTED AS DEPARTMENT HEADS AND ADDITIONAL DEPARTMENT HEADS ARE REQUIRED, THEN AN INDIVIDUAL COMMISSIONER MAY BE SELECTED TO BE THE HEAD OF TWO DEPARTMENTS.**

THE FUNCTION OF THE DEPARTMENT HEAD(S) IS TO CARRY OUT THE DIRECTIVES OF THE COMMISSION AS A WHOLE AND TO SEE THAT THEIR DEPARTMENT(S) OPERATES EFFICIENTLY AND IN ACCORDANCE WITH THE CHARTER AND ORDINANCES.

ONLY THE COMMISSION BY A MAJORITY VOTE SHALL AUTHORIZE THE EMPLOYMENT OR REMOVAL OF ANY CITY EMPLOYEE. AN APPOINTED DESIGNEE, USUALLY THE DEPARTMENT HEAD, SHALL IMPLEMENT THE DECISION OF THE COMMISSION. NO INDIVIDUAL COMMISSIONER EXCEPT THE APPOINTED DEPARTMENT HEAD SHALL GIVE DIRECTIVES OR ORDERS TO ANY EMPLOYEE OF THE CITY EXCEPT IN AN EMERGENCY SITUATION. **EACH INDIVIDUAL COMMISSIONER MAY REQUEST FROM THE CITY CLERK INFORMATION AND OTHER DOCUMENTATION REQUIRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.**

SUGGESTIONS OR RECOMMENDATIONS FOR IMPROVEMENT IN CITY GOVERNMENT OPERATIONS MAY BE COMMUNICATED THROUGH THE CITY CLERK OR ANY INDIVIDUAL COMMISSIONER. EACH MEMBER OF THE COMMISSION SHALL BE FREE TO DISCUSS IMPROVEMENTS WITH THE CITY CLERK. THE COMMISSION MAY DIRECT THE CITY CLERK TO IMPLEMENT SPECIFIC RECOMMENDATIONS FOR IMPROVEMENTS IN CITY GOVERNMENT OPERATIONS.

#### **SECTION 4.05 COMPENSATION**

- (A) AN ORDINANCE ESTABLISHING, INCREASING OR DECREASING COMPENSATION OF THE MAYOR OR COMMISSION MAY BE

ADOPTED AT ANY TIME. NEVERTHELESS, IN NO EVENT SHALL ANY ESTABLISHMENT OF COMPENSATION OR ANY INCREASE IN COMPENSATION BECOME EFFECTIVE PRIOR TO THE FIRST DAY OF THE FIRST MONTH FOLLOWING THE NEXT REGULAR ELECTION AFTER ADOPTION OF SUCH ORDINANCE.

- (B) THE COMMISSION MAY PROVIDE FOR REIMBURSEMENT OF ACTUAL EXPENSES INCURRED BY ITS MEMBERS WHILE PERFORMING THEIR OFFICIAL DUTIES.

#### **SECTION 4.06 VACANCIES**

THE OFFICE OF A MEMBER OF THE COMMISSION SHALL BECOME VACANT UPON THE MEMBER'S INABILITY TO FULFILL THE DUTIES OF THE OFFICE, RESIGNATION, OR REMOVAL FROM OFFICE AS AUTHORIZED BY LAW OR THIS CHARTER.

#### **SECTION 4.07 FORFEITURE OF OFFICE**

A MEMBER OF THE COMMISSION MAY FORFEIT THE OFFICE, IF THE MEMBER:

- (A) LACKS AT ANY TIME DURING THE TERM OF OFFICE ANY QUALIFICATION FOR THE OFFICE AS PRESCRIBED BY THIS CHARTER OR BY LAW;
- (B) VIOLATES ANY EXPRESS PROHIBITION OF THIS CHARTER;
- (C) IS CONVICTED OF A FELONY OR CRIMINAL MISDEMEANOR;
- (D) HAS THREE CONSECUTIVE UNEXCUSED ABSENCES FROM REGULARLY SCHEDULED COMMISSION MEETINGS.

EXCUSED ABSENCES SHALL MEAN ANY ABSENCE DUE TO ILLNESS, JOB CONFLICTS, OR OTHER UNAVOIDABLE CONFLICTS FOR WHICH THE CLERK OR THE MAYOR HAS BEEN PROVIDED PRIOR NOTICE. ANY ABSENCES FOR WHICH PRIOR NOTIFICATION WAS NOT AVAILABLE MAY BE DETERMINED BY THE COMMISSION AT ITS NEXT REGULARLY SCHEDULED MEETING TO BE EXCUSED FOR EMERGENCY REASONS. ALL COMMISSIONERS SHOULD ATTEMPT TO AVOID CONFLICTS AND ATTEND ALL MEETINGS TO PROPERLY CONDUCT CITY BUSINESS AND PERFORM THEIR ELECTED DUTIES.

IF ANY OF THESE GROUNDS FOR FORFEITURE SHOULD BE ALLEGED TO HAVE OCCURRED, THE CITY ATTORNEY SHALL FORTHWITH PREPARE A NOTICE OF GROUNDS OF FORFEITURE TO BE SERVED UPON THE PARTICULAR COMMISSIONER AND THE COMMISSIONER SHALL BE PROVIDED TEN DAYS IN WHICH TO RESPOND, IN WRITING, TO THE NOTICE BY DENIAL, ADMISSION, OR RESIGNATION. A PUBLIC HEARING SHALL BE NOTICED BY THE CITY CLERK ON THE AGENDA FOR THE NEXT REGULARLY SCHEDULED COMMISSION MEETING AFTER NOTIFICATION

AS FOLLOWS: A COMMISSIONER CHARGED WITH CONDUCT CONSTITUTING GROUNDS FOR FORFEITURE OF OFFICE SHALL BE NOTIFIED BY CERTIFIED MAIL AND NOTICE OF THE PUBLIC HEARING SHALL BE PUBLISHED IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY AT LEAST ONE WEEK IN ADVANCE OF THE HEARING.

THE CITY ATTORNEY, OR A DULY APPOINTED SPECIAL ATTORNEY, SHALL PRESENT THE EVIDENCE OF THE ALLEGED GROUNDS FOR FORFEITURE TO THE COMMISSION. THE ACCUSED COMMISSIONER WILL BE PROVIDED AN OPPORTUNITY TO PRESENT WITNESSES OR EVIDENCE IN HIS/HER DEFENSE.

UPON CONCLUSION OF THE EVIDENCE BEING PRESENTED THE COMMISSION SHALL JUDGE THE GROUNDS FOR FORFEITURE OF ANY OFFICE AND FOR THAT PURPOSE SHALL HAVE POWERS TO SUBPOENA WITNESSES, ADMINISTER OATHS, AND REQUIRE THE PRODUCTION OF EVIDENCE. IF THE COMMISSION DETERMINES THE GROUNDS EXIST, THE MEMBER SHALL BE DECLARED TO HAVE FORFEITED OFFICE BY A MAJORITY VOTE OF THE COMMISSION.

#### **SECTION 4.08 FILLING OF VACANCIES**

A VACANCY ON THE COMMISSION SHALL BE FILLED BY APPOINTMENT OF A QUALIFIED ELECTOR AS DEFINED IN SECTIONS 4.01 AND 5.04 BY MAJORITY VOTE OF THE COMMISSION MEMBERS REMAINING, AND SAID APPOINTMENT SHALL BE EFFECTIVE UNTIL A SUCCESSOR IS SEATED **AT THE NEXT REGULAR ELECTION, IMMEDIATELY FOLLOWING THE VACANCY. IF THE MAJORITY OF THE REMAINING MEMBERS OF THE COMMISSION FAIL TO FILL THE VACANCY THROUGH APPOINTMENT WITHIN A THIRTY(30)-DAY PERIOD, A SPECIAL ELECTION TO FILL THE VACANCY SHALL BE CALLED AND HELD NO LATER THAN NINETY (90) DAYS THEREAFTER.** IN THE EVENT THAT ALL MEMBERS OF THE COMMISSION ARE REMOVED BY DEATH, DISABILITY, LAW OR FORFEITURE OF OFFICE, THE GOVERNOR SHALL APPOINT AN INTERIM COMMISSION THAT SHALL CALL A SPECIAL ELECTION TO BE HELD WITHIN 45 DAYS FOLLOWING THE OCCURRENCE OF VACANCIES.

IF THE MAYOR BECOMES UNABLE TO FULFILL THE DUTIES OF THAT OFFICE, CEASES TO BE QUALIFIED, OR IS REMOVED FROM OFFICE AS PROVIDED BY LAW OR THIS CHARTER, THE VICE MAYOR SHALL ASSUME THE FULL POWERS AND DUTIES OF THE MAYOR.

#### **SECTION 4.9 INDEPENDENT FINANCIAL AUDIT**

THE COMMISSION SHALL PROVIDE FOR AN INDEPENDENT ANNUAL FINANCIAL AUDIT OF ALL CITY ACCOUNTS AND MAY PROVIDE FOR MORE FREQUENT AUDITS AS IT DEEMS NECESSARY. SUCH AUDITS SHALL BE MADE BY A CERTIFIED PUBLIC ACCOUNTANT OR A FIRM OF SUCH ACCOUNTANTS WHO HAVE NO PERSONAL INTEREST, DIRECT OR INDIRECT, IN THE FISCAL AFFAIRS OF THE CITY GOVERNMENT OR IN ANY OF ITS OFFICERS. RESIDENCY IN THE CITY SHALL NOT BE CONSTRUED AS A PROHIBITED INTEREST.

#### **SECTION 4.10 MEETINGS**

THE COMMISSION SHALL MEET REGULARLY AT LEAST ONCE EVERY MONTH. OTHER REGULAR MEETINGS MAY BE CALLED AT SUCH TIMES AS THE COMMISSION MAY DEEM NECESSARY. MEETINGS WILL NORMALLY BE HELD AT CITY HALL BUT MAY BE HELD AT OTHER LOCATIONS WITHIN THE CITY BOUNDARIES AS THE COMMISSION MAY PRESCRIBE. SPECIAL MEETINGS MAY BE HELD ON THE CALL OF THE MAYOR OR, IN HIS OR HER ABSENCE, AT THE CALL OF THE VICE MAYOR. SPECIAL MEETINGS MAY ALSO BE CALLED UPON THE REQUEST OF A MAJORITY OF THE COMMISSIONERS. THE CITY CLERK SHALL PROVIDE NOT LESS THAN 24 HOURS PRIOR NOTICE OF THE MEETING TO THE PUBLIC, WHERE PRACTICAL. ACTION TAKEN AT A SPECIAL MEETING SHALL BE LIMITED TO THE PURPOSE FOR WHICH THE SPECIAL MEETING IS CALLED.

WHEN THE AGENDA OF A SPECIAL MEETING IS ANNEXATION OF PROPERTY THE COMMISSION MAY MEET WITHIN THE AREA BEING CONSIDERED FOR ANNEXATION.

ALL MEETINGS SHALL BE HELD IN ACCORDANCE WITH FLORIDA'S GOVERNMENT-IN-THE-SUNSHINE LAW, SECT. 286.011, F.S. NO REGULAR OR SPECIAL MEETING SHALL BE SCHEDULED TO COMMENCE PRIOR TO 7:00 A.M. OR LATER THAN 10:00 P.M. THE COMMISSION SHALL PROVIDE A REASONABLE PERIOD OF TIME AT EACH REGULARLY SCHEDULED MEETING FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION UPON MATTERS RELATING TO THE CITY OR OF CONCERN TO ITS CITIZENS.

EMERGENCY MEETINGS MAY BE CALLED BY THE MAYOR OR ANY MEMBER OF CITY GOVERNMENT SO AUTHORIZED BY THE MAYOR TO DEAL WITH A CRISIS SITUATION.

#### **SECTION 4.11 RULES**

THE COMMISSION SHALL DETERMINE ITS OWN RULES AND ORDER OF BUSINESS AND SHALL PROVIDE FOR KEEPING MINUTES OF ITS PROCEEDINGS. THE MINUTES SHALL BE PUBLIC RECORD.

#### **SECTION 4.12 QUORUM/VOTING**

THREE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM. NO ACTION OF THE COMMISSION SHALL BE VALID OR BINDING UNLESS **THREE (3), COMMISSIONERS ARE PRESENT. WHEN ONLY THREE (3) COMMISSIONERS ARE PRESENT UNANIMITY IS REQUIRED TO CARRY ORDINANCES OR RESOLUTIONS, FAILING TO HAVE THREE (3) UNANIMOUS VOTES AUTOMATICALLY TABLES THE ITEM UNTIL THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING.**

ALL COMMISSION MEMBERS IN ATTENDANCE SHALL VOTE ON ALL COMMISSION ACTIONS, EXCEPT WHEN, WITH RESPECT TO ANY SUCH MEMBER, THERE IS, OR APPEARS TO BE, A POSSIBLE CONFLICT OF INTEREST AS DEFINED UNDER STATE STATUTE. ROLL CALL VOTING SHALL BE REQUIRED FOR ORDINANCES OR UPON THE SPECIFIC REQUEST OF A COMMISSION MEMBER AND SHALL BE RECORDED IN THE MINUTES; OTHERWISE, VOTING SHALL BE BY YES AND NO.

#### **ARTICLE V: NOMINATIONS AND ELECTIONS; TERMS OF OFFICE**

##### **SECTION 5.01 ELECTIONS**

**THE REGULAR GENERAL ELECTION SHALL BE HELD EACH YEAR IN CONJUNCTION WITH THE UNIFORM FILING AND ELECTION DATES FOR GENERAL ELECTIONS IN VOLUSIA COUNTY** OR AT SUCH OTHER TIME THAT THE CITY COMMISSION MAY DESIGNATE.

##### **SECTION 5.02 COMMENCEMENT OF TERM**

COMMISSION MEMBER'S TERMS SHALL BEGIN ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN JANUARY OF THE YEAR AFTER THE ELECTION.

##### **SECTION 5.03 TERMS OF OFFICE**

THE TERMS FOR ALL COMMISSION SEATS, #1, #2, #3, #4 AND #5 SHALL BE FOR **A NOMINAL** THREE YEARS, THE TERMS SHALL BE STAGGERED .

##### **SECTION 5.04 QUALIFIED ELECTORS**

QUALIFICATIONS OF CANDIDATES - ANY QUALIFIED ELECTOR OF THE CITY OF OAK HILL MAY BECOME A CANDIDATE IN ANY GENERAL ELECTION BY FILING THE APPROPRIATE QUALIFYING PAPERS WITH THE CITY CLERK AND PAYING THE QUALIFYING FEE IF ANY IS SET. QUALIFYING PAPERS MUST CONTAIN A CLEAR STATEMENT OF THE OFFICE SOUGHT BY THE CANDIDATE, AND THE COMMISSION SEAT NUMBER FOR WHICH THE PERSON IS APPLYING. QUALIFICATION FOR ELECTION TO MUNICIPAL OFFICE SHALL TAKE PLACE NO MORE THAN SIXTY (60) DAYS PRIOR TO THE GENERAL ELECTION AND NOT LESS THAN FORTY-FIVE (45) DAYS PRIOR TO SAID ELECTION.

ANY PERSON WHO IS A RESIDENT OF THE CITY, WHO HAS QUALIFIED AS AN ELECTOR OF THE STATE, AND WHO REGISTERS IN THE MANNER PRESCRIBED BY LAW, SHALL BE A QUALIFIED ELECTOR OF THIS CITY.

#### **SECTION 5.05 ADOPTION OF ELECTION PROCEDURES**

THE COMMISSION, BY ORDINANCE, SHALL ADOPT NECESSARY ELECTION PROCEDURES.

#### **SECTION 5.06 MULTIPLE CANDIDATES**

WHEN MORE THAN TWO (2) CANDIDATES QUALIFY FOR ELECTION TO A SINGLE SEAT THEN IT SHALL BE THE DUTY OF THE CITY COMMISSION TO CALL A PRIMARY ELECTION, TO BE PARTICIPATED IN BY THE QUALIFIED ELECTORS OF THE CITY. IN SUCH PRIMARY ELECTION, ONLY THOSE SEATS SHALL APPEAR ON THE BALLOT FOR WHICH MORE THAN TWO (2) CANDIDATES HAVE BEEN QUALIFIED.

ELECTORS SHALL HAVE THE RIGHT TO VOTE FOR A CANDIDATE FOR EACH SEAT UPON THE BALLOT.

THE TWO (2) CANDIDATES FOR EACH SEAT WHO RECEIVE THE GREATEST NUMBER OF VOTES CAST FOR SUCH OFFICE IN SUCH PRIMARY ELECTION SHALL HAVE THEIR NAMES SUBMITTED TO THE VOTERS FOR ELECTION AT THE NEXT REGULAR GENERAL ELECTION. WHENEVER A CANDIDATE IN ANY PRIMARY ELECTION SHALL RECEIVE A MAJORITY OF THE ENTIRE VOTES CAST FOR A PARTICULAR SEAT, THEN THAT CANDIDATE SHALL BE DECLARED ELECTED TO THE OFFICE, AND NO REGULAR ELECTION FOR THAT PARTICULAR SEAT SHALL BE HELD.

#### **SECTION 5.07 RECALL**

THE QUALIFIED ELECTORS OF THE MUNICIPALITY SHALL HAVE THE POWER TO RECALL AND TO REMOVE ANY ELECTED OFFICIAL OF THE CITY AS PRESCRIBED BY F.S. 100.361.

#### **ARTICLE VI: CITY CLERK/DEPUTY CITY CLERK**

THERE SHALL BE A CITY CLERK WHO SHALL BE APPOINTED BY THE CITY COMMISSION. THE CITY CLERK SHALL SERVE AT THE PLEASURE OF THE CITY COMMISSION AND SHALL:

- (A) GIVE NOTICE OF CITY COMMISSION MEETINGS TO ITS MEMBERS AND THE PUBLIC;
- (B) KEEP MINUTES OF THE PROCEEDINGS OF THE CITY COMMISSION MEETINGS WHICH SHALL BE PUBLIC RECORDS;
- (C) AUTHENTICATE BY SIGNATURE AND RECORD IN FULL IN PERMANENT MEDIA KEPT FOR THAT PURPOSE ALL ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COMMISSION.
- (D) BE THE CUSTODIAN OF THE CITY SEAL;
- (E) HAVE THE POWER TO ADMINISTER OATHS; AND
- (F) PERFORM SUCH OTHER DUTIES AS MAY BE ASSIGNED BY THE CITY COMMISSION.

A DEPUTY CITY CLERK MAY BE APPOINTED BY THE CITY COMMISSION. THE DUTIES OF THE DEPUTY CITY CLERK SHALL BE DESIGNATED BY THE CITY COMMISSION.

#### **ARTICLE VII: CITY ATTORNEY**

THERE SHALL BE A CITY ATTORNEY APPOINTED BY THE COMMISSION, WHO MAY REPRESENT THE CITY IN ALL LEGAL PROCEEDINGS AND SHALL PERFORM ALL OTHER DUTIES ASSIGNED BY THE COMMISSION. THE COMMISSION MAY REMOVE THE CITY ATTORNEY FOR ANY REASON BY MOTION REQUIRING THREE AFFIRMATIVE VOTES.

#### **ARTICLE VIII: POLICE**

THE CITY OF OAK HILL, FLORIDA SHALL PROVIDE ADEQUATE POLICE SERVICES, EITHER BY A CITY POLICE FORCE OR BY AN OUTSIDE ~~PRIVATE~~ CONTRACTOR, SUBJECT TO THE RULES AND REGULATIONS PRESCRIBED BY THE CITY COMMISSION BY APPLICABLE ORDINANCES AND RESOLUTIONS.

#### **ARTICLE IX. ADVISORY BOARDS AND COMMITTEES**

THE CITY COMMISSION MAY AT ANY TIME APPOINT ADVISORY BOARDS OR COMMITTEES, COMPOSED OF CITIZENS QUALIFIED TO ACT IN AN ADVISORY CAPACITY TO THE CITY COMMISSION, THE MAYOR, OR TO

ANY DEPARTMENT OF THE CITY GOVERNMENT WITH RESPECT TO THE CONDUCT AND THE MANAGEMENT OF ANY PROPERTY OR INSTITUTION OR THE EXERCISE OF ANY PUBLIC FUNCTIONS OF THE CITY. THE MEMBERS OF SUCH BOARDS OR COMMITTEES SHALL SERVE WITHOUT COMPENSATION FOR THE TIME FIXED IN THEIR APPOINTMENT, OR AT THE PLEASURE OF THE CITY COMMISSION AND THEIR DUTIES SHALL BE TO CONSULT AND ADVISE THE MUNICIPAL OFFICERS AND MAKE WRITTEN RECOMMENDATIONS WHICH SHALL BECOME PART OF THE RECORDS OF THE CITY.

## **ARTICLE X: LICENSES**

THE CITY OF OAK HILL IS AUTHORIZED TO LEVY AND IMPOSE LICENSES AND TAXES BY ORDINANCE FOR THE PURPOSE OF REGULATING AND GENERATING REVENUES, UPON ALL OCCUPATIONS AND UPON ANY AND ALL PRIVILEGES AND TO CREATE AND FIX THE AMOUNTS TO BE PAID; TO PROVIDE FOR THE COLLECTION OF THE SAME, AND TO PROVIDE PENALTIES FOR FAILURE AND REFUSAL TO PAY SUCH LICENSED TAXES. ALL SUCH LICENSED TAXES, SO IMPOSED, SHALL CONSTITUTE A LEGAL INDEBTEDNESS TO THE CITY WHICH MAY BE RECOVERED IN ANY COURT OF COMPETENT JURISDICTION, AND NO PROPERTY OF SUCH DEBTOR SHALL BE EXEMPT FROM FORCED SALE, AFTER DUE PROCESS OF LAW TO RECOVER SUCH INDEBTEDNESS.

## **ARTICLE XI: ADMINISTRATIVE DEPARTMENTS**

### **SECTION 11.01 ESTABLISHMENT OF ADDITIONAL DEPARTMENTS**

THE COMMISSION MAY ESTABLISH SUCH OTHER DEPARTMENTS AS IT DETERMINES NECESSARY FOR THE EFFICIENT ADMINISTRATION AND OPERATION OF THE CITY; SUCH DEPARTMENTS, OFFICES OR AGENCIES SHALL BE ESTABLISHED BY ORDINANCE.

## **ARTICLE XII: ORDINANCES, RESOLUTIONS, AND MOTIONS**

### **SECTION 12.01 ORDINANCES AND RESOLUTIONS**

(A) THE CITY COMMISSION SHALL ACT ONLY BY ORDINANCE, RESOLUTION **OR** MOTION. EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER, THE PROCEDURES AND REQUIREMENTS OF GENERAL LAW FOR THE ENACTMENT OF ORDINANCES OR RESOLUTIONS SHALL GOVERN. IT IS THE PURPOSE OF THIS SECTION, HOWEVER, TO IMPLEMENT THE HOME-RULE POWERS OF GENERAL LAW WHICH PERMIT THIS CHARTER TO SPECIFY ADDITIONAL REQUIREMENTS FOR THE ENACTMENT OF ORDINANCES OR RESOLUTIONS AND TO DEFINE

PROCEDURES IN GREATER DETAIL BEYOND THE MINIMUM STANDARDS SET BY GENERAL LAW.

AS USED IN THIS CHARTER, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE FOLLOWING MEANING UNLESS SOME OTHER MEANING IS PLAINLY INDICATED:

- (1) "ORDINANCE" MEANS AN OFFICIAL LEGISLATIVE ACTION OF THE COMMISSION, WHICH ACTION IS A REGULATION OF A GENERAL AND PERMANENT NATURE AND ENFORCEABLE AS A LOCAL LAW.
- (2) "RESOLUTION" MEANS AN EXPRESSION OF THE COMMISSION CONCERNING MATTERS OF ADMINISTRATION, AN EXPRESSION OF A TEMPORARY CHARACTER, OR A PROVISION FOR THE DISPOSITION OF A PARTICULAR ITEM OF THE ADMINISTRATIVE BUSINESS OF THE CITY.

## **SECTION 12.02 ADOPTION OF ORDINANCES**

(A) AN ORDINANCE MAY BE INTRODUCED BY ANY MEMBER AT ANY REGULAR OR SPECIAL MEETING OF THE CITY COMMISSION. A PROPOSED ORDINANCE MAY BE READ BY TITLE, OR IN FULL, ON AT LEAST TWO SEPARATE CITY COMMISSION MEETING DAYS AND SHALL, AT LEAST TEN (10) DAYS PRIOR TO ADOPTION, BE NOTICED ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. THE NOTICE OF THE PROPOSED ENACTMENT SHALL STATE THE DATE, TIME, AND PLACE OF THE MEETING; THE TITLE OF THE PROPOSED ORDINANCE; AND THE PLACE OR PLACES WITHIN THE CITY WHERE THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC.

ALL ORDINANCES SHALL EMBRACE BUT ONE SUBJECT AND THE MATTER PROPERLY CONNECTED THEREWITH. THE SUBJECT SHALL BE CLEARLY STATED IN THE TITLE, BUT NO ORDINANCE SHALL BE HELD INVALID BECAUSE OF A DEFECTIVE TITLE. ANY PRIOR ORDINANCE THAT IS BEING AMENDED OR REPEALED SHALL BE REFLECTED IN THE TITLE.

(B) THE ENACTING CLAUSE OF ALL ORDINANCES SHALL BE: "BE (IT) ENACTED BY THE CITY COMMISSION OF THE CITY OF OAK HILL..." EVERY PROPOSED ORDINANCE SHALL BE INTRODUCED IN WRITING AND IN THE FORM REQUIRED FOR FINAL ADOPTION.

(C) IN ADDITION TO ACTS REQUIRED BY LAW OR BY SPECIFIC PROVISION OF THIS CHARTER TO BE DONE BY ORDINANCE, THE FOLLOWING ACTIONS OF THE COMMISSION SHALL BE BY ORDINANCE:

1. TO ADOPT OR AMEND AN ADMINISTRATIVE CODE OR ESTABLISH, ALTER, OR ABOLISH ANY CITY DEPARTMENT OR ADMINISTRATIVE ENTITY;
2. TO ESTABLISH A RULE OR REGULATION, THE VIOLATION OF WHICH CARRIES A PENALTY;
3. TO GRANT, RENEW, OR EXTEND A FRANCHISE;
4. TO SET SERVICE OR USER CHARGES FOR MUNICIPAL SERVICES OR GRANT ADMINISTRATIVE AUTHORITY FOR SUCH CHARGES;
5. TO AUTHORIZE THE BORROWING OF MONEY, CONSISTENT WITH THE LIMITATIONS IMPOSED BY THE CONSTITUTION AND GENERAL LAW OF FLORIDA;
6. TO CONVEY OR LEASE LAND OF THE CITY;
7. TO PROVIDE FOR THE APPROPRIATION OF FUNDS OR TO AMEND AN APPROPRIATION ALREADY MADE;
8. TO AMEND OR REPEAL AN ORDINANCE PREVIOUSLY ADOPTED, EXCEPT AS OTHERWISE PROVIDED HEREIN; OR
9. TO REDISTRIBUTE THE CITY OR TO MAKE ADJUSTMENTS IN THE BOUNDARIES OF EXISTING DISTRICTS TO REFLECT CHANGES IN POPULATION OF THE NUMBER OF REGISTERED VOTERS.

(D) TO MEET A PUBLIC EMERGENCY AFFECTING THE LIFE, HEALTH, PROPERTY OR THE PUBLIC PEACE AND SAFETY, THE CITY COMMISSION MAY ADOPT ONE OR MORE EMERGENCY ORDINANCES, BUT SUCH ORDINANCES MAY NOT LEVY TAXES; GRANT, RENEW, OR EXTEND A FRANCHISE; SET SERVICE OR USER CHARGES FOR ANY MUNICIPAL SERVICES; AUTHORIZE THE BORROWING OF MONEY EXCEPT AS AN EMERGENCY APPROPRIATION; OR ENACT OR AMEND A LAND USE PLAN OR REZONE PRIVATE REAL PROPERTY. AN EMERGENCY ORDINANCE SHALL BE INTRODUCED IN THE FORM AND MANNER PRESCRIBED FOR ORDINANCES GENERALLY, EXCEPT THAT IT SHALL BE PLAINLY DESIGNATED AS AN EMERGENCY ORDINANCE AND SHALL CONTAIN, AFTER THE ENACTING CLAUSE, A DECLARATION STATING THAT AN EMERGENCY EXISTS AND DESCRIBING IT IN CLEAR AND SPECIFIC TERMS. AN EMERGENCY ORDINANCE MAY BE ADOPTED WITH OR WITHOUT AMENDMENTS OR REJECTED AT THE MEETING AT WHICH IT IS INTRODUCED, BUT THE AFFIRMATIVE VOTE OF AT LEAST THREE(3) MEMBERS OF THE COMMISSION SHALL BE REQUIRED FOR ADOPTION. AFTER ITS ADOPTION, THE ORDINANCE SHALL BE PRINTED AND

PUBLISHED AS PRESCRIBED FOR OTHER ADOPTED ORDINANCES. IT SHALL BECOME EFFECTIVE UPON ENACTMENT BY THE COMMISSION OR AT SUCH TIME AS SPECIFIED IN THE ORDINANCE, AND SHALL EXPIRE AS PROVIDED THEREIN, BUT NO LATER THAN SIXTY (60) DAYS AFTER THE PASSAGE. THIS SHALL NOT PREVENT REENACTMENT OF THE ORDINANCE UNDER REGULAR OR EMERGENCY PROCEDURES, AS THE SITUATION MAY WARRANT.

(E) EXCEPT AS PROVIDED IN PARAGRAPH (D), A PROPOSED ORDINANCE SHALL BE ADVERTISED AND READ BY TITLE, OR IN FULL, IN ACCORDANCE WITH THE PROVISIONS SET FORTH WITHIN SECTION 166.041, FLORIDA STATUTES, AS MAY BE AMENDED. THE PROPOSED ORDINANCE SHALL, PRIOR TO ADOPTION, BE CERTIFIED BY THE CITY ATTORNEY AS MEETING THE REQUIREMENTS OF LAW AND FORM. THE COMMISSION, PRIOR TO TAKING FINAL ACTION, SHALL PROVIDE THE OPPORTUNITY FOR ALL PERSONS PRESENT TO BE HEARD ON THE PROPOSED ORDINANCE. NOTHING HEREIN CONTAINED SHALL LIMIT THE RIGHT OF THE COMMISSION TO AMEND SUCH PROPOSED ORDINANCE PRIOR TO ADOPTION, CONSISTENT WITH THE GENERAL LAW.

(F) ALL ORDINANCES PASSED BY THE CITY COMMISSION SHALL BECOME EFFECTIVE UPON FINAL ADOPTION, UNLESS OTHERWISE PROVIDED THEREIN, WITH THE STIPULATION THAT PRIOR TO BECOMING EFFECTIVE, THE ORDINANCE SHALL BE POSTED AT CITY HALL AND A CERTIFIED COPY SHALL BE DEPOSITED IN THE U.S. MAIL FOR FILING WITH THE STATE OF FLORIDA AS PROVIDED BY LAW.

### **SECTION 12.03 ADOPTIONS OF RESOLUTIONS**

EVERY PROPOSED RESOLUTION SHALL BE INTRODUCED IN WRITING AND IN THE FORM REQUIRED FOR FINAL ADOPTION. ALL RESOLUTIONS SHALL EMBRACE BUT ONE SUBJECT AND THE MATTER PROPERLY CONNECTED THEREWITH. THE SUBJECT SHALL BE CLEARLY STATED IN ITS TITLE, BUT NO RESOLUTION SHALL BE HELD INVALID BECAUSE OF A DEFECTIVE TITLE.

THE CLAUSE WHICH SHALL BE USED FOR ALL RESOLUTIONS APPROVED BY THE CITY COMMISSION SHALL BE:

IT IS HEREBY RESOLVED BY THE CITY OF OAK HILL...

A RESOLUTION MAY BE INTRODUCED BY ANY MEMBER AT ANY REGULAR OR SPECIAL MEETING OF THE CITY COMMISSION.

A RESOLUTION SHALL, UPON ITS PASSAGE, BE RECORDED IN A BOOK KEPT FOR THAT PURPOSE AND SHALL BE SIGNED BY THE CITY

COMMISSION AND THE CITY CLERK. A COPY OF THE RESOLUTION SHALL BE AVAILABLE IN THE CITY HALL.

**SECTION 12.04 AUTHENTICATION, CODIFICATION, AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.**

EVERY ORDINANCE OR RESOLUTION SHALL, UPON ITS FINAL PASSAGE, BE RECORDED IN A BOOK KEPT FOR THAT PURPOSE, AND SHALL BE AUTHENTICATED BY THE SIGNATURES OF THE MAYOR AND THE CITY CLERK. COPIES OF ORDINANCES AND RESOLUTIONS AFTER THEIR ENACTMENT SHALL BE AVAILABLE THROUGH THE OFFICE OF THE CITY CLERK FOR PURCHASE BY THE PUBLIC. THE CITY SHALL MAINTAIN AND PUBLISH A CODIFIED AND INDEXED COMPILATION OF ALL PERMANENT ORDINANCES AND MAY INCLUDE SUCH RESOLUTIONS WHICH HAVE A CONTINUING EFFECT. COPIES OF SUCH CODE SHALL BE MADE AVAILABLE FROM TIME TO TIME FOR PURCHASE.

**SECTION 12.05 MOTIONS**

ALL ACTIONS OF THE CITY COMMISSION WHICH ARE NOT REQUIRED TO BE BY ORDINANCE, AND WHICH ARE NOT TAKEN BY RESOLUTION, SHALL BE TAKEN BY MOTION.

**ARTICLE XIII: FINANCIAL PROCEDURES**

**SECTION 13.01 FISCAL YEAR**

THE FISCAL YEAR OF THE CITY SHALL BEGIN ON THE FIRST DAY OF OCTOBER AND END ON THE LAST DAY OF SEPTEMBER.

**SECTION 13.02 SUBMISSION OF BUDGET AND BUDGET PASSAGE**

ON OR BEFORE THE 15TH DAY OF JULY OF EACH YEAR, THE OFFICE OF CITY CLERK SHALL SUBMIT A BUDGET TO THE COMMISSION IN ACCORDANCE WITH STATE LAW. THE BUDGET SHALL OUTLINE THE FINANCIAL POLICIES OF THE CITY FOR THE ENSUING FISCAL YEAR; DESCRIBE THE IMPORTANT FEATURES OF THE BUDGET; INDICATE ANY MAJOR CHANGES FROM THE CURRENT YEAR IN FINANCIAL POLICY, INCLUDING ANY CHANGES IN BUDGETARY ACCOUNTING METHODS FROM THE CURRENT YEAR EXPENDITURES AND REVENUES TOGETHER WITH THE REASONS FOR SUCH CHANGES; SUMMARIZE THE CITY'S DEBT POSITION; AND INCLUDE SUCH OTHER MATERIAL AS THE OFFICE OF CITY CLERK DEEMS NECESSARY.

**SECTION 13.03 COMMISSION ACTIONS ON THE BUDGET**

THE COMMISSION SHALL ADOPT THE BUDGET BY RESOLUTION ON OR BEFORE THE 30TH DAY OF SEPTEMBER EACH YEAR.

#### **SECTION 13.04 PUBLIC RECORDS**

COPIES OF THE BUDGET AND THE CAPITAL PROGRAM AS ADOPTED SHALL BE PUBLIC RECORDS AND SHALL BE MADE AVAILABLE TO THE PUBLIC AT SUITABLE LOCATIONS IN THE CITY.

#### **SECTION 13.05 BUDGET AMENDMENTS**

(A) SUPPLEMENTAL APPROPRIATIONS: IF, DURING THE FISCAL YEAR, THE CITY CLERK CERTIFIES THAT THERE ARE AVAILABLE FOR APPROPRIATION REVENUES IN EXCESS OF THOSE ESTIMATED IN THE BUDGET, THE COMMISSION, BY RESOLUTION, MAY MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR UP TO THE AMOUNT OF SUCH EXCESS, SO LONG AS A FISCALLY RESPONSIBLE RESERVE IS MAINTAINED.

(B) EMERGENCY APPROPRIATIONS: TO MEET A PUBLIC EMERGENCY AFFECTING LIFE, HEALTH, PROPERTY, OR THE PUBLIC PEACE, THE COMMISSION, BY RESOLUTION, MAY MAKE EMERGENCY APPROPRIATIONS. TO THE EXTENT THAT THERE ARE NO UNAPPROPRIATED REVENUES TO MEET SUCH APPROPRIATIONS, THE COMMISSION MAY BY SUCH EMERGENCY RESOLUTION AUTHORIZE THE ISSUANCE OF EMERGENCY APPROPRIATIONS.

(C) REDUCTION OF APPROPRIATIONS: IF, DURING THE FISCAL YEAR, IT APPEARS PROBABLE TO THE CITY CLERK THAT THE REVENUES AVAILABLE WILL BE INSUFFICIENT TO MEET THE AMOUNT APPROPRIATED, THE CITY CLERK SHALL REPORT TO THE COMMISSION WITHOUT DELAY, INDICATING THE ESTIMATED AMOUNT OF THE DEFICIT, ANY REMEDIAL ACTION TAKEN, AND RECOMMENDATIONS AS TO ANY OTHER STEPS TO BE TAKEN. THE COMMISSION SHALL THEN TAKE SUCH FURTHER ACTION AS IT DEEMS NECESSARY TO PREVENT OR MINIMIZE ANY DEFICIT AND FOR THAT PURPOSE MAY, BY RESOLUTION, REDUCE ONE OR MORE APPROPRIATIONS.

(D) TRANSFER OF APPROPRIATIONS: AT ANY TIME DURING THE FISCAL YEAR, THE CITY COMMISSION MAY TRANSFER ANY UNENCUMBERED APPROPRIATIONS AMONG PROGRAMS WITHIN A DEPARTMENT, OFFICE OR AGENCY.

#### **ARTICLE XIV: INITIATIVE AND REFERENDUM**

## **SECTION 14.01 INITIATIVES AND REFERENDUM**

AT LEAST 25 PERCENT OF THE QUALIFIED ELECTORATE OF THE CITY SHALL HAVE THE POWER TO PETITION THE COMMISSION TO PROPOSE AN ORDINANCE OR TO REQUIRE RECONSIDERATION OF AN ADOPTED ORDINANCE, AND IF THE COMMISSION FAILS TO ADOPT SUCH ORDINANCE SO PROPOSED, OR TO REPEAL SUCH ADOPTED ORDINANCE, WITHOUT ANY CHANGE IN SUBSTANCE, THEN THE COMMISSION SHALL PLACE THE PROPOSED ORDINANCE, OR THE REPEAL OF THE ADOPTED ORDINANCE, ON THE BALLOT AT THE NEXT GENERAL ELECTION.

## **ARTICLE XV: CHARTER AMENDMENTS**

### **SECTION 15.01 INITIATIONS BY ORDINANCE**

THE COMMISSION MAY, BY ORDINANCE, PROPOSE AMENDMENTS TO ANY OR ALL OF THIS CHARTER TO BE SUBMITTED TO THE ELECTORS, AS PROVIDED BY GENERAL LAW.

### **SECTION 15.02 INITIATIONS BY PETITION**

THE ELECTORS OF THE CITY MAY PROPOSE AMENDMENTS TO THIS CHARTER BY PETITION TO BE SUBMITTED TO THE COMMISSION TO BE PLACED BEFORE THE ELECTORS, AS PROVIDED BY GENERAL LAW.

### **SECTION 15.03 CHARTER REVIEW**

THE CHARTER SHALL BE REVIEWED AT LEAST EVERY FIVE YEARS. A CHARTER REVIEW COMMITTEE CONSISTING OF AT LEAST FIVE MEMBERS SHALL BE APPOINTED BY THE COMMISSION AT LEAST SIX MONTHS BEFORE THE NEXT SCHEDULED ELECTION. THE CHARTER REVIEW COMMITTEE SHALL COMPLETE ITS WORK AND PRESENT ANY RECOMMENDATIONS FOR CHANGE NO LATER THAN SIXTY (60) DAYS BEFORE THE ELECTION.

THE COMMISSION SHALL HOLD A MINIMUM OF TWO PUBLIC HEARINGS ON THE PROPOSED CHANGES TO THE CHARTER PRIOR TO PLACING THE PROPOSED CHANGES ON THE SCHEDULED ELECTION BALLOT.

## **ARTICLE XVI: CHARTER ADOPTION AND SEVERABILITY**

### **SECTION 16.01 CHARTER ADOPTION**

THE REFERENDUM ELECTION CALLED FOR BY THIS ACT SHALL BE HELD ON **AUGUST 31, 2004** AT WHICH TIME THE FOLLOWING QUESTION SHALL BE PLACED UPON THE BALLOT:

“SHALL THE CITY OF OAK HILL CHARTER 1999 BE AMENDED BY ADOPTING THE PROPOSED AMENDMENTS TO THE CITY OF OAK HILL CHARTER 1999 WHICH PROPOSED AMENDMENTS ARE SET FORTH HEREIN IN **BOLD TYPE?**”

IN THE EVENT THIS QUESTION IS ANSWERED AFFIRMATIVELY BY A MAJORITY OF VOTERS CASTING BALLOTS IN THE REFERENDUM, THE AMENDMENTS OF THIS CHARTER SHALL TAKE EFFECT.

**SECTION 16.02 SEVERABILITY CLAUSE.**

SHOULD ANY ARTICLE, SECTION, SUB-SECTION, PROVISION, OR CLAUSE OF THIS CHARTER BE DECLARED BY ANY COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID FOR ANY REASON WHATSOEVER, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE CHARTER AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART JUDICIALLY DETERMINED TO BE INVALID.