

# Town Charter

## WHAT IS A TOWN CHARTER?

**Florida Statutes 166 (Municipalities)** A municipal charter (Town Charter) is the basic document that defines the organization, powers, functions and essential procedures of the town government. It is comparable to the Constitution of the United States or a state's constitution. The charter is, therefore, the most important legal document of any town. The original Town of Lake Hamilton Charter was granted by the Florida State Legislature in 1924.

Occasionally, a towns will seek to revise its charter. There are several reasons to do so, since the charter affects everything the town government does. It provides the basis for most municipal regulatory functions and for the delivery of municipal services. The process to amend the Town Charter is referenced in Florida Statute 166.031.

## CHARTER ADOPTED BY THE ELECTORS

Special Election 01/27/2015	Ordinance 2014-08, Dated - 10/17/2014	Change
<u>Effective Date 02/01/2015</u>		
General Election 04/07/2020	Ordinance O-19-10, Dated - 01/07/2020	Amended
<u>Effective Date 04/07/2020</u>		

## TOWN CHARTER

### i. Preamble

#### Art. I. Corporate Existence, Form of Government, Boundary, and Power.

- § 1.01. Corporate Existence, Form of Government, and Charter.
- § 1.02. Legal description and map of Corporate Boundary.
- § 1.03. General Powers of Town.

#### Art. II. Town Council.

*Introduction*

- § 2.01. General Powers, Duties and Composition of Town Government.
- § 2.02. Nomination and election of Mayor and Members of Council.
- § 2.03. Compensation of Officers.
- § 2.04. Mayor.
- § 2.05. General Powers of Town Council.
- § 2.06. Council-Employee Relationship.
- § 2.07. Vacancies, Filling of Vacancies.
- § 2.08. Town Council Meetings.

**Art. III. Charter Officers.**

- § 3.01. Designation.
- § 3.02. Appointment; removal
- § 3.03. Town Administrator - Powers and Duties.
- § 3.04. Town Clerk – Powers and Duties.
- § 3.05. Town Attorney - Powers and Duties.

**Art. IV. Elections.**

- § 4.01. Electors.
- § 4.02. Nonpartisan Elections.
- § 4.03. Qualifying.
- § 4.04. Form of Ballots.
- § 4.05. Schedule and Notice of Elections.
- § 4.06. Town Canvassing Board.
- § 4.07. Recall.

**Art. V. General Provisions.**

- § 5.01. Charter amendments.
- § 5.02. Oath of Officers.

§ 5.03. Budget Adoption.

**Art. VI. Transition Schedule.**

§ 6.01. Repeal of Former Charter Provisions.

§ 6.02. Ordinances Preserved.

§ 6.03. Continuation in Office.

§ 6.04. Pending Matters.

§ 6.05. Effective Date.

**App. A. Description of Corporate Boundary.**

**TOWN OF LAKE HAMILTON CHARTER**

**PREAMBLE:**

We the people of the town of Lake Hamilton, under the constitution and laws of the state of Florida, in order to secure the benefits of local self-government and to provide for an honest and accountable council-management government do hereby adopt this charter and confer upon the town the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

**ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER**

*Section 1.01. Corporate Existence, Form of Government, and Charter.*

The Town of Lake Hamilton in Polk County, Florida, which was created by the Florida Legislature on the 6th day of November, 1924, shall continue as a municipal corporation with a Council/Administrator form of government and with this document as the Charter of the Town.

*Section 1.02. Legal description and map of Corporate Boundary.*

The area described in Appendix A of this Charter shall constitute the present corporate boundary of the Town of Lake Hamilton. The map which constitutes Appendix B of the Charter depicts the present boundary of the Town of Lake Hamilton.

*Section 1.03. General Powers of Town.*

The Town shall have all governmental, corporate, and proprietary powers possible for a town to have under the constitution and laws of the state of Florida as fully and completely as though they were specifically enumerated in this Charter. This will enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or by this Charter.

## **ARTICLE II. TOWN COUNCIL**

### **Introduction.**

The town council, elected by, representative of, and responsible to the citizens of the town is the fundamental democratic element of the council / administrator plan.

#### *Section 2.01. General Powers, Duties and Composition of Town Government.*

All powers of the town shall be vested in the town council except as otherwise provided by law or this Charter. The government of the Town shall be vested in the following elective officers; a Mayor, whose term of office shall be three years; and, a Legislative Branch, the Town Council, consisting of four members, each Council Member having a term of three years. The Council seats will be numbered 1 through 4.

#### *Section 2.02. Nomination, Election, and Qualification of Mayor and Members of Council.*

The nomination, election, and qualification for the office of the Mayor and Members of the Town Council shall be as provided by Town Ordinance, but at minimum, each must be a registered voter (elector) in the town and must reside within the town boundary.

#### *Section 2.03. Compensation of Officers*

The town council may determine the amount of compensation to be paid all officers of the municipality; provided, however, that no member of the town council shall receive more than \$100.00 per month, and the mayor shall receive no more than \$125.00 per month. The mayor and members of the town council shall also receive their actual and necessary expenses incurred in the performance of their duties of office.

#### *Section 2.04. Mayor.*

(a) Duties. The Mayor shall be a voting member of the town Council and shall preside at council meetings, represents the town in intergovernmental relationships, appoints members of citizen advisory boards and commissions with the advice and consent of council, facilitates communication and understanding between elected and appointed officials, assists the council in setting goals and advocating policy decisions, and shall perform other duties specified by the council. The mayor shall be recognized as head of the town government for service of process, ceremonial matters, and execution of contracts, deeds, and other

documents. The Mayor shall have no administrative duties other than those necessary to accomplish these duties.

(b) Absences. The Vice-Mayor, who shall be selected the first meeting after the election, from Members of the Town Council by majority vote of the Council, shall act as Mayor during the absence or disability of the Mayor and if a vacancy occurs or exists in the office of Mayor a special election shall be called within 90 days of the vacancy.

In the temporary absence of the Mayor and Vice-Mayor, the remaining Council persons shall select a Mayor pro tempore.

In the event that there is neither a Mayor nor a Vice-Mayor sitting on the Council, then the Council shall select a Mayor from the remaining members of the council to serve in that capacity until the special election.

#### *Section 2.05. General Powers of Town Council.*

All powers of the Town shall be vested in the Town Council except those powers specifically given to the Charter Officers, i.e. the Town Administrator / Clerk and the Town Attorney, or which may be specifically reserved by this Charter to the electors of the Town.

#### *Section 2.06. Council- Employee Relationship.*

Neither the Town Council nor any of its members shall in any manner dictate the appointment or removal of any town employee except the Charter Officers, nor shall the Council or any of its members give orders to any employee other than Council orders to a Charter Officer. The Council or its members shall deal on all matters through the appropriate Charter Officer.

#### *Section 2.07. Vacancies, Filling of Vacancies.*

If a vacancy occurs for any reason on the membership of the Council, as long as the Council is not reduced to less than a quorum, the town council shall appoint a replacement to fill the seat until the next municipal election. If at any time the membership of the Council is reduced to less than a quorum, a special election must be held within ninety (90) days from the date which reduced the Council to less than a quorum. In the event that all seats on the council become vacant, the Governor of the state of Florida shall appoint an interim Council which shall serve until the next regular election.

#### *Section 2.08. Town Council Meetings.*

(a) Time and place. The Council shall meet regularly at least once a month at such times and places as the Council may prescribe by rule. Special meetings may be held at the call of the Mayor or at the request of a majority of the Council members; and, whenever practicable, shall provide for not less than twenty-four (24) hours' notice to each member and the public. The first

meeting of each newly elected Council for induction into office shall be held at the first meeting following the election.

(b) Quorum. A majority of the Council shall constitute a quorum. No action of the Council, except as provided in Section 2.07, shall be valid unless adopted by the affirmative vote of a majority of the council members who are present. Emergency ordinances shall not be valid unless adopted by the affirmative vote of two-thirds (2/3) of the council members who are present.

(c) Voting. Voting on ordinances and resolutions shall be by roll call and shall be recorded by the Town Administrator in the minutes.

(d) Rules. The Council shall determine its own rules and order of business.

### **ARTICLE III. CHARTER OFFICERS**

#### *Section 3.01. Designation.*

The Town Administrator, Town Clerk and the Town Attorney are designated Charter Officers.

#### *Section 3.02. Appointment; removal.*

The Charter Officers shall be appointed by the Council and shall serve at the pleasure of the Council.

#### *Section 3.03. Town Administrator - Powers and Duties*

The town administrator when necessary shall appoint, suspend, demote, or dismiss any town employee under his/her jurisdiction in accordance with law and applicable personnel rules, and may authorize any department head to exercise these powers with respect to subordinates in that department. The town administrator shall direct and supervise the administration of all departments of the town and shall attend all council meetings unless excused by council and shall have the right to take part in discussions and make recommendations to the council, but not vote. He/she shall see that all laws, charter provisions, ordinances, resolutions, and other acts of the council subject to enforcement by him/her are faithfully executed. The town administrator shall also prepare and submit the annual budget, budget message, and capital program to the council, and shall keep the council fully advised as to the financial condition and future needs of the town, and shall make such recommendations to the council concerning the affairs of the town as the administrator/clerk deems desirable. The town administrator shall designate a qualified town employee to exercise the powers and perform the duties of town administrator during any temporary absence or disability of the town administrator. The council may revoke such designation at any time and appoint another eligible person, other than a currently sitting councilperson, to serve as acting town administrator.

### *Section 3.04 Town Clerk – Powers and Duties*

There Shall be a Town Clerk who shall be appointed by and serve at the pleasure of the town council. The town clerk's salary shall be set by the council. The town clerk shall be an officer and employee of the town and shall be under the supervision of the town council. The Council shall have the exclusive authority to suspend or remove the Town Clerk except the Town Administrator shall have the authority to temporarily suspend the Town Clerk with pay for a reasonable period of time, not to exceed sixty (60) days to allow the Council an opportunity to consider matters which constitute the basis of suspension at the next regularly scheduled Town Council meeting. The town clerk shall give notice of town council meetings to the council and the public, attend all meetings of the town council, and keep the journal of all such proceedings. The town clerk and the town administrator shall certify the correctness of such journal by signature upon council approval. The town clerk shall also be the custodian of the seal of the town, and of all records and papers of a general character pertaining to the affairs of the town. The clerk shall have power to administer oaths and to certify, under seal of the city, true copies of all minutes, journal entries and other records of the town. The town clerk shall give notice of all Town meetings to the Council persons and the public as required by law and shall attend all such meetings in person or by designee and shall keep minutes of the proceedings. The town clerk shall authenticate by signature and be the custodian of this Charter, all ordinances, resolutions, and other Town documents and shall perform such other duties as required by law or by the Town Council. The town clerk shall be the supervisor of elections for the Town. In addition to the powers and duties especially imposed under this charter, the clerk shall perform such other duties as may be required by the general laws of the State of Florida, or by direction of the town council not inconsistent with the charter or with any ordinance or resolution passed by the council. The council shall have the authority to appoint an employee to serve as deputy town clerk to serve in the absence of the town clerk. The town council, in its discretion, may hire one person to perform the duties of both town administrator and town clerk.

### *Section 3.05. Town Attorney - Powers and Duties.*

The Town Attorney shall be appointed by a majority vote of the Council and serve at the pleasure of the Council. The Town Attorney shall be a member of the Florida Bar and shall be the legal advisor to the Town of Lake Hamilton. The Town Attorney shall attend all Town Council meetings and perform such professional duties as may be required of him/her by law or by the Council.

## **ARTICLE IV. ELECTIONS.**

### *Section 4.01. Electors.*

Any person who is a resident of the Town, who has qualified as an elector of this State, and who registers in the manner prescribed by law, shall be an elector of the Town.

#### *Section 4.02. Nonpartisan Elections.*

All elections for the Office of Town Mayor and for Town Councilperson shall be conducted on a nonpartisan basis without any designation of political party affiliation.

#### *Section 4.03. Qualifying.*

Candidates for Office of Mayor and of Town Councilperson shall qualify by filing a written notice of candidacy with the Town Clerk at such time and in such manner as may be prescribed by ordinance.

#### *Section 4.04. Form of Ballots.*

The Town Council shall prescribe the form of the ballot by ordinance, including the method of listing candidates for Town Council election. A Charter or ordinance amendment to be voted on by the electors of the Town shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. Below the ballot title shall appear the following question: “Shall the above amendment be adopted?” Immediately below such question shall appear in the following order, the words “Yes for Approval” and also the words “No for Rejection” with a sufficient blank space thereafter for the placing of the symbol “X” to indicate the voter’s choice, if voting machines are not used.

#### *Section 4.05. Schedule and Notice of Elections.*

(a) Regular. The regular election of Councilpersons shall be held each year on the dates specified in the Town Ordinances. Election of Council persons for a term of three (3) years shall be conducted so that Seats 2 and 4 shall be elected starting in 2016 and Seats 1 and 3 shall be elected starting in 2017 and continuing in that order until their successors are elected and take office. The election of the Mayor for a term of three (3) years shall be conducted beginning in 2015 and every three years thereafter. At all elections the candidates receiving the greatest number of votes corresponding to the number of the seat voted upon shall be elected to the Town Council. If there is a tie vote for winner of a seat, the Town Council shall make provision at its next meeting for a special runoff election between the candidates receiving the tie vote to be held within thirty (30) days.

(b) Special. Special municipal elections shall be held in the same manner as the regular annual election except that the Town Council shall fix the time of holding such special elections based in this Charter.

(d) Public notice. All elections held pursuant to this Charter shall have at least thirty (30) days’ notice of election or referendum by publication in a local newspaper. The publication shall be



made at least twice, once in the first week and once in the third week prior to the week in which the election or referendum is to be held.

#### *Section 4.06 Town Canvassing Board.*

The Town Canvassing Board shall be composed of two Members of the Town Council and the Town Clerk. At the close of the polls of any Town election, or as soon thereafter as practicable, the Board shall meet at a place and time designated by the Town Clerk and shall proceed to publicly canvass the absentee electors' ballots and then publicly canvass the vote as shown by the number of returns picked up at the Office of the Supervisor of Elections. The Board shall prepare and sign a certificate containing the total number of votes cast for each person or other measure voted on. The certificate shall be placed on file with the Town Clerk.

#### *Section 4.07. Recall.*

Any member of the Town Council may be removed from office by the electors of the Town following the procedures for recall established by general law.

### **ARTICLE V. GENERAL PROVISIONS**

#### *Section 5.01. Charter amendments.*

This Charter may be amended in accordance with the provisions for Charter Amendments as specified in the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, or its successor. The form, content, and certification of any petition to amend shall be established by ordinance.

#### *Section 5.02. Oath of Officers.*

After election or appointment and before taking office the Mayor and each Councilperson shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, honor, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State and under the Charter of the Town of Lake Hamilton; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter, so help me God."

#### *Section 5.03. Budget Adoption.*

The Council shall adopt an annual budget for the Town in a timely manner to meet the Polk County deadlines to determine the Ad Valorem Taxes and Non-Ad Valorem Assessments. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified as expenditures from the funds indicated and shall constitute a levy of the property tax

proposed.

## **ARTICLE VI. TRANSITION SCHEDULE**

### *Section 6.01. Repeal of Former Charter Provisions.*

All Charter provisions in effect prior to the effective date of this Charter are repealed except those provisions which established the municipal corporation known as the Town of Lake Hamilton, Florida.

### *Section 6.02. Ordinances Preserved.*

All ordinances in force on the effective date of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or amended.

### *Section 6.03. Continuation in Office.*

All persons holding elective office under the present municipality of Lake Hamilton shall continue to hold their respective offices and shall be officers of the Town of Lake Hamilton hereinafter created until their successors are elected and qualified under the provisions of this Charter.

### *Section 6.04. Pending Matters.*

No rights, claims, actions, contracts, or legal or administrative proceedings existing on the effective date of this Charter and involving the Town shall be affected by the adoption of this Charter.

### *Section 6.05. Effective Date.*

This Charter shall become effective immediately on becoming law.

## **(APPENDIX A) TO THE CHARTER OF THE TOWN OF LAKE HAMILTON, FLORIDA**

All of Sections 16-17, the south half of Section 8, less and except U.S. Government Lots 26 to 33, inclusive, the south half, the southwest quarter of the northeast quarter, and the west one-half of the southeast quarter of the northeast quarter of Section 9, the west 381.60 feet of the south half of the northwest quarter of the southwest quarter of Section 10, less and except the north 60 feet, the north half of Section 20, and the north half of Section 21; and that part of the north 300.00 feet of the south 600.00 feet of U.S. Parcel F of Magnolia shores as recorded in Plat Book 46, Pages 20 and 21 of the Public Records of Polk County, Florida, lying in Section 19, Township 28 South, Range 27 East; and that part of Government Lot 40 in Section 8, Township 28 South, Range 27 East, Polk County, Florida lying west of U.S. Highway 27; and the south 300 feet of U.S. Government Lots 3 and 40 in Section 8, Township 28 South, Range 27 East, Polk

County, Florida lying west of U.S. Highway 27 right-of-way, together with that part of the south 300 feet of said section 8 lying between the westerly boundary of Lot 40 and the easterly water's edge of Lake Hamilton, Florida; all lying and being in Township 28 South, Range 27 East, Polk County, Florida.

**(APPENDIX B) TO THE CHARTER OF THE TOWN OF LAKE HAMILTON, FLORIDA**

**BOUNDARY MAP**

