

PART I - CHARTER¹¹

Footnotes:

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Editor's note— Printed herein is the city Charter, which Charter was proposed by Ord. No. 363, adopted May 5, 1978, and ratified and approved by the electors at the election of June 6, 1978. Subsequent amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings and catchlines has been used. Any additions made for clarity are indicated by brackets.

ARTICLE I. - INCORPORATION AND FORM OF GOVERNMENT

Sec. 1.01. - Purpose.

We, the people of the City of Temple Terrace, desiring to avail ourselves of the right to establish a home rule charter form of government, do ordain and establish, in accordance with the Constitution and Laws of Florida, a Council-City manager structure of government for the City of Temple Terrace.

Sec. 1.02. - Body corporate.

The residents of the City of Temple Terrace, as its limits now or as the same may be established hereafter, shall continue to be a body politic and corporate under the name of the City of Temple Terrace, and, as such, shall have perpetual succession.

Sec. 1.03. - Powers.

The City shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services; and it may exercise any power for municipal purposes, except when expressly prohibited by law. All extraterritorial powers and jurisdiction, powers of taxation, and powers to impose and enforce liens, which the City now has, are preserved and shall remain in full force and effect. The powers of the City shall be liberally construed in favor of the City.

Sec. 1.04. - Separation of powers.

There shall be a distinct separation of legislative and administrative powers. Except as otherwise herein expressly provided, all legislative powers shall be vested in and exercised by the City Council and all administrative powers shall be vested in and exercised by the City Manager.

ARTICLE II. - LEGISLATIVE

Sec. 2.01. - Qualifications.

The City Council shall be ~~composed of five members comprised of an elected Mayor and four Council Members~~, elected from the City at large. For ~~one (1) year two (2) years immediately~~ prior to the date of the election, members of Council shall have been residents of, and domiciled in, the City or the areas annexed

to the City, or a combination thereof, and shall remain residents of the City during their tenure of office. The compensation of members of Council shall be fixed by ordinance.

The Council Members shall adopt such by-laws, regulations and rules of procedure, for their own guidance and government, as they may deem expedient.

(Ord. No. 702, ratified 11-7-1989)

Sec. 2.02. - Elections.

The regular election of the City Council shall be held on the first Tuesday after the first Monday in November of every even-numbered year. The candidates for City Council receiving the highest number of votes shall be elected to fill the existing vacancies for four-year terms. Newly elected members of City Council shall be sworn in and take office on the second regularly scheduled City Council meeting after certification of election results.

Council Members shall serve no more than two (2) consecutive four (4) year terms and may not hold same office for a period of two years. and shall not seek reelection for a period of two years.

(Ord. No. 576, ratified 6-3-1986; Ord. No. 700, ratified 11-7-1989; Ord. No. 960, ratified 11-3-1998; Ord. No. 1169, ratified 11-7-2006)

Sec. 2.03. - Run-off election.

A run-off election shall be held, if necessary, twenty-eight (28) days following the regular election date.

(Ord. No. 1169, ratified 11-7-2006)

Sec. 2.04. - Interim vacancies.

~~The An~~ office of City Council shall become vacant upon the death, resignation, or removal from office of any member of City Council in any manner authorized by law. Within thirty (30) days after any vacancy in City Council, the Mayor shall appoint a five-member citizen committee. The citizen committee shall be comprised of registered electors, each of whom must be qualified to hold the office of City Council. Within thirty (30) days of such appointment, the citizen committee shall present a slate of two (2) candidates to City Council. At the next scheduled regular meeting of the City Council, the members of the City Council shall consider and select, by using written secret ballots, one of the two candidates presented to it. The candidate shall be selected by majority vote of the City Council, and shall fill the vacancy for a period of one hundred eighty (180) days, or until the next scheduled election for City Council, whichever occurs first, to complete the unexpired term. If no election for City Council is scheduled to be held within one hundred eighty (180) days, then a special election will be held to fill the vacancy and complete the unexpired term.

Time spent serving in an interim capacity shall not be considered with respect to the term limitation set forth in Section 2.02 of this Charter if the Council Member selected by the procedure set forth in this Section decides to run for the office; that Council Member will be eligible to serve two consecutive four-year terms, if elected.

If a member of City Council resigns from his/her office to run for another office, the resignation shall be effective in accordance with the Florida Statutes.

(Ord. No. 1116, ratified 8-31-2004; Ord. No. 1169, ratified 11-7-2006)

Sec. 2.05. - Ordinances and resolutions.

Each ordinance or resolution, except those making appropriations, shall be introduced in writing and shall embrace but one subject, and the matters properly connected therewith. The subject shall be clearly stated in the title. Ordinances or resolutions making appropriations shall be confined to the subject of appropriations.

Sec. 2.06. - Publication.

For every proposed ordinance, except an emergency ordinance or one which rezones private real property, a notice of proposed enactment shall be published, at least ten (10) days prior to adoption, in a newspaper of general circulation in the City. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of the proposed ordinance, and the place or places where the proposed ordinance may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The procedure for rezoning private real property shall be as provided by law.

Sec. 2.07. - Reading.

A proposed ordinance, except an emergency ordinance, shall be read by title only on two (2) separate days; provided, that upon demand made by two (2) Council Members, the final reading shall be in full. An emergency ordinance may be passed after reading by title only at one Council meeting.

Sec. 2.08. - Action.

The Council shall act by ordinance, resolution or motion. ~~Four (4) Three (3) members shall constitute a quorum, except during an emergency session, then three (3) Council Members shall constitute a quorum.~~ An ordinance, resolution or motion shall be enacted upon the affirmative vote of three (3) Council Members; provided, however, upon a finding and declaration of emergency by Council, an emergency ordinance shall be enacted upon the affirmative vote of ~~four (4) three (3)~~ Council Members. Upon passage of any ordinance, the vote of each Council Member shall be entered upon the minutes. ~~Except in an emergency session, the Mayor may be counted to establish a quorum, but the Mayor shall have no vote unless otherwise provided by this Charter.~~

(Ord. No. 701, ratified 11-7-1989)

~~Sec. 2.09. - Veto.~~

~~Before going into effect, all ordinances passed by the Council shall be submitted to the Mayor or, in his absence, to the Vice-Mayor. If approved, the Mayor shall sign the ordinance, whereupon it shall become law. If disapproved, the Mayor shall return it to the City Council with written objections. At the next regular Council meeting, the objections shall be entered in full upon the record and the Council shall consider the Mayor's objections. If, upon consideration, the City Council shall pass the ordinance by affirmative vote of four (4) Council Members, the ordinance or ordinances shall then become law, the Mayor's objections to the contrary notwithstanding. Any ordinance which shall not be returned to the Council at the next regular meeting of the Council after its passage shall become a law as if signed by the Mayor.~~

Sec. 2.09 - Adoption.

Before going into effect, all ordinances passed by the Council shall be submitted to the Mayor, or in his absence, to the Vice-Mayor, who shall sign the ordinance, whereupon it shall become law.

Sec. 2.10. - Effective.

All ordinances shall become effective immediately upon becoming law, unless otherwise provided therein, and all resolutions shall become effective immediately after passage or as provided therein.

Sec. 2.11. - Adoption by reference.

The City Council, by ordinance, may provide procedures for the adoption by reference of any codification of ordinances, technical codes and similar publications; provided, that such procedures afford reasonable notice and opportunity to the public to inspect and to be heard thereon prior to the final adoption thereof.

Sec. 2.12. - Recording and authentication.

Every ordinance, upon becoming a law, shall be ~~maintained recorded in a book kept~~ by the City Clerk for that purpose, and shall be authenticated by the signature of the City Clerk.

Sec. 2.13. - Investigations.

In the exercise of its legislative powers, the Council, or any special committee thereof, shall have the power to conduct such investigations and hold such hearings as the Council may deem necessary, expedient and proper, and shall have the power to compel the attendance of witnesses and production of evidence, by the issuance of all forms of subpoena; and shall have the power to punish for contempt, by fine not exceeding one hundred dollars (\$100.00); and each day any such contempt shall continue shall be deemed a separate offense.

Sec. 2.14. - Appointive and fiscal powers.

All powers of the City shall be vested in the Council, including but not limited to, the following:

- (1) Appoint and remove the City Manager, City Clerk and City Attorney;
- (2) Upon the recommendation of the City Manager, to establish by ordinance all administrative departments necessary or expedient for promoting or maintaining the general welfare of the municipality or its residents;
- (3) Adopt the annual operating and capital improvements budgets;
- (4) Authorize the issuance of bonds and certificates of indebtedness in accordance with the Constitution and the Laws of the State of Florida;
- (5) Inquire into the conduct of any office or department of the City and make investigation as to municipal affairs;
- (6) Appoint and define duties of boards or committees other than those enumerated in this charter, when deemed necessary or expedient;
- (7) Grant franchises for public utilities by ordinance, including public transportation, taxis and buses;
- (8) Provide for an annual independent certified audit, as required by law.

(Ord. No. 1169, ratified 11-7-2006)

ARTICLE III. - MAYOR

Sec. 3.01. - Qualifications.

Only electors who are qualified to be candidates for City Council shall be qualified to hold office as Mayor. The Mayor shall hold no other public office during his or her tenure.

(Ord. No. 506, ratified 6-5-1984; Ord. No. 576, ratified 6-3-1986; Ord. No. 959, ratified 11-3-1998; Ord. No. 1169, ratified 11-7-2006)

Sec. 3.02. - Election.

The regular election for Mayor shall be held on the first Tuesday after the first Monday in November of every other even-numbered year. The candidate for Mayor receiving the highest number of votes cast for Mayor shall be elected and shall hold office for a four (4) year term or until a successor is duly elected and the election is certified. The Mayor shall serve no more than two (2) consecutive four (4) year terms. The newly elected Mayor shall be sworn in and take office on the second regularly scheduled City Council meeting after certification of election results.

A run-off election, if necessary, shall be held twenty-eight (28) days following the original election date.

(Ord. No. 506, ratified 6-5-1984; Ord. No. 1169, ratified 11-7-2006)

Sec. 3.03. - Duties and Powers.

The Mayor shall preside at meetings of the City Council; he or she shall be recognized as head of City government for ceremonial purposes, and by the Governor for purposes of martial law. ~~however, he shall have no regularly assigned duties. Except to break any tie vote by the City Council, the Mayor shall have no vote. A Vice-Mayor, who shall act as Mayor and assume those duties during the Mayor's absence or disability, shall be elected by the City Council in a manner determined in the City Council Rules of Order and Procedure. The Vice-Mayor shall be counted in the determination of a quorum of Council Members and shall discharge the duties of a Council Member, including voting.~~ The Mayor shall be counted for determining a quorum, have a voice and a vote in the proceedings of the City Council, but shall have no veto power. He or she may use the title of Mayor in any case which the execution of written legal instruments or other necessity arise when the general laws of the state so require, but this shall not be considered as conferring upon the Mayor the administrative or judicial functions of a Mayor under the general laws of the State except such administrative functions as are not consistent with this Charter when directed by the City Council.

Section 3.04 – Vice-Mayor.

A Vice-Mayor, who shall act as Mayor and assume those duties during the Mayor's absence or disability, shall be elected by the City Council in a manner consistent with the City Council Rules of Order and Procedure.

~~(Ord. No. 506, ratified 6-5-1984; Ord. No. 1169, ratified 11-7-2006)~~

Sec. 3.054. - Compensation.

The annual compensation and expense account of the Mayor shall be prescribed by ordinance. Such compensation shall not be increased nor approved during the term of office for which the Mayor shall have been elected.

(Ord. No. 506, ratified 6-5-1984; Ord. No. 1169, ratified 11-7-2006)

Sec. 3.065. - Interim Vacancy.

The office of Mayor shall become vacant upon the Mayor's death, resignation or removal of office in any manner authorized by law. A vacancy in the office of Mayor shall require a special election, unless an election for Mayor is to occur within one hundred eighty (180) days. If an election for Mayor is to occur within one-hundred eighty (180) days after the vacancy, the Mayor shall be elected at said election.

If the Mayor resigns his or her office to run for another office, the resignation shall be effective in accordance with the Florida Statutes.

(Ord. No. 506, ratified 6-5-1984; Ord. No. 1169, ratified 11-7-2006)

ARTICLE IV. - CITY MANAGER

Sec. 4.01. - Office created.

The administrative director of the City shall be the City Manager, who shall execute the laws and administer the government of the City and shall be the chief executive officer and head of the administrative branch of the City government. The City Manager shall be responsible to the City, and to that end, shall have the rights, powers and duties provided by ordinance.

Sec. 4.02. - Appointment.

The City Manager shall be chosen by the Council, solely on the basis of executive and administrative qualifications, with special reference to actual experience or knowledge of the duties of the office of City Manager. At the time of appointment, the City Manager need not be a resident of the City or state, but within six (6) months after becoming City Manager, he shall become a resident of the City, unless otherwise provided by ordinance.

ARTICLE V. - CONTRACTS AND BIDDING

Sec. 5.01. - Contracts—Form and execution.

Every contract made by the City involving the non-budgeted expenditure of more than one thousand dollars (\$1,000.00) shall be in writing, approved by the Council, signed by the Mayor or City Manager, and attested by the City Clerk with the official City seal affixed thereto; otherwise, any such instrument shall be void.

Sec. 5.02. - [Same—]Verbal.

No promise or representation of any kind or character whatsoever, by any officer or employee of the City, shall be binding upon, or enforceable against nor create an estoppel, an implied contract, or any liability against or upon, the part of the City unless ratified by or embodied in:

- (1) A contract made, approved, and executed as above provided; or
- (2) In a permit, license, approval, consent, or other instrument issued pursuant to, and in accordance with, an ordinance of a general and permanent nature.

Sec. 5.03. - [Same—]Void.

Any contract in violation of, or conflict with, this charter or any ordinance of the City shall be void.

Sec. 5.04. - Central purchasing and competitive bidding.

The City Manager, or his designee, shall serve as central purchasing agent for the City. A central purchasing program for the acquisition of City supplies, materials, equipment, and the establishment of a competitive bidding process shall be provided by ordinance.

(Ord. No. 699, ratified 11-7-1989)

ARTICLE VI. - FINANCIAL PROCEDURES

Sec. 6.01. - Fiscal year.

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

Sec. 6.02. - Submission of budget.

No less than forty-five (45) days before the expiration of each fiscal year, the City Manager shall present to the City Council a budget for the ensuing fiscal year. The form and content of said budget shall be as provided by ~~ordinance~~ resolution.

Sec. 6.03. - Council action on budget.

On receipt of the budget, a public hearing shall be called and held by the Council after having been advertised as required by State Law. If the budget is not adopted by the City Council before the first day of any fiscal year, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year, on a month-to-month basis, until such time as the City Council adopts a budget for the ensuing fiscal year. The budget shall be adopted in the form of an ~~ordinance~~ resolution and shall constitute an appropriation of the amount specified therein as expenditures of the funds indicated. No money shall be disbursed from the City treasury, except pursuant to appropriations made by the City Council.

(Ord. No. 1169, ratified 11-7-2006)

Sec. 6.04. - Amendments after adoption.

The City Council is authorized to make such changes in said budget as it deems necessary for the proper and economical operation of the municipal government. If, at any time during the fiscal year, the City Manager recommends the reappropriation of funds not needed for the purpose for which they were appropriated, or the appropriation of any unappropriated cash surplus, the City Council may appropriate such funds to any municipal purpose.

ARTICLE VII. - MISCELLANEOUS

Sec. 7.01. - Elections.

All elections shall be conducted as provided by law and in accordance with ~~Chapter 7~~ Chapter 2, Temple Terrace Code of Ordinances.

(Ord. No. 1169, ratified 11-7-2006)

Sec. 7.02. - Discrimination prohibited.

Neither the City, nor any of its officers or employees, shall, by legislation, engage in any practice or enter into any contract which will result in discrimination against any person or group of persons because of race, religion or national origin.

Sec. 7.03. - Standards of conduct.

The public officials and employees of the City of Temple Terrace are governed by the Florida Code of Ethics (Section 112.311, Florida Statutes, as amended [F.S. § 112.311]) and by those additional standards of conduct that are or may be adopted by the City Council.

Sec. 7.04. - Facsimile or Electronic signatures.

Except with regard to the passage of ordinances, the City Council may authorize the use of facsimile or electronic signatures by such persons and under such conditions as may be prescribed by ordinances.

Sec. 7.05. - Reemployment.

No elected official of the City shall hold compensated, appointed City office or employment until one year after the expiration of his term of office.

Sec. 7.06. - Initiative and referendum.

With the exception of emergency ordinances, or ordinances and resolutions relating to the budget, capital improvements, appropriations of money, levy of taxes or salaries of City officers or employees, the registered electors of the City shall have power to propose ordinances to the Council or to require reconsideration of any adopted ordinances, by petition signed by registered electors equal in number to not less than ten (10) percent of the registered electors registered to vote at the last election for Mayor or City Council. The form of such petition shall be as provided for under the provisions relating to recall of elected officers Section 100.361(2), Florida Statutes. If the Council fails to adopt an ordinance so proposed or to repeal the ordinance so reconsidered, the ordinance shall be approved or rejected at the next election for Mayor or City Council, if time permits, or at a special election scheduled for this purpose.

(Ord. No. 1169, ratified 11-7-2006)

Sec. 7.07. - Recall.

The recall of elected officers shall be governed by Section 100.361, Florida Statutes, as amended [F.S. § 100.361].

Sec. 7.08. - Oath.

Each elected or appointed officer of the City, before entering upon the discharge of the officer's duties, shall swear and subscribe to, before a person authorized to administer oaths, an oath that the officer is entitled to hold, and will faithfully perform the duties of the office and will support, uphold, and defend the Charter and ordinances of the City of Temple Terrace, the Constitution and laws of Florida, and the Constitution and laws of the United States of America.

Sec. 7.09. - Boards.

The City Council shall appoint boards and members thereto, as it deems desirable. The terms, duties and responsibilities of the members of all boards shall be determined by ordinance.

(Ord. No. 1169, ratified 11-7-2006)

Sec. 7.10. - Severability and retention clause.

If any part of this Charter is for any reason held or declared by any court of competent jurisdiction to be unconstitutional, invalid or void, such holding or declaration shall not be construed to affect the portions of this Charter not so held or declared, or to affect the application of this Charter to other circumstances not so held or declared.

Sec. 7.11. - Officers, employees and agents.

The adoption of this Charter, except as otherwise specifically provided, shall not affect or impair the rights, privileges or immunities of persons who are City officers, employees or agents at the time of the adoption of this Charter.

Sec. 7.12. - Ordinances preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent herewith, shall remain in full force and effect until amended or repealed.

Sec. 7.13. - Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue and remain in full force and effect, except as modified pursuant to the provisions of this Charter. All rights, title and interest in property, real or personal, uncollected taxes due, claims, judgments, decrees, liens, suits, actions and choses in action, held or owned by the existing municipality, shall pass to, and the same are hereby vested in, the municipality continued under this Revised Charter.

Sec. 7.14. - Obligations of contracts preserved.

No debt or obligation of contract of the City shall be impaired as a result of the adoption of this Charter, but all such debts and obligations shall pass to, and be binding upon, the municipality which is hereby organized and continued.

Sec. 7.15. - Existing rights, obligations, duties and relationships.

All rights, obligations, duties and relationships now existing by law or agreement between the City and other governmental units shall be unaffected and shall remain in full force and effect.

Sec. 7.16. - Transitional provisions; former Charter.

All provisions of Special Laws of Florida of which the former Charter, hereby supplanted, is comprised, and which are not embodied herein specifically or by reference, and which are not inconsistent with this Charter, shall become ordinances of the City subject to amendment or repeal in the same manner as other ordinances of the City.

Sec. 7.17

A Charter Review process shall be conducted at least every ten years.

CHARTER COMPARATIVE TABLE

This table shows the location of amendments to the Charter. The Charter is derived from Ordinance No. 363, adopted May 5, 1978, and ratified and approved by the electors at the election of June 6, 1978.

Ordinance Number	Ratification Date	Section	Section this Charter
363	6- 6-1978		Char. (note)
506	6- 5-1984		3.01
			3.02

			3.03
			3.04
			3.05
576	6- 3-1986		2.02
			3.01
699	11- 7-1989		5.04
700	11- 7-1989		2.02
701	11- 7-1989		2.08
702	11- 7-1989		2.01
959	11- 3-1998		3.01
960	11- 3-1998		2.02
1116	8-31-2004		2.04
1169	11- 7-2006		2.02
			2.03
			2.04
			2.14
			3.01
			3.02
			3.03
			3.04

			3.05
			6.03
			7.01
			7.06
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