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High Springs, Florida 32643



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SPECIAL CITY COMMISSION MEETING AGENDA

JANUARY 4, 2024

6:30 PM

**MAYOR KATHERINE WEITZ
VICE MAYOR TRISTAN GRUNDER
COMMISSIONER ANDREW MILLER
COMMISSIONER BYRAN WILLIAMS**

- (A) CALL TO ORDER AND ROLL CALL**
- (B) INVOCATION AND PLEDGE OF ALLEGIANCE**
- (C) APPROVAL OF AGENDA:**
- (D) BUSINESS ITEM**
 - 1. DISCUSS, CONSIDER, AND ACT ON THE PROCESS MOVING FORWARD WITH THE CURRENT VACANT COMMISSION SEAT.**
- (E) MOTION TO ADJOURN.**

PLEASE NOTE: PURSUANT TO SECTION 286.015, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED DURING THIS MEETING HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT, A PERSON TH DISABILITIES NEEDING ANY SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THE CITY COMMISSION MEETINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK, 23718 W US HWY 27, HIGH SPRINGS, FLORIDA 32643, TELEPHONE (386) 454-1416.



Commission Agenda Item Request Form

MEETING DATE: January 4, 2024 Special Meeting

SUBJECT: Discuss, Consider and Act on the process moving forward with the current vacant Commission Seat.

AGENDA SECTION: Business Item

DEPARTMENT: Commission

PREPARED BY: City Clerk

RECOMMENDED ACTION: Decide if the Commission will make an appointment to the vacant Commission seat while awaiting the Special Election for the Vacant Commission Seat.

Summary

On December 30, 2023, Commissioner Tapanes resigned from the City Commission, which leaves the City with a vacancy of a commission seat. With more than six months remaining before the next annual election, we are required to have a mandatory special election to fill the remainder of the term of the vacant Commission seat. Our Charter dictates that the Election will be held "not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy," which would be between February 28, 2024, to March 29, 2024.

The Charter does not mandate that the Commission make an appointment to the vacant seat during the timeframe from the resignation until the Special Election, that would be up to the will of the majority of the Commission. If the Commission did decide that they would like to appoint someone temporarily to the seat, the only qualifiers would be the same as those if they were running for the seat. They would need to reside in the City Limits and be a registered voter.

ATTACHMENT: City Charter

REVIEWED BY CITY MANAGER: _____

CHARTER
CITY OF HIGH SPRINGS, FLORIDA

Adopted by the Electors of High Springs on November 6, 2001, by
Referendum held in accordance with Chapter 166, Florida Statutes, and
amended on November 6, 2007, November 3, 2009, November 2, 2010,
and November 8, 2011, by Referendums held in accordance
with Chapter 166, Florida Statutes.

HIGH SPRINGS CHARTER

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PREAMBLE

This municipal government exists to protect the governed, not the governing, and exists in order to provide the public with full and accurate information, to promote efficient administration management, to make government accountable to the people, and to ensure fair and equitable treatment to all persons. The orderly, efficient and fair operation of government requires the participation of individual citizens. Citizens are encouraged to exercise their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and individual citizens are encouraged to grant respect for the dignity of public office.

ARTICLE 1. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER

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

The City of High Springs in Alachua County, Florida, which was created by the Florida Legislature, shall continue as a municipal corporation with a Commission-Manager form of government and with this document as the Charter for the City.

Section 1.02 Description of Corporate Boundary.

The Boundary of the City of High Springs shall be all incorporated lands depicted on the "City Of High Springs Future Land Use Map", Map 1-2, City of High Springs Comprehensive Plan 2000-2010, approved by the Florida Department of Community Affairs on January 9, 2001, together with all lands legally annexed by the City of High Springs subsequent to said date.

Section 1.03 General Powers of City.

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 may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

Section 1.04 Construction.

The powers of the City shall be construed liberally in favor of the City, limited only by the constitution, general and special law, and specific limitations in this Charter.

ARTICLE II. CITY COMMISSION

Section 2.01 Composition of City Commission.

There shall be a City Commission of Five (5) members, each elected at large by the electors of the City, and designated as follows:

| | |
|---------------------------|--|
| Commissioner – Seat One | (presently filled by Commissioner Gestrin) |
| Commissioner – Seat Two | (presently filled by Commissioner Barnas) |
| Commissioner – Seat Three | (presently filled by Commissioner Weller) |
| Commissioner – Seat Four | (presently filled by Commissioner Davis) |
| Commissioner – Seat Five | (presently filled by Commissioner May) |

Each elector shall be entitled to vote for each Commission Seat appearing on the ballot. Only qualified electors of the City shall be eligible to be members of the City Commission.

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Section 2.02 Election and Terms.

The regular election of City Commissioners shall be held on the same date as the regular state and federal general election, or as otherwise permitted by state law, and shall be for a regular term of three (3) years. No election shall be required to be held if the number of vacancies to be filled at the election are equal to or greater than the number of duly qualified candidates for City Commission.

Section 2.03 Compensation of Commission.

The Mayor and Commissioners shall receive a reasonable monthly salary as determined annually by resolution of the City Commission.

Section 2.04 Mayor

(a) *Selection.* Each year, at the first meeting following certification of the election, or at the first meeting following the first Tuesday in November if there is no election for one or more vacant Commission seats, the City Commission shall elect from the sitting Commissioners a Mayor and Vice Mayor.

(b) *Duties.* The Mayor shall preside at meetings of the Commission and shall be recognized as head of the City government for service of process, ceremonial matters, and execution of contracts, deeds, and others documents. The Mayor shall have no administrative duties other than those necessary to accomplish these duties.

(c) *Absences.* The Vice Mayor shall act as Mayor during the absence or disability of the Mayor and if a vacancy occurs or exists in the office of Mayor, the Vice Mayor shall become Mayor for the completion of the unexpired term of the former Mayor and shall also serve his regular term as Mayor. In the temporary absence of the Mayor and Vice Mayor the remaining Commissioners shall select a Mayor pro tempore. In the event that there is neither a Mayor nor a Vice Mayor sitting on the Commission, the Commission shall select a Mayor to serve in that capacity until the next election. A Mayor or Vice Mayor designate may refuse such office or once in office may resign from such office and remain on the commission as a member during his term.

Section 2.05 General Powers of City Commission.

All powers of the City shall be vested in the City Commission except those powers specifically given to the Charter Officers or specifically reserved by this Charter to the electors of the City.

Section 2.06 Commission-Employee Relationship.

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

Section 2.07 Vacancies, Filling of Vacancies.

(a) *Vacancies.* The office of a commissioner shall become vacant in accordance with general law or if a Commissioner is absent from three (3) consecutive regular Commission meetings without being excused by the Commission prior to the fourth consecutive absence.

(b) *Filling of vacancies.* In the event more than six (6) months remain before the next annual election, there shall be a mandatory special election to fill the remainder of the term of the vacant Commission seat as provided for in this Charter and the laws of the State of Florida, which election shall be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the

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vacancy. In the event less than six (6) months remain before the next annual election, the remainder of the term of the vacant Commission seat shall be filled by an election held pursuant to Section 4.05(b). A Vacancy on the Commission may be filled temporarily by a majority vote of the remaining members of the Commission. Any person appointed by the Commission to fill a vacancy shall hold office until the next annual election in the City or until the special election referred to above. If at any time the membership of the Commission is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the Commission to less than a quorum. In the event that all seats on the Commission become vacant, the Governor shall appoint an interim Commission which shall serve until the next regular election.

Section 2.08 City Commission Meetings.

(a) *Time and place.* The Commission shall meet regularly at least once a month at such times and places as the Commission may prescribe by rule. Special meetings may be held at the call of the Mayor, or, in his absence, at the call of the Vice Mayor, or at the request of a majority of the Commission; and, whenever practicable, shall provide for not less than twelve (12) hours notice to each member and the public. The first meeting for each newly elected Commissioner for induction into office shall be held at the first regular Commission meeting following the final certification of election results which shall declare the candidate Commissioner-elect.

(b) *Quorum.* A majority of the Commission shall constitute a quorum. No action of the Commission, except as provided in Section 2.07 shall be valid unless adopted by the affirmative vote of at least three (3) members of the Commission.

(c) *Voting.* Voting on ordinances and resolutions may be by roll call and shall be recorded by the City Clerk in the journal.

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

ARTICLE III. CHARTER OFFICERS

Section 3.01 Designation.

The City Manager, City Clerk, and City Attorney are designated Charter Officers. The office of the City Manager and the City Clerk may be combined in the same appointee.

Section 3.02 Appointment

The Charter Officers shall be appointed by the Commission and shall serve at the pleasure of the Commission subject to the provisions of Section 3.03 of this Article.

Section 3.03 Removal.

To remove a Charter Officer, the Commission shall adopt a preliminary resolution stating reasons for the intended removal and shall offer the Charter Officer an opportunity for a public hearing before the Commission on the matters raised by the resolution. This preliminary resolution may also suspend the Charter Officer from duty immediately with pay. The Charter Officer must accept the offer of a public hearing or file a written response within ten (10) days of the adoption of the preliminary resolution or the resolution becomes final at the expiration of this ten-day period and the Charter Officer is terminated on that date. If the public hearing is requested, it shall be held not earlier than twenty (20) days nor later than thirty (30) days after the adoption of the preliminary resolution. After any such public hearing, or after consideration of any written response, the Commission shall adopt a final resolution of removal or let the preliminary resolution lapse.

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Section 3.04 City Manager-Powers and Duties.

The City Manager shall:

- (1) appoint, suspend, demote, or dismiss any City employee under his/her jurisdiction in accordance with law and the personnel rules, and may authorize any Department Head to exercise these powers with respect to subordinates in that department;
- (2) direct and supervise the administration of all departments of the City except the Offices of City Clerk and City Attorney;
- (3) attend all Commission meetings unless excused by the Commission and have the right to take part in discussion, but not vote;
- (4) ensure that all laws, Charter provisions, ordinances, resolutions, and other acts of the Commission subject to enforcement and/or administration by him/her or by officers or employees subject to his/her direction and supervision are faithfully executed;
- (5) prepare and submit the annual budget, budget message, and capital program;
- (6) keep the Commission fully advised of administrative activities relating to the City, as to the financial condition of the City, and of the future needs of the City, and make such recommendations to the Commission concerning the affairs of the City as he/she deems desirable;
- (7) prepare such other reports as the Commission may require concerning the operations of City Departments, offices, advisory boards and agencies;
- (8) execute contracts, deed and other conveyances, and other documents on behalf of the City as authorized by the Commission;
- (9) pursue the collection of all allowable fees and taxes and maximize financial revenues as necessary to sustain the City and the service levels set by the Commission; and
- (10) performs such other duties as are specified in this Charter or as may be required by the Commission.

The City Manager shall designate a qualified City employee to exercise the powers and perform the duties of City Manager during any temporary absence or disability of the City Manager. In the event of the failure of the City Manager to make such designation, or should the person so designated by the City Manager be unable to perform such duties or be unsatisfactory to the Commission, the Commission may revoke such designation at any time and appoint another employee of the City, other than a currently sitting Commissioner, to perform the duties of City Manager until he/she shall return, or until his/her disability shall cease.

Section 3.05 City Clerk-Powers and Duties

The City Clerk shall give notice of all City meetings to the Commissioners 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 City Clerk shall authenticate by signature and be custodian of this Charter, all ordinances, resolutions, and other City documents and shall perform such other duties as required by law or by the Commission. The City Clerk shall be the supervisor of elections for the City. The City Clerk when necessary shall appoint, suspend, demote, or dismiss any employee in the Office of the City Clerk in accordance with law and the personnel rules of the City. The City Clerk shall prepare annual budgets for the operations of the Office of the City Clerk and the City Commission and shall submit these budgets to the City Manager for inclusion in the annual City budget in accordance with uniform City procedures.

Section 3.06 City Attorney-Powers and Duties.

The City Attorney shall be a member of the Florida Bar and shall be the legal advisor to the City of High Springs. The City Attorney or his designee shall attend all City Council meetings and perform such professional duties as may be required of him by law or by the Commission. The City Attorney when necessary shall appoint, suspend, demote, or dismiss any employee in the Office of the City Attorney in accordance with law and the personnel rules of the City. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget in accordance with uniform City procedures.

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ARTICLE IV. ELECTIONS

Section 4.01 Electors.

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

Section 4.02 Nonpartisan Elections.

All elections of the Office of City Commission shall be conducted on a nonpartisan basis without any designation of political party affiliation.

Section 4.03 Qualifying.

Candidates for the Office of City Commission shall qualify by filing a written notice of candidacy with the City Clerk at such time and in such manner as may be prescribed by ordinance. Each candidate shall designate which seat he or she is qualifying for at the time of qualification.

Section 4.04 Form of Ballots.

The City Commission shall prescribe the form of the ballot by ordinance including the method of listing candidates for City Commission election. A Charter or ordinance amendment to be voted on by the electors of the City 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 [Charter amendment] [ordinance] 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 Commissioners shall be held on the same date as the regular state and federal general election, or as otherwise permitted by state law.

(b) *Regular unexpired term.* An election to fill an unexpired term shall be held at the same time as the regular annual election in accordance with paragraph (a) of this section.

(c) *Special.* Special municipal elections shall be held in the same manner as the regular annual election except that the City Commission, by ordinance, shall fix the time of holding such special elections.

(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 fifth week and once in the third week prior to the week in which the election or referendum is to be held.

Section 4.06 City Canvassing Board.

The City Canvassing Board shall be composed of the Charter Officers and the City Attorney shall act as Chairman. At the close of the polls of any City election, or as soon thereafter as practicable, the Board shall meet at a place and time designated by the Chairman and shall proceed to publicly canvass the absentee elector’s ballots and then publicly canvass the vote as shown by the returns then on file in the Office of the Supervisor of City Elections. The Board shall prepare and sign a certificate containing the

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total number of votes cast for each person or other measure voted on. The certificate shall be placed on file with the City Clerk.

Section 4.07 Recall.

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

ARTICLE V. GENERAL PROVISIONS

Section 5.01 Charter Amendments and Charter Review.

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.

In March 2016, and at least every eight (8) years thereafter, the Commission shall appoint a charter review board consisting of five (5) electors of the City holding no other office, appointment or employment in the government of the City of High Springs except on advisory bodies of the City. Such board shall review the Charter, and within ninety (90) days after such appointment, recommend to the Commission such alterations, revisions, and amendments, if any, to this Charter, as in its judgment are desirable. The City Commission shall review the recommended alterations, revisions and amendments, and shall submit such amendments as it deems appropriate to the electorate at the next general election or special election set by the Commission. The term of a member's appointment to the Charter review board shall expire ten (10) days after the recommended alterations, revisions, and amendments are submitted to the City Commission. The members appointed to said board shall serve without compensation.

Section 5.02 Oath of Officers.

After election or appointment and before taking office each Commissioner or Charter Officer of the City 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 City of High Springs; 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 Limitation on Employment of Commissioners.

No Commissioner shall be employed by the City nor shall a former Commissioner be employed by the City until after the expiration of one year from the time of leaving office. For the purposes of this Section, the restriction on employment shall apply to regular employees of the City, whether full or part-time, as well as contract employees, including independent contractors.

Section 5.04 Budget Adoption.

The Commission shall adopt an annual budget for the City by ordinance before October 1 of each year. 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.

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Section 5.05 Limitation on Alienation of City-Owned Real Property.

(a) Except as provided in subsection (b), the following parks and public lands may not be sold, leased, traded, or given away by the City unless such sale, lease, trade, or gift is approved by a vote of the electors of the City of High Springs. The properties are as follows:

- (1) Howard Memorial Park
- (2) James Paul Park
- (3) Civic Center Park
- (4) Martin Luther King (Day Care Center)
- (5) Memorial Park

(b) The foregoing properties may be leased without a referendum only for a public or civic purpose which also serves a recreational, artistic, or cultural purpose, including incidental concessions.

Section 5.06 Citizens' Petition Initiative - Ordinances.

(a) Initiative. The electors of the City of High Springs shall have the right to initiate City ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition by a number of electors qualified to vote equal to ten (10) percent of their total number in the City as a whole in the preceding general election.

(b) The sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the City Clerk, with the form on which signatures will be affixed, and shall obtain the approval of the City Clerk of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the City Clerk of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired and submitted to the supervisor of elections during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission shall pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon.

(c) Within sixty (60) days after the requisite number of names have been verified by the supervisor of elections and reported to the City Commission, the City Commission shall notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the City Commission fails to adopt the proposed ordinance, it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the City Commission to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified, on January 1 of the succeeding year. The City Commission shall not amend or repeal an ordinance adopted by initiative for a period of three (3) years after the effective date of such ordinance; except that during the second through third years, such an ordinance may be amended or repealed by the City Commission by an affirmative vote of at least four (4) of the five (5) City Commissioners.

(d) The right to initiate City ordinances shall not include ordinances establishing, amending or repealing the City budget, existing debt obligations, the comprehensive plan of the City, or the zoning or re-zoning of land.

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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 that established the municipal corporation known as the City of High Springs.

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.

Commissioners shall continue to hold their offices for the term to which they were elected or appointed and to discharge their duties until their successors are elected and take office.

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 City shall be affected by the adoption of this Charter, including the number of intoxicating beverage licenses which the City may be presently allowed by law.

Section 6.05 Effective Date.

This Charter, as amended, is effective on November 6, 2001.