

ORDINANCE NO. 2022-011

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2  
3 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS,  
4 FLORIDA, PERTAINING TO THE TOWN CHARTER; PROVIDING  
5 FINDINGS OF TOWN COUNCIL REGARDING THE CURRENT TOWN  
6 CHARTER AND A PROPOSED REVISION OF ITS FORM OF  
7 GOVERNMENT; REVISING THE CHARTER TO CHANGE FROM A  
8 “STRONG MAYOR” FORM OF MUNICIPAL GOVERNMENT TO A  
9 “COUNCIL-MANAGER” FORM; REVISING ARTICLE 2 OF THE  
10 CHARTER TO PROVIDE FOR A TOWN MANAGER AND TO  
11 DESIGNATE THE TOWN MANAGER AS THE CHIEF EXECUTIVE  
12 OFFICER OF THE TOWN; CONFORMING THE CHARTER POWERS  
13 AND AUTHORITY OF THE TOWN MAYOR TO THE COUNCIL-  
14 MANAGER FORM OF GOVERNMENT; REVISING SECTION 8 OF  
15 ARTICLE 2 OF THE CHARTER TO SPECIFY THE POWERS,  
16 AUTHORITY, AND DUTIES OF THE TOWN MANAGER; REVISING  
17 SECTION 8 TO SPECIFY THE HIRING, COMPENSATION, AND  
18 REMOVAL OF THE TOWN MANAGER; SPECIFYING THE POWERS  
19 AND DUTIES OF THE TOWN COUNCIL UNDER THE COUNCIL-  
20 MANAGEMENT FORM OF GOVERNMENT; SPECIFYING THE DUTY  
21 OF THE TOWN COUNCIL TO OVERSEE THE TOWN MANAGER;  
22 REVISING THE AUTHORITY AND DUTIES OF THE TOWN CLERK  
23 UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT;  
24 PROVIDING NUMEROUS CONFORMING AND CLARIFYING  
25 CHANGES IN ARTICLE 2 CONSISTENT WITH THE CHANGE TO THE  
26 COUNCIL-MANAGER FORM OF GOVERNMENT; AUTHORIZING AND  
27 DIRECTING THE FILING AND PUBLICATION OF THE TOWN  
28 CHARTER AS REVISED; DECLARING THE LEGAL AUTHORITY FOR  
29 ENACTMENT OF THE ORDINANCE; CALLING A REFERENDUM FOR  
30 ELECTORS OF THE TOWN TO VOTE ON WHETHER TO APPROVE  
31 THE PROPOSED REVISIONS TO THE CHARTER; PROVIDING THE  
32 BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM;  
33 PROVIDING FOR OTHER RELATED MATTERS; PROVIDING  
34 EFFECTIVE DATES.

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37 **BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-**  
38 **HILLS, FLORIDA:**

39  
40 **Section 1. Findings of Town Council.** The Town Council of the Town of Howey-in-the-Hills  
41 finds the following with respect to the Town Charter:

42  
43 A. The Mayor and other members of the Town Council all concur that the current  
44 and expected near-term growth of the town is rendering the existing “strong mayor” form of  
45 government less than optimal for town operations, management, oversight, and decision-making.  
46 The Mayor and other council members believe the town and its citizens and taxpayers would be

47 best served by changing to a council-manager form of government, with a professional manager  
48 serving as the chief executive officer of the town.

49 B. Having reviewed and discussed extensively the merits of revising the town charter  
50 to transition to a council-manager form of government, the Town Council is now ready and  
51 willing to offer such a charter revision to town voters for approval at a referendum to be held at  
52 the Primary Election on Tuesday, August 23, 2022.

53  
54 **Section 2. Approval of the Revised Town Charter.** The Town Council herewith approves the  
55 revision of the Charter of the Town of Howey-in-the-Hills in the form and substance contained  
56 in Attachment A to this ordinance, with additions to the charter underscored and deletions struck  
57 through.

58  
59 **Section 3. Filing and Publication.** The Mayor and the Town Clerk are authorized and directed  
60 to cause the charter, as revised in Attachment A, to be filed with the Florida Department of State  
61 and to be published in the Code of Ordinances of the Town of Howey-in-the-Hills, on the town’s  
62 website, and at such other locations and media as may be necessary or useful to inform town  
63 residents and taxpayers of proposed revision.

64  
65 **Section 4. Authority.** This ordinance is enacted pursuant to the authority granted under Section  
66 166.031 of Florida Statutes.

67  
68 **Section 5. Referendum.**

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70 A. **Referendum Called.** The Town Council hereby calls a referendum to be held at  
71 the Primary Election on Tuesday, August 23, 2022, to allow the electors of the Town of Howey-  
72 in-the-Hills to vote on the proposed charter revisions. All qualified electors of the Town of  
73 Howey-in-the-Hills shall be entitled and permitted to vote in the referendum. The referendum  
74 shall be held and conducted in the manner prescribed by law for municipal elections. The Town  
75 Council authorizes the cost of the referendum to be paid from the town’s general fund.

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77 B. **Ballot.** The ballot title and ballot summary for the referendum shall be as  
78 follows:

79  
80 **Council-Manager form of government**  
81 **for the Town of Howey-in-the-Hills**

82  
83 Shall the town charter for Howey-in-the-Hills be revised to (1) change the town  
84 from a “strong mayor” to a “council-manager” form, (2) shift executive powers  
85 from the mayor to a town manager, (3) require that town council hire and fire the  
86 manager and set his/her compensation, (4) specify the manager’s powers and  
87 duties, (5) conform the authority and duties of the town council and town clerk,  
88 and (6) include other clarifying, conforming, and related changes?

- 89  
90  Yes  
91  No  
92

93 C. **Translation of the Ballot.** The Mayor and Town Clerk are authorized and  
94 directed to have the ballot title and summary translated into Spanish as required by the Lake  
95 County Supervisor of Elections.  
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97 D. **Notice of Referendum.** The Mayor and Town Clerk are authorized and directed  
98 to advertise the referendum as required by law and to take all other actions necessary or useful to  
99 carry out the provisions of this section.  
100

101 **Section 6. Effective Dates.** Sections 4 and 5 and this section 6 take effect immediately upon  
102 approval of this ordinance by Town Council. Sections 1 through 3 and the charter revisions in  
103 Attachment A take effect on the first day of October, 2022, but only if the charter revisions are  
104 approved by the electors of the Town voting in the referendum called in section 5. If the voters  
105 do not approve the charter revisions at the referendum, this ordinance shall be deemed to be of  
106 no further effect.  
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111 **\*\*\* Signature page follows. \*\*\***  
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**ENACTED** this 23<sup>rd</sup> day of May, 2022, at a regular meeting of the Town Council of the  
Town of Howey-in-the-Hills, Florida.



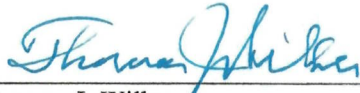
**Town of Howey-in-the-Hills, Florida**  
by: Town Council

by:   
Hon. Martha MacFarlane, Mayor

Attest:

  
John Brock  
Town Clerk

Approved as to form and legality  
(for the use and reliance of the Town only)

  
Thomas J. Wilkes  
Town Attorney

First reading: May 9, 2022  
Second reading: May 23, 2022

**Attachment A**  
*to*  
**Ordinance 2022-011**

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**2022 Revision**

*to*

**ARTICLE 2**  
*of the*  
**CHARTER**  
*of the*  
**TOWN OF HOWEY-IN-THE-HILLS**

*regarding*

**Council-Manager**  
**Form of Government**

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**Enacted May 23, 2022, by Ordinance No. 2022-011**

**Approved at referendum on August 23, 2022**

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Additions underscored, deletions struck through.

## **ARTICLE 2. MAYOR AND TOWN COUNCIL.**

### **Sec. 1. The Town Council.**

There shall be a Town Council of five members, who shall be residents and electors of the town, elected by the qualified voters of the Town.

All legislative, quasi-legislative, quasi-judicial, regulatory, and proprietary powers of the Town, whether under the Constitution and laws of the State of Florida or under the charter and ordinances of this town, are shall be vested in the Town Council, except as otherwise provided by law or this Charter, and The Town Council shall provide by ordinance, resolution, policy, or other authorization and direction, as it may deem proper, for the exercise thereof and for performance of all duties and obligations imposed on the Town by law.

The Town Council shall consist of five members, to be titled "councilors," who shall hold five seats numbered consecutively 1 through 5 and shall be elected for a term of four years. Councilors shall hold their seats for the term of office for which they are elected. Elections shall be conducted the first Tuesday following the first Monday in November of each even-numbered year.

Elections for councilor seats 1, 2, and 3 shall be held in numbered years not evenly divided by 4 and for Seats 4 and 5 in numbered years evenly divided by 4. Council seats will be filled by the three candidates or the two candidates, as applicable, receiving the highest number of votes. If the qualifying candidates are not opposed, the seats shall be assigned by the Clerk in alphabetical order. If the qualified candidates are fewer than the open seats, the Council shall deem vacant the seats remaining unfilled after the election and proceed accordingly.

All persons running for the office of councilor shall be at least 21 years of age, a registered voter, and a resident of the Town for at least one year prior to the first day of the qualifying period. To qualify, each candidate must file with the Clerk a petition signed by no fewer than 25 Town electors nominating the candidate for Town Council. The petition must be filed no earlier than noon on the 92nd day, and no later than noon on the 81st day, before the date of the election for which qualifying is sought. Elector signatures on the petition must be verified by the supervisor of elections. The candidate shall also provide a statement that, if elected, he/she will serve, and if not, the Clerk Council shall omit his/her name from the ballot.

The newly elected Council members shall take their oath and assume office at the first regular Council meeting after certification of the ballot.

### **Sec. 2. Disqualification for any Town office.**

Any person convicted of a felony shall be ineligible for employment by the Town and disqualified from seeking election to an office or appointment to any board, commission,

committee or agency in the Town. No more than one family member may hold a seat on the Council. Therefore, a councilor's family members are disqualified from seeking election to the Council unless the family members' terms will not be concurrent. A family member includes parents, siblings, children or spouses.

### **Sec. 3. Vacancies; Forfeiture of Office; Filling of Vacancies.**

- (a) **Vacancies.** A Council member's seat shall become vacant upon death, resignation, or removal from office in any manner authorized by law or forfeiture of the office, such forfeiture to be declared by the remaining members of the Council.
- (b) **Forfeiture of Office.** The Mayor or a Council member shall forfeit office if the member:
  - (i) Fails to meet residency requirements;
  - (ii) Is convicted of a felony or a crime involving moral turpitude;
  - (iii) Violates the express provisions of the charter;
  - (iv) Fails to attend three consecutive regularly scheduled Council meetings without Council approval or
  - (v) Brings an action against the Town, its elected officials, executive officers, or employees for damages in tort or for civil-rights violation.The Town Council, by majority vote, shall be the judge of the grounds for forfeiture of a Council seat and may declare a seat vacant where the member has failed to meet the requirements or has violated any of the provisions stated above.
- (c) **Filling Vacancies.** Whenever a vacancy shall occur on the Town Council more than 180 days preceding the next general election, it shall be the duty of the Town Council to order an election to fill the vacancy, and until such election is held the Town Council shall fill such vacancy by appointment. The newly elected member shall hold the seat for the remainder of the original term.

Should a vacancy occur within 180 days of the next general election, the Mayor shall appoint an elector of the town to fill the vacancy. The appointment is subject to the approval by a majority of the membership of the Town Council. The appointee approved in such a manner shall serve until an elected successor takes office.

- (d) **Holding Office.** Except where expressly authorized by law, no Council member shall hold any other elected public office during the term for which the member is elected. No Council member shall hold any other Town office, other than Mayor, or town employment during the term for which they are elected.
- (e) **Prohibitions.** Except for the purpose of enquiries and investigations, Council members shall deal with the Town officers and employees solely through the Town Manager ~~Mayor~~ and shall not give orders to a Town officer or employee either publicly or privately. Nothing prohibits individual members of the Council from asking questions and seeking information to assist in the formulation of sound policies to be considered by Council and otherwise to enable the performance of councilor duties. No former member

of Town Council shall hold any compensated appointive office or employment with the Town until one year after the expiration of the term for which the member was elected.

Unless approved by the Council, any Town official or employee, acting in his/her official capacity, is forbidden from causing the Town to do business with a firm in which he/she has a material interest, and the Town shall make no transactions with a firm in which a Town official or employee's spouse, parent, sibling or child has a material interest. Nor shall an official or employee acting in a private capacity transact business with the Town. The Town official must declare the interest and recuse himself/herself from any vote on the matter. A Town official or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and subject to forfeiture of his/her office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by ~~the Mayor or~~ the Town Council.

#### **Sec 4. Procedure.**

- (a) **Meetings.** The council shall meet regularly on the second and fourth Monday of each month at such times and places as the Council may prescribe. By ordinance, the council may change from time to time the days of the month when regular meetings are to be held. Special ~~scheduled~~ meetings shall be held on the call of either the Town Manager Mayor or a majority of the council, when called in writing, with written notice to the Mayor and Town Council members no less than 72 hours before the meeting (except in cases of extreme emergency) setting forth the date, time, place and purpose of the special meeting. No business other than the purpose specified in the call shall be transacted during the special meeting unless approved by unanimous vote of all councilors present with 72-hour notice (except in cases of extreme emergency).
- (b) **Rules of Order.** The council shall determine its own rules and order of business. Roberts Rule of Order may be applicable.
- (c) **Voting.** Voting on ordinances and resolutions, the execution of contracts, and all financial matters shall be by roll call and shall be recorded in the minutes. A majority of the Council shall constitute a quorum. No action of the Council shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present . Except as provided by law, a Council member absent from the meeting may enter into discussion by telephone or video conference but may not vote unless present. However, if a quorum is physically present, the participation and vote of an absent member is permissible when such absence is due to extraordinary circumstances such as illness. Such a circumstance is a determination that must be made in the good judgement of the Council.



- (d) **Compensation.** The Council shall determine the compensation of the Mayor and Council members by ordinance; an ordinance increasing such compensation shall become effective no earlier than October 1st of the next budget year. The Mayor and Council members shall receive reimbursement of their actual and necessary expenses incurred in the performance of their duties of office.

## Sec. 5. Office of the Mayor.

- (a) **Mayor and Chief Executive Officer.** ~~The Mayor shall be the Chief Executive Officer of the Town.~~ The Mayor shall be appointed by majority vote of the members of the Town Council at the next regular scheduled meeting following the general election and certification of the ballot, and immediately following the swearing in of any new Council members. ~~The Mayor shall be responsible to the electorate for the administration of all Town affairs under this Charter, the ordinances of the Town, and applicable law.~~
- (b) **Qualification of Mayor.** The Mayor shall be an elector of the Town and shall have been a member of the Town Council for a period of no less than one year prior to appointment to the office, unless approved otherwise by a vote of four-fifths of its members. If the office of Mayor becomes vacant or is forfeited, the Town Council shall appoint ~~select~~ a new Mayor to serve the unexpired portion of the then current term.
- (c) **Term of the Mayor.** The Mayor shall be appointed for a two year term and may be reappointed ~~reelected~~ subsequently.
- (d) **Removal of the Mayor.** The Town Council may, by supermajority vote, remove the Mayor at any regular or special Council meeting with or without cause. Upon removal of the Mayor the Town Council shall appoint another member of the Town Council to serve as Mayor for the unexpired portion of the then current term.
- (e) **Powers and Duties of the Mayor.** ~~The Mayor shall have the following powers and duties:~~ The Mayor shall preside at all meetings of the Town Council and perform such other duties consistent with his or her office as may be prescribed by the Council. The Mayor shall have a voice and vote in the proceedings of the Council but no veto power. He or she may use the title of "Mayor" and may execute ordinances, resolutions, contracts, and other legal instruments approved by Town Council. The Mayor shall be recognized as the head of the Town for purposes of serving civil process,; by other governmental bodies in the exercise of military law, and for all ceremonial purposes. In the absence of the Town Manager, the Mayor may take command of the police and govern the Town by proclamation during times of grave public emergency until such time as the Town Council convenes and appoints an interim Town Manager for the duration of the emergency or the Town Manager returns, whichever is sooner. The Mayor shall have no powers other than those conferred by this charter.

- ~~(i) — To be the head of Town government for all purposes, including but not limited to martial law, civil defense, service of process, execution of contracts, deeds and other legal documents.~~
- ~~(ii) — To be the official spokesperson for the Town.~~
- ~~(iii) — To take such action in emergency situations as the Mayor may deem necessary. The emergency powers of the Mayor shall not extend beyond the next meeting of the Town Council.~~
- ~~(iv) — To investigate the condition of the Town and the Town's departments and offices.~~
- ~~(v) — To call special meetings of the Town Council.~~
- ~~(vi) — To establish the agenda for Town Council meetings.~~
- ~~(vii) — To temporarily fill vacancies occurring among the executive officers of the Town.~~
- ~~(viii) — To hire, appoint, suspend and remove all Town employees, including the executive officers of the Town. Any action taken by the Mayor under this subparagraph in respect to the executive officers of the Town shall be subject to the approval of the Town Council.~~
- ~~(ix) — To direct and supervise the administration of all departments, offices and agencies of the Town.~~
- ~~(x) — To attend and preside at all meetings of the Town Council, and the Mayor shall be a voting member of the Town Council.~~
- ~~(xi) — To submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town by December 1<sup>st</sup> of the same year. The Mayor shall provide other reports requested by the Town Council concerning the operations of the Town departments, offices and agencies subject to the Mayor's direction and supervision.~~
- ~~(xii) — To keep the Town Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Town Council concerning the affairs of the Town.~~
- ~~(xiii) — To perform such other duties as are specified in this Charter or as may be required by the Town Council.~~

(f) **Mayor Pro Tempore; vacancies in office of Mayor.** The Town Council shall appoint from among its members a Mayor Pro Tempore. Appointment of the Mayor Pro Tempore shall be done at the Town Council's next regular scheduled meeting following a general election and certification of the ballot, and immediately following the swearing in of any new Council members and the appointment of the Mayor. The Mayor Pro Tempore shall preside at meetings of the Town Council in the absence or temporary disability of the Mayor and shall have no administrative duties except as required to carry out the responsibilities therein. In the event that the Mayor dies, resigns, becomes permanently disabled, ceases to be qualified, or is removed from office, the Mayor Pro Tempore shall become interim Mayor with the full powers and duties of the Mayor as provided by this Charter and other law until the Town Council appoints a new Mayor.

## Sec. 6. Borrowing.

The Town shall have the power to borrow for a term of any length not to exceed 30 years. Except in an emergency declared by the approving vote of no fewer than four-fifths of the members of Town Council, no borrowing may cause the aggregate principal amount of outstanding Town debt to exceed at any time an amount equal to 3% of the assessed valuation of the real and personal property within the corporate limits of the Town unless approved by a majority of the Town electors voting in a referendum on the question.

## Sec. 7. Financial Procedures.

- (a) **Fiscal year.** The fiscal year of the town shall begin on October 1 of each year and end on September 30 of the following year.
- (b) **Budget.** The budget shall be adopted by resolution and shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or the Charter, shall be in such a form as the Town Manager Clerk/Finance Director deems appropriate or ~~the Mayor~~ general law may require. In organizing the budget, the Town Manager Clerk/Finance Director shall receive from each department their budget request by July 1st, with the first budget meeting being held within 15 days.

The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures for the preceding fiscal year.

- (c) **Supplemental appropriations.** If, during the fiscal year, the Town Manager Clerk/Finance Director certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (d) **Reduction of appropriations.** If at any time during the fiscal year it appears probable to the Town Manager Clerk that the revenues available will be insufficient to meet the amount appropriated, the Town Manager Clerk/Finance Director shall report to the Mayor and/or Council immediately, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may, by resolution, reduce one or more appropriations.
- (e) **Transfer of Appropriations.** Upon written request by the Town Manager Clerk/Finance Director or by action of the Town Council, the Town Council may, by resolution transfer

part or all of any unencumbered appropriation balance among programs within a department, office, or agency or to another department, office or agency.

**Sec. 8. Town Manager and Administration Administrative.**

- (a) **Employment.** By the approving vote of a majority of all its members the Town Council shall appoint a Town Manager with appropriate education, credentials, and experience to serve, at the pleasure of the Town Council, for an indefinite term. The Town Council shall fix the manager's compensation by resolution or contract.
- (b) **Removal.** The Town Council may terminate the employment of the Town Manager, with or without cause, by the approving vote of a majority of all its members.
- (c) **Powers and duties of the Town Manager.** The Town Manager shall serve as the chief executive of town government. Subject to the oversight and control of the Town Council, the Town Manager shall have the authority to conduct, and shall be responsible to Town Council for the conduct of, all the Town's executive, administrative, fiscal, regulatory, and proprietary operations and actions except as provided otherwise in this charter. The Town Manager's authority and duties include the following:
  - (i) To ensure the implementation, administration, and enforcement of all town ordinances and resolutions, as well as all laws the town is charged to enforce.
  - (ii) To hire and fire all town officers and employees except the Town attorney. The employment of each town officer shall take effect only upon confirmation by Town Council.
  - (iii) To oversee, manage, and control all town departments, employees, agents, and contractors.
  - (iv) To oversee, manage, and control all town operations, projects, and other undertakings.
  - (v) To oversee, manage and control all vehicles, materials, equipment and supplies for the town. The Town Manager shall not dispose of town property, either real property or tangible personal property, except on approval or authority of the Town Council and as allowed by law.
  - (vi) To maintain, repair, improve, preserve, and otherwise care for town property.
  - (vii) To determine and prepare the agenda for each meeting of Town Council.
  - (viii) To collect, deposit, invest, expend, and disburse town revenues and other funds in compliance with the budget, Town Council policy and directive, general law, and the restrictions of this charter.
  - (ix) To keep accurate account of all monies received and disbursed, to prepare a monthly financial report detailing all receipts and disbursements, and to submit

each report to Town Council at its next regularly scheduled meeting following the month for which the report is prepared.

(x) To prepare timely the annual budget and submit it to Town Council for approval, and to implement and administer the budget after adoption, subject to guidelines established by the Town Council.

(xi) To perform such other duties, functions, and responsibilities consistent with the Town Manager's office as are assigned by the Town Council.

(d) **Attendance at Town Council meetings; recommendations to Town Council.** The Town Manager shall attend the meetings of the Town Council, keep the council fully advised of the affairs and needs of the town, and recommend to the council for adoption such measures as the Town Manager may deem necessary or useful to the interests of the town and its residents and taxpayers.

(e) **Vacancy.** If by death, sickness, resignation, absence, termination, or other cause the office of Town Manager shall become vacant, the Town Council may appoint an interim manager to serve until the vacancy is filled. The interim manager shall have the powers hereby vested in a town manager. No such vacancy shall be allowed to continue for longer than three months unless the longer duration is approved by the Town Council.

(f) **Authority of Town Council over the Town Manager.** The Town Manager shall be subject to the oversight and control of the Town Council acting as a board in meeting assembled. Neither the Town Council nor any of its members may control or demand in any manner the hiring, firing, promotion, sanction, or other employment action involving a town executive officer or employee whom the Town Manager or a subordinate of the Town Manager is empowered to hire. The Town Council otherwise may express its views and fully and freely discuss with the Town Manager employment actions involving town officers and employees.

It is an ongoing responsibility of the Town Council to assure that the Town Manager and staff are accountable for their actions. The Town Council shall formally evaluate the Town Manager's performance each year. The Town Council shall also monitor the policy proposals submitted by the Town Manager and the administrative and operational actions taken by the Town Manager and staff to ensure that standards acceptable to the Town Council are being maintained.

Each department and office shall be administered by an executive officer. Executive officers of the Town shall include the Town Clerk, the Director of Public Works, and the Chief of Police. The Town Council may provide for other executive officers by ordinance.

~~Each department and office under the direction and supervision of the Mayor shall be administered by an executive officer appointed by the Mayor, with the approval of the Council;~~

and subject to the direction and supervision of the Mayor. ~~Executive Officers of the Town shall include Town Clerk/Finance Director, Director of Public Works and Chief of Police. The Town Council may provide for other executive officers by ordinance. Should the Council employ a Finance Director separate from the Clerk, then the duties set out below in (b)(vi) to (ix) and (x) will become the responsibility of the Finance Director.~~

(a) ~~Temporary Absence.~~ The Mayor shall appoint a temporary replacement to exercise the powers and perform the duties of any Town executive officer during a temporary absence or disability. ~~During such absence or disability, the Mayor with the approval of Council may revoke such designation at any time and appoint another individual to serve until the executive officer returns to active employment.~~

(g) ~~(b) Town Clerk/Finance Director.~~ The Town Clerk/Finance Director shall be appointed by and responsible to the Town Manager Mayor and Council for the proper administration of the Town as stated by the Town Council and shall be required to:

- (i) Attend all council meetings and shall have the right to take part in discussion but may not vote.
- ~~(ii) See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.~~
- ~~(ii)~~ (iii) Be the Elections Qualifying Officer for the Town. The Lake County Supervisor of Elections shall provide polling places and prescribe the manner of, and otherwise oversee and direct the conduct of, all elections.
- ~~(iii)~~ (iv) Be the custodian of the Town seal.
- ~~(iv)~~ (v) Be the custodian of records for the Town.
- ~~(vi) Keep an accurate account of all monies received and disbursed; and prepare on a monthly basis a financial report detailing all receipts and disbursements. The report shall be submitted to the Town Council at its next regularly scheduled meeting following the month for which the report has been prepared.~~
- ~~(vii) Keep the financial records of the Town in a manner recommended by the Town accountant and approved by the Town Council~~
- ~~(viii) Prepare the budget annually and, upon its approval by the Mayor, submit it to the Town Council and be responsible for its administration after adoption, subject to guidelines established by the Mayor or Town Council.~~
- ~~(ix) Keep the Mayor and Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as may be deemed appropriate or necessary.~~
- ~~(v)~~ Be responsible for producing meeting minutes.
- ~~(vi)~~ (x) Perform such other duties as are specified in this charter, or assigned by the Town Manager Mayor, or Council, or in the Policy and Procedure manual.
- ~~(vii)~~ Prepare and disseminate all notices required of the town, whether by publication, posting, mailing, or other means.

- (h) **Appointment of Town Clerk.** The duties of the Town Clerk shall be performed by a person appointed by the Town Manager.
- (i) **~~(e)~~ Public Works Director.** The Public Works Director shall be responsible for the management and operation of the Public Works Department as set forth by the policy and procedure manual. The duties of the Public Works Director shall include but are not limited to construction improvements and repair and maintenance of Town facilities (including roads, drainage, parks, playgrounds, water and wastewater systems, cemetery and other public facilities). The Public Works Director shall report directly to the Town Manager ~~Mayor~~.
- (j) **~~(d)~~ Police Department.** The Town shall have a police department. One officer will have the title of Chief of Police. The Chief will report directly to the Town Manager ~~Mayor~~ and shall be responsible for the administration of the Police Department as well as the conduct and performance of its officers and employees.
- (k) **~~(e)~~ Requirement for a Town Attorney.** The Town Council shall contract with an attorney in good standing with The Florida Bar to provide legal services to the Town. The town attorney shall be a licensed, practicing attorney. The town attorney shall serve as legal advisor to the Town in all its legal matters. When such advice is required, the Town Manager ~~Mayor~~ will make the request and the advice shall be submitted by the town attorney in writing to the Town Manager and Mayor ~~and~~ Town Council. All requests for legal advice or other contact with the attorney shall be approved by the Town Manager ~~Mayor~~ or a majority of the Town Council. It shall be the town attorney's duty to prepare, draft and review ordinances, resolutions, contracts and agreements, legal papers pertaining to bond issues and other borrowing, and other matters for the municipal government.
- (l) **~~(f)~~ Requirement for a Town Auditor.** The Town Council shall provide for an independent annual audit of all Town accounts and may provide for such more frequent audits as it deems necessary. Audits shall be made by a certified public accounting firm with accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town government or any of its officers. The Town Council may designate an accounting firm as the Town Auditor without requiring competitive bids and for a period of one year or longer as the Town Council deems appropriate. The Town Council may designate the accounting firm to serve on a continuing-contract basis for a period not exceeding three years and which may be terminated at the pleasure of the majority of Town Council.