

FIRST READING	<u>1/13/20</u>
SECOND READING	<u>1/21/20</u>
EFFECTIVE DATE	_____
ADVERTISEMENT	<u>1/10/20</u>

ORDINANCE NO. 2020-255

AN ORDINANCE OF THE TOWN OF GREENVILLE, FLORIDA; REPEALING AND REPLACING THE TOWN CHARTER OF THE TOWN OF GREENVILLE, FLORIDA; REESTABLISHING EXISTING TOWN BOUNDARIES; ESTABLISHING POWERS OF THE TOWN AND COUNCIL; DEFINING, ESTABLISHING JOB RESPONSIBILITIES, AND PROVIDING FOR HIRING AND REMOVAL OF CHARTER OFFICERS; ESTABLISHING FIVE MEMBERS OF COUNCIL ELECTED IN STAGGERED TWO-YEAR TERMS; PROVIDING FOR ELECTION OF OFFICERS; PROVIDING FOR COUNCIL ELECTION PROCESSES AND QUALIFICATIONS; PROVIDING FOR COUNCIL COMPENSATION; AUTHORIZING ADOPTION OF LAWS, BUDGETING AND BORROWING; SUBMITTING THIS PROPOSED CHARTER TO THE ELECTORS OF THE TOWN OF GREENVILLE, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE BEING SUBJECT TO APPROVAL BY THE ELECTORS OF THE TOWN OF GREENVILLE, FLORIDA.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA, that:**

Section 1. The Town Charter of the Town of Greenville, as adopted on April 15, 1992 and subsequently amended, is hereby repealed, amended, and reenacted as done so in the attached Exhibit "A".

Section 2. This proposed amendment to the Charter of the Town of Greenville, Florida, shall be submitted to a vote of the electors of the Town of Greenville, Florida, for adoption at the next general election, with the following question:

Shall the Charter be repealed and replaced to: Reestablish existing Town boundaries. Establish powers of the Town and Council. Define, establish job responsibilities, and provide for hiring and removal of charter officers. Establish five members of Council elected in staggered two-year terms. Provide for election of officers. Provide for Council election processes and qualifications. Provide for Council compensation. Authorize adoption of laws, budgeting and borrowing. Provide for severability and effective date.

- YES
- NO

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Repeal of conflicting ordinances. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect upon adoption by the electors of the Town of Greenville, Florida.

Following the second reading of the foregoing, the Honorable Cynthia James moved that the foregoing resolution be adopted. The Honorable Calvin Malone seconded the motion for its adoption.

The Honorable Brittini Brown put the question to a roll call vote, and the result was as follows:

Hon. Bobby Burnett, Councilmember	Voted: <u>yes</u>
Hon. Teresa Harville, Councilmember	Voted: <u>yes</u>
Hon. Calvin Malone, Councilmember	Voted: <u>yes</u>
Hon. Cynthia James, Vice Mayor/Councilmember	Voted: <u>yes</u>
Hon. Brittini Brown, Mayor/Councilmember	Voted: <u>yes</u>

PASSED AND ADOPTED by the Town Council of the Town of Greenville, Florida, this 21 day of January, 2020.

APPROVED:




HON. BRITTINI BROWN  
Mayor/Councilmember

ATTEST:

  
KIMBERLY REAMS  
Town Clerk

APPROVED AS TO FORM:

  
JOHN LAURANCE REID  
Town Attorney

TOWN OF GREENVILLE, FLORIDA  
CHARTER

SECTION 1. GENERALLY

(a) The citizens of the Town of Greenville, Madison County, Florida, on April 15, 1992, by Ordinance 187, and by subsequent amendments, reaffirmed a municipality known as the Town of Greenville. The Town of Greenville is a public body politic and corporate which shall have perpetual succession.

(b) The charter of the Town of Greenville, Florida is hereby repealed, amended, and reenacted pursuant to the Municipal Home Rule Powers Act, chapter 166, Fla. Stat., and more specifically, section 166.031, Fla. Stat.

SECTION 2. TOWN BOUNDARIES.

The metes and bounds legal description of the Town boundaries of the Town of Greenville, Florida remain unchanged. The legal description is not redefined in this repeal, amended, and reenacted charter pursuant to subsections 166.031(1) and (3), Fla. Stat.; however, the Town boundaries are set forth by metes and bounds legal description as Appendix “A” of this Charter.

Future Town Councils shall, from time to time by succeeding ordinances, redefine the Town boundaries to reflect future annexations, enlargement, consolidation, and contractions, and such future redefine Town boundary shall also then be known as the “Official Town Boundaries of the Town of Greenville, Florida” and shall supersede prior redefined Town boundaries.

SECTION 3. CARRYOVER OF ELECTED OFFICERS, PROPERTY RIGHTS, ORDINANCES, OBLIGATIONS, AND CONTRACTS.

(a) All current elected officers holding office on the effective date of this charter shall continue in office until their present respective terms shall expire. The Town of Greenville shall succeed to, own, possess, and hold all real property and all tangible and intangible personal property, and shall succeed to all existing federal and state grants, all uncollected taxes, dues, claims, judgments, and causes in action owned, possessed, or held by the municipality. The Town of Greenville shall also have, exercise, and enjoy all the rights, immunities, powers, benefits, privileges, and franchises now possessed, owned, or held by it.

(b) All ordinances and resolutions lawfully passed and in force in said Town of Greenville shall remain in force until amended or repealed by the Town Council or repealed by operation of law; in all obligations and contracts of the Town of Greenville shall remain fully enforceable.

SECTION 4. TOWN POWERS.



(a) As provided in art. VIII, section 2.(b), Florida Constitution, and section 166.021, Fla. Stat., the Town of Greenville shall have governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes except as otherwise provided by law.

(b) The Town Council of the Town of Greenville, Florida is the legislative body of the Town of Greenville, Florida, and is elected. All legislative power is vested to the Town Council. Without disparaging or limiting the general power set forth herein and in subsection (a) above, the Town Council may have the following enumerated powers:

(1) Police; Fire/EMS; Code Enforcement; Interlocal Agreements; and Other Departments.

Exercise the inherent police power of the Town of Greenville by establishing and maintaining a suitable police department, fire protection department, emergency services department, code enforcement department, and any other departments and quasi—judicial boards necessary for the safety, health, and welfare of the people of the Town of Greenville, or at the election of the Town Council, enter into sufficient interlocal agreements, contracts, and other agreements for the provision of these services as well as any other municipal services as are necessary to protect the public health, morals, welfare, and safety of the people of the Town of Greenville, unless preempted, by or inconsistent with general or special law, and by unanimous vote of the Town Council, abolish any municipal department.

(2) Town Manager.

By a majority vote, the Town Council shall hire and retain, or may discharge and terminate a Town Manager pursuant to section 4(b)(5). The Town Manager is a Charter Officer.

The Town Manager when necessary shall appoint, suspend, demote, or dismiss any Town employee under his or 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. The Town Manager shall direct and supervise the administration of all departments of the Town of Greenville, except the Offices of Town Clerk and Town Attorney.

The Town Manager shall attend all Town Council meetings unless excused by the Town Council and shall have the right to take part in discussions, but not vote. The Town Manager shall see that all laws, charter provisions, ordinances, resolutions, and other acts of the Town Council, subject to enforcement by the Town Manager are faithfully executed. The Town Manager shall also prepare and submit the annual budget, budget message, and capital program to the Town Council, and shall keep the Town Council fully advised as to the financial condition and future needs of the Town of Greenville. The Town Manager shall make such recommendations to the Town Council concerning the affairs of the Town of Greenville as he or she deems desirable.

The Town Manager shall designate a qualified Town employee to exercise the powers and perform the duties of the Town Manager during any temporary absence or disability of the Town Manager. The Town Council may revoke such designation at any time and appoint another eligible person, other than a currently sitting member of the Town Council, to serve as Acting Town Manager of the Town of Greenville, Florida.

(3) Town Clerk.

By a majority vote, the Town Council shall hire and retain, or may discharge and terminate a Town Clerk pursuant to section 4(b)(5). The Town Clerk is a Charter Officer.

The Town Clerk shall give notice of all Town meetings to the members of the Town Council and the public as required by law. The Town Clerk shall attend such meetings in person, or by designee, and shall keep minutes of the proceedings. The Town Clerk shall authenticate by signature and be custodian of this Charter, all ordinances, resolutions, and other Town documents and shall perform such other duties as require by law or by the Town Council. The Town Clerk shall be the supervisor of elections for the Town of Greenville, Florida. The Town Clerk when necessary shall appoint, suspend, demote, or dismiss any employee in the Office of the Town Clerk in accordance with law and the personnel rules of the Town of Greenville. The Town Clerk shall prepare annual budgets for the operation of the Office of the Town Clerk and the Town Council and shall submit these budgets to the Town Manager of the Town of Greenville, Florida, for inclusion in the annual Town budget in accordance with uniform Town procedures.

(4) Town Attorney.

By a majority vote, the Town Council shall hire and retain, or may discharge and terminate a Town Attorney pursuant to section 4(b)(5). The Town Attorney is a Charter Officer.

The Town Attorney shall be a member in good standing of the Florida Bar and shall be the legal advisor to the Town of Greenville, Florida. The Town Attorney, or his or her designee, shall attend Town Council meetings as requested by the Town Council and perform such professional duties as may be required of him by law or by the Town Council

(5) Removal of Charter Officer.

To remove a Charter Officer, the Town Council shall adopt a preliminary resolution stating reasons for the intended removal, shall offer the Charter Officer an opportunity for a public hearing before the Town Council on the matters raised by the resolution, and shall explicitly identify the time limits to take said action. This preliminary resolution may also suspend the Charter Officer from duty immediately with pay. Any written motion for removal of a Charter Office or similar paper prepared by any Town Council member shall constitute a preliminary resolution for purposes of this

subsection and shall be immediately placed on the agenda of the next regularly scheduled meeting upon receipt by the Town Clerk. 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. If the Charter Officer fails to act within ten (10) days, the resolution becomes final at the end of this ten (10) day period, and the Charter Officer is terminated on that date. If the public hearing is requested, it shall be held not earlier than ten (10) business days nor later than fifteen (15) business days after the adoption of the preliminary resolution. After any such public hearing, or after consideration of any written response, the Town Council shall adopt a final resolution of removal or let the preliminary resolution lapse.

(6) Implied powers.

In addition to those enumerated powers set forth above, the Town of Greenville shall have all governmental and proprietary powers necessarily implied or incident thereto.

**SECTION 5. CORPORATE AUTHORITY; ELECTION OF TOWN COUNCIL AND MAYOR; QUALIFICATIONS FOR ELECTION.**

(a) The corporate authority of the Town of Greenville shall be vested in the Town Council, and the Town Council shall constitute the governing body and shall be solely vested with all legislative power and authority of the Town of Greenville, and shall have and exercise all home rule powers for valid municipal purposes, except as otherwise provided by the Florida Constitution and general or special law.

(b) The Town Council shall consist of five (5) Council members who shall be registered electors who have resided for a period of six (6) months within the municipal boundaries of the Town of Greenville at the time of qualifying. Qualification shall be not less than 50 days and not more than 60 days before each election. Town Council members shall continuously reside within the municipal boundaries of the Town during their terms of office. Town Council members shall be elected for a term of two (2) years beginning on the second Thursday in November of the year elected.

The next election for the Town Council members shall be on the second Tuesday in November 2020, at which Groups 3 and 4 shall be elected. Groups 1, 2, and 5 shall next be elected on the second Tuesday in November 2021.

On the second Thursday of November 2020, and on the second Thursday in November of each year thereafter, the Town Council, as then constituted, shall elect from its membership a Mayor and Vice Mayor, who shall each serve as Mayor and Vice Mayor, respectively, for a term of one (1) year ending on the second Thursday in November of the year following. The Mayor and Vice Mayor shall serve at the pleasure of the Town Council and may be removed by a majority vote at a duly noticed public meeting. The duties and responsibilities of the Mayor and Vice Mayor, respectively, shall be consistent with but in addition to the duties of Town Council members and shall be ex officio and ministerial in nature.

The Town Council shall not delegate to the Mayor and/or Vice Mayor any power to independently exercise any portion of the sovereign municipal power of the Town Council, and any such delegation is void. 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. Neither the Town Council nor any of its members shall give orders to any employee other than Town Council orders to a Charter Officer. The Town Council or its members shall deal on all matters through the appropriate Charter Officer.

The Vice Mayor shall act in place of the Mayor and only in the absence of the Mayor.

Town Council members are public officers and the powers and duties of Town Council members are held in trust for the people of the Town of Greenville, Florida. No person convicted of a felony or adjudicated in Florida or any other state to be mentally incapacitated is qualified to hold office as a Town Council member until their civil rights are restored or the disability is removed. Before entering office, each Town Council person shall take the oath set forth in article II, section 5.(b), Florida Constitution, and give any bond required by law.

**SECTION 6. QUALIFICATIONS OF ELECTED OFFICIALS; CANVASSING BOARD; MEETING; VACANCIES; REMOVAL FROM OFFICE; RENUMERATION; MAYOR.**

(a) The Town Council, by ordinance, may also prescribe qualifications for election, procedures and time periods for qualification for elections, filing fees, and other matters related to placing of names of candidates on the ballot, the manner and timing of general and special elections, and polling places. Upon a vacancy in candidacy caused by the death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two (2) candidates for office, any remaining candidate may run unopposed, or the Town Council may, by ordinance, prescribe a procedure for filling the vacancy.

Provided further, however, the laws of the State of Florida relating to qualifications for election, and all other particulars in respect of elections, so far as the same may be applicable and legally inconsistent with the foregoing, shall govern all elections in the Town of Greenville, Florida.

Registered electors shall be all of those persons who reside in the Town of Greenville and are qualified to vote in elections in Madison County, Florida.

(b) Except as otherwise provided in the Florida Constitution, section 286.011, Fla. Stat. (the Florida Sunshine Law), shall control all meetings of the Town Council at which official acts are to be taken, and shall control any gathering or meeting of two (2) or more Town Council members at which there is discussion of some matter which will foreseeably come before the Town Council. Except as provided in the Florida Sunshine Law, all such meetings are public meetings, open to the public at all times, and no formal action shall be considered binding except as taken or made at such meetings.

The Town Council shall meet in regular meetings once per month, and at such special meetings as are called pursuant to town policy.

Meeting shall be held in any public place in the Town of Greenville. Reasonable notice of all meetings of the Town Council shall be provided by the Town Clerk or Deputy Town Clerk. A majority of the duly elected Town Council members shall constitute a quorum at a meeting and acts done when less than a quorum is present are void.

No Town Council member present at any public meeting may abstain from any vote, and votes shall be recorded for each such Town Council person present, unless, with respect to any Town Council member, there is or appears to be a possible conflict of interest, or if a quasi-judicial proceeding by the Town Council, a Town Council member must abstain to assure a fair and unbiased proceeding. In either case, the affected Town Council member shall abstain in accordance with the procedures set forth in section 112.3143, Fla. Stat. The remaining Town Council persons, as long as a quorum is present, may decide the issue at hand and any tie vote results in the issue or motion being lost.

Additions and deletions to the agenda shall be by majority vote upon proper motion. Meeting shall be conducted generally in accordance with Robert's Rules of Order. The Town Council shall adopt its own procedures for conducting meetings of the Town Council. The vote of each Town Council member shall be recorded and counted. Unless otherwise provided by general law or special law, or otherwise provided by this charter or by ordinance, a majority vote is sufficient to pass and approve a motion or item. Minutes of each meeting or workshop of the Town Council shall be properly recorded and open to public inspection; however, no official legislative action may be taken in any workshop. Sound or video recording may be used to record all proceedings of all public meetings from which written minutes shall be transcribed, which such transcribed written minutes being a brief summary or series of brief summary of the events of the public meeting.

Any meeting of an elected board such as the Town Council, or appointed board, such as one created by the Town Council, at which two (2) or more individual Town Council members, or two (2) or more appointed board members, respectively, are present and at which official acts, as set forth above, are to be taken, is a public meeting under the Florida Sunshine Law. Any Town Council member attending a non-Town Council public meeting at which there is discussion regarding items that may foreseeably come before the Town Council shall report such discussion at the next Town Council meeting.

(c) A vacancy in office of the Town Council member occurs on death, resignation as of the effective date of the resignation, or by resignation caused by the succession of a Town Council member to another office. A vacancy also occurs upon resignation in a recall pursuant to section 100.361, Fla. Stat. In the event of a vacancy, such vacancies shall be filled by appointment by majority vote of the Town Council, and such appointment shall continue until the end of the elected term of the dead or resigned Town Council member.

A Town Council person may be suspended and/or removed from office by the Governor pursuant to chapter 112, part V, Fla. Stat., and a suspension by the Governor creates a temporary



vacancy which shall be filled by appointment by majority vote of the Town Council. The appointed person shall hold office for a time period equal to the first occurring of the end of the elected term of the suspended person or the end of the period of the suspension. No person who has been suspended may perform any official act, duty, or function during the suspension, or receive any pay, allowance, or emolument during the suspension. Upon conviction as defined in chapter 112, Fla. Stat., such person shall be removed from office by the Governor and shall be ineligible to again stand for election during the next immediate election. Upon acquittal, the Town Council member shall be restored and shall receive back pay only for the elected term of office during which the Town Council person was suspended, and if the elected term of office has ended, the Town Council member shall not be restored to office but may again seek to qualify and stand for election. A vacancy without resignation may occur pursuant to the uniform statewide recall provisions of section 100.361, Fla. Stat., and said vacancy shall be filled pursuant to section 100.361, Fla. Stat.

#### SECTION 7. COMPENSATION OF TOWN COUNCIL.

(a) Upon adoption of this section, each member of the Town Council shall receive as compensation for serving as a member of the Town Council an amount of two hundred and fifty dollars (\$250) per month.

(b) The above compensation may be changed by town ordinance, passed by the Town Council pursuant to section 166.041, Florida Statutes, subject to the following restrictions:

(1) The Town Council may not increase compensation by an amount greater than forty percent (40%) the base compensation at the time the ordinance is proposed.

(2) The Town Council shall face no restriction on the amount it may decrease compensation.

(3) A supermajority of 80-percent of the Town Council shall be required for any and all increases in compensation.

(c) In cases when the Town Council increases the compensation, said increase shall not take effect until the first month immediately following the next election of the Town Council, regardless of when the ordinance is adopted.

#### SECTION 8. PROCEDURE FOR ENACTMENT OF ORDINANCES AND OTHER LEGISLATION.

The Town Council shall have such governmental, corporate, and proprietary powers as to enable it to conduct municipal government, perform municipal functions, and exercise any power for municipal purposes, except as otherwise provided by law. These powers shall be exercised by the adoption of ordinances, resolutions, and other official enactments, and in their perfection, the Town Council shall follow the substantive and procedural requirements of section 166.041, Fla. Stat., or other applicable provisions of Florida law. The ordaining clause of every ordinance shall

be as follows: BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA.

**SECTION 9. BUDGETING; BORROWING; PROCUREMENT.**

(a) The Town of Greenville shall report its finances annually and shall have a fiscal year beginning October 1 of each year and ending on September 30 of the following year and shall adopt a budget each fiscal year by ordinance, which budget shall regulate all expenditures of the Town of Greenville, Florida. The amount available from taxation and other sources, including balances brought forward from prior fiscal years, must equal the total appropriations for expenditures and reserves. The tentative budget must be posted on the Town of Greenville official website at least two (2) days before the final budget hearing and the final adopted budget must be posted on said website within 30 days after adoption. The budget may be amended during or after the fiscal year, pursuant to general law, and any surplus budget funds must be invested pursuant to general law. As permitted by the Florida Constitution and general or special law, the Town of Greenville may borrow money, contract loans, and issue bonds from time to time to finance the undertaking of capital or other projects for public purposes and may pledge the funds, credit, property, and taxing powers of the Town of Greenville for the payment of such debts and bonds. However, as provided an art. VII, section 10, Florida Constitution, the Town of Greenville may not give, lend, or use its taxing power or credit to aid any corporation, association, partnership, or person, or become a joint owner or stockholder in any such entity or person. The Town of Greenville shall seek and obtain any appropriated state of Florida funds and state-shared revenues and grants available to municipalities.

(b) The procurement and purchase of commodities, insurance, contractual services, and other items shall be effectuated in accordance with Town of Greenville ordinances and administrative and purchasing manuals, if said ordinances and manuals have not been preempted by or are legally inconsistent with controlling provisions of the Florida Constitution and general or special laws.

**SECTION 10. INTENT OF POWERS; AMENDING CHARTER; CONFLICTING LAWS; HEADINGS; SEVERABILITY.**

Where a particular powers are especially conferred in this charter, it is the intent of this charter that such specific powers include all powers that are fairly implied within the terms of the grant of those specific powers, so long as not in conflict with the Florida Constitution, or general or special law. Florida Statutes cited in this charter encompass and include any and all successor Florida Statutes addressing the same topic.

This Charter may be amended in accordance with the provisions for Charter Amendments as specified in chapter 166, Fla. Stat. (Municipal Home Rule Powers Act), or its successor. The form, content, and certification of any petition to amend shall be established by ordinance. The Town Council may amend provisions and language out of this charter which have been judicially construed, either by judgment or by binding legal precedent to the contrary to the Florida Constitution or the Federal Constitution. All ordinances and other local laws in conflict with the

provisions of this charter, including provisions of any prior charter which have become ordinances by operation of law, are hereby repealed.

Section headings in this charter are included for convenience only and shall not affect the construction or interpretation of any provision of this charter.

In the event that any portion or provision of this charter is held by any court to be unconstitutional or inoperative, that invalidity shall in no way effect the remaining portions and provisions of this charter.

#### SECTION 11. EFFECTIVE DATE.

This amended, revised, and reenacted charter shall be effective upon filing with the Florida Department of State.

CHARTER

APPENDIX A

DESCRIPTION OF CORPORATE BOUNDARY

The Town of Greenville is established in Madison County, Florida, the territorial area of which shall be as follows: Beginning at the center of Section 21, thence running east for a quarter of a mile; thence running south one-half of a mile; thence running west one-quarter of a mile; thence running south one-quarter of a mile; thence running west one-quarter of a mile; thence running south one-quarter of a mile; thence running west to Greenville Southern Railroad; thence running north along said railroad to the northwest corner of the southwest quarter of the northeast quarter Section 20; thence running east one mile; thence running south one-quarter of a mile to the point of beginning, the same being in Township 1 north, Range 7 east.