



**2024 Charter Review Committee (CRC)**  
Joseph E. Johnston III Council Chambers  
201 Howell Avenue, Brooksville, Florida 34601

**AGENDA**

**February 26, 2024**

**5:15 P.M.**

A. Call to Order

B. Approval of Minutes

**Attachment One:** January 31, 2024 CRC minutes

C. Purpose and Role of Charter Review Committee

Discussion of meeting procedures, setting calendar (March 5, March 14, April 2, April 18) and amendment process

**Attachment Two:** FS 166.031

**Attachment Three:** Executed Resolution No. 2020-01 - Conduct and Public Comment

**Attachment Four:** Breakdown of different forms of government

D. Articles I – IV - questions, comments or suggestions by the Charter Review Committee

**Attachment Five:** Suggested revisions to Charter from Vice Chair Licata rec'd 2/7/24

**Attachment Six:** Suggested revisions to Charter from Chair Bloomquist rec'd 2/16/24

E. City Attorney continued overview of Charter – Articles V - VII

F. Questions and/or Comments on Articles V – VII

G. Citizens Input

H. Adjourn

Two or more Council members may participate in this meeting. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the ADA Coordinator, no later than 48 hours in advance of the meeting at (352)540-3810. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at [www.cityofbrooksville.us](http://www.cityofbrooksville.us). Any person desiring to appeal any decision with respect to any matter considered at this meeting may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and, therefore, must make arrangements for a court reporter to ensure that a verbatim record of the proceeding is made.

**2024 CHARTER REVIEW COMMITTEE  
MEETING MINUTES**

**CRC 2/26/24**

Joseph E. Johnston III Council Chambers  
201 Howell Avenue, Brooksville, Florida 34601

**January 31, 2024**

**6:30 P.M.**

The Charter Review Committee (CRC) met with Members Peg Bloomquist, Tom Barnette (arrived at 6:40 p.m.), Christopher Licata, III, Brent Young, Sally Sperling and Joe Quinn. Absent was CRC member Darren McKethan. Also present was Nancy Stuparich, City Attorney, Vose Law Firm and Jennifer J. Battista, City Clerk/Recording Secretary.

**Call to Order**

The meeting was called to order by City Clerk Battista as a Chairman had not been appointed at that time.

**Introduction of Members**

Each Member introduced themselves.

**Selection of Chair And Vice-Chair**

CRC Member Sperling nominated Peg Bloomquist as Chair. There were no further nominations. Nomination of Peg Bloomquist for Chair carried 6-0.

CRC Member Young nominated Joe Quinn as Vice Chair. Chris Licata nominated himself. Joe Quinn withdrew from consideration. There were no further nominations. Nomination of Chris Licata for Vice Chair carried 6-0.

**CRC Tasks and Timeline – City Attorney and City Clerk**

City Clerk advised that the CRC members were appointed by the City Council and the CRC must report their findings back to City Council by the first meeting in May. Any Charter recommendations for change would have to go to City Council and they would approve it by an ordinance. It would then go to the voters [on the ballot] at the General Election in November, 2024.

City Attorney Stuparich advised that she will be guiding the CRC through the existing Charter. She would suggest that once she goes through the Charter, the CRC members could ask any questions.

Chair Bloomquist asked what the “editors note” meant at the end of some of the sections of the Charter and City Attorney Stuparich stated that it is part of the code codification process by the outside company, Municode, who reviews, edits and keeps the City’s code current and up to date as ordinances are adopted.

City Attorney Stuparich went over the history of the creation of local governments and Home Rule Authority. Municipalities can regulate themselves as long as it is not something preempted by State, Federal or other governing law.

She noted that the 2018 Charter Review Committee brought forth one recommendation to City Council, which was passed by the voters. She offered that often the viewpoint is that if the Charter is not broken, then it probably does not need to be fixed.

### **Initial Review of Charter**

City Attorney Stuparich went over the current charter. Comments or questions by staff/attorney/CRC members, as follows:

### **ARTICLE I – CREATION AND POWERS**

- No specific comments

### **ARTICLE II – LEGISLATIVE**

- Chair Bloomquist questioned how they would look at the City’s code, and City Attorney Stuparich stated that it is available online. City Clerk Battista offered to send the link to the CRC Members. Vice Chair Licata clarified that the CRC is reviewing the Charter and not the entire code.
- CRC Member Sperling asked for and received confirmation that Council determines their own salary. City Clerk Battista added that Council has not raised their salary in many years. She was unsure of the exact amount but believes it is monthly \$600.00 for Mayor, \$500.00 for Vice Mayor and \$450.00 for Council Members.
- In response to a question by the City Attorney, City Clerk Battista advised that per Ordinance, the Hernando County’s Supervisor of Elections is the City’s election official.
- The Charter requires that Council must meet at least once a month. City Clerk Battista advised that the meeting schedule is set each year.
- The Clerk confirmed the City Attorney’s comment that Emergency Ordinances are rarely done. Clerk Battista did not remember any occasion of an emergency ordinance.

- Vice Chair Licata felt that revisions to the Charter could be suggested and reviewed even if the Charter is not broken. He felt that was the CRC's responsibility, along with the Council's and ultimately the voters. City Attorney Stuparich interjected that City Council has the authority, through a certain process, to recommend Charter changes to the voters throughout the year and not just every six years through the Charter review.
- Vice Chair Licata brought up for discussion and the City Attorney addressed the strong Mayor, weak Mayor, medium Mayor and City Manager types of Government.
- It was the Vice Chair's understanding that the City Council are elected City-wide at-large, which was confirmed.

### **ARTICLE III – ADMINISTRATION**

- Vice Chair Licata asked for clarification of the Administrative Code, which Stuparich described as policies, procedures and resolutions adopted, usually by Council, for guiding the City government and employees.

### **ARTICLE IV – DEPARTMENTS**

- There were no comments made under Departments

**A Break was held from 7:22 pm – 7:27 p.m.**

It was decided to stop the review after Article IV.

### **Questions and/or Comments**

Chair Bloomquist stated that the CRC will now open up for questions on Articles I – IV. Also, at the beginning of the next meeting, the CRC can review Articles I – IV again and then the City Attorney Stuparich will continue her review, starting with Article V.

CRC Member Barnette asked at what point could the Committee make comments or suggestions. City Attorney Stuparich stated that it could be at this meeting. At the February 26<sup>th</sup> meeting, the CRC could also make suggestions.

Vice Chair Licata advised he would be willing to send his changes to the City Clerk and the City Attorney asked that it be limited to Articles I – IV.

Chair Bloomquist asked that any other suggestions be emailed to the City Clerk. The City Attorney agreed, stating that the CRC could look at those at the beginning of the meeting on February 26<sup>th</sup>.

CRC Member Barnette supported a review of the Charter more common than every 6 years, to which Vice Chair Licata supported looking at that. Mr. Barnette did acknowledge that the Charter can be changed at any point which Stuparich confirmed, adding that it can be done through a process with Council then to the electorates.

The City Clerk distributed to the Committee the recommendation made from the 2018 Charter Review Committee, which was approved by City Council and approved by election of the voters. Chair Bloomquist stated that this can be discussed at the next meeting as well.

### **Set Future Meeting Schedule**

After discussion, it was decided to hold the next Charter Review Committee meeting on February 26, 2024 at 5:15 p.m. The Chair would firm up the dates for March and April in time for the February 26<sup>th</sup> meeting.

### **Citizens Input**

### **Adjourn**

There being no further business, the meeting adjourned at 7:40 p.m.

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Recording Secretary

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CRC Chair

AGENDA ITEM NO. TWO  
CRC 2/26/24Select Year: 2023 ▼ 

## The 2023 Florida Statutes (including Special Session C)

[Title XII](#)  
MUNICIPALITIES

[Chapter 166](#)  
MUNICIPALITIES

[View Entire Chapter](#)

### 166.031 Charter amendments.—

(1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.

(2) Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

(3) A municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. This section shall be supplemental to the provisions of all other laws relating to the amendment of municipal charters and is not intended to diminish any substantive or procedural power vested in any municipality by present law. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2).

(4) There shall be no restrictions by the municipality on any employee's or employee group's political activity, while not working, in any referendum changing employee rights.

(5) A municipality may, by unanimous vote of the governing body, abolish municipal departments provided for in the municipal charter and amend provisions or language out of the charter which has been judicially construed, either by judgment or by binding legal precedent from a decision of a court of last resort, to be contrary to either the State Constitution or Federal Constitution.

(6) Each municipality shall, by ordinance or charter provision, provide procedures for filling a vacancy in office caused by death, resignation, or removal from office. Such ordinance or charter provision shall also provide procedures for filling a vacancy in candidacy caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office.

History.—s. 1, ch. 73-129; s. 1, ch. 86-95; s. 1, ch. 90-106; s. 43, ch. 90-315; s. 45, ch. 94-136.

CRC  
2/26/24

RESOLUTION NO. 2020-01

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA; REPLACING RESOLUTION 2015-04; ADOPTING RULES AND POLICIES GOVERNING PUBLIC COMMENT; ADOPTING SAID RULES AND POLICIES IN COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING RULES FOR THE CONDUCT OF MEETINGS; PROVIDING RULES FOR PUBLIC PARTICIPATION AND CONDUCT; REQUIRING THE OBSERVANCE OF DECORUM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida recently enacted Florida Statute §286.0114; and,

WHEREAS, Florida Statute Section §286.0114 sets forth certain requirements for participation by the public at meetings of the City Council of the City of Brooksville, Florida, as well as other boards and commissions created by the City Council of the City of Brooksville; and,

WHEREAS, as a result of Florida Statute §286.0114, it is necessary for the City Council of the City of Brooksville, to adopt policies consistent with the requirements of the statute, related to public participation at City Council meetings; and,

WHEREAS, the City Council of the City of Brooksville, Florida, after publication of all required notice to the public of its consideration of this Resolution, has determined that it is in the best interest of the City of Brooksville, Florida, to approve the Resolution contained herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:**

**SECTION 1. PURPOSE.** The purpose of this Resolution is to adopt policies for public participation at meetings of the City of Brooksville, Florida, including any of its boards or commissions, for the reasons set forth in the above "Whereas" clauses, which are incorporated herein, *in haec verba*.

**SECTION 2. AUTHORITY.** The City Council is authorized to adopt policies for the City of Brooksville pursuant to Article I of the City Charter of the City of Brooksville, and Chapter 2, Article II, Division III, of the General Provisions of the Code of Ordinances of the City of Brooksville, and as otherwise authorized by applicable Florida Statutes.

**SECTION 3. FINDINGS; DECLARATION OF PUBLIC POLICY.** It is the intent of these rules that the deliberations and actions of the City Council of the City of Brooksville, Florida ("City Council") be conducted and taken openly in order that the citizens may be fully informed, it being the finding of the City Council that the citizens must be fully informed if they are to be intelligently advised as to the conduct of public business by the City Council. Towards

that end, the City Council makes the following findings and declares the following legislative intent:

- (1) The City has traditionally permitted public participation in its public meetings.
- (2) Florida local governments allow public participation and have adopted rules to govern its conduct.
- (3) Public participation in government business is the bedrock of American local government and should be protected, permitted and not discouraged consistent with principles of common and statutory law.
- (4) In 2013, the Florida Legislature adopted Section 286.01 14, Florida Statutes, that requires municipal boards and commissions to provide members of the public a reasonable opportunity to be heard before official action is taken.
- (5) At the same time, some forms of comment that slander, defame, libel, disparage, or smear individuals through ad hominem attacks are not germane to public business and are inappropriate to the decorum of public meetings involving the public business of a city.
- (6) The City Council is permitted to set reasonable ground rules for public participation within its meetings and within any other meetings of any board or commission of the CITY OF BROOKSVILLE or its agencies or authorities.

**SECTION 4. DEFINITIONS.** For the purpose of this policy, the following definitions shall prevail:

- (1) A "meeting" is a gathering of a quorum of the membership of the City Council, or any board or commission of the City of Brooksville, Florida, or its agencies or authorities for the purpose of receiving information relating to public business, or for discussion of public business, or for official action upon a proposition related to public business.
- (2) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by a board or commission to enact ordinances and resolutions, conduct public hearings, or otherwise discuss or act upon matters of public interest.
- (3) A "special meeting" is any meeting other than a regular meeting held by a board or commission. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of a board or commission or for the purpose of addressing matters which the board or commission has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or presiding officer of the board or commission shall specifically state the purpose of the meeting and the board or commission shall address only those matters for which the meeting was called.
- (4) A "workshop" is a meeting where no official action is taken by the board or council. The policies for public comment herein are not applicable to a workshop meeting with the exception of the policies enumerated under decorum.

(5) A "board or commission" shall refer to the City Council of the City of Brooksville, the City of Brooksville Planning Commission, the City of Brooksville Community Redevelopment Agency and any other board or commission created by the City Council.

(6) "City Council" shall refer to the Mayor and members of the City Council of the City of Brooksville, Florida.

(7) The "presiding officer" shall mean, in the case of the City Council, the Mayor, and in all other cases shall be the chairman of a particular city board or commission.

(8) "City" shall mean the City of Brooksville, Florida.

## **SECTION 5. MEETINGS.**

(1) Location. All meetings of the City Council shall be held in City Hall, unless the City Council indicates another location, and shall be open to the public as required by law. All meetings of any other city board or commission shall be held in a suitable location within the city limits of the City of Brooksville, Florida, and shall be open to the public as required by law. The only exception to the requirement that meetings be open to the public shall be any executive session scheduled for those purposes expressly recognized by law.

(2) Regular Meetings. The City Council and the City's other boards and commissions shall hold regular meetings as designated by the City charter, City Council or the City's other Boards and Commissions.

(3) Public Notice. The City shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting or of any reconvened meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at City Hall and on the City's website. The City shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the City Clerk for such notice.

## **SECTION 6. CONDUCT OF MEETINGS.**

### **Public Meetings that are not Quasi-Judicial**

(1) The presiding officer shall preserve order and decorum at all meetings.

(2) When considering matters noticed for a public hearing of the City Council, the applicable ordinances shall first be read by its title only. The presiding officer shall declare the public hearing open and receive comments from the public prior to Council or board vote if applicable.

(3) During any board or commission meeting, board members and commissioners shall maintain order and decorum.

(4) City staff and citizens must be recognized by the presiding officer before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.

(5) All comments must be made from the podium which is located at the front of the City Council Chambers or by other reasonable accommodations in any other location in which a board or commission meeting is held, and shall address the subject of the agenda item. Individuals who appear before any city board or commission will be asked to state their legal name, their actual physical address and whether they are a City resident or City business owner for the public record. The purpose of this requirement is so that they are properly reflected in any board or commission minutes and are available for future reference.

(6) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. Members of the public shall be limited to three (3) minutes per person on all items that are not of a quasi-judicial nature.

(7) Those persons wanting to express their opinion on an agenda item noticed for public hearing without addressing the board or commission may do so in writing by submitting the same to the clerk, which shall then be made part of the public record of the proceedings.

~~(8) As a board or commission considers consent agenda items, emergency items, items involving official acts that involve no more than a ministerial act, approval of minutes, ceremonial proclamations and other similar items, the presiding officer may, at his or her discretion, or at the direction of a majority of the board or commission, accept comments from those in attendance.~~

(9) When considering the first or second reading of an ordinance, the City Council shall accept comments from those members of the public who have indicated their desire to address the City Council concerning such ordinance.

#### **Public Meetings Where City Council Acts as a Quasi-Judicial Body**

(10) In addition to the above enumerated paragraphs one (1) through (9) that are not in conflict with the provisions of this paragraph, are also to apply to quasi-judicial proceedings.

(11) At the discretion of the presiding officer, public comments to be offered for an item during which the board or commission is acting in a quasi-judicial capacity will be limited to three (3) minutes per person so that all may be heard on the matter and the presiding officer, or his or her designee, shall in such instances monitor the timing and give the speaker a thirty (30) second notice prior to the expiration of the time allotted. The presiding officer may, at his or her discretion, or at the direction of a majority of the board or commission, extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by

another speaker. Any such rebuttal shall be limited to two (2) minutes. After receiving public comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the City Council. One participant's allotted time for addressing the board or commission may not be donated to another participant. This section shall not unduly limit the time of an applicant or other individual or entity designated as a party to the proceedings under Florida law to make their presentation.

**SECTION 7. PUBLIC PARTICIPATION AND COMMENT.** The City has a long standing policy which encourages its citizens to participate during public meetings. In order to comply with Section 286.0114, Florida Statutes, the City Council hereby establishes a Public Comment Policy applicable to all city boards and commissions to allow members of the public an opportunity to address city boards and commissions. In addition to public hearings, a special time is hereby set aside at all city board and commission meetings for the purpose of receiving comments and suggestions from members of the public. All comments made during any Public Comment period shall be subject to the following procedures:

(1) The City Council shall provide an opportunity at the beginning and at the end of each regularly scheduled City Council meeting, and any other board or commission meeting for citizens who wish to appear before that city board or commission to make a request of City Council, board or commission, voice a complaint or concern, express an opinion, or for some other type of recognition. The presiding officer will provide each member of the public three (3) minutes to provide their input. Unless otherwise directed by a majority of members of City Council, board or commission, the presiding officer may permit additional time to a given speaker on a case-by-case basis."

(2) Each person who wishes to address the City Council or the Board or Commission must first be acknowledged by the presiding officer. Speakers shall address the City Council or the board or commission from the podium and not approach that city board or commission or staff. Speakers will be asked to begin their statement by stating their legal name, their actual physical address and whether they are a City resident or City business owner for the public record.

(3) Statements are to be directed to the city board or commission as a whole, and not to individuals. Public comment is not intended to require a city board or commission to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(4) Speakers will be courteous in their language and presentation. Violations of this provision may result in the presiding officer striking the comments and limiting any further comments.

(5) Only one speaker will be acknowledged at a time. In the event a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a spokesperson shall be designated to express the group's concerns and the time shall be limited to five (5) minutes. In order for a group and its spokesperson to take advantage of this provision, the group and spokesperson must be identified prior to speaking. If it appears that the group cannot be readily identified or similar persons with similar views do not wish to be part of the

group, the presiding officer may in his or her discretion not allow such a designation. Likewise, in the event the number of persons wishing to attend the hearing exceeds the capacity of the meeting place, one or more delegates shall be selected to speak on behalf of each group.

(6) After each Citizen's Input delineated on the agenda, the City Manager, or his designee, or City Council, will have the opportunity to address items brought up during Citizen's Input. This may include answering or explaining questions or comments posed, directing where such information can be obtained or offering to provide an answer or explanation at a later time if the matter requires further research or action.

(7) It should be understood that no city board or commission will likely take any action on subject matter for which it has not had the opportunity to fully investigate and gather complete information.

(8) These same rules shall apply to all city boards and commissions with the exception of quasi-judicial hearings.

**SECTION 8. DECORUM.** The presiding officer shall preserve strict order and decorum at all meetings.

(1) In conducting the public's business, city boards and commissions are committed to the principles of civility, honor, and dignity. Individuals appearing before city boards and commission are requested to observe the same principles when making comments on items and issues presented to a given city board or commission for its consideration.

(2) Staff members and citizens are required to use proper language when addressing a city board or commission or the audience. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the city board or commission or other participants. All comments are directed to the presiding officer or the board as a whole and shall not be directed to individual members of the city board or commission or to the audience. No personal verbal attacks toward any individual will be allowed during the conduct of a city board or commission meeting. The presiding officer may have individual(s) removed from the podium and/or meeting chambers if such conduct persists after a warning has been issued.

(3) All members of a city board or commission shall accord the utmost courtesy to each other, the City employees and the public members appearing before the board or commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During city board or commission meetings, cell phones are to be turned off or silenced. Use of cell phones by board or commission members and City staff for talking, texting, emailing or otherwise will not be allowed during meetings while at the dais, except for emergency communications, research, or during breaks.

(4) In addition to the prohibitions in (3), above, Section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second degree, and may be arrested

by police officers present. This may be done in the absence of the conduct being noted, or of the offender being called to order, by the presiding officer.

(5) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the meeting chambers, the following steps shall be taken:

- i. The presiding officer shall declare a recess.
- ii. The person shall be advised that he or she has been ordered expelled.
- iii. In case the person does not remove himself or herself from the area, he or she will be advised that they may be placed under arrest for violating Section 871.01, Florida Statutes.
- iv. In the event any person who is ordered expelled leaves the meeting chambers voluntarily and then returns to the same meeting, he or she may be subject to arrest for violation of Section 871.01, Florida Statutes.

The City Manager shall, during all City Council meetings, have a uniformed law enforcement officer present to enforce this policy.

**SECTION 9. REPEAL OF CONFLICTING RESOLUTIONS.** All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

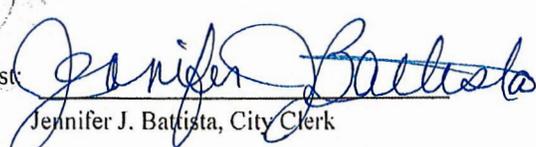
**SECTION 10. SEVERABILITY.** The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence or paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

**SECTION 11. EFFECTIVE DATE.** This Resolution shall become effective immediately upon passage by the City Council of the City of Brooksville, Florida.

**DULY ADOPTED** this 6<sup>th</sup> day of January, 2020.

**CITY OF BROOKSVILLE, FLORIDA  
RESOLUTION NO. 2020-01**

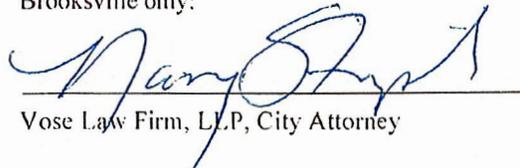
Attest:

  
  
Jennifer J. Battista, City Clerk

By:

  
Joe Bernardini, Mayor

Approved as to form for the reliance of the City of Brooksville only:

  
Vose Law Firm, L.L.P., City Attorney

VOTE OF COUNCIL:

Bernardini	AYE
Battista	AYE
Brayton	AYE
Erhard	AYE
Kemerer	AYE

CRC 2/26/24

## Duties of Municipal Officials in Different Forms of Government

	<b>DUTIES OF THE MAYOR</b>	<b>DUTIES OF THE COUNCIL</b>	<b>DUTIES OF THE CITY MANAGER</b>
<b>COUNCIL-WEAK MAYOR</b>	<p>Office of mayor is usually rotated among the elected council members annually</p> <p>Authority is little, if any, greater than that of the other council members</p> <p>Acts as ceremonial head of government at public functions</p>	<p>Holds collective power over administration, including appointment and dismissal of municipal employees and appointments to boards and commissions</p> <p>Decides policies and creates ordinances</p>	Not present in this form
<b>COUNCIL-STRONG MAYOR</b>	<p>May have veto power over council legislation</p> <p>Has executive power to carry out policies</p> <p>Prepares budget, makes appointments and manages daily operations</p> <p>Acts as ceremonial head of government at public functions</p>	<p>Decides city policies, but has no administrative power</p>	Not present in this form
<b>COMMISSION</b>	<p>Presides over commission meetings</p>	<p>Commissioners serve collectively as the policy-making board and individually as heads of the principal departments</p>	Not present in this form
<b>COUNCIL-MANAGER</b>	<p>Acts as ceremonial head of government at public functions</p> <p>Presides over council meetings</p> <p>Makes appointments to boards</p> <p>Has little, if any, role in day-to-day municipal administration</p> <p>Sometimes filled by election, sometimes filled by council appointment</p>	<p>Decides policies and creates ordinances</p>	<p>Appointed by a majority of the council for an indefinite term and removable only by a majority of the council</p> <p>Fully responsible for municipal administration: supervises and coordinates the departments, appoints and removes their directors, and makes reports and recommendations to the council</p> <p>Responsible for preparing a budget to present to the council, and responsible for the administration of the council-approved budget</p>

Emailed to  
City Clerk  
2/7/24

#### Benefits of the Overhaul:

- Streamlined decision-making with a clear executive structure.
- Enhanced council representation with single-member districts.
- Increased accountability through fixed terms and oversight mechanisms.
  - Professionalization of legal and administrative functions.
- Sustainable and adaptable governance model with charter committee oversight.

#### ❖ Mayor Structure:

- Medium Mayor vs Current Ceremonial Mayor
- Elected citywide every two years.
- Chief Administrative Officer (CAO) role with NO veto power.
- Mayor Oversight by the Council Chair
- The mayor is subject to a no-confidence vote of the council and removed.

#### ❖ Council Structure

- Six Single-Member Districts vs Current Five At-large Districts
- Council members serve a single six-year term.
- Mandatory one-year out of office after each term.
- Staggered elections with 1/3 of the council elected every two years.

#### ❖ Council Salaries and Chair

- Fixed salaries for council members pegged to inflation.
- The Council Chair elected by the council, serves as a non-voting 7th member.
- The Council Chair has the authority to break ties.

#### ❖ City Attorney and Legal Oversight:

- In-house insulated City Attorney:
- Four-year term nominated by the council.
- Confirmation by the Mayor.
- Oversees Clerk and HR functions.

#### ❖ Department Heads and Oversight

- Six fixed departments.
- The mayor nominates, and confirmation by the council.
- Each council member oversees one of the six departments.

#### ❖ Charter Review Committee:

- Elevated to a standing committee and changed the appointment process.
- All charter amendments must be recommended by the Charter Review Committee.
- The council can only consider recommended amendments.

### **Enhancing Democracy: Why a City-Wide Elected Mayor and Single-Member Districts Council Outshine Council-Manager Model**

In the realm of local governance, the structure and dynamics of city councils play a pivotal role in shaping the direction and effectiveness of municipal decision-making. While various models exist, the debate often centers around the effectiveness of the council-manager model versus alternative systems. In this discourse, I advocate for the implementation of a "Medium Mayor" a city-wide elected mayor alongside a Single-Member district council, augmented with a council-elected chair as a non-voting but for tiebreaking. Below are 6 points why this model stands as a superior choice compared to the prevalent council-manager setup, particularly the Five At-large Districts model we use here in Brooksville.

**1. Direct Representation:** The crux of democracy lies in the principle of representation. Single-member districts ensure that every locality within the city has a direct voice in city affairs. Citizens can elect a council member who intimately understands and represents the unique needs and challenges of their specific district, fostering a sense of accountability and responsiveness.

**2. Enhanced Accountability:** A city-wide elected mayor introduces a singular figurehead accountable to the entire populace. With elections held every two years, this ensures heightened scrutiny and accountability compared to council-manager models where accountability may be diffused among multiple council members and a city manager. This direct accountability to the electorate can translate to more responsive governance.

**3. Streamlined Decision-Making:** A mayor without veto power streamlines decision-making processes. While ensuring executive leadership, the absence of veto power fosters a collaborative environment where the mayor must work closely with the council to enact policies and initiatives, promoting consensus-building and compromise.

**4. Checks and Balances:** Introducing a non-voting council-elected chair who can break ties adds a layer of checks and balances to the system. This individual serves as a neutral arbiter, ensuring that decisions are made in the best interest of the city while preventing gridlock in the event of a tied vote.

**5. Community Engagement:** Single-member districts encourage community engagement and grassroots involvement in local politics. By decentralizing power and representation, these districts empower communities to participate actively in the political process, fostering a more vibrant and inclusive democracy.

**6. Flexibility and Adaptability:** Establishing the Charter Review Committee as a standing committee, with appointments from both the mayor and council, and requiring all charter amendments to be recommended by the committee before council consideration ensures ongoing flexibility, adaptability, and oversight, along with a more collaborative approach to governance, ultimately enhancing the responsiveness and effectiveness of the city's governing document. This structure promotes greater accountability, transparency, and inclusivity in the amendment process, fostering public trust and confidence in the integrity of the city's governance mechanisms. NOTE: Amendment by petition is NOT affected or changed via my proposal

**In conclusion,** the proposal to implement a city-wide elected mayor alongside a Single-Member district council, supplemented by a council-elected chair, presents a compelling argument for enhancing democracy within our municipality. By prioritizing direct representation, accountability, streamlined decision-making, checks and balances, community engagement, and flexibility, this model offers a more responsive and inclusive approach to local governance. Through these mechanisms, citizens are empowered to actively participate in shaping the direction of their communities while ensuring that decision-making processes remain transparent, collaborative, and accountable. Ultimately, adopting this model not only strengthens the foundations of democracy but also fosters a more vibrant and effective municipal governance system that truly serves the needs and interests of all residents.

**In Liberty,**

A handwritten signature in black ink that reads "Chris Licata III". The signature is written in a cursive, flowing style with a prominent "C" and "L".

2024 Brooksville Charter Review Vice Chair,

Written individually and for consideration by the rest of the committee, the council and the electors.



27 **Sec. 2.01. City council; powers and composition.**

28 There shall be a city council with all legislative powers of the city vested therein .The  
29 city shall be equally divided by ordinance according to the latest census data into six (6)  
30 districts ensuring optimal compactness. Each district shall elect a single city council  
31 member. It shall be ensured that an elector of any district may seek and hold office for any  
32 other district when elected by the electors of that district alone. The city council shall  
33 adopt chamber rules for procedural efficacy, consisting of five (5) members, who shall be  
34 electors of the city, elected by the electors of the city.

35 **Sec. 2.02. Qualifications of city council members; term of office; Vacancies.**

36 (a) Any elector who has continuously resided in the City of Brooksville for at least one (1)  
37 year, immediately prior to qualifying, shall be eligible to hold the office of city council  
38 member.

39 (b) Members shall be elected for a ~~four~~ six-year term. ~~Consecutive terms shall be limited~~  
40 ~~to two (2), full, four (4) year terms with a minimum of a one-year period of time out of~~  
41 ~~office before being allowed to run for council subsequently.~~ No person may appear on  
42 the ballot for re-election for city council if, by the end of the current term of office, the  
43 person will have served or, but for resignation, would have served in that office for six  
44 consecutive years. However, no prior service in office before 2026 shall be counted for  
45 term limits.

46 (c) Each Council member-elect shall in writing name an alternate before taking office and  
47 this letter shall become a sealed record maintained by the clerk. Should that council  
48 member's seat become vacant the letter shall be unsealed before the council. The  
49 alternate shall be informed and have the choice to decline or accept the appointment  
50 as an interim city council member until the next November election when a special  
51 election shall be held for the seat for the remainder of the incomplete term. Should  
52 the alternate decline or otherwise be ineligible then the Chair shall appoint an eligible  
53 person to the seat until the next November election when a special election shall be  
54 held for the seat for the remainder of the incomplete term.

55 (d) Transitional: Elections for this expanded and single-district city council shall occur as  
56 part of the 2026 general election. Seats 1, 4, 5, and 6 shall be elected in 2026.  
57 However, seats 1 and 6 shall be again elected in 2030. Seats 4 and 5 shall be elected  
58 for a regular six-year term. Seats 2 and 3 elected in 2024 shall retain their seat until  
59 2028 when they shall then be elected for a six-year term.

60  
61 (Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-  
62 2006)

63 Editor's note(s)—The requirement for a candidate to be a real property owner was  
64 editorially deleted as it is of doubtful constitutionality.

65 **Sec. 2.03. ~~Mayor; vice-mayor.~~Chair; Vice Chair; powers of the chair**

66 The council shall ~~elect from among its members a mayor and a vice-mayor.~~ appoint a  
67 Chair. The Chair-elect doesn't have to be a member of the council, should a member be  
68 appointed resignation from the council shall be required. The Chair and Vice Chair shall  
69 serve a two-year term, appointed every December following an election. Should an  
70 election of a Chair or vice chair be tied, the mayor may break such a tie.

71 The Council shall appoint from among themselves a vice-chair, and the vice-chair  
72 shall remain a council member.

73 The Chair shall be subject to votes of no confidence at any meeting and upon a motion  
74 and second of no confidence the Vice Chair shall serve as acting Chair until the motion can  
75 be debated and resolved, upon four affirmative votes of no confidence the Chair shall be  
76 vacated, and the vice chair elevated to Chair and a new vice-chair selected.

77 The Chair shall;  
78 have no vote but to break a tie  
79 set the agenda and the calendar  
80 abide by and enforce chamber rules  
81 have total unabridged access to the mayor and city staff, oversee the mayor and the  
82 running of the city, and make regular reports back to the council.

83 In coordination with the mayor and staff prepare and submit the annual budget,  
84 budget message, and capital program to the council in a form provided by  
85 ordinance.

86 Submit to the council and make available to the public a complete report of the  
87 finances and administrative activities of the city as of the end of each quarter and  
88 fiscal year.

89 Make such other reports as the council may require concerning the operation of the  
90 city departments, offices, and agencies subject to his or her direction and  
91 supervision.

92 Keep the council fully advised as to the financial condition and future needs of the city  
93 and make recommendations to the council concerning the affairs of the city.

94  
95 ~~Election of the mayor and vice-mayor shall be done annually at the first regular~~  
96 ~~council meeting in December of each year. The mayor shall preside at meetings of the~~  
97 ~~council, shall be recognized as head of city government for all ceremonial purposes, by the~~  
98 ~~governor for purposes of military law, for service of process, execution of contracts, deeds~~  
99 ~~and other documents, and as the city official designated to represent the city in all~~  
100 ~~agreements with other governmental entities or certifications to other governmental~~  
101 ~~entities, but shall have no administrative duties except as required to carry out the~~  
102 ~~responsibilities herein. The vice-mayor shall act as mayor during the absence or disability~~  
103 ~~of the mayor.~~

104 (Ord. No. 287-C, § 1, 8-17-1998)

105 **Sec. 2.04. Disqualification and forfeiture of office.**

106 The council shall be the judge of the disqualification of its members and of the  
107 grounds for forfeiture of their office. Forfeiture of office by a council member shall be  
108 limited to the following:

- 109 (1) Permanent inability to perform official duties.  
110 (2) Conviction of a felony.

- 111 (3) Neglect of duty for failure to attend a majority of council meetings within the  
112 immediate prior six (6) months' term of office without just cause.
- 113 (4) Council member no longer meets residency requirements of having primary  
114 residence within the city limits.

115 A member charged with conduct constituting grounds for forfeiture of his or her office  
116 shall be entitled to a public hearing on demand and notice of such hearing shall be  
117 published in one (1) or more newspapers of general circulation in the city at least one (1)  
118 week in advance of the hearing. Forfeiture of office shall require not less than a four-fifths  
119 (4/5) vote of the entire council.

120 (Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-A, 10-15-1990; Ord. No. 287-B, 9-11-1995;  
121 Ord. No. 828 § 1, 6-4-2012/11-6-2012)

122 **Sec. 2.05. Compensation and expenses.**

123 No later than FY 2026~~The council may determine~~ the annual-monthly salary of council  
124 members shall be \$750 pegged to inflation in 2024 dollars. ~~and mayor or vice-mayor by~~  
125 ~~ordinance, but no ordinance increasing such salary shall become effective until the~~  
126 ~~commencement of the fiscal year.~~

127 Council members, chair, city attorney, and mayor shall receive their actual and  
128 necessary expenses incurred in the performance of their duties of office as provided by  
129 law.

130 No, later than FY 2026 the Council, by ordinance shall determine the annual salaries  
131 of the mayor, city attorney, and chair respectively. Any increase or reduction of these  
132 salaries shall not take effect until the subsequent term of office respectively.

133 The vice chair is honorific and carries no duties or compensation.  
134

135 (Res. No. 90-13, § 1, 10-15-1990)

136 **Sec. 2.06. Election.**

137 All municipal elections shall be conducted and vacancies filled in accordance with  
138 the provisions of F.S. chs. 97—106, inclusive, known as the Florida Election Code, and as

139 may be amended, except as provided or modified by the city charter, its amendments or  
140 ordinances.

141 **Sec. 2.07. Electors.**

142 Any person who is a resident of the city, and who is qualified as an elector of this state  
143 and who registered in the procedural manner prescribed by general law and ordinance of  
144 the city, shall be an elector of the city.

145 State law reference(s)—Qualifications for municipal elector, F.S. § 166.032.

146 **Sec. 2.08. Nominations.**

147 Candidates for the offices of city council shall be nominated for such office by the  
148 filing of a written notice of candidacy with the designated city official at such time and in  
149 such manner as may be prescribed by general law and ordinance.

150 **Sec. 2.09. Form of ballots.**

151 The council, by resolution, shall prescribe the form of ballot, including the method of  
152 listing candidates for city council and any other city election, in accordance with the  
153 provisions of Florida Statutes. A charter amendment or referendum question to be voted  
154 on by the city electors shall be presented to the voters by ballot title. The ballot title of the  
155 measure may differ from its legal title and shall be a clear, concise statement describing  
156 the substance of the measure without argument or prejudice.

157 (Ord. No. 287-D, 7-3-2000)

158 **Sec. 2.10. Candidates.**

159 (a) *One (1) single candidate:* In the event that no more than one (1) person qualifies as a  
160 candidate, either for ballot listing or write-in, for a designated seat on the city council,  
161 that seat or office shall not be listed on the regular city election ballot. The city council  
162 by resolution shall designate the qualified candidate as the council member for the  
163 designated seat.

164 (b) *One (1) candidate for each open seat:* In the event that all the seats scheduled for  
165 election have only one (1) candidate qualify, the city council, by a resolution, shall

166 declare that no election shall be held and the qualified candidate shall fill the  
167 designated seat.

168 (Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

169 **Sec. 2.11. Nonpartisan elections.**

170 All nominations and elections for the offices of city council shall be conducted on a  
171 nonpartisan basis without regard for, or designation of, political party affiliation of any  
172 nominee on any nomination petition or ballot.

173 (Ord. No. 287-F, § 1, 8-21-2006)

174 **Sec. 2.12. Procedure.**

175 (a) *Meeting:* The council shall meet regularly at least once in every month at such times  
176 and places as the council may prescribe by rule. Special meetings may be held on the  
177 call of the ~~mayor~~ Chair or of a majority of the members and, whenever practicable,  
178 upon no less than twenty-four (24) hours' notice to each member and the public. All  
179 meetings shall be public.

180 (b) *Rules in general:* The council shall determine its own rules and the ~~mayor~~ Chair shall  
181 set the order of business for each meeting.

182 (c) *Voting:* Voting on ordinances and resolutions shall be by roll call and shall be recorded  
183 in the journal. A majority of the council shall constitute a quorum; but a smaller  
184 number may adjourn from time to time and may compel the attendance of absent  
185 members in the manner and subject to the penalties prescribed by the rules of the  
186 council. No action of the council shall be valid or binding unless adopted by the  
187 affirmative vote of the majority of a quorum present, except as may be more  
188 specifically described in this charter.

189

190 (Ord. No. 287-A, 10-15-1990; Ord. No. 287-F, § 1, 8-21-2006)

191 **Sec. 2.13. Ordinances in general.**

- 192 (a) [*Definitions:*] "Ordinance" means an official, legislative action of the council, which  
193 action is a regulation of a general and permanent nature and enforceable as a local  
194 law.
- 195 (b) [*Form, procedure generally:*] Ordinances, including the form, procedure, effective  
196 date, action required in ordinance, emergency ordinances, emergency appropriations,  
197 budget adoption, reduction of appropriation and limitations shall be as prescribed by  
198 general law.
- 199 (c) *Emergency ordinances:* To meet a public emergency affecting life, health, property,  
200 welfare or the public peace, the council may adopt one (1) or more emergency  
201 ordinances, but such ordinance may not levy taxes, grant, renew or extend, a  
202 franchise, [or] set service or user charges for any municipal services.
- 203 (1) *Form:* An emergency ordinance shall be introduced in the form and manner  
204 prescribed for ordinances generally, except that it shall be plainly designated in the  
205 preamble as an emergency ordinance and shall contain, after the enactment clause, a  
206 declaration stating that an emergency exists and describing it in clear and specific  
207 terms.
- 208 (2) *Procedure:* An emergency ordinance may be adopted with or without amendment or  
209 rejected at the meeting at which it is introduced, but the affirmative vote of at least  
210 three-fifths ( $\frac{3}{5}$ ) of all the council shall be required for adoption. After its adoption, the  
211 ordinance shall be printed and published as prescribed for other adopted ordinances.
- 212 (3) *Effective date:* Emergency ordinances shall become effective upon adoption or at  
213 such other date as may be specified in the ordinance.
- 214 (4) *Repeal:* Every emergency ordinance except emergency appropriations shall  
215 automatically stand repealed as of the 61st day following the date on which it was  
216 adopted, but this shall not prevent re-enactment of the ordinance under regular  
217 procedures, or if the emergency still exists, in the manner specified in this section. An

218 emergency ordinance may also be repealed by the adoption of a repealing ordinance  
219 in the same manner specified in this section for adoption of emergency ordinances.

220 (5) *Emergency appropriations:* The council may make emergency appropriations in  
221 the manner provided in this section. To meet such appropriations, the council  
222 may, by such emergency ordinance, authorize the issuance of emergency notes  
223 which may be renewed from time to time, but the emergency notes and renewals  
224 of any fiscal year shall be paid not later than the last day of the fiscal year next  
225 succeeding that in which the emergency appropriation was made.

226 (Ord. No. 287-F, § 1, 8-21-2006)

227 State law reference(s)—Ordinance adoption procedure, F.S. § 166.041.

228 **Sec. 2.14. Budget adoption.**

229 The council shall, by ordinance, adopt the budget on or before the 30th day of  
230 September of each year. If it fails to adopt a budget by this date, the council, by resolution,  
231 may direct that the amounts appropriated for current operation for the current fiscal year  
232 shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and  
233 renewed by resolution each fifteen (15) days with all items in it prorated accordingly, until  
234 such time as the council adopts a budget for the ensuing fiscal year. An ordinance  
235 adopting an annual budget shall constitute appropriations of the amounts specified  
236 therein as expenditures from the funds indicated.

237 State law reference(s)—Method of fixing millage and budget adoption procedure, F.S. §  
238 200.065; preparation and adoption of budget, F.S. § 129.03.

239 **Sec. 2.15. Appropriations amendments during the fiscal year.**

240 (a) *Budget Transfers:* With the approval of council any sum appropriated during a fiscal  
241 year within the various departments and funds of the city for a particular use(s), which  
242 are not required for such use(s), may be applied to other expenses of the department  
243 to which said sums are appropriated or to the fund from which it was appropriated.

244 (b) *Budget over-expenditures*: Departmental appropriations may not be exceeded without  
245 the consent and approval of council and transfer of the additional funds from reserve  
246 for contingencies or other sources.

247 (c) *Additional revenue-supplemental appropriations*: If during the fiscal year, revenues in  
248 excess of those estimated in the budget, are available for appropriation, the council,  
249 by ordinance, may make supplemental appropriations for the year up to the amount of  
250 such excess.

251 (d) *Insufficient revenues-reduction of appropriations*: If, at any time, during the fiscal  
252 year, it appears probable to the city manager that the revenues available will be  
253 insufficient to meet the amount appropriated, he or she shall report to the council  
254 without delay, indicating the estimated amount of the deficit, any remedial action  
255 taken by him/her and his or her recommendations as to any other steps to be taken.  
256 The council shall then take such further action as it deems necessary to prevent or  
257 minimize any deficit and for that purpose it may, by ordinance, reduce one (1) or more  
258 appropriations.

259 (e) *Limitations; effective date*: No appropriation for debt service may be reduced or  
260 transferred, and no appropriation may be reduced below any amount required by law  
261 to be appropriated or by more than the amount of the unencumbered balance thereof.  
262 The supplemental and emergency appropriations and reduction or transfer of  
263 appropriations authorized by this section may be made effective immediately upon  
264 adoption.

265 (Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-D, 7-3-2000; Ord. No. 287-F, § 1, 8-21-2006;  
266 Ord. No. 919, § 1, 3-2-2020)

267 **Sec. 2.16. Authentication, recording and disposition of charter amendments,**  
268 **ordinances and resolutions.**

269 (a) *Authentication*: The ~~presiding officer of the council~~ Chair and the city clerk shall  
270 authenticate by their signatures all ordinances and resolutions adopted by the  
271 council. The Chair shall authenticate and override by their signatures and record and

272 print. In addition, when charter amendments have been approved by the electors, the  
273 ~~presiding officer~~ Chair of the council, and the city clerk shall authenticate by their  
274 signature the charter amendment, such authentication to reflect the approval of the  
275 charter amendment by the electorate.

276 (b) *Recording*: The city clerk shall keep properly indexed books in which all ordinances  
277 and resolutions passed by the council shall be recorded in full. Ordinances shall, at  
278 the direction of the council, be periodically codified. The city clerk shall also maintain  
279 the city charter in current form and shall enter all charter amendments and send a  
280 copy of the revised charter incorporating amendments to the secretary of state's  
281 office.

282 (c) *Printing*: The council shall, by ordinance, establish procedures for making all  
283 resolutions, ordinances, technical codes adopted by reference, and this charter  
284 available to the people of the city for public inspection and available for purchase at a  
285 reasonable price, but not to be less than the cost to the city.

286 (Ord. No. 287-F, § 1, 8-21-2006)

287 Editor's note(s)—The words city clerk was editorially inserted in place of person charged  
288 with keeping the journal at the direction of the city.

289 State law reference(s)—Charter amendment procedure, F.S. § 166.031.

### 290 **ARTICLE III. ADMINISTRATION**

#### 291 **Sec. 3.01. ~~City manager~~ Mayor.**

292 There shall be a ~~city manager~~ Mayor who shall be the chief administrative officer of the  
293 city. He or she shall be responsible to the ~~council~~ electors for the administration of all city  
294 affairs placed in his or her charge by, or under this charter.

295 (Res. No. 90-13, § 1, 10-15-1990)

#### 296 **Sec. 3.02. ~~Appointment Election~~; removal; compensation.**

297 (a) ~~Appointment Election~~: The ~~council~~ Electors of the whole city shall ~~appoint~~ elect a ~~city~~  
298 ~~manager~~ mayor by a majority vote every two years. ~~of all of the council members.~~ No  
299 person may appear on the ballot for re-election for Mayor if, by the end of the current

300 term of office, the person will have served or, but for resignation, would have served in  
301 that office for eight consecutive years. However, no prior service in office before 2026  
302 shall be counted for term limits.

303 (b) *Removal:* The council may remove the ~~manager~~ mayor by a ~~majority~~ unanimous vote  
304 of all the council members. Should the mayor be removed from office the Chair shall  
305 become mayor and the vice chair become chair.

306 ~~(c) *Compensation:* The compensation of the manager shall be fixed by the council.~~

307 (c) *Transition:* In December of 2024, the council shall appoint a Chair, whereas the office  
308 of mayor will be vacant the chair shall be elevated to the office of mayor until the 2026  
309 general election.

310  
311 (Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-  
312 2006)

313 **Sec. 3.03. ~~Acting~~ City manager or city chief of staff.**

314 There may be the office of the city manager or city chief of staff (depending on  
315 experience) who shall be the deputy chief administrative officer of the city. He or she shall  
316 be responsible to the mayor for the administration of all city affairs placed in his or her  
317 charge by, or under this charter. The appointment of the city manager or city chief of staff  
318 is understood to be the mayor's alone as necessary to fulfill the mayor's agenda and  
319 maintain the mayor's political accountability to the people. ~~By letter filed with the council,~~  
320 ~~the manager shall designate, subject to approval of the council, a qualified city~~  
321 ~~administrative officer to exercise the powers and perform the duties of the manager during~~  
322 ~~his or her temporary absence or disability. During such absence or disability, the council~~  
323 ~~may revoke such designation at any time and appoint another officer of the city to serve~~  
324 ~~until the manager shall return or his or her disability shall cease.~~

325 (Res. No. 90-13, § 1, 10-15-1990)

326 **Sec. 3.04. Powers and duties of the ~~city manager~~ Mayor.**

327 The ~~city manager~~ Mayor shall:

- 328 (1) Appoint, suspend or remove all city employees and appoint administrative  
329 officers provided for by and under this charter, except as otherwise provided by  
330 law.
- 331 (2) Administer and enforce all laws, ordinances, contracts and franchises.
- 332 (3) Negotiate all contracts, franchises, acquisition and disposition of property either  
333 in proper person or through agents designated by him or her and, upon approval  
334 thereof by the council, implement on behalf of the city all agreements, leases,  
335 deeds and other instruments in connection therewith.
- 336 (4) Direct and supervise the administration of all departments, offices and agencies  
337 of the city, except as otherwise provided by this charter or by law.
- 338 (5) Attend all council meetings and have the right to take part in discussion but not  
339 vote.
- 340 (6) See that all laws, provisions of this charter and acts of the council, subject to  
341 enforcement by him or her or by officers subject to his or her direction and  
342 supervision, are faithfully executed.
- 343 (7) Prepare and submit the annual budget, budget message and capital program to  
344 the council in a form provided by ordinance.
- 345 (8) Submit to the council and make available to the public a complete report of the  
346 finances and administrative activities of the city as of the end of each quarter and  
347 fiscal year.
- 348 (9) Make such other reports as the council may require concerning the operation of  
349 the city departments, offices and agencies subject to his or her direction and  
350 supervision.
- 351 (10) Keep the council fully advised as to the financial condition and future needs of  
352 the city and make recommendations to the council concerning the affairs of the  
353 city.
- 354 (11) Sign contracts on behalf of the city pursuant to the provisions of appropriations  
355 ordinances.

356 (12) ~~Perform such other duties as are specified in this charter or as may be required by~~  
357 ~~the council.~~

358 (13) Make such recommendations as the ~~manager~~ mayor deems necessary or  
359 expedient in the interest of the city to the council relating to the adoption of  
360 ordinances and resolutions; provided, however, that nothing herein contained  
361 shall prevent the city council in the exercise of its legislative functions and  
362 powers from calling into consultation the boards or departments and other  
363 officers and employees of the city wherever in the judgment of the council it may  
364 be necessary, but neither the council nor any member shall interfere with the  
365 conduct of any department officer or an employee in the discharge of his or her  
366 duty.

367

368 (Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-A, 10-15-1990; Ord. No. 287-B, 9-11-1995;  
369 Ord. No. 287-F, § 1, 8-21-2006)

370

### 371 **Sec. 3.05. City Attorney**

372 There shall be an in-house City Attorney. The City Attorney shall be nominated by  
373 the city council and confirmed by the mayor. The City Attorney shall serve for a renewable  
374 four-year term that commences January 2025 and is otherwise not removable short of a  
375 permanent inability to perform official duties, conviction of a felony, Florida Statutes  
376 Chapter 112, Section 112.51, or resignation. In cases of permanent inability to perform  
377 official duties or a conviction of a felony, the mayor and chair shall petition the county  
378 court for an order removing the City Attorney from office.

379 The City Attorney shall:

380 oversee, appoint, suspend, and remove the city clerk,

381 oversee, appoint, suspend, and remove deputy City Clerks, (as appropriated)

382 oversee, appoint, suspend, and remove Assistant City Attorneys, (as appropriated)

383 contract, appoint, suspend, and remove all hearing officers and special  
384 magistrates,  
385 assume, or oversee, appoint, suspend, and remove the city human resources  
386 manager,  
387 assume, or oversee, appoint, suspend, and remove the city risk manager,  
388 be available to the mayor, chair, council, and department heads for legal questions  
389 so that they may be duly informed for decision-making.

390 {NOTE. The decision shall not be made by the city attorney even if clearly specious  
391 the accountability for the decision is with the decision maker and the role of the city  
392 attorney is to ensure that they are duly informed.}

393

394 **Sec. 3.065. Supervision of departments- and Personnel system.**

395 Except as otherwise provided in this charter or by general law, the ~~city manager~~ mayor  
396 shall be responsible for the supervision and direction of all departments, agencies and  
397 offices of the city. All departments, offices and agencies under the direction and  
398 supervision of the ~~manager~~ mayor shall be administered by an officer appointed by and  
399 subject to the direction and supervision of the ~~manager~~ mayor. Without the consent of the  
400 council, the mayor may appoint the city manager or city chief of staff ~~manager may~~ to serve  
401 as the ~~temporary acting~~ head ~~(six-month maximum without further approval of council)~~ for  
402 no more than 90 days of one (1) or more departments, offices or agencies ~~or may appoint~~  
403 ~~one (1) person as the temporary head (six-month maximum without further approval of~~  
404 ~~council) of two (2) or more of them:~~

405 The appointment of department heads and other management officers as defined by  
406 the administrative code and excluding those named in 3.05 is done by nomination by the  
407 mayor and confirmation by a simple majority of the city council.

408 However, nothing herein contained shall prevent delay or obstruct any department  
409 heads and other management officers from removing a city employee.

410

411 (Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

412 ~~Sec. 3.06. Personnel system.~~

413 All appointments and promotions of city officers and employees, except those  
414 specifically exempted by policy, shall be made solely on the basis of merit and fitness  
415 demonstrated by examination or other evidence of competence and, to this end, the  
416 council shall, by policy, establish personnel procedures and rules.

417

418 (Res. No. 95-12, § 1, 9-11-1995; Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

419 **Sec. 3.07. Administrative code.**

420 The ~~manager~~ mayor shall develop and keep current an administrative code for the  
421 purpose of implementing ordinances passed by the council.

422

423 **ARTICLE IV. DEPARTMENTS**

424 **Sec. 4.01. Departments.**

425 The affairs of the city shall be administered by the following departments: Community  
426 Redevelopment Agency, Permits and Code Enforcement Department, Public Safety  
427 Department, Public Works Department, Parks and Recreation Department, Department of  
428 Utilities, Department of Management and Budget.

429 The jurisdiction, duty, and functions of various listed departments shall be created by  
430 ordinance. As the council determines the need for various departments for the orderly and  
431 efficient operation of the city, the council may add to or delete divisions within any  
432 department and personnel required to keep any department properly functioning. The  
433 council shall not add to or delete departments.

434 ~~The affairs of the city shall be administered by departments. The jurisdiction, duty and~~  
435 ~~functions of various departments shall be created by ordinance by the city council, as the~~  
436 ~~council determines the need for various departments for the orderly and efficient~~  
437 ~~operation of the city. The council may add to or delete from any department currently~~

438 ~~existing, including the number of departments and personnel required to keep any~~  
439 ~~department properly functioning.~~

440 **Sec. 4.02. Professionals, ~~c~~Consultants.**

441 ~~(a) City attorney: There shall be a city attorney, and as many assistants as the council~~  
442 ~~may, from time to time, deem necessary. The city attorney and assistants may be part-~~  
443 ~~time or full-time, and shall serve under and at the pleasure of, the city council.~~

444 (b) *Consultants:* The city council may retain consultants, without limitations, as the  
445 council deems necessary, and as may be required by general law or governmental rule  
446 and regulation. Said consultants may include, but not be limited to, engineers,  
447 architects, accountants, auditors and surveyors. Said consultants shall serve under,  
448 and at the pleasure, of the city council.

449 (Ord. No. 287-F, § 1, 8-21-2006)

450 **ARTICLE V. CONTRACTS AND BIDDING**

451 **Sec. 5.01. Contracts; form and execution.**

452 Every contract made by the city shall be in writing, approved by the city council, or its  
453 designee, signed by the mayor, or designee, attested to and the official city seal affixed  
454 thereto by the city official so designated, or their successors, otherwise such instruments  
455 shall be void.

456 **Sec. 5.02. Verbal contract.**

457 No promise or representation of any kind or character whatsoever by any officer or  
458 employee of the city shall be binding upon, or enforceable against, nor create an estoppel,  
459 an implied contract, or any liability against or upon the city unless ratified by (1) a contract  
460 made, approved and executed as above provided, or (2) in a permit, license, approval,  
461 consent or other instrument issued pursuant to and in accordance with an ordinance of a  
462 general and permanent nature.

463 (Ord. No. 287-F, § 1, 8-21-2006)

464 **Sec. 5.03. Void contracts.**

465 Any contract in violation of or in conflict with the Charter or any ordinance of the city  
466 shall be void.

467 (Ord. No. 287-F, § 1, 8-21-2006)

468 **Sec. 5.04. Competitive bidding.**

469 Except where an essential public service seriously affecting the public health and  
470 safety is involved due to emergency conditions set forth by ordinance, the procurement of  
471 personal property or services shall be awarded within the statutory categories and limits  
472 established pursuant to F.S. ch. 287. Upon the recommendation of the manager, the  
473 council, may, by ordinance, decrease the amount of expenditure for which the city may  
474 obligate itself without competitive bids, bond, or approval of council.

475 (Res. No. 90-13, § 2, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 287-D, 7-3-2000;  
476 Ord. No. 287-F, § 1, 8-21-2006)

477 **Sec. 5.05. Supplemental provisions.**

478 Where, after advertisement for bids, no bids are received for any of the items as  
479 required in section 5.04, "Competitive bidding," of the quality and within the quantities and  
480 time limits as originally advertised, the items may be purchased on the open market at the  
481 best price obtainable; and, where one (1) or more bids are the same and are the lowest  
482 received, the contract may be awarded to one (1) of the bidders or apportioned among  
483 them where the goods are susceptible to apportionment; and, where the bids are for  
484 machinery, equipment, tools and appliances, any responsible bid may be accepted.

485 (Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

486 **Sec. 5.06. Splitting.**

487 No contract or purchase or the quantities thereof shall be split for the purpose of  
488 avoiding competitive bidding.

489 **Sec. 5.07. Conflicts.**

490 No officer or employee, either individually or through any firm of which he or she is a  
491 member, or through any corporation of which he or she is a stockholder, shall receive any

492 benefit or profit out of any contract or obligation entered into with the city, or have any  
493 financial interest in effecting any such contract or obligation; and in the event of violation  
494 of this section by an elective officer, same shall be grounds for his or her recall, and in the  
495 event of violation by any other officer or employee of the city, the person offending shall be  
496 immediately removed or discharged; provided, however, that the provision of this section  
497 shall not be more liberally or restrictively construed as provided in F.S. § 112.311 et seq.,  
498 and as may be amended.

499 (Res. No. 90-13, § 1, 10-15-1990)

500 State law reference(s)—Code of ethics, F.S. § 112.311 et seq.

501 **Sec. 5.08. Contracts of indemnification.**

502 No contract entered into on behalf of the city shall contain any provision by which the  
503 city agrees to indemnify, or to obtain insurance for the benefit of, any other party to the  
504 contract.

505 (Ord. No. 287-E, § 1, 8-21-2006; Res. No. 2006-31, 1 b), 11-20-2006)

506 **ARTICLE VI. GENERAL PROVISIONS**

507 **Sec. 6.01. Charter amendment.**

508 This Charter may be amended in two (2) ways:

509 (1) *Initiation by ordinance:* The council may, by ordinance, [and upon the favorable](#)  
510 [recommendation of the charter review committee](#), propose amendments to all or  
511 any part of this charter, except Article I, Section 1.02, prescribing boundaries and  
512 upon passage of the initiating ordinance, shall place the proposed amendment to  
513 a vote of the electors at the next general election held within the city or at a  
514 special election for that purpose. Amendment of Article I, Section 1.02, resulting  
515 from annexation done in accordance with general law shall be by ordinance of the  
516 council and shall not be subject to the vote of the electors except as provided by  
517 general law.

518 (2) *Initiation by petition:* The electors of the city may propose amendments to this  
519 charter by petition signed by at least ten (10) percent of the total number of  
520 qualified voters registered to vote in the last regular city election.

521 (a) *Form and content of petition:* All papers of an initiation petition shall be  
522 uniform in size and style and shall be assembled as one (1) instrument for  
523 filing. Each signature shall be executed in ink or indelible pencil and shall be  
524 followed by the address of the person signing. The petitions shall contain, or  
525 have attached thereto, throughout their circulation, a full text of the Charter  
526 amendment.

527 (b) *Affidavit of circulators:* Each paper of a petition shall have attached to it  
528 when filed an affidavit executed by the circulator thereof stating that he or  
529 she personally circulated the paper, the number of signatures thereon, that  
530 all the signatures were affixed in his or her presence, that he or she believes  
531 them to be the genuine signatures of the persons whose names they purport  
532 to be, and that each signor had an opportunity before signing to read the full  
533 text of the proposed charter amendment.

534 (c) *Certification of petition:* Upon certification of the sufficiency of the petition  
535 by the designated official, such certification is to include the validity of the  
536 names on the petition as qualified voters registered to vote in the last regular  
537 city election, the council shall place the proposed amendment to the vote of  
538 the electors at the next general election held not less than sixty (60) days  
539 after certification or at a special election called for such purpose.

540 (Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-F, § 1, 8-21-2006)

541 State law reference(s)—Charter amendment procedure, F.S. § 166.031 .

542 **Sec. 6.02. Standards of ethics.**

543 All elected officials and employees of the city shall be subject to the standards of  
544 conduct of public officers and employees set by general law. In addition, the council may,  
545 by ordinance, establish a code of ethics for officials and employees of the city which may

546 be supplemental to general law but in no case may an ordinance diminish the provisions of  
547 general law.

548 (Ord. No. 287-F, § 1, 8-21-2006)

549 State law reference(s)—Code of ethics for public officers and employees, F.S. § 112.311 et  
550 seq.

551 **Sec. 6.03. Discrimination prohibited.**

552 Neither the city, nor any of its officers or employees, shall engage in any practice or  
553 enter into a contract which shall result in discrimination against any person or group of  
554 persons because of race, gender, religion or national origin, age or disability.

555 (Res. No. 95-12, § 2, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

556 **Sec. 6.04. Facsimile signature.**

557 Except with regard to the passage of ordinances, the manager by executive order, or  
558 the city council, by rule, may authorize the use of facsimile signatures by such persons and  
559 under such conditions as may be therein prescribed.

560 (Ord. No. 287-F, § 1, 8-21-2006)

561 **Sec. 6.05. Reemployment.**

562 No former elected official of the city shall hold ~~any~~ compensated city office or  
563 employment [except the Chair and City Attorney](#) until one (1) year after his or her  
564 termination from his or her elected position.

565 (Res. No. 90-13, § 1, 10-15-1990)

566 **Sec. 6.06. Initiative and referendum.**

567 Qualified voters of the city shall have power to propose ordinances to the council or to  
568 require reconsideration of any adopted ordinance by petition signed by the electors of the  
569 city equal in number to not less than ten (10) percent of the electors qualified to vote in the  
570 last general municipal election; the form and content of such petition shall be as provided  
571 for under the provisions related to the proposal of charter amendments by petition as  
572 provided in subsections (2)(a) and (2)(b) of Section 6.01. If the council fails to adopt an  
573 ordinance so proposed or to repeal an ordinance so reconsidered, the qualified voters

574 shall approve or reject such ordinance at a city election, provided that such power shall  
575 not extend to the budget or capital improvement program or emergency ordinances, or  
576 ordinances relating to apportionment of money, levy of taxes or salaries of city officers or  
577 employees.

578 (Ord. No. 287-F, § 1, 8-21-2006; Ord. No. 891, § 1, 7-16-2018)

579 **Sec. 6.07. Recall.**

580 The recall of elected officials shall be governed by F.S. § 100.361, and as may be  
581 amended from time to time.

582 **Sec. 6.08. Charter review.**

583 (a) Effective following the Charter Review Process in ~~2000~~2024, ~~and every six (6) years~~  
584 ~~thereafter, the Charter Review Committee shall become a standing committee,~~ at the  
585 first regularly scheduled council meeting in January, ~~of odd-numbered years~~ the  
586 council shall appoint ~~a committee of not less than seven (7) members; three (3), the~~  
587 ~~Mayor shall appoint three (3) and the Chair shall appoint one (1) all of whom shall be~~  
588 ~~City residents,~~ who shall review the charter. The charter review committee shall report  
589 to the council no later than the first regularly scheduled council meeting in May ~~of~~  
590 ~~even-numbered years. of its review year.~~ The charter review committee shall prepare a  
591 report which shall include, but not be limited to, the following:

- 592 (1) Whether or not the charter needs revision.  
593 (2) If the report states that the charter needs revision, the report shall state  
594 specifically what revisions need to be made.

595 (b) If a charter revision is recommended by the charter review committee, the council, no  
596 later than the first regularly scheduled meeting in June of the review year, shall by a  
597 majority vote of the entire council determine whether or not to submit a revised  
598 charter for a referendum vote at the next scheduled election, or a special election  
599 called for that purpose.

600 (Ord. No. 287-D, 7-3-2000; Ord. No. 287-E, § 1, 8-21-2006; Res. No. 2006-31, 1 d), 11-20-  
601 2006)

602 **Sec. 6.09. Severability and retention clause.**

603 If any item, classification, sentence, clause, phrase or word of this charter is for any  
604 reason held or declared to be unconstitutional, invalid, inoperative, ineffective,  
605 inapplicable or void, such holding or declaration shall not be construed to affect the  
606 portion of this charter not so held or declared or affect the application of this charter to  
607 other circumstances not so held or declared; and, to the extent that such item, part,  
608 classification, sentence, clause, phrase or word was contained in the former charter then  
609 that portion of the former charter shall be revived instantly and may become a part hereof  
610 as if fully set out herein, being hereby declared to be the express intent of the people of the  
611 City of Brooksville that any such unconstitutional, inoperative, invalid, ineffective,  
612 inapplicable or void portion or portions of this Charter did not induce its ratification in that  
613 without the inclusion of any such unconstitutional, inoperative, invalid, ineffective,  
614 [in]applicable or void portion or portions of this charter, the people of the City of  
615 Brooksville would have ratified the valid and constitutional portion thereof, and would have  
616 brought forth and ratified the former charter to the extent that the former charter created  
617 the same subject as was treated by the item, part, classification, sentence, clause,  
618 phrase, word held or declared to be unconstitutional, invalid, inoperative, ineffective,  
619 inapplicable or void.

620 (Ord. No. 287-F, § 1, 8-21-2006)

621 **Sec. 6.10. Official City Flag and Seal**

622 In March of 2025 and every 25 years thereafter, the council shall appoint a Flag and Seal  
623 committee of not less than nine (9) members who may vote to adjourn or may elect to take  
624 submissions from the public on flag and seal (Re)designs and narrow them down to no  
625 more than three designs respectively. No letters or words may be used on a flag design, no  
626 flags shall appear in the seal design and no seal shall appear on the flag. The Flag and Seal  
627 Committee shall report to the council no later than the first regularly scheduled council  
628 meeting in September of that year. The Council shall adopt one of the final three Flags and  
629 Seals by ordinance no later than the end of October of that year.

630

**ARTICLE VII. TRANSITION SCHEDULE**

631

**Sec. 7.01. Continuation of former charter provisions.**

632

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

636

**Sec. 7.02. Ordinances preserved.**

637

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

639

**Sec. 7.03. Pending matters.**

640

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

646

(Ord. No. 287-F, § 1, 8-21-2006)

647

**Sec. 7.04. Obligation of contracts preserved.**

648

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

651

**Sec. 7.05. Existing rights, obligations, duties and relationships.**

652

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

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655 **Secs. 7.06, 7.07. Reserved.**

656 Editor's note(s)—Ord. No. 287-F, § 1, adopted Aug. 21, 2006, deleted §§ 7.06, 7.07 which  
657 pertained to deletion of obsolete schedule items and referendum vote, respectively,  
658 and derived from Res. No. 90-13, § 3, adopted Oct. 15, 1990.

659

AGENDA ITEM NO.

Six

CRC  
2/26/24

Submitted to  
City Clerk

2/16/24

## Charter Review Committee

### Mission

The Charter Review Committee reviews the Town Charter and recommends to the Town Council any amendments needed to better meet the needs of the public for good government, and to conform with the constitution and laws of the US and the State of Florida.

### Meeting Schedule

The Charter is reviewed as often as the Council thinks is necessary, but not less than every 10 years.

### Agendas & Minutes

Agendas are available prior to the meetings. Minutes are available following approval. [View all Agendas and Minutes](#)

### Members

Bill Capko  
Chris Keller  
Cheryl Schneider  
Tom McCarthy  
Pamela Wohlschlegel

x

Hi 👋, how can I help?