

CHARTER

CITY OF EVERGLADES CITY,
FLORIDA

CHARTER 29068

SPECIAL LAWS OF FLORIDA, 1953

Last Amended November 28, 2023

CHARTER CITY OF EVERGLADES CITY

(Last Amended November 28, 2023)

MAYOR

Howell Grimm Jr.

MAYOR PRO TEM

Vicky Wells

CITY COUNCIL

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 CHARTER OF CITY OF EVERGLADES CITY
 [Last Amended November 28, 2023]

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Chapter 29068

HOUSE BILL NO. 961

Laws of Florida, Acts of 1953

An Act to Abolish the Charter of the Town of Everglades, in Collier County, Florida, and to Grant a New Charter for the "City of Everglades" in Collier County Created Under This Act; to Define its Boundaries, Jurisdiction, Powers, Privileges and Immunities; to Confirm the Title to all City Property Including all Riparian and Foreshore Rights, the Title to All The Tide Water and Other Lands and River Bottoms; to Validate all Taxes and Other Assessments and Levies Heretofore Made; to Preserve the Validity and Binding Force of All Debts, Obligations and Liabilities of the Former Town of Everglades, and to Continue the Same as the Debts and Liabilities of the City of Everglades Created by This Act, and to Preserve the Validity and Binding Force of All Credits and Assets of the Former Town of Everglades and to Continue the Same as the Credits and Assets of the City of Everglades Created by This Act; Fixing the Time When This Act Shall Take Effect; and to Provide for the Election and Compensation of the City Officials Authorized by This Act; Creating a Municipal Court and Defining its Powers and Jurisdiction; Creating a Municipal Corporation in the State of Florida to be Known as the City of Everglades, and Granting Unto it Specific and General Power and Authority Incident and Necessary to the Running and Operation of a Municipal Corporation.

Section 1. OLD CHARTER AMENDED.

That the present Charter of the City of Everglades, in Collier County, Florida, and all laws amendatory there-of be and the same are hereby amended, and a municipal government be and is hereby created under the name of "CITY OF EVERGLADES CITY", in Collier County, Florida which shall possess the territorial limits and the powers and duties hereinafter set forth.

Section 2. BOUNDARIES

The territorial limits of the City of Everglades City as created under this Act are hereby defined as follows:

Beginning at the Northwest corner of the Southeast quarter of the Northwest quarter of Section 11, Township 53 South, Range 29 East, thence Easterly to the Northeast corner of the West half of the Southwest quarter of the Northeast quarter of said Section 11, thence Southerly to the Southeast corner of the West half of the Southwest quarter of the Southeast quarter of said Section 11; thence Easterly to the Northeast corner of the Northwest quarter of the Northeast quarter of Section 14, Township 53 South, of Range 29 East; thence Southerly to the Southeast corner of the Northwest quarter of the Northeast quarter of said Section 14; thence Westerly to the Northeast corner of the West half of the Southwest quarter of the Northeast quarter of said Section 14; thence Southerly to the Southeast corner of the West half of the Northwest quarter of the Southeast quarter of Said Section 14; thence Westerly to the Northeast corner of the Southeast quarter of the Southwest quarter of said Section 14; thence Southerly to the Southeast corner of the North half of the Southeast Quarter of the Northwest quarter of Section 23, Township 53 south, Range 29 East; thence Westerly to the Southwest corner of the North half of said Southeast quarter of the Northwest quarter of Section 23; thence Northerly to the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 23; thence Westerly to the Southwest corner of the Northwest quarter of the Northwest quarter of said section 23; thence Westerly to the Southwest corner of the East half of the Southeast quarter of the Southeast quarter of Section 15, Township 53 South Range 29 East; thence Northerly to the Northwest corner of the East half of the Northeast quarter of the Southeast quarter of said Section 15; thence Easterly to the Northeast corner of the East half of the Northeast quarter of the Southeast quarter of said Section 15; thence Northerly to the Northwest corner of the Southwest quarter of the Southwest quarter of Section 11, Township 53 South; Range 29 East; thence Easterly to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 11; thence Northerly to the point of beginning.

All as shown on plat of the Town of Everglades, recorded in Plot Book 1, Pages 87 to 95, inclusive, Collier County records and the City limits as shown thereon.

Section 3. OWNERSHIP AND TITLE.

The title to, and jurisdiction over, all streets, thoroughfares, parks, alleys and public lots within the City, except state and county roads, and all property and municipal plants of the City now owned, possessed or operated, and all property which the City may hereafter acquire within or outside the City, or which may be dedicated to it for the public use, shall be vested in the City of Everglades City. The tide, rights and ownership of all property, uncollected taxes, dues, claims, judgments, decrees and chases in action, held and owned by the City of Everglades as it now exists shall pass to and are hereby vested in the City of Everglades City.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-3, filed with the City Clerk July 11, 2023, adopted November 28, 2023.

Section 4. RIGHTS PRESERVED.

All assessments for taxes, public improvements, or benefits heretofore made or levied by the City of Everglades, and all licenses, fines, or forfeitures, and all debts or obligations due said City of whatsoever nature, shall henceforth be due and payable to the City of Everglades City. All liabilities and obligations to, and rights of action possessed by said City shall remain in full force and effect; prosecutions for violation of the ordinances, and all offenses heretofore committed against said City are hereby saved and preserved with the right of prosecution, and all judgments, fines and sentences against persons under conviction are likewise saved and preserved.

Section 5. LIABILITIES.

All lawful debts or obligations of said City of Everglades now existing or outstanding, are hereby declared to be valid and unimpaired as debts and obligations of the City of Everglades City.

Section 6. ORDINANCES AND RESOLUTIONS CONTINUED.

All ordinances, resolutions, rules and regulations now in force in the City of Everglades, not in conflict with the provisions of this Charter, or the Constitution and Laws of the State of Florida, shall remain in full force and effect until rescinded, repealed, or amended by the City Council hereinafter provided. The City Council hereinafter provided may have the ordinances, rules and regulations, revised and codified, and when adopted by the City Council, have them printed in book form for public reference, and when so done, and copy thereof printed and promulgated by the City Council shall be received in evidence in all Courts of this State, without further proof of the passage or approval of any ordinance, rule or regulation contained therein.

Section 7. MUNICIPAL CORPORATION IN PERPETUITY.

The City of Everglades City herein created is hereby declared to be a municipal corporation created and existing under the Laws of the State of Florida, with right of succession in perpetuity. Its affairs and undertakings shall be deemed governmental in nature, and its general powers shall include those things herein specifically provided and also those concerning which the City Council is herein given powers to enact ordinances, or by fair intendment inferred from those herein specifically given and set forth.

Section 8. SPECIFIC POWERS.

The City shall have all available powers possible for a municipal government to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. Through the amendment of this Charter, it is the intent of the electors of the City that the City shall have the broadest exercise of home rule powers permitted under the constitution and laws of this state. This Charter and the powers of the City shall be construed liberally in favor of the City.

History-Amended in 2019 as proposed by City Council, Ordinance No. 2019-17, filed with the City Clerk October 15, 2019, adopted November 26, 2019.

Section 9. ENUMERATED POWERS NOT EXCLUSIVE.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Everglades City shall have, and may exercise, all powers which are granted by the general laws of the State of Florida relating to cities and towns and all powers which, under the Constitution of Florida, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the City Council.

Section 10. ELECTIVE OFFICERS; QUALIFICATIONS: POSTING OF BOND.

(a) The elective officers of the City shall be a Mayor and a City Council of five (5) members. No person shall be eligible to hold any elective office in the City unless he/she is an elector of the City and has been a permanent resident of the City for the one year period preceding the date of the election. Every elective officer of the City before entering upon his duties as such officer shall take and subscribe an oath of office before the City Clerk, or before some officer authorized to take acknowledgments to deeds in the State of Florida, that he/she will support the Constitution of the United States and of the State of Florida and that he/she will faithfully discharge his duties as such officer, which oath of office shall be filed with the City Clerk. Within ten (10) days after entering

Section 10. (a) [continued]

upon the duties of the respective offices such officers shall file official bonds with the City Clerk as follows: The Mayor and each City Councilperson in such sums as provided for in the Laws of Florida, and appointive officers of the City in such sums as the City Council may determine by ordinance. All such bonds to be filed with and approved by the City Clerk except the bond of the City Clerk which shall be approved by the City Council and filed with the Mayor. All such bonds shall have to be executed by a surety company, be payable to the City in penal sums and be conditioned for the faithful performance of the duties of such officer and for the proper application of said funds and/or for the payment of any and all sums of money received by him/her, as such officer, to the proper person entitled to receive the same. Premiums on such bonds shall be paid by the City. Any person who shall not file his/her oath and bond with the proper officer within ten (10) days after the beginning of the term for which he/she is elected or appointed shall be deemed to have refused to serve as such officer, and the office shall be deemed to be vacant.

(b) No elective officer of the City shall be financially interested in any contract with the City, provided that this limitation shall not apply to any contract with a corporation whose officers or employees are also elective officers of the City. Provided, further, that such elective officers shall not vote on any contract affecting such corporation. History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-4, filed with the City Clerk July 11, 2023, adopted November 28, 2023.

Section 11. MAYOR - QUALIFICATIONS: SALARY.

The Mayor shall hold office for a period of four (4) years, and the election shall be on the fourth Tuesday in November of each odd numbered year. He/She shall take office on the first Tuesday in December following his/her election. He/She shall be elected from the City at large and during his/her term of office he/she shall continue a resident of the City. In addition to any other qualifications, to qualify for mayor, he/she shall be at least 30 years of age by the time he/she takes office. If during the term of office the Mayor shall cease to have aforesaid qualification, or if he/she is convicted of a felony or infamous crime, his/her office shall at once become vacant. His/her salary shall be determined by the City Council, but not less than Three Hundred dollars (\$300.00) per month.

History-Amended in 2005 as proposed by City Council, Ordinance No. 2005-02, filed with the City Clerk September 6, 2005, adopted November 22, 2005.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-10, filed with the City Clerk July 11, 2023, adopted November 28, 2023.

Section 12. SAME - DUTIES: MAYOR PRO TEM

The Mayor shall be the executive and administrative head of the City government. He/she shall represent the City on all public occasions or whenever or wherever such

Section 12. [continued]

representation is right and proper. He/she shall have cognizance of the relation of the City to the United States; the State of Florida, counties and other municipalities. He/she shall keep the City Council from time to time advised in writing as to matters affecting the general welfare of the City. The City Council may from time to time, elect one of their members, who is at least 30 years of age at the time of the election by City Council, Mayor Pro Tem to perform the duties of the office of Mayor during the temporary absence or disability of the mayor.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-10, filed with the City Clerk July 11, 2023, adopted November 28, 2023.

Section 13. SAME - VACANCY: DUTIES.

In the event of a vacancy in the office of Mayor a special election shall be called by the City Council to fill such vacancy for the unexpired term. After such vacancy and until the qualification of such newly elected Mayor, the vacancy shall be filled by such Mayor Pro Tem, as may be elected by the City Council. Except, however, that if the next general election at which such office would have been filled shall be held within six months from the date of such vacancy, then a special election shall be unnecessary and the Mayor Pro Tem shall serve as provided herein.

(a) Enforce laws. The Mayor shall see that the laws and ordinances are enforced.

(b) Appoint department heads. The Mayor shall appoint all heads of departments authorized by this Charter, or that may be created by ordinance of the City, and not otherwise herein provided; such appointments to be confirmed by a majority of the City Council.

(c) Supervision. The Mayor shall exercise supervision and direction over all department, works, public utilities and property of the City; and shall keep the City property insured as the City Council may direct; he shall see that all contracts and agreements with the City are faithfully kept and performed; he shall also sign all deeds, leases, bills of sale and other legal papers of the City that may be authorized by the City Council or this Charter.

(d) Enforcing terms of franchises. The Mayor shall see that the terms and conditions imposed in any public utility franchise granted by the City are kept and performed by such utility, and shall report all violations of such franchise to the City Council.

(e) Preside at Council meetings; information., advice, etc. to Council. The Mayor shall attend and preside over all meetings of the City Council; and he shall furnish in writing to the City Council such information, data and advice as may be required in writing by the City Council.

(f) Recommend ordinances; submit annual report and budget. The mayor may recommend to the City Council for adoption such ordinances and resolutions as he may

Section 13. (f) [continued]

think proper, and he/she shall keep the City Council advised as to the financial affairs and business of the City, and he/she shall submit an annual report and budget, as hereinafter provided.

(g) Sign warrants, checks, etc. The mayor shall sign all warrants, checks or claims for the payment of money by the City, which shall be countersigned by the City Clerk, and he/she shall perform such duties as may be required of him/her by the City Council, City ordinance and resolutions and by this Charter

(h) Appoint officers and employees. The Mayor shall appoint all officers and employees of the City not otherwise in this Charter provided.

(i) Voting and veto powers. The Mayor shall have no vote upon any matters authorized to be voted upon by the Council, not even in cases of a tie Council vote. He/she shall have power of veto over all Council actions to be exercised in the manner set forth in this Charter.

Section 14. APPOINTMENT OF DEPARTMENT HEADS.

There shall be appointed by the Mayor, subject to confirmation by a majority of the City Council, a Clerk, an attorney and such other department heads as the City Council may, from time to time, deem necessary. Either one or more of said departments or offices may be combined under one officer or department head. The compensation, term and duties of all such appointees shall be fixed by the City Council. All such appointees shall hold office at the pleasure of the Council.

Section 15. CITY SUPERVISOR.

In addition to other department heads authorized here-under, the Mayor, subject to confirmation by a majority of the City Council, may also appoint a City Supervisor of the City. The compensation, term, powers and duties of such City Supervisor shall be prescribed by ordinance. Such City Supervisor may be removed or discharged or his/her office vacated by the Mayor with approval of a majority of the City Council.

Section 16. CITY COUNCIL.

The legislative power of the City shall be vested in a City Council comprising five (5) members, with power of veto vested in the Mayor. The members of the City Council shall be designated as City Councilpersons and shall be elected from the City at large. Each Councilperson shall be elected for a term of four (4) years. The first election of Councilpersons shall be held on the fourth Tuesday in November, 1953 and on the fourth Tuesday in November of each odd numbered year thereafter. Each Councilperson shall take office on the first Tuesday in December following his/her election. Vacancies in the City Council shall be filled by appointment following nomination of a candidate(s) by the mayor and majority consent of the remaining members of the Council, such appointed

Section 16. [continued]

Councilpersons to serve the remainder of the term, unless there is an earlier general election. If there is an earlier general election, then the seat of such appointed Councilpersons shall be up for election at the earlier general election for the remainder of the original term, The purpose of this is to ensure that at any one election, either the mayor is up for election or the majority of City Council is up for election for 4-year terms, but not both. After the 2023 election, the City Councilperson who received the least amount of votes in the 2023 election shall serve a two-year term.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-6, filed with the City Clerk July 11, 2023, adopted November 28, 2023.

Section 17. COMPENSATION OF COUNCILPERSONS.

Each of the said City Councilpersons shall receive compensation for his/her services as determined by the City Council. This compensation, however, shall not be less than thirty (\$30.00) dollars per meeting.

History-Amended in 2019 as proposed by City Council, Ordinance No. 2019-14, filed with the City Clerk, October 15, 2019, adopted November 26, 2019.

Section 18. CITY COUNCIL JUDGE OF QUALIFICATIONS OF MEMBERS.

The City Council shall be sole judge of the qualification of its members, subject, however, to review by the courts of proper jurisdiction and the provisions of Section 46 of this Charter.

Section 19. COUNCIL MEETINGS.

At 7:00 P.M. on the first Tuesday in December following general elections under this Charter, the City Council shall meet at the usual place for holding such meetings at which time the newly elected officers shall assume the duties of their respective offices. All meetings of the City Council shall be public. Regular monthly meetings of the City Council will be held on days to be fixed by the Council. The City Council shall act only by ordinance in providing for the levy of taxes, granting of franchises or providing for offenses against the City to be punished by a fine or imprisonment. All other acts of the City Council may be by ordinance, resolution or motion. The City Council is hereby authorized to make such regulations for their guidance and government as they may deem proper. The City Council shall have power to compel the attendance of its members, and shall have all other powers enumerated in this Charter or the general laws of the State, not inconsistent herewith. A quorum of the City Council for the transaction of any business shall be a majority of its membership in good standing, but a lesser number may adjourn any meeting of the Council.

Section 20. DUTIES OF CLERK.

(a) The City Clerk shall be Clerk of the City Council. He/she shall attend all meetings of the City Council and keep accurate minutes of its proceedings, and of all ordinances, resolutions and motions and publish the same when necessary and proper. He/she shall administer oaths and affirmations. He/she shall keep an accurate account of all moneys due to the City and all receipts and disbursements by the City; and of its assets and liabilities; and of all appropriations made by the City Council. He/she shall submit to the City Council at each regularly scheduled City Council meeting the current financial statements, which report may be published in a local paper if so ordered by the City Council. He/she shall make and keep a list of the outstanding City bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear. In like manner he/she shall make a list of outstanding warrants, whether time or deferred payments, to whom issued, for what purpose, when and where payable, and the rate of interest they bear, if any. He/she shall furnish the mayor and/or City Council such report, data and information as may be necessary to fully inform them of the financial affairs of the City. He/she shall keep regular books of account, in which shall be entered all indebtedness of the City, and which shall at all times show the financial condition of the City, the amount of bonds, orders, certificates or other evidence of indebtedness outstanding, and the amount of all bonds, orders, certificates or other evidence of indebtedness which have been redeemed. He/she shall be custodian of all books, documents and files of the City Council, and of all other records and papers pertaining to the City's affairs, the custody of which is not otherwise committed or provided for; and shall perform such other duties, make and keep such other records, and make such other reports as the City Council and Mayor may from time to time require and direct. The City Clerk and the Deputy Clerk may be removed, discharged, or the office vacated by the mayor with approval of a majority of the City Council.

(b) The City Clerk shall sign all licenses issued by the City, and give receipts for moneys coming into his/her hands in the performance of his/her duties and accurately account for the same. The mayor shall, with the consent and approval of a majority of the City Council, have full right and power to appoint such deputy clerks as may be deemed proper and necessary in the conduct of his/her duties, and any such deputy so appointed and approved shall have power and authority to perform any and all the duties of which the Clerk is charged by law with the performance of. The compensation of such deputies shall be fixed by the City Council and such deputies shall take an oath of office similar to that required by the City Council. The City Clerk shall give bond to be approved by the City Council before entering upon the performance of the duties of his/her office as in the enabling Act heretofore provided, and shall accurately account for all moneys and credits coming into his/her hands as such officer. The City Clerk shall countersign all checks or warrants drawn by the City against any funds. He/she shall collect all local business taxes. He/she shall deposit all

Section 20. (a) [continued]

funds of the City in such depositories and under such provisions and conditions as the City Council may direct.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-7, filed with the City Clerk July 11, 2023, adopted November 28, 2023.

Section 21. CITY ATTORNEY.

The City Attorney shall be a practicing attorney at law and shall have had at least five years' experience in active practice in the Florida courts preceding his/her appointment. He/she shall be the legal advisor of the City Council, and of other officers and boards, and general attorney for the municipality. Notwithstanding the foregoing, the City Attorney may either be counsel to an enforcement board or shall represent the municipality by presenting cases before the enforcement board, but in no case shall the City Attorney serve in both capacities. He/she shall perform all duties imposed upon him/her under this Charter, or by ordinance or resolution of the City Council. The City Council may employ special counsel for any particular matter within its discretion. The City Attorney may be removed, discharged, or the office vacated by the Mayor with approval of a majority of the City Council.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-8, filed with the City Clerk July 11, 2023, adopted November 28, 2023

Section 22. COMMITTEES.

There shall be appointed, from time to time, by the Mayor and confirmed by the City Council special or standing Council committees to facilitate the administration of the City's affairs. The duties and functions of such committees shall be prescribed by the City Council, not to conflict with the authority or duties of the Mayor. The City Council may, by a majority vote, create committees, general or special, and prescribe their duties, not in conflict with this Charter.

Section 23. FISCAL YEAR.

The fiscal year of the City shall begin on the 1st day of October of each year, and end on the 30th day of September, of the following year.

Section 24. ANNUAL REPORT BY MAYOR.

The Mayor shall make an annual report to the City Council covering the City's operations for the past year, not later than the second Tuesday in August of each year. He/she shall set forth in said report an estimate of the revenues and expenditures necessary for the next fiscal year, which estimate shall be compiled upon detailed information, and in its arrangement the classification of expenditures shall be as nearly as possible uniform for the main functional departments of the City, and he/she shall provide:

Section 24. [continued]

- (a) Detailed estimates of the expenses of conducting each department, including all public works and utilities operated by the City;
- (b) Expenditures for corresponding items during the fiscal year, last past;
- (c) Amount of supplies and materials on hand;
- (d) Increase of demands compared with corresponding appropriations for the last fiscal year;
- (e) Such other information as may be deemed advisable by the mayor or required by the City Council. The estimates so given of the amounts necessary to be appropriated for the ensuing fiscal year, shall be supported with information explaining the reasons therefore, in such detail as to give the City Council a comprehensive understanding of the requirements for the ensuing year. The mayor shall furnish a copy of such report and estimate to each member of the City Council and file the original with the City Clerk, for inspection by the public.

Section 25. APPROPRIATIONS.

The City Council shall prepare an ordinance based upon estimates submitted by the mayor, fixing the appropriations for the ensuing year, and shall hold a public hearing upon same at a time and place to be designated in a notice of such hearing to be published. Such notice shall be published in a newspaper of general circulation according to the provisions of the Florida law or published online according to the provisions of the Florida law.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-11, filed with the City Clerk July 11, 2023, adopted November 28, 2023

Section 26. EFFECT OF ADOPTED APPROPRIATIONS; TRANSFERS.

Appropriations adopted in accordance with the foregoing section shall have the force and effect of fixed appropriations, and shall not be changed or altered during the current fiscal year. Upon request of the mayor in writing, the City Council may transfer any part of an unencumbered balance of an appropriation so fixed to another account or object for which the appropriation as made has proven insufficient, or may authorize a transfer from one item to another in the same department or account.

Section 27. UNENCUMBERED BALANCE; UNAPPROPRIATED REVENUE.

At the close of every fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated or transferred, and be subject to appropriation again. Any revenue coming to the city and not appropriated as above provided, and any part remaining after the appropriation has been fulfilled or abandoned, may be appropriated from time to time by the City Council to such use as will not conflict with its use to any object for which such revenue accrued.

Section 27. [continued]

No money shall be drawn from the City Treasury, nor shall any obligation to spend money be incurred, except in pursuance an appropriation duly made by the City Council which shall have been included in the budget for the current fiscal year.

Section 28. WARRANTS AND CHECKS; SEALED BIDS; PURCHASE OF REAL ESTATE.

[Editor's note: This section has been deleted by amendment.]

History-Amended in 2019 as proposed by City Council, Ordinance No. 2019-18, filed with the City Clerk October 15, 2019, adopted November 26, 2019.

Section 29. TAXATION; SINKING FUND: LIMITATIONS.

The City Council shall have power to raise by taxation on all taxable property within the City limits, subject to the provisions here in, such amounts as may be necessary to carry on the City government year by year, including a sufficient amount to insure the payment of interest and to set aside a sinking fund for the retirement of any and all outstanding bonds or indebtedness of said City.

Section 30. TAXES AND ASSESSMENTS TO BE UNIFORM.

All taxes and assessments shall be uniform throughout the City upon the same class or classes of property. The millage shall be levied upon the value of the property as per the County assessment roll.

Section 31. DATE OF ASSESSMENT.

All property shall be assessed by the Collier County Property Appraiser as of the first day of January in each year, and the preliminary assessment roll shall be submitted to the City Council at its first regular meeting in July of each year.

Section 32. GENERAL LAW OF STATE AS TO TAXATION TO APPLY.

Except as herein otherwise provided, the general law of the State of Florida relating to collection of taxes, delinquent taxes, tax certificates, tax deeds and court proceeds involving taxes shall apply and govern, substantially.

Section 33. STREET AND SIDEWALK IMPROVEMENTS: COSTS.

The City Council is hereby authorized and empowered to regulate, provide for and require the opening, widening, extending, laying, constructing, paving, repairing or improving of any street, avenue, alley, ramp, sidewalk, bulkhead, seawall, breakwater, promenade or public improvement, the drainage and filling in of low places, public or private, dangerous to public health or required to promote public welfare, and the construction and maintenance of water and sewer systems and drains, and may provide for

Section 33. [continued]

the payment of the cost of any such improvement by general taxation, or by the imposition of special assessments against the property especially benefited for such portion of the entire cost of such work, not exceeding one half such cost, which is not to be borne by the City, such assessments to be and remain liens upon the lands against which assessed until paid, provided that in no event shall the amount of such special assessment exceed the special benefit accruing to the property assessed by reason of such improvement work. In the case of streets, alleys, ramps, sidewalks, seawalls, bulkheads, breakwaters, and promenades the unit or basis for distributing the special assessment to pay the cost of such improvement shall be according to the front footage of the property fronting or abutting upon such improvement in the proportion that the particular parcel of land to be assessed bears to the two footage of all property fronting or abutting thereon, in the case of the drainage or filling in of low places or the construction and maintenance of water and sewer systems and drains, the unit for the assessment of the share and amount of the cost to be distributed and assessed against any particular parcel of land shall be the platted lot according to the last plat thereof recorded amongst the public records at the time of commencing such work and it shall not be necessary for the City to break the assessment down as result of any division of such lots which is not revealed by such recorded plat and each such platted lot shall bear such fair and just proportion of the cost of such work as was necessarily expended in connection with the improvement or benefit accruing thereto. The City shall have a lien superior to all other claims, except taxes, against and upon the property for the amounts of the special assessments together with interest and all costs of collection. Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall be accompanied by plans and specifications therefore and shall state the estimated total cost which will in the opinion of the City Council cover the total cost of the work and the proportion to be borne by the City, if any, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the platted lot to be benefited as the case may be, and shall be published once a week for four (4) consecutive weeks in some newspaper published in Collier County, Florida, or published online in accordance with Florida law, or posted for thirty (30) days at the City Hall and two (2) other public places in the said City and the City Council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of or other persons interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem just or right, to revise, repeal or amend said ordinance in such manner as it may deem necessary to correct or equalize the assessment in proportion to the benefits to be bestowed upon the property assessed, but no such amendment shall increase the amount to be specially assessed against the property, nor shall the assessment against any property be in

Section 33. [continued]

excess of the special benefits accruing to said property by reason of such work, Any person owning or interested in any property to be specially assessed, or generally taxed for said work, who shall not be present at such meeting and does not present in writing to the City Council his/her objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereof, shall have the right, within thirty (30) days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunctions and any person not presenting his bill for injunction within thirty (30) days, of failing to push to a successful conclusion with due diligence his application for an injunction shall be deemed to have consented to the enforcement of the ordinance and levy and collection of the Special Assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The City Council is hereby authorized to provide by ordinance for the issuance of special assessment certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the City to pay the cost of such work pending the collection of special assessments and taxes, and to provide for the payment thereof with interest; and the City Council shall as soon as practicable and within thirty (30) days after the completion of any such work, by resolution, fix a special assessment, per front foot upon the abutting property, or the special assessment against the platted lot to be benefited, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work, which said resolution shall specify the amount of the cost of such work so assessed against the abutting or benefiting property and the fact that a lien has been assessed against such property with a breakdown of the specific amount which has been assessed against each particular parcel of property to be particularly described therein and shall provide that the City Clerk shall forthwith have prepared and entered in a book, which shall be prepared and kept for that purpose, and kept open to the public for inspection during reasonable office hours, labeled "IMPROVEMENT LIEN BOOK", the amount of such lien assessed against each lot, the date of the completion of the work and such other information as may be deemed advisable. The City Council shall cause said resolution to be published in a newspaper published in Collier County once each week for four (4) consecutive weeks, or by posting same at the City Hall and two other public places in said City for a period of thirty (30) days. Any person desiring to contest in any way the validity of any such special assessment or lien shall within thirty days after the publication or posting at the City Hall and two other public places in said City of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined, or its invalidity legally declared, and any person not instituting such suit shall not thereafter be heard to question the validity thereof, or to

Section 33. [continued]

defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication or posting of such resolution shall be accepted without interest and such assessment not paid within said time shall bear interest from the date of publication or posting of such resolution at the rate of eight (8) percent per year. The City Council may, by ordinance, provide for the payment of such special assessments in installments and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in equity, The City shall have and collect a lien upon any properties affected by such special assessments for reasonable attorneys fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-11, filed with the City Clerk July 11, 2023, adopted November 28, 2023

Section 34. CHANGING PUBLIC UTILITY CONNECTIONS.

(a) The City Council shall have the authority to compel the making or changing of sewers, water, gas, telephone, telegraph, electrical, cable television and other connections whenever in view of a contemplated street of public improvement, or as a sanitary regulation, such sewer, water, gas, telephone, telegraph, electrical, cable television and other connections should in its judgment be made or changed.

(b) The City Council may prescribe reasonable regulations for making or changing such connections either before or after the commencing of such improvements, and may prescribe penalties for non-compliance therewith.

Section 35. ISSUANCE OF BONDS.

General bonds of the City may be issued for any municipal purpose, in such denomination and bearing such rate of interest, not exceeding the prevailing market rate at the time of issuance.

(a) Election. The necessity for the issuance of such general bonds must be fixed and determined by the City Council, by resolution duly passed and spread upon the minutes. And before such bonds shall be issued, authority therefore shall be obtained from the qualified electors of the City at an election to be called for that purpose by the City Council, and held after thirty (30) days' notice given by publication once a week for four (4) weeks in a newspaper published in the County, or published online in accordance with Florida law.

(b) Who is entitled to vote. All residents who are qualified voters of said City shall be entitled to vote;

Section 35. [continued]

(c) Description of bonds. The character of the bonds, whether serial or otherwise, as to maturity, the interest they are to bear and when and where the principal and interest shall be payable, may be determined by the City Council, and shall be set forth in the resolution aforesaid, and in the call for the election;

(d) Sale. Such bonds when issued may be sold by the City Council to the best advantage obtainable, after advertising for bids for two weeks in a newspaper published in Collier County, or published online in accordance with Florida law and, in addition to either of the foregoing such outside newspaper or financial journals as the City Council shall deem advisable; provided, no City bonds whatsoever shall be sold for less than 95 cents on the dollar; plus accrued interest;

(e) Reservation to reject bids. The City Council may reserve the right to reject any and all bids not satisfactory, and may then and there call for verbal bids, and if a satisfactory price is then offered, may sell said bonds to the highest and best bidder, without re-advertising;

(f) Issuance only after election. Such bonds shall be issued only after the same shall have been approved by the majority of the votes cast.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-11, filed with the City Clerk July 11, 2023, adopted November 28, 2023

Section 36. FRANCHISE TO PUBLIC UTILITIES.

The City may grant a franchise to any person, firm or corporation to construct and/or operate a public utility over, upon or under the streets, alleys parks and public grounds of the City, and on its submerged lands, water fronts and riparian properties, and may renew any grant heretofore or hereafter made, provided, that no exclusive franchise or removal shall ever be granted. However, no franchise given by the City shall authorize the licensee to molest or interfere with any trees, shrubs, or other plants, on said streets, parks and public grounds, but said licensee shall secure such permission from the City Council in the form of resolution. All such grants or renewals shall be made as hereinafter provided.

(a) Repurchasing property. Nothing in such grant or renewal shall prevent the City from acquiring the property by condemnation proceedings, or in any other lawful manner when deemed by the City Council for the best interest of the City or the public.

(b) Franchise to follow property. Upon the acquisition by the City of the property of any utility by purchase, condemnation or otherwise, the franchise shall follow the property and revert to the City.

(c) Use of streets to be described in grant. The grant or renewal of any franchise to construct or operate a public utility shall prescribe the manner in which the streets, alleys, parks and other public grounds, or the water fronts, riparian property or submerged lands of the City shall be used and occupied, and such other terms and

Section 36. (c) [continued]

conditions as shall be for the best interest of the City and the public.

(d) Continuing right of City. The right at all times to control the appropriation or distribution of space in, over, across or under any street, alley, public ground, water front, riparian property or submerged lands, occupied by any public utility, shall remain in the City council. And all rights granted for the construction and operation of public utilities shall be subject to the continuing right of the City Council to require such reconstruction, relocation, change or discontinuance of the lines, equipment and appliances used by the utility as shall be necessary or desirable for the best interest of the City, and the public welfare;

(e) Extensions. The right to extend the lines, appliances and equipment of public utility concerns operating under such franchise may be granted by ordinance, and such extensions shall be a part of the property as a whole, and be subject to the obligations of the public utility, and the reserved rights of the City, as set forth in the original grant or renewal of the right to construct and operate the utility, and the right to use and maintain such extension or addition expire or terminate with the original grant, or any renewal thereof.

(f) Resolution; notice; hearings. If in the opinion of a majority of the City Council the best interest of the City and citizens thereof will be subserved and promoted by the granting or renewing of a franchise to any public utility operating or to operate such utility in the City, then they shall adopt a resolution to that effect and shall cause a notice of the adoption of such resolution to be published in a daily newspaper printed and published in the County, for two (2) consecutive weeks, or published online in accordance with Florida law. Such notice shall state a date, not less than eight (8) days after nor more than fifteen (15) after the last of such publications of such notice, at which time the City Council at their usual meeting place, will hear any and all persons, firms and corporations desiring to procure a franchise from the City for such public utility as mentioned in such resolution and notice. At such meeting persons, firms and corporations desiring to secure such franchise may appear and in writing to the City Council announce that he/she, they or it desire to enter into negotiations with the City Council for the securing of such franchise or renewal of franchise. Thereupon the City Council shall enter into negotiations with such applicant, or applicants, for the granting or renewal of such franchise, and may adjourn such meeting from time to time as the City Council may see fit.

(g) Franchise ordinance. Upon such negotiations being had, as provided for in paragraph (f) of this section, if the City Council and any applicant for such franchise or renewal shall agree upon the terms and conditions of such franchise or renewal, then the City Council shall adopt an ordinance granting such franchise to such applicant. Such ordinance shall set forth such franchise verbatim et literatim and shall be published in toto for four (4) consecutive weeks in a newspaper of

Section 36. (g) [continued]

general circulation or published online in accordance with Florida law, the first of such publications to be not more than ten (10) days after the adoption of such ordinance. History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-11, filed with the City Clerk July 11, 2023, adopted November 28, 2023

Section 37. CONSENT OF ABUTTING PROPERTY OWNER UNNECESSARY.

No consent of the owner of any property abutting the street, alley, park, public ground, water front, riparian property or submerged lands, shall be necessary in order to perfect the rights granted by the franchise or any renewal, as provided in the foregoing sections, but the franchise itself shall be sufficient; provided, that no liability shall accrue against the City in the event such public utility is of such character that its construction or operation will work any additional burden or detriment to the property rights of the owners of abutting property.

Section 38. FRANCHISE HOLDERS' RECORDS, REPORTS, INSPECTION.

Every person, firm or corporation, operating a public utility within the City, whether under or without a franchise, shall keep complete record of such operation within the City. And within sixty (60) days after the close of each fiscal year of such utility, upon written demand of the City Council, it shall file with the City Council a report for the year closed in such form as an ordinary business person may understand, and such other information as the City Council may from time to time require. It shall also be the duty of such person, firm or corporation operating a public utility in the City to furnish the City Council such supplemental reports or special information regarding its affairs as the City Council may require, and the City Council shall by its authorized representative have access to the books, accounts, records and papers of such public utility concern at all reasonable times within the usual business hours with the privilege of taking excerpts, copies or other data therefrom.

Section 39. QUALIFICATION OF ELECTORS.

Any person who is a resident of the City, who has qualified as an elector of this state, and who registers as prescribed by laws shall be an elector of the City.

History-Amended in 2019 as proposed by City Council, Ordinance No. 2019-15, filed with the City Clerk October 15, 2019, adopted November 26, 2019.

Section 40. NOMINATIONS FOR ELECTIONS.

The nomination of all candidates for elective offices under this Act shall be made by nominating petitions. The name of any elector of the City having the necessary qualifications to hold the office may be nominated for the election to such office when a petition shall be filed with the City Clerk, signed by twenty-five (25) or more registered voters of the City. The signatures to a nominating petition need not all be on

Section 40. [continued]

one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signatures on such paper, that each signature thereon was made in his presence and are the genuine signatures of the persons whose names they purport to be.

Section 41. SAME - FORM

Such nominating petition shall be substantially in the following form:

"We, the undersigned, being registered voters and residents of the City of Everglades City, hereby present (here write name of candidate) whose residence is in the City of Everglades City, as a candidate for nomination to the office of (here insert name of office), at the election to be held in the City of Everglades City on the ____ day of _____, 19__ (insert date of election)

Name of Petitioner: _____

Date of Signing: _____

State of Florida, County of Collier, S.S.

Name of affiant, who first being duly sworn, deposes and says that he/she is the circulator of the foregoing petition, containing (here insert number of signers) signatures; that said signatures were made in his presence and are the genuine signatures of the persons whose names they purport to be and that they were signed on the dates therein specified.

Sworn to and subscribed before me this ____ day of _____ 19 ____.

Notary Public"

Such nominating petition shall not be signed by any elector more than sixty (60) days prior to the date of such elections, and all papers comprising such petition shall be securely fastened together and filed as one petition with the City Clerk not less than thirty (30) days prior to such election.

Section 42. ACCEPTANCE OF CANDIDACY.

Any person whose name has been so submitted as a candidate by such nominating petition shall file his written acceptance of such candidacy not less than twenty-five (25) days before the day of such election, which acceptance shall state that if such candidate is elected he will qualify and serve as such officer. If any candidate, within the time herein named, fails to file such acceptance, then he shall not have his name printed on the ballot.

Section 43. EXAMINATION OF NOMINATING PETITIONS: PRINTING OF BALLOTS.

The City Clerk shall, not less than twenty-four (24) days before the day of such election, proceed to check all such nominating petitions with the registration books of the City, in the cases where the candidate named in such petition has filed his

Section 43. [continued]

acceptance as herein provided, and those candidates whose petitions are found to contain the required number of qualified signers, as herein provided, shall be certified to the City Council at a time not less than twenty (20) days before such election as candidates for the respective offices to be voted upon at such election. The City Council shall cause to be printed on such ballot all such candidates so certified to them by the City Clerk except as hereinafter provided.

Section 44. GENERAL ELECTIONS.

(a) If the number of candidates duly nominated and qualified are not more than the number of officers to be elected, then no election shall be necessary, and the City Council shall declare the candidate or candidates so nominated to be duly elected to the office for which nominated.

(b) The names of candidates nominated for each office as provided herein shall be placed on the general election ballot for the next Municipal Election held for such office, regular or special.

(c) In the general election to be held in November, 1953 hereunder, five (5) councilmen are to be elected, with the three (3) candidates receiving the highest vote to be elected for a four-year term and the two (2) candidates receiving the lowest vote to be elected for a two- year term. In the general election to be held in November, 1955, two (2) councilmen are to be elected for a four-year term and in all such elections thereafter wherein two councilmen are to be elected the two (2) candidates receiving the highest vote shall be elected.

(d) The three (3) candidates for councilmen receiving the highest vote in the election in November, 1957 shall be declared elected and in all such elections thereafter wherein three (3) councilmen are to be elected the three (3) candidates receiving the highest vote shall be elected.

(e) In the event of a tie vote between candidates in any election, the City Council shall, by a majority vote at the time of canvassing the vote, (1.) select one of the persons so voted upon for the office and declare him-her elected or (2) in the manner provided for in §100.181, Laws of Florida, as it may be amended from time to time.

(f) If the number of candidates duly nominated and qualified are not more than the number of officers to be elected, then no election shall be necessary, and the City Council shall declare the candidate or candidates so nominated to be duly elected to the office for which nominated.

Section 45. MISCELLANEOUS ELECTION PROVISIONS.

(a) Time and place, voting places; election officers. The City Council shall fix by ordinance or resolution the time and place for holding general and special City elections, except as herein provided, and shall provide for a voting place or places within

Section 45. [continued]

the Municipal limits of the City, at all such elections. For each voting place the City Council shall appoint a minimum of one (1) inspector and one (1) clerk, who shall before entering upon their duties be sworn by the City Clerk to faithfully perform their duties as such officers of such election. The City shall appoint one (1) poll deputy who shall before entering upon their duties be deputized by the Collier County Sheriff to faithfully perform his or her duties as such officer of such election. They shall have charge of the polling place, and of the ballot boxes and of all ballots.

(b) Alternate election officers. The City Council may provide in the resolution or minutes appointing inspectors and clerk alternates to serve in case any inspector or the clerk, shall for any reason fail or omit to serve, and may also authorize the inspector, or inspectors and alternates who may be present to fill any vacancy among the inspectors, to appoint another clerk in case of the failure or omission of either to appear for service at the opening of the polls.

(c) Certification of candidates; publication. At least twenty (20) days before any election for the election of City officials, the Council shall certify a list of the candidates nominated, whose names are entitled to appear on the ballot, together with the office to be filled, which list shall be published with a notice calling the election, in a newspaper published in the County, or published online in accordance with Florida law. In addition, the same notice and list of candidates which is published shall be posted in at least three (3) conspicuous and public places in the City of Everglades City, such posting to be done not less than five days before the election.

(d) Information to be shown in notice. Said notice shall state the time the election is to be held, and the polling places.

(e) Ballots; names to be included; number printed. The City Council shall cause to be printed on the ballot the names of the candidates who have been duly nominated in the manner and form as in this Charter provided, and only such as have been so nominated.

(f) State law to apply to general elections if not covered by ordinance. Except as otherwise provided herein, all elections, general or special, shall be conducted in the manner prescribed by City ordinance, and in case there is no ordinance, or where the City Charter or ordinance may be silent, then according to the laws of the State of Florida governing general elections.

(g) Canvassing board; ascertaining, announcing and recording results. The City Council shall constitute the City canvassing board, and shall canvass the results of every election, general or special, within 24 hours after the closing of the polls, and publicly announce the result thereof immediately after canvass, and record same on the minutes of the City Council. If a majority of the members of the City Council are candidates with opposition in the election being canvassed or are active participants in the campaign or candidacy of any candidate with opposition in the election being canvassed, substitute members of the Canvassing Board may be selected in the manner provided for in §102.141,

Section 45. [continued]

Laws of Florida, as may be amended from time to time.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-9, filed with the City Clerk July 11, 2023, adopted November 28, 2023

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-11, filed with the City Clerk July 11, 2023, adopted November 28, 2023

Section 46. RECALL AND REMOVAL OF ELECTIVE OFFICERS.

Any elected official of the City may be recalled and removed from his/her office by the electors of the city provided for in the section 100.361, Florida Statutes, as amended. An elected official of the City forfeits his/her office if he/she misses 3 (three) consecutive meetings, including but not limited to regular City Council meetings, extraordinary City Council meetings, and City Council workshops, but not including emergency City Council meetings, unless excused for good cause by City Council. Recall and forfeiture result in an immediate vacancy and City Council shall fill the vacancy as provided in this Charter.

History-Amended in 2019 as proposed by City Council, Ordinance No. 2019-13, filed with the City Clerk October 15, 2019, adopted November 26, 2019.

Section 47. ORDINANCES AND RESOLUTIONS.

(a) Every ordinance and resolution of the City hereafter enacted shall embrace but one subject and matters properly connected therewith, which subject shall be briefly expressed in the title thereof.

(b) Except as provided in paragraph (d) below, each proposed ordinance shall be read by its title on at least two (2) separate days and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City of Everglades City, or published online in accordance with Florida law. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. It shall require the affirmative vote of a majority of all members of the City Council to pass an ordinance, resolution or motion. All ordinances or resolutions passed by the City Council shall be signed by not less than three (3) members of the City Council and then be submitted to the Mayor, or person acting as such, for his/her approval. Such submission shall be made by the City Clerk within three (3) days after the same is passed and signed by the City Council. If the Mayor approves such ordinance or resolution, he/she shall sign the same and place thereon the hour and date of such signature, and thereupon such ordinance or resolution shall immediately become a law.

(c) If the Mayor disapproves such ordinance or resolution, he shall return the same to the City Council at its next regular meeting with his objections thereto in writing. Upon such disapproval and objections being returned to the City Council, such objections

Section 47. (c) [continued]

shall be spread in full on the records of the meeting of the City Council, and if the City Council shall pass such ordinance or resolution by a super majority vote of all members of the City Council, which vote shall be entered upon the records of such meeting, thereupon such ordinance or resolution shall immediately become law.

(d) The Everglades City Council may, by a two-thirds (2/3) vote, enact an emergency ordinance without complying with the requirements of paragraph (b) of this section. However, no emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private real property.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-11, filed with the City Clerk July 11, 2023, adopted November 28, 2023

Section 48. ACQUISITION OF PUBLIC UTILITY.

Before the City shall enter upon the policy of erecting, purchasing, constructing, leasing, contracting for, or procuring by condemnation or otherwise, any public utility or the machinery for a public utility, the city council shall adopt an ordinance declaring the necessity for entering upon such policy of erecting, purchasing, constructing, leasing, contracting for or procuring by condemnation, or otherwise, such public utility. Such ordinance shall fix the character and the probable maximum cost thereof, and the general nature of such public utility, the method of procuring the same, and the proposed method of financing such purchase, construction, lease and procurement of such utility; and in case of the purchase or lease of such utility, the City Council shall first procure an option from the owner of such utility agreeing to sell or lease the same on the terms of a definite proposed contract of sale or lease shall be incorporated in and made a part of said ordinance.

Section 49. RECORDS OPEN TO PUBLIC.

All public records of the City shall be available pursuant to the constitution and laws of this state.

History-Amended in 2019 as proposed by City Council, Ordinance No. 2019-16, filed with the City Clerk October 15, 2019, adopted November 26, 2019.

Section 50. FAILURE TO ADOPT BUDGET OR LEVY TAX.

If in any year the City Council shall fail to adopt a budget or levy a tax or if in any year such budget or tax, or any part of either, shall be invalid or inoperative for any reason the budget assessment roll and millage for the fiscal year shall be as it was for the year immediately preceding, item for item.

Section 51. ORDINANCE ENACTING CLAUSE.

The enacting clause of all ordinances and resolutions passed by the City Council shall be substantially as follows: "BE IT ENACTED BY THE CITY COUNCIL OF THE CITY

Section 51. [continued]
OF EVERGLADES CITY" and "BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF EVERGLADES CITY", respectively.

Section 52. WRITTEN NOTICE PREREQUISITE TO ACTION FOR
DAMAGES AGAINST CITY.

No action or claim against said City for damages to persons or property from any cause shall be maintained against the City, unless written notice containing a brief description of the time, place, cause and nature of the injury or damage shall within six (6) months thereafter, be given to the City Clerk or Mayor of the City.

Section 53. DEFINITIONS.

Whenever in this Charter the word "City" is used, it shall be construed to mean the City of Everglades City, if the context shall permit such construction. Wherever the word "Charter" is used, it shall mean the enabling "Act" as amended from time to time Whenever publication or notice is required in any newspaper, it shall mean a newspaper published in the City, if there be one, if not, then one of general circulation in the County.

Section 54. LIBERAL CONSTRUCTION IN FAVOR OF CITY.

This Charter shall be liberally construed in favor of the powers and authorities of the City herein granted, and in favor of such as are fairly inferable from those therein specified or under the general Laws of Florida.

Section 55. SEVERABILITY OF PROVISIONS.

If for any reason any section, paragraph or part of this Charter shall be held invalid or unconstitutional that fact shall not affect, invalidate or destroy any other section, paragraph or part of this Charter, and the remaining portions thereof shall remain in full force and effect without regard to the section, paragraph or portion invalidated.

Section 56. AMENDMENT OF PROVISIONS.

An amendment to this Charter may be proposed by ordinance or by a petition signed by qualified voters of the City of Everglades City equal in number to at least five (5) percent of the total number of registered voters in the City at the time of the last preceding general election; provided, the same amendment to this Charter may not be proposed more than one (1) time in any twelvemonth period unless any petition subsequent to the first petition shall be signed by qualified voters of the City of Everglades City equal in number to at least ten (10) percent of the total number of registered voters in the City at the time of the last preceding general election. Any petition shall be filed with the City Clerk and shall be executed and validated or invalidated by the City Clerk in the same manner as provided in

Section 56. [continued]

Section 43 of this Charter for the examination of nominating petitions.

(a) When an amendment to this Charter has been properly proposed, the City Clerk shall cause a public referendum to be held to approve or disapprove the proposed amendment. The referendum shall be held as a part of and at the same time as the next election in which all the voters of the City of Everglades City are entitled to participate; provided, however, that such a referendum shall not be held in any election held less than thirty (30) days after the proper proposal of the amendment.

(b) Notice of the referendum shall be published at least twice in a newspaper published in and having general circulation in the City, if there be one, if not, then one of general circulation in Collier County, and the first publication shall be made at least thirty (30) days prior to the date of the referendum or published online in accordance with Florida law. Notice of a referendum shall set forth the date of the election and the exact language of the proposed amendment as it will appear on the ballot.

(c) The ballot for the referendum shall be prepared in accordance with the laws of this state. Each proposed amendment shall be ratified when a majority of the votes cast at the referendum election shall be in favor of ratification and each proposed amendment shall be rejected when a majority of said votes shall be against ratification.

(d) If any proposed amendment is ratified by a majority of the electors voting thereon, it shall become a part of this Charter at the time fixed in the amendment; and if no time is fixed therein, then it shall become a part of this Charter when the results of the official canvass of such election are announced. No amendment of this Charter reducing the salary of any elective officer shall become effective until after the expiration of the current term of the incumbent official elected to such office.

(e) The city-charter-amendment process in the City of Everglades City shall be subject to the provisions of 5166.031, Laws of Florida, as it may be amended from time to time.

History-Amended in 2019 as proposed by City Council, Ordinance No. 2019-19, filed with the City Clerk October 15, 2019, adopted November 26, 2019.

History-Amended in 2023 as proposed by City Council, Ordinance No. 2023-11, filed with the City Clerk July 11, 2023, adopted November 28, 2023