

TOWN OF LACROSSE, FLORIDA  
CHARTER  
DATE: November 2<sup>nd</sup>, 2004

**ARTICLE I: CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER**

**1.01 Corporate Existence, Form of Government, and Charter.**

The Town of LaCrosse in Alachua County, Florida, which was created by the Florida Legislature, shall continue as a municipal corporation with a Council form of government and with this document as the Charter for the Town.

**1.02 Description of Corporate Boundary.**

The corporate limits shall be as currently existing.

**1.03 General Powers of the Town.**

The Town of LaCrosse, hereby established, shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes given such municipalities by the Florida Constitution and the Laws of the State of Florida.

**1.04 Construction.**

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

**ARTICLE II: TOWN COUNCIL**

**2.01 Composition.**

(A) There shall be a Town Council with all legislative powers of the Town vested therein, consisting of five (5) members who shall be elected by the qualified voters of the Town of LaCrosse.

(B) Only qualified voters of the Town shall be eligible to hold office as a council member.

**2.02 Election and Terms.**

(A) The Town Council shall be elected for a two year term. The term of office of any member of the Town Council shall expire at the end of the term for which he/she is elected.

(B) Seats 1 and 2 are elected in the even numbered years and Seats 3, 4, and 5 are elected in the odd numbered years. In the event of a vacancy, the seat shall be filled as set forth herein.

(C) The general election shall be held the **Second Tuesday in March** each election year. In all general and special elections, the candidates receiving the majority of the votes cast within the group from which he is a candidate shall be elected. If no candidate receives a majority of the votes cast, runoff elections shall be as provided for by ordinance.

(D) All persons elected in the general elections shall be sworn in during the next regularly scheduled meeting of the Town Council after the declaration of the results of the election by the Town Council.

(E) There may be Special Elections to or upon any question the Council may see fit to submit to the qualified voters as provided for by Ordinance; all Voters shall vote by Ballot. The Town Council shall provide by Ordinance for the registration and qualifications of Voters at any Town Elections.

### **2.03 Duties and Powers.**

(A) The Town Council shall be the judge of the qualifications, elections and returns, of its members; it may choose its regular procedure, and may prescribe a penalty for non-attendance of its members and for their disorderly conduct, and enforce the same. A majority of the members of a council shall be required to form a quorum for the transaction of business.

(B) The Town Council may hold meetings at such times as it may determine, holding not less than one regular meeting per month.

(C) The Town Council shall have the power to create such offices and departments, and provide for the appointment of all officers and to provide for the *employment of such employees as shall be necessary for the good government* of the Town, whose term of office or employment shall be fixed before their elections or appointment. The Town Council shall have the power to abolish at any time any office or department created by them, and to discharge any officer or employee elected or appointed by them, but shall not abolish any office created by this Charter.

(D) All incumbents of office created by this Act or created by the town ordinance,



shall be required to give such bond as the Town Council may demand of its employees or appointees.

(E) No councilman shall be eligible to hold any other Town office created herein, but may be assigned to departments created by the Town Council, or *administrative responsibilities delegated by the Town Council at the will of the Council*, and may be compensated therefore, in addition to his regular salary.

(F) The Town Council shall fix the compensation of all officers, employees and agents of the Town by resolution or as otherwise required by general law.

(G) The Town Council and Mayor, as provided for by this Charter, shall have and may exercise all powers, rights and privileges granted to municipal corporations *under the Constitution and laws of the State of Florida*.

(H) The Council shall adopt an annual budget for the Town by Resolution before October 1st of each year. A Resolution adopting an annual budget shall constitute appropriations of the amounts specified as expenditures from the funds indicated and shall constitute a levy of the property tax proposed.

#### **2.04 VACANCIES, FORFEITURE OF OFFICE, FILLING OF VACANCIES**

(A) Vacancies. The office of a Council member shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or forfeiture of his/her office, such forfeiture to be declared by the remaining members of the Council.

(B) Forfeiture of Office: A Council member shall forfeit such office if the Council member:

(1) fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

(C) Forfeiture of Compensation. Any member of the Council missing two consecutive regularly scheduled meetings forfeits his compensation for the *second un-excused meeting*.

(D) Filling of Vacancies. Vacancies shall be filled in the manner provided for by ordinance.

#### **2.05 PROCEDURE**

(A) Meetings. The Council shall meet regularly at least once per month at such time and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor/Vice Mayor or of a majority of the members, and whenever practicable, upon no less than seventy-two (72) hours notice to each

member and the public.

(B) Rules and Journal. The Council shall determine its own rules and order of business.

(C) Voting. Voting, except on procedural motions, shall be by voice vote and the ayes and nays shall be recorded. Three members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be valid or binding unless adopted by the majority votes.

(D) Abstention from voting. A Council member may not abstain from voting on any measure unless he states a conflict of interest.

### **ARTICLE III: MAYOR AND VICE MAYOR**

#### **3.01 POWERS AND DUTIES OF MAYOR.**

There shall be a Mayor elected by the qualified voters of the Town of LaCrosse.

Election will be in the even numbered year for a term of two years. The Mayor shall hold office until his/her successor is elected and qualified.

The Mayor shall preside at meetings of the Council, shall be recognized as the head of the Town government for all ceremonial purposes, by the Governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the Town official designated to represent the Town in all agreements with other governmental entities.

The Vice Mayor shall act as Mayor during the absence or disability of the Mayor.

The Mayor shall:

(A) Have the jurisdiction to see that all laws, ordinances, provisions of this Charter and acts of the Town Council, subject to enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed. The Mayor shall have the power to administer oaths of office and all the powers incident and usual to the due enforcement of his/her jurisdiction.

(B) Whenever in his/her judgment the welfare of the town requires it, call special meetings of the town council, and when so called, the Mayor shall state by message in writing the object(s) for which it shall have been convened, and the business of such meeting shall be restricted to the object(s) so stated.

(C) Have the authority to make *pro tempore* appointments to fill vacancies of any



town officer caused by sickness, death, disability, misconduct in office or neglect of duty. The Mayor shall report his/her action with his/her reason therefore in writing at the next regular meeting of the Town Council for its approval or rejection. The Mayor does not have the power to appoint or suspend members of the Town Council or fill vacancies in the membership of same.

(D) Approve and sign every ordinance passed by the Town Council becoming a law.

### **3.02 COMPENSATION OF MAYOR.**

The Mayor's compensation shall be fixed by the Town Council.

## **ARTICLE: IV TOWN CLERK**

### **4.01 APPOINTMENT AND TERM.**

(A) There shall be a Town Clerk, who shall act as Treasurer of the Town. The Clerk shall be appointed by the Town Council for an indefinite term and shall serve at the pleasure of the council. The Town Clerk shall report to the Mayor and shall be under the supervision of the Council. The Clerk's compensation shall be fixed by the Town Council. The Clerk shall be the supervisor of elections for the Town.

(B) The Town Clerk may reside outside of the corporate limits of the Town while in office with the permission of the Town Council.

### **4.02 DUTIES AND POWERS.**

*The Clerk shall keep the Town's official records and minutes. The Clerk shall attend all meetings of the Town Council, regular or called. The Mayor can excuse her from workshop meetings.*

The Clerk shall enter in books to be kept for that purpose all ordinances and resolutions passed by the Town Council and perform other such duties as the Town Council may require pertaining to the office of Town Clerk. The Town Clerk is authorized to sign public depository reports on behalf of the Town Council. The Clerk is authorized to perform such other duties as may from time to time be required by the Town Council. The Town Clerk shall have the power to administer oaths of office.

## **ARTICLE V: TOWN ATTORNEY**

### **5.01 DUTIES AND POWERS.**

The Town Attorney shall serve as the legal advisor of the town, appointed by the town council

who shall serve as chief legal adviser to the council, the mayor and all city departments, offices and agencies, shall represent the town in all legal proceedings and shall perform any other duties prescribed by this Charter or by ordinance.

## **ARTICLE VI: ELECTIONS**

### **6.01 ORDINANCE PROVISION.**

Except as preempted by the Constitution and general laws of the State of Florida, or otherwise provided by this Charter, the qualification of candidates for office, form of ballots, nature and time of notice to be given for municipal elections, dates of elections, method of conducting elections, manner of taking returns, canvassing the vote and declaring results of votes, shall be provided by Ordinance.

### **6.02 RECALL.**

Members of the Town Council shall be removed from office in the manner provided by the general laws of the State of Florida.

## **ARTICLE VII: ORDINANCES**

### **7.01 PROOF OF ORDINANCE.**

All ordinances, resolutions or proceedings of the Town Council may be provided by the seal of the corporation attested by the Town Clerk, and when printed and published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

### **7.02 PRIOR ORDINANCES.**

All ordinances, resolutions and acts, previously made or adopted by the Town of LaCrosse, in Alachua County, Florida, are hereby affirmed and ratified, and shall continue in full force and effect, except to the extent they conflict herewith.

### **7.03 CONFLICTING ORDINANCES.**

All laws and parts of laws in conflict herewith are hereby superseded and of no effect as affecting said Town.

## **ARTICLE VIII: TAXATION**

### **8.01 METHODS OF TAXATION.**



All property which is subject to County or State taxes shall be levied for taxation for the entire town, except such property as may be exempted from taxation by law. Privileges may be licensed and taxed by the Town as provided by ordinance. In addition, the Town may levy and collect all other charges, fees and taxes authorized by the Constitution and laws of the State of Florida.

## **8.02 EXCLUSION.**

The Town shall not levy in any year a higher rate of taxation than allowed under the Constitution and laws of the State of Florida.

## **ARTICLE IX: MISCELLANEOUS PROVISIONS**

### **9.01 INDEBTEDNESS.**

The total indebtedness of the Town of LaCrosse in Alachua, County, Florida, shall be limited at all times in accordance with the Constitution and general laws of the State of Florida.

### **9.02 PERSONAL FINANCIAL INTEREST.**

Any town officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a town officer or employee in the making of such sale or performance of such contract. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the town council.

### **9.03 SEVERABILITY.**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any persons or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE X: TRANSITION SCHEDULE**

### **10.01 FORMER CHARTER PROVISIONS.**

Any former Charter provisions are repealed except the provisions which established the municipal corporation known as the Town of LaCrosse.

**10.02 ORDINANCES PRESERVED.**

All ordinances in force on the effective date of this Charter, to the extent not inconsistent with it, shall remain in force until appealed or amended.

**10.03 PENDING MATTERS.**

No rights, claims, actions, contracts, or legal or administrative proceedings existing on the effective date of this Charter and involving the Town shall be affected by the adoption of this Charter.

**10.04 SCHEDULE.**

(A) **FIRST ELECTION.** At the time of its adoption this charter shall be in effect to the extent necessary in order that the first (1st) election of members of the Town Council/Mayor may be conducted in accordance with the provisions herein.

**Mayor, Seats 1 and 2** shall stand for election in October 2004 as set forth in existing charter. Their term will end at the regularly scheduled election in March 2006.

*Their successors shall serve a term of two years.*

**Seats 3, 4 and 5** terms shall end at the regularly scheduled election in March 2005. Their successors shall serve a term of two years.

(B) **TIME OF TAKING FULL EFFECT.** This Charter shall be in full effect for all purposes on and after the date and time of the first (1st) meeting of the newly elected Council.

Provided, also, that upon passage of this charter by the Town of LaCrosse, the next and following election shall be held pursuant to the regulations established herein for elections.

(C) **FIRST COUNCIL MEETING.** On the first regularly scheduled meeting following the first election under this charter, all Council members of the Council shall organize under the provisions of this charter.

(D) **TRANSITION ORDINANCES.** The Council may adopt ordinances and resolutions required to effect the transition. Ordinances adopted within sixty (60) days of the first (1st) Council meeting under this charter for the purpose of facilitating the transition may be passed as emergency ordinances, except that transition ordinances shall be effective for up to ninety (90) days after enactment. Thereafter, such ordinances may be readopted, renewed or otherwise continued only in the manner prescribed for normal ordinances.



**10.04 CONTINUATION IN OFFICE.**

Council members shall continue to hold office for the terms to which elected or appointed and to discharge duties until successors are elected and take office.

**10.05 EFFECTIVE DATE.**

This Charter shall become effective when approved by a majority of those voting in a regular or special election to be called by the Town Council wherein the qualified electors of the Town of LaCrosse are permitted to vote. Such elections shall be held at a time to be determined by the Town Council and notice of enactment of this Charter shall be published once in a newspaper of local circulation at least ten (10) days prior to adoption.

**ARTICLE XI: CHARTER AMENDMENT**

**11.01 PROPOSAL OR AMENDMENT.**

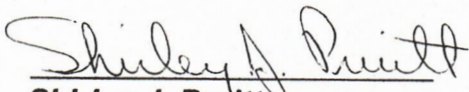
Amendments to this Charter may be framed and proposed in the manner provided by law.

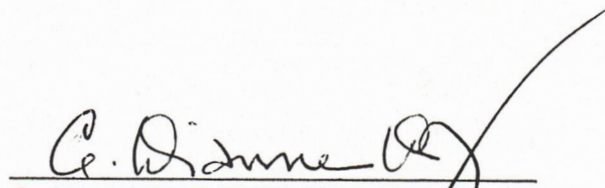
**11.02 ADOPTION.**

If a majority of the qualified voters of the city voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment,  
of it no time is therein fixed, 30 days after its adoption by voters.

**I HEREBY CERTIFY that the foregoing is the true and correct Charter of the Town of LaCrosse in Alachua County, Florida, as adopted by a majority of the electors voting in referendum thereon at the Town's general election held November, 2<sup>nd</sup>, 2004, pursuant to Section 166.031, F.S.**

**ATTEST:**

  
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**Shirley J. Pruitt**  
Town of LaCrosse

  
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**C. DIANNE DUBBERLY, MAYOR**  
Town of LaCrosse